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The 1989 Indian National Elections A Retrospective Analysis

February, 1990

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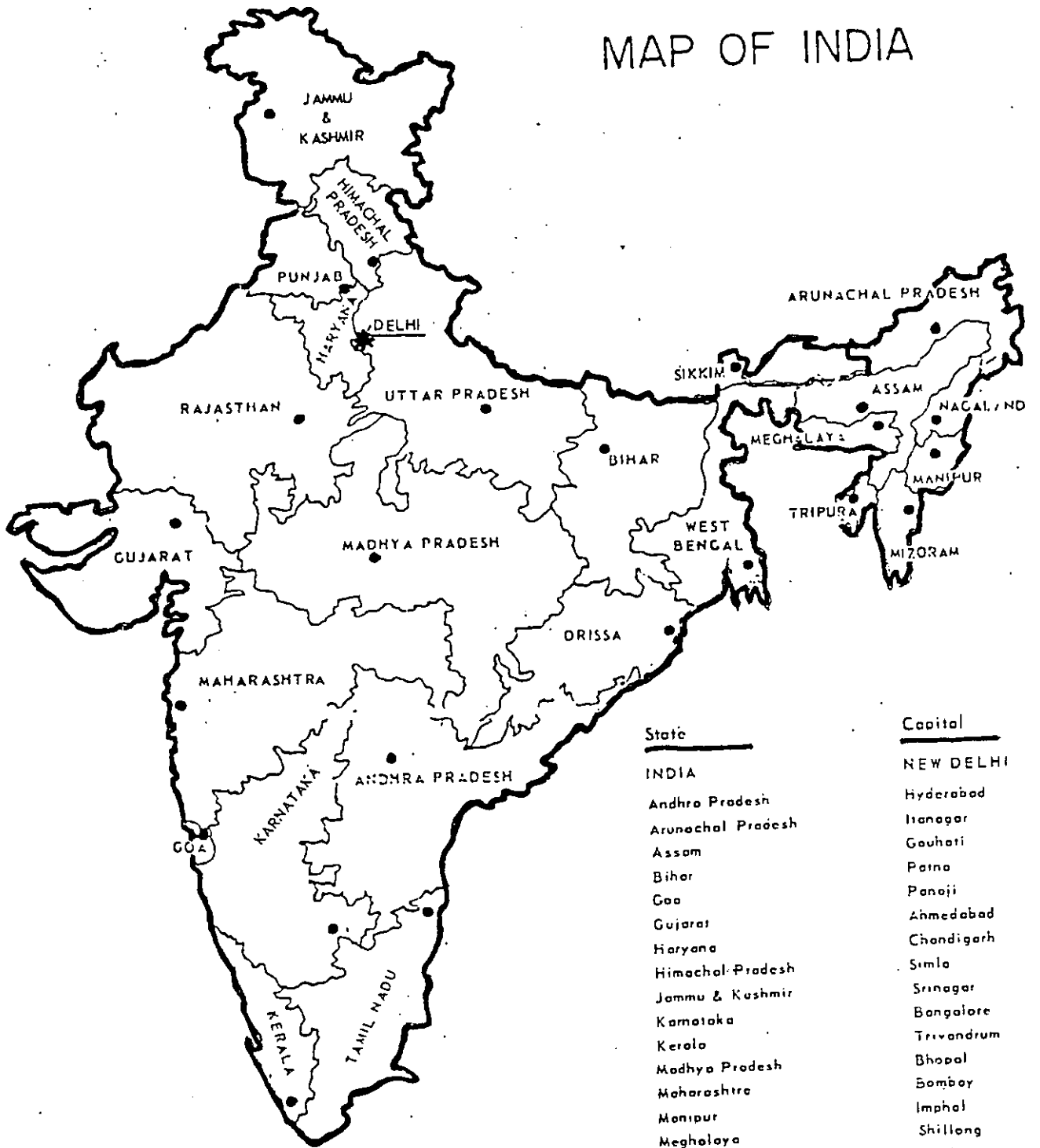
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MAP OF INDIA



* Capital of India
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| State | Capital |
|-------------------|-------------|
| INDIA | NEW DELHI |
| Andhra Pradesh | Hyderabad |
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| Assam | Gauhati |
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| Maharashtra | Bombay |
| Manipur | Imphal |
| Meghalaya | Shillong |
| Mizoram | Aizal |
| Nagaland | Kohima |
| Orissa | Bhubaneswar |
| Punjab | Chandigarh |
| Rajasthan | Jaipur |
| Sikkim | Gangtok |
| Tamil Nadu | Madras |
| Tripura | Agartala |
| Uttar Pradesh | Lucknow |
| West Bengal | Calcutta |

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I. The IFES Mission to India: January 1990

Given the importance of India in the Asian context, and its status as a well-established democracy whose track record of elections was of particular interest to IFES, we were asked to visit India to assess the election process. Notwithstanding IFES' usual focus on assisting emerging democracies to develop and perfect their election systems, India clearly called for a different approach. There is nothing "emerging" about democracy in India. Indians take justifiable pride in their nation's record as a vital democracy whose representative institutions have functioned continuously and well for over 40 years. They should take equal pride in the fact that, as in other representative democratic systems (including our own), there is an ongoing dialogue about perceived defects in the system and how it may be further improved. In visiting New Delhi in January 1990, our approach was to exchange views and ideas, not to impart knowledge. It was, for us, largely a learning experience, but we also encountered some questions about the U.S. electoral system and ways in which the U.S. experience might be relevant to India's. One result of our visit, we believe, is the possible basis for an ongoing dialogue with key Indians on electoral systems, methods, and technologies.

It had been the hope of IFES, and that of the authors, that it would be possible to observe the elections themselves, as is usually the case with IFES projects. However, the unexpected decision by former Prime Minister Rajiv Gandhi to move up the elections from January to November, combined with difficulties in making suitable arrangements on a timely basis, made a November visit impractical and required this report to be a retrospective one. Although this appeared at the time to be a less-than-satisfactory alternative, it proved, at least in the case of India, to be a very good outcome. Visiting New Delhi in January ensured that all key individuals involved with the election would be available; it permitted assembly of key documentary material covering the entire election period at the time of and even before our arrival, and it offered the perspective which the passage of time can provide. We regret not having been able to observe the elections themselves; but we feel that the timing of our visit made it possible to make a more thoughtful and accurate assessment, in terms of IFES' mandate, than could have been done in November. And, it must be added, our reception by Indians, public officials and private citizens alike, was extraordinary. All those with whom we spoke were receptive to the purpose of our study and entirely responsive to our questions.

