

ELECTORAL REFORMS FOR INDIA

Address by

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**THE VOTERS' COUNCIL
AND
CITIZENS FOR DEMOCRACY
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I. Introduction :

The Voter's Council and Citizens for Democracy have called this meeting in view of the admitted urgency of electoral reforms. Despite a wide measure of agreement on the subject, the question of electoral reforms generally seems to come up only on the eve of a general election when the stock answer is that it is too late and that such ideas had better be postponed until "next time". That 'next time' has not arrived.

Mindful of this danger, the Voters' Council and CFD have resolved that the issue of electoral reform should appropriately be taken up now, just after the polls. This will give sufficient time for discussion and debate and the widest possible consultation with political parties, academics and others.

We hope the Chief Election Commissioner's address this evening will mark the start of a truly national debate and impart urgency to action for electoral reform. We propose a series of meetings on this important question as fundamental issues of credibility and corruption are involved.

We are delighted to welcome Shri S.L. Shakhder, and the Chairman for this evening's meeting, Dr. Rajni Kothari, Professor of Political Science, Delhi University, and a keen student of electoral politics and the electoral process.

II. Chairman's Remarks : Dr. Rajni Kothari

Before I hand over to Mr. Shakhder let me say a few words on the larger political and national situation

crucially depends on making the electoral system a genuine instrument of the people's aspirations.

Concern with electoral reform, in which Citizens for Democracy, Voters' Councils and many other forums and individuals have for long been active, thus acquires a matter of highest priority. We are fortunate in the fact that none other than the Chief Election Commissioner is concerned with these issues. Let us hope that the proposals he makes will be taken up for wider discussion and dissemination and that the political parties themselves will pay heed to them.' This should happen soon, before it is too late.

Shri S. L. Shakhder's Address

Mr. Chairman,

I have great pleasure in participating in your deliberations and addressing you today mainly for two reasons. First, I consider that Voters' Council by the very nature of their set up are expected to be well informed of the basic tenets of democratic elections, with special problems thereto in our country, and will therefore be receptive to what I say. Secondly, I am sure that the feedback information and the reaction of this Voters' Council to the various electoral processes and proposals which I have initiated and on which I propose to dwell today at some length will be of great value in giving final shape to these reforms.

The success of democratic elections in a vast country like ours greatly depends on the effective and purposeful interaction and synthesis of three vital agencies, namely, the electorate, the candidates and political parties, and the electoral machinery. Each one of these agencies should play its due part in the broad national interests of the country uninfluenced by a narrow, parochial and personal outlook or approach. If this proposition is accepted and followed universally, there is no reason why our electoral process, which has come of age should not be further strengthened on right lines to achieve greater heights in the coming years.

I think in this sphere, your Council and like Councils in other parts of the country have wide scope and an important role to play, being organisations wedded to the objective of free, fair and smooth elections.

The problem has to be tackled from every direction. After consulting all the political parties, I took up the matter with the Government of India and recommended legal action on two counts.

The ceiling of election expenses as laid down in the law had not been fixed earlier on the basis of any objective study. They were arbitrarily decided upon in the past without consulting the political parties who were vitally concerned in the matter. I came to the conclusion that while costs should be kept to the minimum, there must be a realistic approach with reference to the main and common items of election expenses in a constituency. In our zeal to keep the elections inexpensive we should not make a mockery of the ceiling but should accept that elections do cost money. The governing factor should be to determine certain acceptable limits. As a result of such a study, and after consulting the political parties on the basic norms the ceiling was determined mainly on the basis of the size of the electorate in a constituency in each State. The Government of India accepted the recommendation of the Commission and the ceiling was accordingly raised from Rs. 35,000 to Rs. 1 lakh for a parliamentary constituency in larger States, with proportionate variations in respect of smaller States.

