



News Letter

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AP Election Watch 2004

As reported in our previous News Letter (Oct-Dec 2003), Lok Satta launched "AP Election Watch 2004" campaign for the Andhra Pradesh assembly and Union parliamentary polls due to be held in April 2004. The campaign was launched with the following goals:

1. To reverse the process of criminalization by trying to prevent the fielding of established candidates with a criminal record.
2. To influence the governance agenda (specifically local government empowerment, right to information, citizen's charters and local courts for speedy justice), irrespective of which party or candidates are elected.
3. Mobilize public opinion in favour of larger electoral and governance reforms and impact political parties behaviour.

In pursuance and support of the above stated goals of the Election Watch campaign, Lok Satta undertook the following activities:

- ♦ Campaign against criminalization
- ♦ Media campaign
- ♦ Voter awareness drives
- ♦ Common Platforms
- ♦ Pre Poll Surveys

Criteria for screening of candidates

Lok Satta's campaign against criminalization of politics in the past 5 years has yielded rich dividends. In Andhra Pradesh, the major political parties stopped fielding any new candidates with a criminal record, even though established candidates who have struck deep political roots continued to be in the fray. This path breaking work, and other civil society initiatives across the country, led to the public interest litigation by ADR and PUCL, resulting in the Supreme Court judgment of March 2003, which made disclosure of candidate's antecedents at the time of nomination mandatory.

As stated above, the aim of the Election Watch campaign this time around is to reverse the process of criminalization. In pursuit of this goal, Lok Satta constituted a screening committee under the chairmanship of Justice Jeevan Reddy (former chairman Law Commission of India and Supreme Court Judge) and comprising of eminent personalities from various walks of life to screen the antecedents of prospective candidates. After careful deliberation, the screening committee adopted the following criteria for evaluating the record of prospective candidates:

1. Conviction in any case
2. Charges framed by a magistrate
3. Rowdy sheet and or History Sheet
4. Withdrawal of charges, or closure of a rowdy sheet etc., by the government without any explanation, proving a malafide intent during the past 7 years
5. Established use of force in tenders
6. Established cases of settlement of land or other disputes by force and forcible occupation of land
7. Defaults to financial institutions or role in collapse of urban co-op banks, chit funds or other financial institutions (including dependent members of the family)
8. Dismissal/Punishment awarded while in government for corruption or malfeasance, or pending disciplinary proceedings
9. Indictment by a statutory commission of enquiry

Letter to political parties

The screening committee wrote to all major political parties in AP, informing them of Lok Satta's Election Watch campaign and its goals. The parties were informed of the nine criteria adopted for screening of prospective candidates and were requested:

1. Not to nominate any candidates with a criminal record or corrupt antecedents.
2. To field only clean candidates known for their integrity and commitment to democracy and public good.

Lok Satta informed the parties that a list of prospective candidates with criminal antecedents would be made public prior to the nomination phase, with a call to reject criminalisation of politics.

Campaign against criminalization of politics

Lok Satta launched a massive and high decibel media campaign to solicit information from the public on criminal antecedents of prospective candidates. All major television channels in AP broadcast public service messages produced by Lok Satta, requesting information from public. Lok Satta also produced and broadcast similar public service messages on All India Radio. Campaign advertisements were also put up on hoardings at strategic locations. Tens of thousands of posters with catchy and evocative slogans were pasted all over the state. Hundreds of thousands of pamphlets were distributed through out the state to mobilize public opinion against criminalization of politics. The campaign was hugely successful and caught the imagination of the public at large. Senior leadership of Lok Satta participated in public meetings through out the state urging the people to reject criminal elements in politics, and to hold their elected representatives accountable.

In this day of all pervasive commercialisation, the high impact television campaign, costing tens of millions of rupees provided at no charge by all TV channels is a testimony to Lok Satta's credibility. However, larger campaigns at the national level will require resources to reach millions of households across the country.

List of prospective candidates with criminal record

As opposed to the 1999 Election Watch effort, when we collected information on candidates nominated by major parties, this time we had to start the process by identifying who the potential candidates are going to be. Drawing information from a variety of sources, Lok Satta prepared a list of 1500 prospective candidates from major parties, and from them identified approximately 150 candidates suspected of having a criminal/corrupt record. In addition to soliciting information from public, media and other reliable sources were also tapped for collecting information on these potential candidates.

Information was received in respect of 74 prospective candidates from a variety of sources including the public, political parties, media and the police. Extreme care and

caution have been observed to ascertain the facts and to ensure accuracy and unbiased documentation. The screening committee met on the 12th of March to evaluate the information received on prospective candidates.