It would be entirely beyond the scope of a brief report of this kind to analyze the full scope and range of the political processes, personalities, and dynamics represented in this

election. The emphasis of the present report is narrower: while it describes the historical setting, the events leading up to the 1989 elections, and their results, its main focus is a description and assessment of the procedures, mechanisms, and institutions whereby the collective will of the people of India is translated into electoral results. Thus the main issues addressed are not "Who won, and why?," but rather "What was the institutional framework of the 1989 Lok Sabha elections, how were they conducted, and how accurately did they reflect the will of the Indian electorate?"

In a way that we did not anticipate, a secondary but important issue related to the above surfaced during our visit. This relates to further changes in the laws, rules, and procedures governing national elections in India. Following the election and the subsequent formation of the Singh Government, there has been extensive discussion of possible electoral reform, ranging from relatively straightforward procedural and legal reforms to major issues such as the basis for election (single-member constituencies versus a list or proportional representation system), state funding of election expenses, compulsory voting, and measures limiting the number of independent candidates and strengthening the party system. Although there is no guarantee that further electoral reforms will be made, we were fortunate to be in New Delhi at a time when this topic was being given major attention by all the principal parties; it provided a focus on perceived flaws in the present system and thus gave our discussions about the 1989 elections an extra dimension.

We had the good fortune during our week in India to meet with senior officials of the Indian Election Commission and other Government of India officials, as well as with representatives of most of the major political parties, journalists, a constitutional lawyer, scholars, and American officials and Indian employees of the U.S. Government knowledgeable about Indian elections and related issues. A complete list of our contacts is included in the Appendix. We had read extensively about the subject of Indian elections prior to our arrival and, once in Delhi, were provided with an extraordinary amount of documentary material on the election system. It proved impossible to collect the quantity and variety of election campaign materials we had hoped to obtain, due largely to the retrospective nature of our visit.

Our visit would not have been possible without the invaluable assistance and support of the US Agency for International Development and the U.S. Embassy, New Delhi. Special thanks are due to USAID Director Robert Bakley, Program (and Control) Officer John Grant, Mr. Gupta, USAID Staff Economist, and Mr. Jotwani, USAID Resource Center. Thanks are also due to a number of individuals in the U.S. Embassy, including Ambassador Walter

Clark, Deputy Chief of Mission Grant Smith, Political Counselor George Sherman, Mr. Kailash Jha and--notably--Dr. Walter Andersen, whose counsel and superb knowledge of the local scene ensured, in only a week's time, a series of focused and highly successful consultations with a wide range of Indian experts. Finally, special thanks are due to Sarah Tinsley and Richard Soudriette of IFES, to Travis Horel of the Agency for International Development, and to Tom Krajeski and Marcia Bernicat of the U.S. Department of State, whose support and intervention at key moments made this visit's success possible.

Leon J. Weil

Lewis R. Macfarlane

II. Executive Summary

In late November 1989, nearly 300 million Indians went to the polls to elect 525 members of the Lok Sabha---India's pre-eminent national legislative body. The November elections, the largest single exercise of representative democracy in the history of the planet, and held in what is arguably the most complex society on earth, represented an imperfect but genuine reaffirmation of India's commitment to the democratic process.

India, independent since 1947, has a hybrid political system. The basic structure is federal, but with unitary features which sharply limit the power exercised by the 25 states and seven union territories and leave the final word on important issues to New Delhi. India's president is indirectly elected. While his position is largely ceremonial, he has certain important residual powers. The parliamentary system is bicameral. The upper house, or Rajya Sabha (House of the States) bears a certain resemblance to the U.S. Senate; one third of its membership is elected by the states every two years. But its powers are limited and it is by no means a co-equal partner in the governing process.

Legislative and ultimately governmental power is centered in the Lok Sabha, or House of the People. Allocation of seats is based essentially on the population of each state and territory. A special feature, reflecting an important reality which persists in India today, is a system of reserved seats for members of specific castes and tribes. The Prime Minister and his Cabinet members, with rare exceptions, are drawn from the Lok Sabha. The Prime Minister is nominally responsible to the President. In fact, however, the Prime Minister directs the Cabinet and government, and exercises day-to-day responsibility for framing and executing national policy. It is the elections to the Lok Sabha which constitute the major periodic landmarks in India's national political life.

The 1989 Lok Sabha Elections

The 1989 elections were both a test of the strength of India's long-dominant Congress Party and a referendum on the personal leadership of Prime Minister Rajiv Gandhi. The election, following a campaign marked by controversy and more violence than usual, was a heavy defeat for Congress and Gandhi. It reflected strong showings by a group of diverse opposition parties, leading to the election of Vishwanath Prasad Singh as Prime Minister and a cabinet drawn from Singh's National Front coalition.

The election was the ninth such over the past 40 years. Over most of that 40-year period, the Congress Party dominated the Indian political stage. Only once, during 1977-80, was Congress relegated to an opposition role. For the rest of that period, members of the Nehru-Gandhi clan served as Prime Minister: Jawaharlal Nehru, his daughter Indira Gandhi, and, since her assassination in 1984, her son Rajiv Gandhi. By late 1989, however, it was clear that Rajiv Gandhi, who had begun his tenure as Prime Minister on a wave of sympathy and high expectations, had for a variety of reasons become the target of serious voter discontent.

The main beneficiary of Gandhi's political problems was Vishnawath Prasad Singh, a former ally and cabinet secretary who broke with Rajiv in 1987 resigned from the Congress Party to head up the Janata Dal, and later emerged as the leader of an anti-Rajiv coalition styled the National Front. Singh ran a campaign focusing on the shortcomings of the Congress and of Gandhi himself. Although he and his NF allies were often far from specific on remedies and policies, Singh succeeded in projecting a "Mr. Clean" image.

The election returns brought a heavy loss for the Congress, whose strength in the Lok Sabha fell from 415 to 194, and a personal victory for Singh and his Janata Dal Party, which secured 142 seats. Overall, there was a powerful anti-incumbent trend. The Congress lost overwhelmingly in its historical power base, the populous "Hindi Belt" in the north; offsetting this, however, were Congress gains in the south, at the expense of entrenched local and regional parties belonging to the National Front---who themselves suffered heavily from dissatisfaction with the status quo. The election also marked the resurgence of the fundamentalist Bharatiya Janata Party (BJP) which increased its seats in the Lok Sabha from 2 to 86. The National Front had concluded some very important pre-election tactical arrangements with both the BJP and the Communists, resulting in one-on-one contests with the Congress in the vast majority of constituencies.

After the election, both the BJP and the Communists agreed to remain outside the new government but to support V.P. Singh's minority coalition to the extent possible. The makeup of the new Lok Sabha, with Rajiv Gandhi as leader of the 200-plus member opposition bloc, clearly raises questions about the durability of the Singh government, since it depends on the continuing good will of the BJP and the Communists.

The Conduct of Elections in India

India has detailed constitutional provisions, laws and regulations governing all aspects of the election process. At the center of the system is the national Election Commission, responsible for all phases of national and state elections. The Commission's

responsibilities include demarcating election constituencies; preparing, maintaining and updating election rolls; recognizing political parties and assigning them election symbols; scrutinizing nomination papers; conducting the elections; and adjudicating disputes.