The political parties, however, were divided on whether or not this ceiling per candidate should include the expenses incurred by a political party on his behalf. I was in favour of such inclusion, following the decision of the Supreme Court in the Amarnath Chawla case in 1975 but subsequently nullified by an amendment to the Representation of the People Act in 1975. I had therefore separately recommended in 1978 that the Act should be re-amended to restore the position existing before 1975 in conformity with the decision of the Supreme Court. But nothing was done. This is a serious lacuna in our law at

the moment. It completely ineffectuates any ceiling laid on expenses.

There is another serious lacuna. Candidates are required to file returns of election expenses, and the Commission has only to see whether the return was filed in time and was within the prescribed limits. The Commission had not been vested with the power to see whether the return is accurate. The Commission has to accept the statement made by a candidate as correct in all respects. Anybody can guess that such a system leaves the door wide open for all kinds of irregularities to be committed with impunity.

I would therefore strongly suggest that :

- ✓ a) The expenditure incurred by political parties, friends and well-wishers in furtherance of the prospects of a candidate in a constituency should be brought within the ceiling of election expenses. Only the expenditure of the parties on political education without reference to any particular constituency should be exempt from such ceiling;
- ✓ b) the political parties should maintain detailed accounts in which each item of receipt of money by way of subscription, donation, subsidy, etc. and each item of expenditure should be recorded and the account be subject to periodic audit; and
- ✓ c) the Commission should be empowered to examine the election returns on merit to satisfy itself that they are accurate and correct in all respects.

These measures would, I am sure, bring about healthy trends in our electoral process and minimise the danger of erosion of democratic institutions by the evil

influence of unaccounted money power and vested interests)

(A connected matter which would help in building up true democracy and keeping it pure as far as possible would be to make political parties function on democratic lines. Political parties make strong demands for the conduct of free and fair elections to legislative bodies, but choose to ignore the application of the same principles when it comes to the functioning of their own party organs. It has been revealed before me in various cases that I had occasion to hear that parties do not follow their own constitutions, They hold no party elections. They function for years on an ad hoc basis. Sometimes there has been a tyranny of the minority over the majority because of undemocratic functioning and other practices. A few persons in a party, occupying a vantage position in the apex body, quite often strangle the democratic functioning and aspirations of the members of the party at the grass-roots and keep the party under their strict control. The voice of the majority does not find expression in important decision-making processes, thereby creating fissures in those organs and eventually leading to splits. I therefore, suggest that there should be parliamentary legislation making it obligatory on the part of every political organisation to register their body and regulate their functioning by laying down broad outlines and norms.)

I have already stated that the cost of elections has been going up but it is still undetermined what sources should be legally tapped for campaign finances. Candidates will have to incur expenditure on legitimate items, and costs will escalate with future elections held from time to time. At the same time, we have to see that deserving candidates are encouraged to stand for election even though they do not possess the minimum money to conduct their campaigns. I have already pointed out the evils of businessmen or others financing such campaigns out of unaccounted

money, for the law at present prohibits them to contribute legally. In such a situation what should be done ?

(I hold strong views that considering all aspects, the State should be responsible for financing candidates' election expenses. The legitimate election expenses of candidates should be progressively shifted to and borne by the State. It is not difficult to lay down norms for identifying the areas and the quantum of financial assistance on the basis of the poll performance of political parties at an election. Such assistance may take the form of supply of paper and electoral rolls, the printing of a limited number of posters, supply of petrol and diesel coupons for a restricted number of vehicles, provision of postage, and payments to polling agents and other personnel.) I believe that if an election fund of, say, Rs. 100 crores for a period of five years is created initially, it will take care not only of Government expenses on the conduct of elections but also of the expenses incurred by the candidates and political parties. According to the existing practice the contributions from the Centre and State Governments are on 50.50 basis. The Central Government will thus be required to contribute to such a fund Rs. 10 crores every year and all the State Governments together another Rs. 10 crores.

Contribution of Rs. 20 crores every year out of a total annual budget of over Rs. 30,000 crores is insignificant indeed. And we can surely make such a small sacrifice to maintain the edifice of democracy which we so love and cherish. One can imagine how high the prestige of political parties and the candidates will be if they enter legislatures with their heads high and with a pure conscience to do the nation's business, which includes laying down policies for the betterment of the country as a whole. I expect a great change in the conduct of public affairs at such a small cost to the public exchequer. There is no

doubt that this reform will be introduced one day; but if it comes now, the country will prosper sooner.