The Supreme Court in its judgment on May 2nd 2002, which attained finality on March 13th, 2003 through another judgment directed that information on whether the candidate is convicted/acquitted/discharged of any criminal offence in the past should also be disclosed. After thorough deliberation, the committee came to a conclusion that only grave charges ending in acquittal/discharge need to be made public. Accordingly 13 such names were included in the list. The committee, while reviewing the information available, has deleted 22 names from the list, as it felt that the charges were not serious, or they may be politically motivated, or are related to political agitations. After a careful review, the committee came up with a list of 52 prospective candidates (25 Congress, 23 TDP, 1 BJP, 2 TRS and 1 Independent) with a criminal record. On the same day, the committee wrote to all the four major parties, i.e. Congress, TDP, BJP and TRS attaching the list of prospective candidates with a criminal record. The parties were requested to present any information, which was more accurate and that could prove the committees' conclusions wrong (by 5 pm, 19th March 04). The parties were informed that if they were unable to counter the information presented by the committee, it would be presumed that the information was accurate.

One prospective candidate from TRS presented evidence to the committee to show that the cases filed against him are of a political nature, and the committee after due consideration removed his name from the list. None of the other parties responded. The screening committee met again on the 19th of March and finalized the list of prospective candidates with criminal antecedents, and record of acquittal/discharge after being tried for grave offences. The list consisting of 51 names with the following party break-up was made public on the 20th of March:

TDP	25
Congress	23
BJP	1
TRS	1
Ind	1
Total	51

Of the 51 names cited in our list, 38 either have cases pending against them or have been convicted and sentenced by a court of law, or are listed as rowdy sheeters or history sheeters. Another 13 candidates have no cases pending, but were tried in crimes of serious nature (murder, attempt to murder etc.).

Lok Satta reiterated that :

- It has no partisan interest or malice whatsoever in this exercise, and that it only wishes to ensure that candidates with known criminal/corrupt record are kept away from politics.
- It is not an adjudicating body on the criminality of any candidate, and as such does not take a position on the

information made public.

- This whole exercise was carried out, and information is made public, in furtherance of the citizens' fundamental right to information about their prospective candidates.

Public Outrage

The release of the list of prospective candidates with criminal antecedents by Lok Satta has created a political storm in the state, and there was a huge public uproar. For almost ten days, the entire public discourse in the media was only on this topic and nothing else. None of the political parties questioned the authenticity of the information. The parties protested feebly that their hands were tied as they have to field only "winnable" candidates.

There was also ferocious backlash from some of the politicians named by Lok Satta. In 1999, when the list of candidates with criminal record was released by us, it did not affect their candidature as they already secured nomination of major parties. This time, years of sustained campaigning, and public outcry meant that many could lose party nominations, ending their political careers.

Thanks to the overwhelming public protest, the major parties did respond and did not field approximately half the candidates whose names figured in Lok Satta's list. In the final tally, 25 candidates who figured in our list were nominated by the major parties.

The list of list of potential candidates with criminal records released by Lok Satta can be accessed at: www.indiaelectionwatch.com/apcrimlist2004.pdf, and the list of candidates who were acquitted/discharged of grave criminal charges can be accessed at: www.indiaelectionwatch.com/acqcandi.htm.

Voter Survey

As part of its effort to mobilize public opinion in support of democratic and electoral reforms, Lok Satta conducted a statewide survey in AP. Volunteers of Lok Satta conducted the survey between 11-14 of March. The participants in the survey were asked to mark Yes or No on six important issues, the results of which are given below:

S.No.	Question	Yes	No
1	Will you vote for a candidate with a known criminal/corrupt record?	0.62%	99.10%
2	Will your vote be influenced by the pomp and the expenditure incurred by parties and candidates?	2.56%	96.81%
3	Will your vote be influenced by money, liquor or other sops offered as inducements by parties and candidates?	2.34%	97.27%
4	Will you vote for a candidate of your own caste/community irrespective of their party?	7.37%	92.50%
5	Will you vote for your favourite party irrespective of the candidate's record?	18.69%	81.10%
6	Will you vote for a good candidate irrespective of their caste or party affiliation?	94.72%	5.28%

Approximately 216,000 citizens across the state participated in the survey-cum-people's ballot and indicated their preferences. As can be seen from the results of the survey, public opinion clearly indicated the following:

- People in general are seeking candidates with clean record.
- Voters are more influenced by the individual candidates and the stand of political parties, than vulgar display of expenditure.
- Most people are not swayed by money power and liquor.
- While people do give weightage to caste of the candidate, the party and candidate's antecedents are far more important than caste alone.
- A significant number of people (nearly 20 %) blindly vote for or against a party. But many more (four times) people take into consideration the qualities of the candidate.

Campaign for Voter Awareness

As part of its drive to enhance voter awareness on key governance issues, Lok Satta distributed more than 500,000 pamphlets containing voter awareness messages all over AP. Video films with popular *palle suddulu* (Folklore) were screened through out the state. Lok Satta also produced public service messages on themes like *go out and vote, vote for good candidates, do not sell your vote, post office as a nodal agency for voter registration etc.* The electronic media overwhelmingly supported this campaign by providing free airtime. The media campaign was successful in communicating Lok Satta's core message to the people that what matters is good governance.

www.indiaelectionwatch.com

As you are all aware, thanks to Lok Satta and other civil society initiatives efforts, the Supreme Court mandated that all contesting candidates should disclose their, criminal and financial antecedents at the time of filing their nominations. Thanks to the new candidate disclosure law, information on all contesting candidates across the country was made available to the public. Lok Satta has collected all such information with the help of interested groups in various states, and made them available for wider dissemination through - www.indiaelectionwatch.com, the website specially created for this purpose.