The Commission has achieved a reputation for independence. However, it is thinly staffed and must depend at election time on the support of literally millions of officials drawn from state and local government. The job is vast. India, with over 800 million people, has an electorate of half a billion voters, 55-65% of whom typically turn out to vote. There were nearly half a million polling stations in 1989. Laws and regulations specify in great detail the procedures to be followed at each level in the process, and the duties of each official. These are described in detail in Section V.

Although there have been a few experiments with voting machines, and India has produced a machine tailored to its circumstances, voting remains overwhelmingly by paper ballot. India is committed to universal adult suffrage. Indian citizens 18 and older, unless criminally or mentally disqualified, are eligible to vote. With few exceptions, however, voting must be done in person and where the voter is "normally resident." Voting is not obligatory.

The Impulse for Reform

Indians habitually refer to their country, accurately, as the world's largest democracy. But, as thoughtful local observers are the first to acknowledge, there are numerous features of the system which generate calls for reform. Some of these go to the very nature of the system, such as the proposal to replace the single-member constituency system with a list or proportional representation system, or delayed action, such as the fact that, despite major demographic shifts, constituency boundaries have not been redrawn since 1971.

Other proposed reforms, however, focus more directly on the conduct of elections themselves, and/or basic reforms of other institutions which bear on the election process. These include greater independence and broader authority for the Election Commission; technical refinements, including widespread use of voting machines and/or voter ID cards; better controls and limits on the role of money in elections, including possible state funding or in-kind support; regulation of political parties, possibly including measures to ensure intraparty democracy; measures to limit frivolous independent candidacies; greater independence of government electronic media and equitable access to the media by all candidates and parties; elimination of loopholes in present election laws and tougher penalties for

violations---ranging from subtle influence peddling to such flagrant abuses as "booth capturing"; and giving teeth to the presently toothless "Model Code of Conduct" for elections.

Conclusions

-- Indian democracy is real and vital, as demonstrated by the institutions in place, voter involvement and turnout, and the evident legitimacy the system has enjoyed for nearly four decades.

-- In 1989, as in previous elections, and despite well-documented abuses in limited areas, we believe there was a very strong correlation between the votes cast by the electorate and the final tallied results, and that, with relatively few exceptions (certainly not enough to alter the outcome at the national level) the candidates receiving the most votes won.

-- The 1989 vote was an anti-incumbent vote nationwide. This suggests to us, as it has to others, some potential longer-term problems for Indian democracy. Certain of these problems can be addressed through timely and effective reform of the electoral process.

-- There are a number of serious problems, of different kinds, identified by responsible observers, which must qualify the above positive statements about Indian democracy. These include:

- the perceived need for a broad range of improved legal and procedural measures to strengthen and in some measure restore the integrity and legitimacy of the elections process;
- the perceived need for improved controls on the use of money and other resources in connection with the political process;
- the perceived need to enhance the independence of the official electronic media and ensure fair access to them;
- the absence of intraparty democracy and of measures whereby the ordinary voter has a voice in the selection of candidates.

-- Reform of the electoral process has been on the Indian agenda for years and some reforms have occurred. But the new government is committed to reform, and the subject is now under active consideration.

-- The U.S. and India have had their differences, but share a deep common interest in democratic institutions. This could provide the basis for a productive, sustained, and mutually beneficial dialogue. We believe our visit could provide the starting point for possible cooperation between the U.S. and India in the field

of procedural electoral reform. With electoral reform on the Indian agenda, the timing is propitious. With the concurrence of all concerned, a possible first step could be the sharing of this report with Election Commission officials, together with a letter to the Commission outlining areas in which IFES or other institutions may be able to offer technical assistance, if requested, on the procedural aspects of conducting elections. One major party spokesman, for example, raised the possibility of a conference or seminar in which Americans, Indians, and perhaps officials from third countries could exchange views and information on election procedures.

III. The 1989 Lok Sabha Elections: Background and Context

A. Background: A Brief Historical Survey, 1951-1984

Following the promulgation of the Constitution in 1950, the first election of the Lok Sabha took place in December 1951-January 1952. To the surprise of no one, Jawaharlal Nehru's Congress Party---profoundly associated in the minds of India's voters, like Nehru himself, with the struggle for independence---won overwhelmingly, capturing 45 per cent of the total popular vote, and 364 of the 489 seats. The pattern of Congress dominance continued through the 1957 and 1962 elections, with Nehru's Congress winning 371 seats out of 494, and 361 out of 494, respectively.

The death of Nehru in 1964 deprived the Congress of a unique leader. Nehru was succeeded as Prime Minister by Lal Bahadur Shastri, who died in early 1966 and was in turn followed as Prime Minister by Nehru's daughter, Indira Gandhi. The Congress Party won a bare absolute majority in the 1967 Lok Sabha elections (283 seats out of 515 seats, and an unimpressive 40.73% of the total popular vote). This close vote, appearing to mark the end of the Congress Party's near monopoly on power at the national and state level, ushered in several years of intense factionalism within the Congress Party. By near the end of her first term as Prime Minister, the Congress Party had split, leaving her Lok Sabha faction reduced to a minority of 225 seats, with Mrs. Gandhi able to remain in power only due to support from the Communist and DMK parties.

In December 1970, Mrs. Gandhi---now much more confident in the exercise of power---asked that Parliament be dissolved and mid-term (i.e., well ahead of the end of the prescribed 5-year limit to the life of the Lok Sabha) elections be held. In the March 1971 elections, Mrs. Gandhi's faction of the Congress Party was returned to power with a surprisingly solid majority of 350 seats out of 515, and an increased popular percentage of 43.06.

Under the Constitution, the normal life of the Government would have been a maximum of five years, requiring new elections no later than early 1976. However, in June of 1975 Prime Minister Gandhi was confronted by a decision of the High Court in Allahabad finding her guilty of violations of election law requiring her to give up her seat in the Lok Sabha. Facing new evidence of the Congress Party's decline in popular favor, she declared a State of Emergency. This action extended the life of the government an extra year, a period which saw sweeping crackdowns on political opponents, suspension of individual rights, extensive censorship, and the political ascendancy of Indira Gandhi's ambitious and erratic younger son, Sanjay.

Apparently believing that the Congress Party retained its popularity among the people, and despite her and Sanjay's identification with a host of unpopular and draconian policies, Indira Gandhi hastily called for new elections in March 1977. This proved a major miscalculation. The Congress's popular vote dropped to 34.5% and its seats in the Lok Sabha to 154---compared to 295 for the Janata coalition, which had quickly coalesced out of a merger of several moderate, socialist, and religious parties. The Janata victory, based largely on a platform of restoration of democracy and opposition to Indira Gandhi, led to the election of Morarji Desai as Prime Minister and revocation of the State of Emergency. Mrs. Gandhi herself led her faction out the Congress Party, was re-elected to the Lok Sabha at the end of 1977, but a month later was denied her seat and imprisoned for the remainder of the Lok Sabha term.