After conducting a series of countrywide general elections over a period of 30 years, we are in a position to take stock of the situation and examine whether there is a need for restructuring the electoral process. (The question for consideration is whether the present simple majority system, i.e. 'first past the post' calls for a change to any better and more equitable system which would truly reflect the choice of the voters as a whole. There has been a demand for a long time that we should adopt some kind of proportional representation so that there is a correlation between the members of the ruling party and the opposition party (ies) in a legislature in the same ratio as the votes polled by them at an election.) In addition to this, change is desired on two more grounds. The first is that at present more stress is laid on the caste of a candidate who is chosen to stand for election; and the second is that merit is largely a casualty in the selection of candidates. There is truth in this analysis but the question is how best to achieve the objective without making the system too cumbersome or captive in the hands of a few ?

(One idea that I have advocated is that we may have direct elections to 50% of the seats in the Lok Sabha and Legislative Assemblies from territorial constituencies, while the remaining 50% seats, may be filled from lists furnished beforehand by political parties in proportion to the votes secured by such parties in that State in the territorial constituencies. Of course, the advantage in the present system, with all its defects, is that it has yielded stable governments always and the need of the hour is stable governments and functioning legislatures.) It remains to be seen whether the changed system will indeed give us stable governments and also eliminate the present defects or whether it throws up new problems—say the iron grip of party bosses on the composition of legislatures that

could make them ineffective. The change in the system has thus to be given considerable thought and I consider a public debate necessary to assess its suitability or otherwise to our conditions, and the likely repercussions. It is well to remember that a multiplicity of parties may not bring about the desired benefits expected of such a changeover.

You are aware that during the last Lok Sabha and Assembly elections, two important steps were taken which, I am glad to say, proved successful to a great extent.

With the consent of all the political parties, I stopped the practice of putting up candidates' camps near the polling booths by erecting tents and shamianas at considerable cost for the ostensible purpose of distribution of identity slips to electors. These camps erected by various contestants became campaign points on polling day, against the law. Quite often such camps were used to collect crowds and create confrontation and tension among workers of candidates, necessitating the deployment of considerable police forces for the maintenance of peace and order near the polling booths. By the removal of election camps and by allowing candidates' agents one table and two chairs for the distribution of identity slips, the candidates and political parties could effect a large saving in their election expenses.

Coupled with the above measure, the plying of vehicles on the road on polling day was also so regulated as to prevent the illegal carriage of voters to and from the polling booths. This regulation was at first misunderstood by the general public as an unnecessary infringement of their personal liberty. It was made clear that the regulation would operate only for the purpose of cordoning off the polling area. The legitimate requirements of candidates, their workers and political parties for transport vehicles on polling day were met by allowing a specified number of vehicles for

each candidate and his workers in a constituency. When the measure was put into operation, it proved useful in restricting the movement of anti-social elements from booth to booth for creating disorder and helping in impersonation. This measure also reduced the expenditure of candidates and political parties to a considerable extent.

These arrangements, followed at the Last Lok Sabha and Assembly elections were widely welcomed by candidates and political parties, and also by the public in general. They will be a permanent feature of our electoral system.

(An important but disheartening aspect of our system, relates to the multiplicity of contestants at elections.) This is assuming alarming proportions. Unless and until concerted measures are taken to stop its cancerous growth, the purity of elections will be jeopardised. We have at present a multiplicity of parties. The three main erstwhile national parties have split into seven or eight national parties. In our country splits are of long duration and abiding, while mergers are of short duration and brittle. Further, we have at present nearly 30 State Parties. (Added to this are an unlimited number of independent candidates, some of whom may be party rebels, who stand for election. Although the law permits this in the name of equal opportunity for all, it was expected that contestants would exercise self-restraint, and only those who were potential candidates and who expected a substantial vote in their favour would actually stand for election. But this expectation has not come true,) with the result that a large number of candidates were in the election arena at the recent elections. In one constituency there were as many as 39 candidates and most constituencies had 25 to 30 candidates.