Lok Satta's experience shows that disclosure of candidate antecedents along with nomination will have little bearing on the electoral outcome or voting behaviour. Most voters would have made up their minds before hand; and party affiliation, caste loyalty, inducement and local factors take precedence over the candidates criminality etc. However, effective civil society pressure in advance, and the need for disclosures by candidates will force parties to refrain from nominating new candidates with criminal record, and discourage at least a few of the established ones. Similarly, the information about assets and liabilities will not be reliable, as honest tax payers will disclose all income, and those who evade taxes or amass unaccounted money through dubious means will make fanciful and untrue

disclosures. We need long-term database of such disclosures, and many organizations should undertake research in order to expose the truth behind disclosures, and capture the trends of candidate nomination.

It is with this intention of creating a reliable database and facilitating research, documentation and informed advocacy to pressurize better candidate choice that this website has been created.

Janadesh - National Campaign for Political Reforms

The long awaited national campaign has now a name-Janadesh. A website is getting ready. A logo has been designed as shown on the masthead of this Newsletter. Repeated consultations are being held with partner organisations and concerned citizens all across the country. Nodal groups are being formed in Chennai, Bangalore, Mumbai, Kolkatha, Pune, Ahmedabad and Delhi. Janadesh will mount the campaign for internal party democracy, proportional representation and direct election of the executive in states in order to alter the incentives and change the nature of politics. We will keep all the friends and supporters of Lok Satta informed of developments.

Breaking News:

The just concluded elections validates Lok Satta's long standing stances:

- a. that as long as governance makes no difference in the lives of the common man, the poor are going to use their only weapon and cast an anti incumbent vote.
- b. The deficiencies of the present first-past-the-post system which makes parties nominate "winnable"

candidates who can bring in the marginal vote through deployment of money and muscle power, resulting in an unending vicious cycle of corruption and maladministration, fueling anger.

Invited lectures, seminars, and workshops

Invited to deliver an endowment lecture on "Ethics in Public Service", Gudivada, Andhra Pradesh, January 3.

Invited to address the participants of 'Promise of India' meet on issues of **Governance and Justice**, New Delhi, January 8.

Invited to address volunteers of Janaagraha, on **Citizen and Governance**, Bangalore, February 4.

Invited to deliver a lecture on '**Citizen and Governance**', LV Prasad Eye Institute, Hyderabad, February 11.

Invited to address the participants of a workshop on '**Global Quest for Participatory Democracy**', Jawaharlal Nehru University, New Delhi, February 21.

Invited to address the students of IIT Madras on '**Political Reform-The Other Side Of Economic Reform**', Chennai, February 25.

Invited to deliver a lecture on '**Political and Economic Reform - Two Sides of the Same Coin**', Hyderabad Software Exporters Association, Hyderabad, February 27

Invited to address the participants of World Bank South Asia meet on **Political Reforms - Other Side of Economic Reforms**, and **Citizens Role in Improving Service Delivery**, Kathmandu, Nepal, March 8.

Invited to address the participants of CII's Young Indians Summit on '**India's Potential - Challenges and Opportunities**', Vigyan Bhavan, New Delhi, March 11.

New Publications

Comparative Study of Electoral Systems and Their Features

This paper written by *Petr Navrat*, an intern from the Czech Republic discusses the comparative advantages and disadvantages of the electoral systems followed by various countries. The paper critically examines the experiences of various countries in implementing the Mixed Member Proportional (MMP) System and how it worked under different circumstances. This paper can be accessed at: www.loksatta.org/esystems.pdf.

Governance and Development : This paper authored by Dr Jayaprakash Narayan discusses the linkages between the economic growth and governance in India. The paper examines the state of healthcare services, infrastructure development, education system and administrative systems in the country and suggests measures to improve service delivery and curb corruption. This paper was published in The Indian Journal of Public Administration (Jan-Mar 2004 Issue, p99) and can be accessed at: www.loksatta.org/govanddev.pdf.

Your Contributions Can Make A Difference

In India

Foundation for Democratic Reforms
 #401/408, Nirmal Towers, Dwarakapuri Colony
 Punjagutta, Hyderabad - 500082, AP, INDIA
 url: www.loksatta.org
www.indiaelectionwatch.com
 91-40-23350778 / 23350790
 91-40-23350783
 U/S 80 G of the IT Act, 1961

Mrs Pratibha Rao: loksatta@satyam.net.in

Contributions may be sent to

Cheques Payable to

Address

Tel

Fax

Tax Status

Contact

In the US

Foundation for Democratic Reforms in India
 PO Box 469, Wadsworth
 Illinois 60083 USA
 url: www.fdri.org

937-475-7809

501(c)3 Tax ID:31-1602-890

Mr Rao Chalasani: rao_chalasani@hotmail.com
 Dr C Jampala: cjampala@dayton.net

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