Soon, however, cracks in the Janata coalition began to show, and by 1979 Desai had been replaced as Prime Minister by his main rival, Charan Singh. Further rivalry and splits led to a clear inability of the Janata coalition to govern, and new elections were called for January 1980. Given the near total disarray in the opposition ranks and a sentiment that only Congress could provide coherent leadership, the seventh election to the Lok Sabha led to a major triumph for Indira Gandhi: 351 seats for the Congress (I) out of 529, and a popular percentage of 42.7%. It was a victory which some also saw as laying the groundwork for an extension of the Nehru-Gandhi dynasty to include Sanjay Gandhi, despite the latter's unpopularity. However, in June of 1980, Sanjay died in a plane crash and, almost immediately thereafter, his quiet older brother--- airline pilot Rajiv Gandhi---entered politics. He had no difficulty being elected in Sanjay's constituency of Amethi, in Uttar Pradesh, the following year.

In the years to follow, Indira Gandhi---despite a reputation for autocratic and divisive policies---continued to dominate the Congress Party and the Indian political stage. A serious problem during her post-1980 tenure was mounting tensions between the central government and militant Sikh elements in the state of Punjab. On October 31, 1984, Mrs. Gandhi was assassinated by two Sikh members of her personal bodyguard.

B. India Under Rajiv Gandhi: 1984-89

In a characteristic manifestation of the lack of intraparty democracy which characterizes Indian parties, Rajiv Gandhi was selected and sworn in as Prime Minister within hours of his mother's violent death. Faced with bloody communal violence between Sikhs and Hindus, and major internal strife elsewhere in the country, Gandhi was a novice politician when he took over the reins of power. Nonetheless, with the Gandhi name and the Congress

(I) power base, a strongly felt need in the country for continuity, and a youthful, attractive personal style, Rajiv Gandhi began his tenure as Prime Minister with numerous assets. Regionally and internationally, he was perceived as a dynamic young leader who, although largely untested, seemed disposed toward greater pragmatism, a more even-handed approach to India's regional neighbors, sympathy to India's disadvantaged, and a progressive, technological orientation.

In the eighth Lok Sabha elections, held in December 1984-January 1985, the Congress (I) virtually swept the field, winning nearly half of the total popular vote (48.1%) and 415 of the 542 seats--- the largest majority in the Lok Sabha in India's history. A principal electoral theme had been : "Give Rajiv a Chance." Clearly, the electorate thought he deserved it: Congress' stunning victory was accompanied by a record percentage turnout of over 64 per cent of the nearly 400 million eligible voters .

Over the next several years, Gandhi tackled a number of India's principal internal problems, including strife in Assam and the Punjab. He also sought to expand India's industrial and technological base through wider contacts with the West and seemed intent on freeing up India's private sector. However, if Gandhi in 1984 and 1985 was the focus of India's hopes, the glow soon began to wear off. Gandhi came under increasing attack from elements within and without the Congress Party and from some long-time Congress members, who charged him with failing to revitalize and democratize the party and to break more effectively with some of the autocratic and arbitrary aspects of his mother's rule.

A key event occurred when Vishnawath Prasad Singh, Gandhi's highly regarded Finance Secretary, given much credit for economic reforms, was suddenly moved to the more marginal Defense Secretary position. In 1987 Singh left the government, was expelled from the Congress (I), and, after being elected to the Lok Sabha as an independent, proceeded to organize a "non-party" coalition of anti-Congress elements called the People's Front (Jan Morcha). In August 1988, this process further evolved into the National Front (NF)---an alliance of the newly formed People's Party (Janata Dal), which Singh headed, three other moderate parties, and three regional, ethnic-based parties.

C. The Campaign of 1989

As the election approached, Singh and his new allies appeared to be gaining momentum at Rajiv Gandhi's expense. Gandhi's early efforts on internal political and communal issues, such as the Punjab, had not proven particularly successful. His challenge to entrenched interests in the Congress Party, as perceived by many, ended with his capitulation to those interests. Economic progress, while impressive by certain measures, was seen as having benefited

relatively few Indians, and inflation was increasing. Rajiv found himself under increasing criticism for cronyism, for a personal style which had kept him isolated from most Indians, for unnecessarily strained relations with India's regional neighbors and, symbolized by the Bofors arms scandal, for condoning if not indulging in corruption. The Bofors matter was never definitively traced to Rajiv Gandhi personally, but it became a codeword, not only in New Delhi but around the country for what was seen as a pervasive pattern of corruption, unaccountability, and abuse of authority within ruling circles. The biweekly India Today, writing before the election and recounting the five years of Rajiv Gandhi's leadership, wrote: "The dazzle of his initial promise only serves to spotlight his subsequent failures...the transformation of Rajiv Gandhi is...so vivid and so drastic that five years now seems like a lifetime."

V.P. Singh, as the leader of the anti-Rajiv coalition, sought to project an image of honesty and indignation and did so with increasing effectiveness. And yet he too had liabilities. His National Front coalition contained political leaders representing widely different constituencies, regional interests, and ideologies. Some of these were under increasing attack in their own states (and lost heavily) for many of the same failings attributed to Gandhi. Singh's own views on many key issues were unclear, and he came under some attack for having taken contradictory or opportunistic positions in the past. And, finally, the vote-gathering capability of the Janata Dal was an untested quantity; although the Congress (I) had suffered a series of electoral setbacks beginning about 1987, it was still a well-financed national political machine with deep roots both in Indian history and in the countryside.

Both Singh and Gandhi, as potential 1989 winners, faced additional challenges. The first was the apparently growing strength of the two Communist parties--the CPI(M), virtually unchallenged in its West Bengal stronghold, and the CPI. The second and more important challenge stemmed from the rapidly growing Bharatiya Janata Party (BJP). Although the BJP contends that it draws its support from diverse sources, it is essentially animated by Hindu nationalism and fundamentalism, and reflects a growing Hindu reaction against a secular Indian state in which Muslims and other minorities have been perceived as receiving preferential treatment from the Congress (I). The Communists held 28 seats in the Eighth Lok Sabha and the BJP only two (although the latter had held 31 seats in the Seventh Lok Sabha.) Neither the BJP nor the Communists were seen as having any chance to form a government, but each represented a potential bloc of seats which would be critical to the fortunes of the National Front and the Congress.