(This creates a number of administrative problems at the last minute, such as providing additional symbols, long ballot papers, more ballot boxes, and so on. Of

course, these in turn involve avoidable expenditure. Considered from any point of view, this is not a healthy trend in our electoral system. There are qualified candidates in whom the electorate may repose confidence. But it has been noticed that a large number of contestants poll very few votes and have lost their deposits. In 1977 and 1980, 1356 and 3417 candidates respectively lost their deposits. Elections should be treated as a serious business and not as a commercial proposition or a joke. In the recent Lok Sabha election, one candidate stood for election from 13 parliamentary constituencies and several from three or four parliamentary constituencies.

If self-restraint does not work, the tendency should be arrested by introduction of effective legislative measures. I suggest that the present security deposit should be increased substantially and each candidate should be proposed by a number of proposers as against one proposer at present. The security deposit should be forfeited in the event of a candidate failing to secure 1/4th of the valid votes polled in a constituency. Further, a candidate failing to secure 1/4th of the valid votes should be disqualified for standing in an election for some years. These measures will encourage only really serious candidates to contest and votes will not be frittered away. There may be other measures also which you may like to advocate and which may be useful in tackling this problem satisfactorily.

Before the Lok Sabha election, the Commission formulated a revised Code of Conduct for political parties and candidates. For the first time, the Code spelt out in detail the role of the ruling party and the Government in helping the Commission to maintain the purity of elections. I must say that by and large all concerned followed the Code faithfully as there is a general desire to keep our elections truly free and fair. Most foreigners who had occasion to visit us then observed that the fact that India

could evolve such a Code voluntarily and work it satisfactorily was a remarkable achievement. We have to keep up this spirit in future and evolve further measures, as and when necessary, to strengthen the Code.

The correct and up to date maintenance of the electoral rolls is a *sine qua non* for pure, free and fair elections. We have to deal with a staggering 360 million electorate at present, and further increases of more millions in future. I would like the public to realise and appreciate the difficult task of the electoral machinery in updating the rolls at periodical intervals. After every general election there are complaints about large-scale omission of names from or inclusion of bogus names in the electoral rolls. When the political parties and people are given a chance to furnish specific cases of such deletions or inclusions so as to enable the Registering Officers to conduct a purposeful investigation, they are mostly apathetic with the result that some defects may remain in the rolls. However, I should like to correct the misapprehension that there are any large scale defects as is sought to be made out either through exaggeration of a few mistakes or out of ignorance. It is no one's case that the electoral rolls will be cent per cent accurate and complete all the time. Mistakes are bound to occur in such a huge undertaking but our effort is that they should be reduced to the minimum, if not eliminated altogether.

As you will recall, after the last Lok Sabha election, there was a widespread complaint that there were large scale omissions in the electoral rolls. But when those who made these allegations were asked to furnish particulars, not a single case was reported or proved. The Election Commission itself undertook a sample survey in order to find out the correct position. This survey revealed that there were no large-scale omissions of

names of genuine electors from the electoral rolls as alleged. The misunderstanding arose from the fact that while the main rolls, and the supplements of additions and omissions thereto, were not dovetailed by the political parties and the candidates, the booths had done that exercise. Further, as a result of enabling electors to vote near their residences as far as possible, a considerable increase in the number of polling booths was effected. This also necessitated the splitting up of the electoral rolls according to the new booths. As further proof that the original rolls used at the Lok Sabha were in fact correct and complete, the same rolls were used later at the Assembly elections in the nine States, though printed in a consolidated form, and there was not a single complaint.

The general complaints, though untrue, enabled me to examine the matter in detail, and I came to the conclusion that the earlier method of compiling the electoral rolls in parts arbitrarily and then dividing them booth-wise could lead to errors. I have now directed that the rolls should be prepared boothwise. The booths will first be selected and voters pegged to it, rather than preparing the voters list first and then earmarking voters to booths selected on an ad hoc basis.

Since the electoral rolls in the entire country were revised intensively after a house to house enumeration before the last general election to the Lok Sabha, the same electoral rolls will be brought up to date by annual revision. The electoral rolls of a polling area attached to a polling booth will be published at the beginning of each year commencing from 1981 at the polling booth itself. The necessary additions and deletions can be made on the basis of the claims and objections filed within a period of about 15 days at the booth. The Voters' Councils in the country can render considerable assistance.

to the revising authorities by bringing to their notice the additions, deletions and corrections required in the electoral rolls.

A complaint which is generally heard and given credence pertains to impersonation. No one had studied in detail as to whether it is true and to what extent. From our own analysis of the records, we find that impersonation has taken place, though the percentage is small. As this survey is based on tendered votes, it is possible that some genuine voters who had not come to the polling booth may have been impersonated. Even with the device of marking fingers with indelible ink, there is no complete guarantee against impersonation as the ink can be wiped off temporarily under various circumstances.)

I have therefore concluded that we should undertake to issue an identity card-cum-photograph to each elector. A scheme is being drawn up for covering the entire country in three phases, starting from 1981. The first phase will cover the urban areas, where the influx and migration of population from one place to another is a common phenomenon. The second and third phases will cover the semi-urban and rural areas. The first phase will also cover sensitive areas in some States where the evil practice of booth capturing is in existence. No doubt, the task before the electoral machinery is a gigantic one and the assistance of different governmental agencies and public cooperation are necessary. I have no doubt that such assistance will be forthcoming,

The scheme, if properly and methodically implemented, has great potentiality for tackling many of the country's problems. It will eliminate impersonation and booth-capturing.) When the whole country is covered by the scheme, there may not be need for any elaborate revision of electoral rolls. At a later stage, even electoral rolls may not be

necessary. An elector pegged to a booth will be asked to produce the identity card at the polling booth and, on the basis of such production, will be allowed to exercise his vote. Thus, there is a definite possibility of holding speedily not only a general election to the Lok Sabha and the Legislative Assemblies as soon as the House is dissolved, but also all elections to local bodies, municipalities, panchayats, etc. with equal speed.

The identity-cum-photograph card has other vital uses, such as for obtaining rations, identification at banks, post offices and other governmental agencies, admission to colleges, etc. The Identity Card will thus also serve the purpose of a "Social Security Card". It will be useful for compiling accurately and correctly vital statistics of various types needed for the purpose of formulating policies and for their implementation. It could even help the successful working of the public distribution system for the entire country which is under official consideration.

In fact, there is need for treating a polling area as a basic unit not only for electoral matters like preparation of the electoral rolls and conduct of elections, but also for the implementation of various planned schemes like public distribution of essential commodities, rural and urban development, etc. The more I think about it, the more I am convinced that the Identity-cum-Photograph Card scheme is worthwhile from many points of view. If there are difficulties or questions about it, they should be solved rather than used against its introduction or implementation. Tried out on an experimental basis in Sikkim, we have seen that the Scheme is workable and can be implemented successfully.

Though the present marking system of voting has proved to be a definite improvement on the balloting system followed at the first two general elections, a stage has come to improve upon the marking system of voting. With this end in view, the Commission has, for the last two years, been exploring the possibility of introducing electro-

nic gadgets for the purpose of exercise of votes by electors. Since, it is not possible for the country to adopt the advanced system of voting by electronic machines followed in countries like the USA, the Commission instructed and gave certain ideas to the Electronics Corporation of India, a Government of India enterprise based in Hyderabad, to design a simple elections machine to suit Indian conditions. A prototype of the voting machine which can be operated with an ordinary cell battery has been designed by them and the same has been examined by the Commission. The voting machine will replace ballot papers, and will carry the essential elements of the ballot paper into the machine itself so that an illiterate voter may not find it difficult to use. The only change that is involved is that in order to cast his vote, a voter should press a button with his finger instead of putting a mark on the ballot paper by use of a rubber stamp. The machine is simple and easily operated without any intricate contrivances. Precautions for maintaining the secrecy of the poll have been incorporated in the design of the machine.)