A reputable nationwide poll taken in February 1988 revealed a striking pattern: assuming that the Congress (I)'s opposition

remained fragmented, the Congress might win a majority 274 seats out of 542, with fairly consistent nationwide strength. But, the poll concluded, if the NF and other major opposition groups were able to coordinate their efforts to a substantial extent, the Congress might be held to around 200 seats, with the total opposition (BJP, Communists, and NF) securing well over 300. As the pre-campaign built up in the spring and summer of 1989, several things happened to move this scenario closer to reality: virtually all parties intensified their desire to end the rule of Congress (I), which found itself responding once again to hard questions about Bofors and other scandals, and the government's handling of it; some local Congress officials seemed to be distancing themselves from Rajiv Gandhi; the National Front, contrary to some predictions, hung together; and there were growing signs that tactical cooperation among the NF, BJP, and Communists might become a reality. In July, in reaction to the government's handling of a report on Bofors, members of all opposition groups took the unprecedented step of resigning their seats in the Lok Sabha.

Rajiv Gandhi decided in October to call Lok Sabha elections for late November, instead of late December or January as originally anticipated, presumably on the basis of perceived tactical advantage. Although initially caught off guard, the National Front, the BJP, and the Communists quickly rallied, demonstrating an unprecedented willingness and ability to engage in effective "seat allocation." Under the single member constituency system in India, it is essential for opposition elements to agree, in individual constituencies, not to split the anti-Congress vote. To a remarkable extent---estimated at 85 per cent of the seats contested---the opposition parties, despite enormous programmatic differences, did achieve seat allocation agreements. This meant that the Congress faced head-to-head contests in nearly 450 of the 505 seats it was contesting. This arrangement allowed each of the opposition parties not only to concentrate their forces in a smaller number of constituencies but to maximize the effectiveness of their much more modest financial resources. There were limits to this tactical cooperation: the BJP and the Communists refused to engage in direct cooperation, but each coordinated its efforts with Singh and the National Front.

By November 1, the closing date for candidate nominations, it was clear that the opposition had put together a viable strategy for contesting seats nationwide. Many issues raised earlier in the year remained in the forefront: corruption, economic issues including inflation, the growing sense of government's unresponsiveness and of a growing gap between rich and poor; and, looming above all these, the issue of Rajiv Gandhi's leadership. New populist themes raised by Gandhi during the campaign did not strike home, and indeed may have been counterproductive. Another issue which emerged in the final weeks had to do with the future

of Ayodhya--a small town in northern India sacred to Hindu and Muslim religious communities where plans to build a Hindu temple came in sharp conflict with the local Muslim community and threatened a local mosque. The Prime Minister's inconsistent handling of this issue was widely considered by observers to have been a major liability, losing him support both among Muslims (historically pro-Congress) and fundamentalist Hindus.

The 19-day election campaign which began in early November saw all-out campaigning by both Gandhi and Singh. The Prime Minister adopted a national point-to-point helicopter blitz, hitting some 170 locations in 20 days, backed up by heavy media support. V.P. Singh concentrated his personal efforts on the major Hindi Belt states of Uttar Pradesh and Bihar, traveling from dawn to late at night by car and averaging 25 personal appearances per day. New features of the campaign included unprecedentedly heavy use of All-India Radio (AIR) and government television (Doordarshan) by candidates; and the first major use by national parties, mainly the Congress(I), of professional public relations and media consultants. Although the electronic media played a more important role in 1989 than ever before, most political campaigning and political awareness in India, as in the past, was based on personal appearances and information conveyed directly or second hand by newspapers, local opinion leaders, and word of mouth. One new feature was the key role played by audio cassettes of election speeches by candidates, local or national, which could be easily and cheaply reproduced and played to audiences in any village.

Although V.P. Singh personally claimed that he had refused to accept campaign funds from any corporation or association, both the Janata Dal and other parties---almost certainly led by the well-connected Congress (I)---drew heavily from campaign war chests based on essentially uncontrolled contributions from private companies and other sources. Many observers of the 1989 Lok Sabha election came to the conclusion that money had played a larger role than in any previous campaign, a statement which under present Indian laws and regulations is difficult to verify. But most also concluded that the Congress Party's advantage in this respect could not be translated into any but the most marginal advantage and, because of the taint of scandal, may have been a net disadvantage.

IV. Elections in India: The Institutional Framework

A. The Constitution and Political System: An Overview

India, independent since 1947, and a Republic in the British Commonwealth since 1950, has had an unbroken commitment to representative institutions and government based on universal adult suffrage. Upon India's attaining Republic status on January 26, 1950, its Constitution was promulgated. This document---the longest and most detailed national constitution of any nation---has evolved over time, but it remains the solid if extraordinarily intricate basis for India's representative democracy. The Constitution includes not only a detailed outline of all governmental institutions but also a preamble, a listing of fundamental rights and duties, a section on directive principles of state policy, and various schedules. The Constitution has frequently been amended. The recent 62nd amendment lowered the voting age to 18.

The Indian Constitution represented an answer to the challenge of governing, within a national democratic framework, a nation of subcontinental size and unparalleled ethnic, linguistic, religious and cultural diversity. Drawing eclectically on indigenous Indian institutions and considerations, the British system, and selectively on other political systems including that of the United States, it established a "union of states" rather than a federation. The resulting system has been described by some political analysts as "quasi-federal" in nature and by others as "a unitary system with federal features." The Constitution includes an explicit listing of powers exercised by "the Centre" (i.e. the national government in New Delhi), the states, and concurrently by both the Centre and the States. In most important respects it provides for a strong central government. It is the single constitutional framework for the entire system; states, with the special exception of Jammu and Kashmir, may not frame their own constitutions. Other unitary features include provision for a single national citizenship, the broad emergency powers which may be exercised by the Centre, Parliamentary powers to reorganize states, the appointment of Governors by the President, and uniformity regarding the judiciary, the systems of criminal and civil law, and common civil services. The Constitution of 1950 provided that India is a "sovereign, socialist, secular, democratic republic."

India today consists of 25 states and seven "union territories". The latter are administered from New Delhi but citizens of India who reside there participate in national elections.

B. Major National Institutions

The principal national political institutions at the Centre are the Presidency, the Council of Ministers including the Prime Minister, and the bicameral national parliament including The Rajya Sabha (upper house, or House of the States) and the Lok Sabha (lower house, or House of the People).

1. Presidency and Vice Presidency. The President, the constitutional Head of State, is elected indirectly, through a complicated weighted formula, by an electoral college which includes members of the Lok Sabha, Rajya Sabha, and the various Vidhan Sabhas (State Legislative Assemblies). The Constitution provides for a range of Presidential prerogatives and responsibilities, and the President has special powers, some never fully tested, for dealing with emergencies. The President's powers are, however, largely titular. Although the Council of Ministers, headed by the Prime Minister, exercises power in the name of the President, it is the Prime Minister who exercises real day-to-day authority in terms of government policies. And it is support from the various political parties and their elected representatives which determines who will be elected President. The present President of India is R. Venkataraman, who was elected in 1987 and whose term runs until 1992. There is also a Vice President (currently Shanker Dayal Sharma) who is also elected indirectly by a special electoral college. The Vice President's Constitutional powers and responsibilities are extremely limited.