— There are many advantages in using the electronic voting machine. There is no need for printing a colossal number of ballot papers for a parliamentary constituency, running to about six lakhs, and using a number of ballot boxes at polling stations, and for different election materials. At the end of the poll at a booth, the results will be available immediately. These can be consolidated immediately in the constituency so that the results in all constituencies can be declared within a few hours of the close of the poll.) The cost of the machine on mass scale production would be about Rs. 1,500 or less. This outlay could be recovered in two general elections as there would be a saving of Rs. 2 lakhs on present costs in each parliamentary constituency per election by replacing the existing conventional method with the electronic machine.

The gap of about 20 days which is allowed at

present between the date of withdrawal and the date of poll for the purpose of printing and distribution of ballot papers will not be necessary and the poll can be held within seven days or less from the date of withdrawal. Our desire to have a one day poll throughout the country may also be easily fulfilled.

- At present the signature or thumb impression of an elector is obtained on the counterfoil of a ballot paper which carries an identical serial number with that of the ballot paper. For this reason, after the close of the poll, the counterfoils of the ballot papers used at a polling booth are sealed and can be opened only under orders of a court of law at the trial of an election petition. Therefore, there is no means of knowing whether there was any impersonation or booth-capturing at an election. If the voting machine is used, the signature or thumb impression of an elector can be obtained in a booklet which will not disclose how the elector has voted but will only indicate whether the genuine voter has exercised his vote or not. At the end of the poll, interested parties can obtain a copy of the entries in the booklet and immediately verify whether or not there was impersonation. This would not only help them fight election petitions but also bring to the notice of the Commission specific cases of impersonation for investigation before the declaration of the result. This is a definite advantage over the existing system.

Taking the two schemes together, the introduction of the identity-cum-photograph card and the electronic vote recording machine, elections in future will be pure, quicker and less expensive. The capital cost of the two schemes may come to about Rs. 120 crores. As against this, there will be estimated saving of at least Rs. 40 crores in every election. Financially speaking both the schemes are viable and within our means.

There is need to have a close look at the functioning

of our democracy at the grassroots. At present, elections to all varieties of local bodies are in the hands of the State Governments. Over the years these elections have been held at considerable intervals,, sometimes extending to several years, and many such bodies have been superseded and left in the cold. Not only do the local bodies not function but their non-constitution stands in the way of filling vacancies in various Legislative Councils. Some Councils have been functioning under-strength for many years and there is no certainty about filling the vacancies within a given time frame. Clearly this is an unsatisfactory state of affairs. Either Legislative Councils and local bodies function efficiently or not at all.

I have proposed that all elections, including those to local bodies, should be vested in the Election Commission. This will lead to certain and timely elections to all public bodies, with efficiency and economy. The Commission has the personnel, time and expertise to conduct all elections. This will avoid duplication or triplication of election processes, and ensure economical use of materials and personnel. Such a course will free the State Governments to attend to other pressing developmental activities. I am glad to say that the Asoka Mehta Committee came to a similar conclusion when it reported on Panchayati Raj in 1978. The Voters' Councils can take this up usefully.

If a body like the Voters' Council is formed in each constituency, it may also endeavour to bring all candidates and parties on one public platform to explain their election programmes, policies and manifestoes to the electorate instead of each candidate arranging individual or party and innumerable public addresses during an election. Such an arrangement would definitely breathe a healthy atmosphere into the politics of this country and reduce tensions and law and order problems, besides greatly cutting down costs. Similarly, the Voters' Council can invite elected members from time to time to explain the work done in the

Legislatures and benefits accruing to the constituency thereby. This will make elected members responsible to their voters.

One last matter which should cause us concern is the small number of electors who participate in voting. Assuming that every vote is genuine, only about 52% of the voters on an average have cast their vote during the last two Lok Sabha elections. In absolute numbers the figures are impressive, for they still constitute the largest number of voters in the world. But as a percentage of our population, it means that only about 25% have shown their preference for one or the other party. The ruling parties both in 1977 and 1980 did not get more than 12 to 13% of the population vote. There is need for more electors to take active part in voting so that the ruling party reflects a higher percentage of the population vote. It may be that most voters are apathetic or do not know that they have an active or positive role in choosing the Government; or it may be that some voters are frightened away from casting their votes. There are various kinds of complaints in this regard. There is also need for dedicated polling agents, for it is with their help mostly that a vigilant eye can be kept on the administrative machinery and unsocial elements so that elections are in fact conducted in a free, fair and pure atmosphere.

In this task of educating the voters on proper lines and keeping political parties in a state of efficiency and alertness, Voters' Council can play an important and useful role so that our democracy is well preserved and is not diluted or lost.

Thank you.

Summary of Questions and Answers

- Q.** Would you like to dilate further on the phenomenon of rigging, if one can apply that term, through violence and booth-capturing which have seriously eroded the credibility of the poll in Bihar, Uttar Pradesh and Bengal ?
- A.** Booth-capturing is of two kinds. Booth capturing by an armed man or mob is easy to handle because it is identifiable and can be reported. Therefore, a repoll can be ordered in the affected booth. More difficult to deal with is "silent booth-capturing" which occurs when the polling machinery connives or collaborates with one party or the other.

In order to overcome this, directions have been issued to polling officers that if there is a high percentage of voting in a particular polling booth and it is found that an overwhelming majority of votes has been cast in favour of one candidate, it should be presumed that there has been silent booth capturing. In all such cases, the ballot boxes should be set apart for scrutiny. For example, if there are 640 votes in a certain polling booth and 639 votes are cast and, of these, 636 are found to be in favour of a given candidate, this would be against the law of probability.

The directive to segregate such ballot boxes has proved effective. The Commission is investigating why all returning officers did not follow these instructions. Some election petitions have also been based on this plea.

- Q.** How would you differentiate between a literate and an illiterate voter ?
- A.** There is no difference. The voters are fairly well educated on how to exercise their franchise. Those entitled to postal ballots are supposedly educated persons. Yet, our experience is that many more errors occur in postal ballots than in the ordinary ballots cast directly. The same is true regarding the number of errors that are recorded in voting in Parliament through the electronic voting system. There is no doubt that the ordinary people have an innate wisdom even if they are illiterate.
- Q.** How would you deal with defections ?
- A.** A candidate should be required to make a declaration in the nomination paper that if after election he changed the symbol of the party allotted to him, he would immediately resign from the House to which he is elected.
- Q.** There will be wide agreement with many of your proposals but the difficulty is that the Government might not take them seriously ?
- A.** It is for you to mobilise opinion and educate people by holding seminars and discussions to which representatives of political parties should be invited.
- Q.** Regarding identity cards. Will the photographers go to the people or will voters be required to gather at some central place ?
- A.** These questions are being sorted out.
- Q.** Why are defeated candidates not required to file election returns ?
- A.** It should be mandatory for all candidates to file election returns, even if they are defeated. Further,

the Election Commission should be empowered to scrutinise all these returns and take action where necessary.

- Q.** The Code of Conduct for political parties and candidates is often violated. How can this be prevented ?
- A.** To ensure the observance of the Code, Standing Committees have been constituted in each constituency under the Returning Officer with which all candidates and representatives of political parties and senior police officers are associated. Any case of violation of the Code can be brought to the notice of that Committee for necessary preventive or punitive action. Such Committees have been functioning effectively. Also, representations about the breach of the Code are made direct to the Commission which, after investigation, takes suitable action in the matter.
- Q.** The fact that ballot boxes are so zealously guarded after the poll and until counting shows a sense of fear that the Government or even the Election Commission may not be above board ?
- A.** Ballot boxes cannot be stuffed after the poll since the candidates' polling agents escort and remain with them until counting. However, since the administrative machinery consists of individuals and human error and temptation cannot be ruled out, the Commission has appointed high-powered observer teams to watch over the poll and report on any action or activity that detracts from a fair poll. The Commission in turn, acts on their reports.
- Q.** The Government should resign four months before the poll and give place to an all party administration.
- A.** This is a fit subject for a seminar. It would in any case require a Constitutional amendment.