2. The Rajya Sabha. The Rajya Sabha, created by Article 80 of the Constitution, consists of 12 members nominated by the President, and up to 233 representatives of the states. Rajya Sabha members are elected by the members of the state Legislative Assemblies using a single transferable vote system of proportional representation. In one respect--the system of staggered six-year terms, with one-third up for election every two years--the Rajya Sabha resembles the United States Senate.

Two features, however, highlight the differences between the Indian and U.S. systems. First, unlike the U.S. Senate in which each state has two seats regardless of population, the Rajya Sabha reflects the population of the States and Union Territories, and thus delegations range in size from 34 elected members from Uttar Pradesh (India's most populous state) to only 1 for small units like Manipur and Sikkim. Second, unlike the U.S. Congress, in which the Senate and House are roughly co-equal in terms of power, there is a great disparity between the two houses of India's Parliament, in favor of the Lok Sabha. All money bills must originate in the Lok Sabha and, more important, it is the Lok Sabha from which the Prime Minister and the Council of Ministers are normally drawn. The election of Rajya Sabha members at intervals of two years, by other elected officials, may be said to

fairly reflect the political landscape at the time of their election. But it is the Lok Sabha elections, held every five years or less, which most clearly define that landscape, and determine which persons and parties will exercise national leadership. For this reason, the elections to the Lok Sabha are, by any measure, the central event of the Indian national elections process.

3. The Lok Sabha

The Lok Sabha, like the U.S. House of Representatives, is intended to reflect the population of the various states and union territories. Beginning in 1950, some Lok Sabha members were elected from two-member constituencies, an arrangement eliminated in 1961. Since that time, all elected Lok Sabha members have been chosen from single-member constituencies, on a "first-past-the-post" basis: that is, the candidate receiving the largest single number of votes in a given constituency, whether a majority or plurality, is elected. There is no primary or runoff system, nor any requirement that any candidate secure a given percentage of the total vote within the constituency.

The Lok Sabha, unlike the Rajya Sabha, is not a continuous body. It has a normal maximum life of five years from the date it first sits although, when emergency powers are invoked, an extra year may be added. The Lok Sabha may be dissolved by the President before the end of its term and new elections called no more than six months after its dissolution. Otherwise, an election date near the end of its 5-year term will be set, often based on tactical considerations. In the most recent election, it had been assumed that the election would be held in January 1990; however, Prime Minister Gandhi asked the President to call elections for November 1989, which he did.

The size of the Lok Sabha, under the Constitution, has changed over time. The total number of elected constituencies has grown from 401, at the time of the 1952 General Election, to 543 in 1987. The increase in the number of seats has been due to population increases and the gain of seats by Union Territories upon acquiring statehood. For example, the seat added to the Ninth Lok Sabha in 1987 reflected Goa's acquisition of statehood. The Lok Sabha's total size currently is 545 members, including two who may be nominated by the President to represent the Anglo-Indian community, thus leaving 543 seats to be filled by election. In the November 1989 election, 525 seats were at stake, representing the seven Union Territories and all but one of India's 26 states; the exceptions were Assam (where electoral rolls could not be completed in time) and four constituencies around the country where the election was countermanded due to the death of a candidate prior to the election, and where repolling will

therefore be required.

There is no limitation on the number of candidates who may contest for any given Lok Sabha constituency. The average number of candidates per constituency has grown from about 4 in the 1952 general election to 11 in the 1989 general election. This increase largely reflects increasing numbers of independent candidates. Most of these are considered "frivolous" candidates, who are contesting either to gain personal publicity or the perquisites which go with candidacy, or as "front" candidates for major party candidates. In 1989, as an extreme illustration of multiple candidacies, there were 122 candidates for a single constituency seat. As evidence of the non-seriousness of most independent candidates, their percentage of the total vote has declined steadily from 1952 to the present even as their numbers have swelled. Those addressing the issue of reform of the system frequently focus on the increasing number of independents who run, lose and forfeit their election deposit (a modest 500 Rupees, or 250 in reserved constituencies) and urge that measures be made to make it more difficult for non-serious candidates to run.

A unique feature of the Indian political system is the series of reserved seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha. This derives from the unique character of Indian society and the determination, made at the time the Constitution was framed, that members of certain minorities, whether based on race or caste, needed additional safeguards and protections in order to participate on an equal basis in the political system. The arrangement devised to deal with this problem, provided in Article 330(2) of the Constitution, was the reservation of a certain number of seats in the Lok Sabha (and also in the state Legislative Assemblies) for the Scheduled Castes and Scheduled Tribes, as closely proportional as possible to their numbers in a particular state or union territory. Within a constituency so reserved, candidates, and thus election winners, must represent the Scheduled Caste or Tribe. In the Ninth Lok Sabha, for example, 423 of the 543 elected seats are listed as "General" and may be competed for by any qualified candidate regardless of his/her caste or tribal affiliation. Of the remaining reserved seats, 79 are reserved to members of Scheduled Castes and 41 to members of Scheduled Tribes. As another example, the state of Bihar--India's second largest state, and a diverse and frequently contentious political battleground--has 54 Lok Sabha seats: 41 General, 8 ST, and 5 SC.

The electoral map of India has changed somewhat over the years, mainly as a result of the creation, addition, or partition of particular states, or the conversion of union territories to states. However, there has been relatively little change in the actual constituency map---a fact which has led to increasing comment. While any representative democracy calls for periodic

redrawing of constituency boundaries to take account of population and demographic shifts, this process has not occurred in India since 1971. A constitutional amendment in 1967 "froze" the next delimitation of constituency boundaries until after the year 2000. As a result, the 1989 elections were the fourth consecutive Lok Sabha contest to be fought in the same delimited constituencies. A major rationale for this "freeze" was concern in the '70s that those states of India which had been particularly successful in adopting the government's family planning policies should not be electorally disadvantaged as a result.

A major consequence of this "freeze" is an important and growing disparity in the size of Lok Sabha constituencies, with evident consequences for representative democracy in India. While voters in certain very small one-seat states or territories, such as Lakshwadeep, will inevitably be overrepresented, the problem is now recognized to be a more general and serious one. For example, certain urban constituencies---such as Outer Delhi---have grown enormously in the last 18 years but are nevertheless represented by a single seat in the Lok Sabha. In the 1989 elections, the average constituency represented a population of slightly over 750,000. But there were 30,052 voters in Lakshwadeep, compared to 1,574,000 in the Outer Delhi constituency. As a partial remedy to this problem the Election Commission has recommended that, although the number of seats among the states and union territories cannot be reallocated until after the national census scheduled for 2001, authorization be given to redrawing constituency boundaries within each state. It is not clear, however, how soon---or whether---this will happen.