- Q.** Though all parties profess secularism, at election time they all campaign on caste and communal lines. This vitiates the atmosphere even beyond the polls and keeps communalism alive. Should not elections be set aside if there is any appeal to communalism ?
- A.** There is already a law to that effect and election petitions can lie on these grounds.
- Q.** Is it not odd that a mere 25 per cent of the electorate in a constituency can elect a candidate ?
- A.** That is true. But 28 Lok Sabha members can pass legislation in Parliament too ! One view is that the winning candidate must secure a majority of the votes cast.
- Q.** While State funding of elections might be adopted, how to prevent rich candidates or parties spending over and above this. Therefore, instead of substitution, there may well be additionality ?
- A.** State funding should be the main and only source of funding and the ceiling should apply.
- Q.** Is any Constitution amendment or legislation required to give effect to your proposals ?
- A.** No constitutional amendment is necessary. Some legislation will certainly be required. For the rest, many things can be effected by a change in the rules.
- Q.** What timetable do you advocate for implementation of this package ?
- A.** I have made my proposals. Now it is for the Government to act.
- Q.** Should the Election Commission not consist of a Panel of Commissioners as provided for in the Con-

stitution rather than a single Chief Elections Commissioner? They could divide the responsibility among themselves and their joint decisions would carry weight.

- A. It is immaterial whether there are one or three persons. But the two additional Commissioners might not have enough full time work. This apart, elections are fast moving affairs and call for instant decisions concerning violence, allegations of malpractice, etc. A multiple-member Commission could be at loggerheads. Our one-man Commission has worked well for 30 years, without complaint. As far as broad policies are concerned, in these matters the Commission does not act arbitrarily but in consultation with the Government, the political parties and the people.
- Q. You have suggested that the jurisdiction of the Commission should extend to panchayat body and municipal elections. Will you take the initiative to pursue this matter ?
- A. I have done so. You can strengthen my hands. In the Andhra Legislative Council and other State Councils a number of seats have been lying vacant for years because the relevant local bodies that constitute the electorate just do not exist. In such a situation is not the validity of the Legislative Council affected? Furthermore, if the States conduct Municipal and Panchayat polls they have to duplicate machinery and equipment already available with the Election Commission. The same ballot boxes and other equipment and expertise can be used. At present, however, local body elections are put off for years. Is this how our democracy should function? Therefore it is necessary to mobilise public opinion on these matters. The Asoka Mehta Committee also recommended that the Election Commission should supervise local body polls.

- Q. Why have there been delays in conducting parliamentary and assembly by-elections and even polls, as for the Delhi Metropolitan Council at present ?
- A. Delays are occasioned by physical factors like rains, drought, floods, etc. In Delhi, the delay has been occasioned by the current revision of rolls.
- Q. How to ensure that parties select deserving candidates ?
- A. It is for them to do so and for public opinion to oversee this.
- Q. How did you as Election Commissioner rule that Sanjay Gandhi and Shri Vidya Charan Shukla were eligible candidates when the High Court has now ruled that Shri Shukla stood disqualified as of the date of scrutiny ?
- A. Administrative law has to be interpreted. I did so. But this interpretation can be challenged in a Court of Law. It has been said that interpretations of laws are right because they are final. But because they are final, they are not necessarily right.
- Q. One last question. Do you approve of the proposal that the voting age should be lowered to 18. What implications does this have for the Commission ?
- A. I recommended lowering the voting age to 18 in 1978. It will not be difficult for the Commission to deal with the additional numbers. Enlargement of the electorate will also improve the percentage of population voting. And if younger people are enrolled they will feel responsible and will create less trouble.

Chairman ; Thank you Mr. Shakhder.