4. The Government. The Indian system, notwithstanding the various federal and "separation of powers" characteristics, is best understood as a cabinet system of government organized along Westminster lines. The Prime Minister, the head of government, is appointed by the President, the head of state, on whom he/she is nominally dependent. In all cases the Prime Minister has been that person who is expected to command a working majority or plurality in the Lok Sabha and who, in accordance with the Constitution, is, along with his/her Ministers, responsible to the Lok Sabha. The Prime Minister, once selected, directs through the Council of Ministers almost all significant governmental affairs on a day-to-day basis. While many key decisions regarding governmental policy---including appointment of Ministers and allocation of government responsibilities---are made by the President "on the advice of the Prime Minister", it is with the Prime Minister and his Cabinet colleagues that power largely resides.

5. Political Parties in India.

As in the case of the United States, the political system cannot be understood without a clear understanding of the critical role

played by the political parties, even though, as in the U.S., there is no constitutionally prescribed role for parties. The array of parties in India at any given moment is confusing, and changes that occur over time compound the complexity enormously. Indian political parties reflect ideology, caste, ethnic, linguistic or religious affiliation, regional loyalties, or--more typically--some combination of the above. Some parties, notably the Congress Party, have been continuously on the scene since even before independence. Others have been relatively transitory.

Indian political parties are regulated in a variety of ways. Section 29A of the Representation of the People Act, 1951, and the Election Symbols Order of 1968 define political parties and outline criteria for what, in India, are the important distinctions between categories of parties. All parties must be registered with the Election Commission. Parties which meet certain fairly complex criteria for recognition, based on five years of continuous activity plus electoral success, may be classified as state parties. Others, which meet the same tests for recognition in at least four states or union territories, are eligible for classification as national parties. Parties may be registered and may field candidates in elections without qualifying for recognition at either the national or state level. They face certain disadvantages, however: recognized parties and their workers get priority in allocation of electoral symbols, copies of key documents including draft and final electoral rolls, and allocation of television and radio time.

By the time the candidate lists closed at the end of October, there were 5956 candidates for the 529 seats being contested in the November 1989 Lok Sabha elections. There were eight parties, represented by 1380 candidates nationwide, which met the "national party" standard; 34 "state parties" which fielded a total of 148 candidates; another 569 candidates representing 251 "registered but unrecognized/deemed to be registered" parties, and 3859 independents. The splits and recombinations which have characterized many Indian parties over the years usually complicate the registration/recognition process. This occurred again in 1989, when there were three unresolved disputes involving the claims of factions of national parties, and another three involving various state parties. The Election Commission is charged with resolving such disputes and has done so effectively in the past.

The political process in India cannot be understood without reference to the role of political symbols. With literacy nationwide estimated at 36% in 1988, the party and individual candidates' symbols are a key element in making the process intelligible to the voter. Candidates of the recognized national parties campaign throughout the country under the symbol reserved for that party by the Election Commission; similarly, candidates

for state parties contesting in the Lok Sabha elections all campaign within their state under a common symbol. Candidates from registered, unrecognized parties, and independent candidates, may choose symbols remaining unallocated on a list authorized by the Election Commission. Symbols have powerful associations with voters and, understandably, the choice of a party symbol is taken with care. In the 1989 Lok Sabha elections, the Congress candidates nationwide were characterized by an upraised hand, palm out; the BJP by a lotus; and the Janata Dal---after a dispute resolved in its favor by the Election Commission---by a wheel.

Indian political parties, like their counterparts elsewhere, usually operate within some kind of ideological or programmatic framework even though, particularly in the case of ethnic-, language-, or religious-based parties, the real relevance of ideology and program may be minimal. All the major parties attempt from time to time, and always at election time, to formulate their guiding principles in party manifestos, in a way aimed at capturing votes.

V. The Conduct of Elections in India

A. Basic Framework.

India, anything but an "emerging democracy", has an established and indeed voluminous and intricate system of laws and regulations governing the entire election process---a system which has evolved considerably over time. Basic references for this process include the Constitution itself; the very detailed Representation of the People Acts of 1950 and 1951, as amended; and innumerable other documents including laws, interpretations and legal commentaries, supplementary instructions and guidance, and other reports which have been generated by the election process over the years. A basic fundamental reference work is a three-volume document entitled Manual of Election Law. Some 400 pages in length, and revised regularly, it includes relevant excerpts from all of the above. The 1989 version of this key reference is included with this report. The extent of documentation on elections reflects the seriousness with which Indian authorities have taken the election process---and also the sheer size and complexity of the society which these laws and regulations govern.

B. The Indian Election Commission.

A unique and central feature of the Indian system is the constitutional provision for an Election Commission which has broad authority to regulate and manage not only elections at the national level but state elections as well. The Commission's authority and responsibilities are outlined in Article 324 of the Constitution, which:

- establishes an Election Commission to supervise various aspects of elections at the national and state level;
- provides for selection by the President, on the recommendation of the Prime Minister, of a Chief Election Commissioner to serve for five years, and additional Commissioners and Regional Commissioners as may be required;
- stipulates that the Chief Election Commissioner cannot be removed from office except in accordance with procedures stipulated for Supreme Court judges, and that his conditions of service cannot be varied to his disadvantage once appointed;
- and requires the President, or the Governor of a state, to make available to the Election Commission such staff as may be required for the discharge of the Commission's functions.

It is generally recognized that India is unique, or nearly so, in having a national Election Commission with jurisdiction not only for national but state elections. Various observers have also commented that it is unusual to have the role and functions of such a Commission spelled out in the Constitution, but that, in India, this arrangement is entirely consistent with the pattern of

consistent procedures imposed from the Centre in the case of major governmental functions.

The foregoing excerpts from Article 324 deserve comment in several respects. First of all, although some observers of the Indian scene argue that present arrangements re appointment do not provide the Election Commissioner as much independence from the political process as is desirable, it is generally agreed that the eight men who have served as Chief Election Commissioners since 1950 have proven to have been individuals of probity, ability and independence. Recognizing that India has been well-served by its Chief Election Commissioners, who typically have been in the forefront of urging further reforms and improvements in the electoral process, some have nevertheless recommended that they be further insulated from political pressures by one or a variety of provisions: amending the Constitution to require a prohibition on further government assignments after service as Chief Election Commissioner, and/or to require that the Chief Election Commissioner be appointed jointly on the advice of the Prime Minister, the leader of the opposition, and the Chief Justice.

Although Article 324 provides for the designation of additional Election Commissioners at the national level, and also for Regional Election Commissioners, the latter provision has been only rarely and briefly invoked, and the former only once---with highly controversial results in the 1989 Lok Sabha elections. Under law, it is the Chief Election Commissioner himself who exercises the legal and constitutional authority, which cannot be delegated, to manage and regulate Indian elections at the national and state level.

As provided for under various laws and regulations, the Election Commission and the Chief Election Commissioner have a range of election-related duties by no means limited to the conduct of elections. As summarized by one leading scholar, these include: demarcation of constituencies; preparation, maintenance and periodic revision of electoral rolls; recognition of political parties and allocation of voting symbols to parties and candidates; scrutiny of nomination papers; the conduct of the elections themselves; scrutiny of accounts of election expenses submitted by candidates; and adjudication of election disputes. This is an expensive process. According to estimates following the 1989 elections, the Election Commission spent some 1.8 billion Indian Rupees (approximately \$112 million) on the conduct of the election itself, plus another one billion Rupees (\$62 million) on the laborious task of revising the electoral rolls.

An analysis of the Election Commission published shortly before the November elections gave the present and past Chief Election Commissioners high marks for honesty and independence, but

questioned sharply whether the Commission still has the power and autonomy needed to control elections fully. In addition to problems of resources---for example, many of the military and paramilitary forces earmarked for election security have been deployed to Kashmir and elsewhere---this analysis concluded that "many of the [Commission's] actual powers to curb electoral malpractices exist only on paper." This seemed to some of the observers with whom we spoke to be somewhat overdrawn, but there did appear to be a consensus that the Commission depends to too great an extent on resources and personnel that it does not really control, and could usefully have its powers and autonomy reinforced. The future powers and role of the Commission is one of the topics clearly singled out for possible action as electoral reforms are considered.

C. Personnel and Resources.

A dramatic feature of the Indian system is the comparative handful of people who constitute the full-time staff of the Election Commission--less than 250 at the time of the 1989 elections--compared with the literally millions of people who can be and are mustered into temporary service, under the terms of Article 324 (6), to prepare for and support the election process. Deputy Election Commissioner R. P. Bhalla told us on January 17 that some 5.5 million Indians play some kind of direct role in support of elections--3.5 million civilian officials, drawn from virtually every branch of national and state governments, for preparation and administration of the vote, and another 2 million (military, police, local militia) to provide security for voters and ballots on election day.

These numbers are staggering, but so is the scale of the enterprise: the average polling station serves some 1000 voters. There are nearly a half million polling stations throughout India, many in isolated and difficult locations, serving nearly a half billion potential voters. In order to facilitate access, each polling station, even in rugged, sparsely populated country, must be no more than 2 kilometers from the most distant voter's residence, in order to ensure access on voting day. At each polling station, there must be a minimum of five officials, plus security forces and a variable number of polling agents whose responsibility it is to look out for the interests of particular candidates.

As noted, the Constitution itself provides that the Chief Election Commission can call upon the President (and through him, on the Prime Minister and the Government) as well as on the Governors of the states to make personnel and other resources available for the conduct of elections, both national and at the state level. Clearly, this makes the Commission dependent on large numbers of

persons who may be inexpert in election procedures, and, beyond this, can and undoubtedly does incorporate into the process large numbers of people--particularly drawn from the state governments--who themselves lack a vested interest in fair, honest elections or are subordinate to local leaders who seek to distort the process. The consensus of serious observers of the Indian political system comment that the authority of the Election Commission is an important bulwark against such abuses in most jurisdictions, but that additional measures will be required if abuses are to be fully controlled. This has been documented by the reports of the Commission itself, and by its recommendations for further reforms of the election process.

D. The Election Hierarchy

The Representation of the People Acts and other legislation prescribe a detailed top-to-bottom system for conduct of elections. Its principal elements are the following:

At the National level, the Election Commission and its staff, as described above;

At the State level, the election process is directed by a Chief Electoral Officer, an officer in some capacity of the state government, designated by the Election Commission following consultation with the state government. A major responsibility of this officer is the preparation, revision, and correction of all electoral rolls in the state.

At the District level in the states, the key official is called the District Election Officer; his counterpart in union territories is called the Returning Officer, although the latter term is sometimes used to refer to District Election Officers as well. There may be more than one District Election Officer if the Commission considers this necessary. District Election Officers report to Chief Electoral Officers. There are slightly different arrangements in union territories and in the state of Jammu and Kashmir.

At the Constituency level, election arrangements and the preparation of electoral rolls are supervised by Electoral Registration Officers and, as deemed necessary by the Commission, Assistant Electoral Registration Officers. Electoral Registration Officers at the constituency level---where voting returns are tallied---are sometimes referred to as Returning Officers. Electoral Registration Officers also have the authority to hire other staff personnel to assist them in their official duties as required. In addition, there will be Counting Agents, who may not be government officials, and who are appointed by particular candidates to monitor the vote-counting process on their behalf. Finally, at the Polling Station level---about 1000 stations per constituency---the Presiding Officer is responsible for orderly conduct of the vote. He is supported by Polling Officers. Also

involved at this level are Polling Agents, designated by particular candidates to look out for their interests.

All of the foregoing officials, except Counting and Polling Agents, are "on deputation" to the Election Commission and are subject to its control and discipline. However, the Commission, although it has the authority to order repolling and other corrective measures, has itself noted the fact that it lacks the authority to discipline such locally recruited officials.

E. Who May Vote?

India is committed to universal adult suffrage for elections at both the national and state/union territory level. Articles 325 and 326 of the Constitution provide the vote for anyone who is 18 years of age as of January 1st on the year of the election (Amendment 62 of the Constitution, adopted in late 1988, lowered the voting age from 21 to 18) and a citizen of India, and who is not otherwise disqualified on the grounds of non-residence, unsoundness of mind, crime or corrupt or illegal practice. The residency requirement is quite strict: election law provides for inclusion on the electoral rolls, and voting, in the constituency in which the elector "is normally resident."

While there are provisions for absentee voting ("the postal ballot"), the system, unlike the United States, is not in widespread use. Those who may vote by mail include "service voters" (e.g. diplomats, military and other officials assigned abroad); those, under certain circumstances, assigned officially elsewhere in India; those required to be absent from their constituency by virtue of their work on elections; and those under Preventive Detention. There is as yet no nationwide system of cross-checking to determine whether a voter is on more than one electoral roll, but, given the general requirement that a voter must appear in person to vote, this feature of the Indian electoral system does not appear to lend itself to much abuse. Despite periodic proposals that voting be made mandatory, voting in India remains voluntary.

F. Electoral Rolls

A fundamental feature of the Indian elections system is the electoral roll, or register, of persons authorized to vote, and the responsibility of the Election Commission to ensure that this critical function be carried out as fairly and completely as possible. Electoral rolls are prepared and maintained on a constituency-by-constituency basis. Essentially, there are two categories of electoral roll preparation: intensive, in which new electoral rolls are prepared, either nationwide, or for certain

constituencies or jurisdictions in which the Commission considers it necessary to do so; and summary, which basically consists of revising and updating existing electoral rolls. Intensive revision normally takes place in anticipation of national elections, or when constituencies are newly delimited or demarcated; summary revisions are resorted to, often on an annual basis, in order to incorporate normal categories of changes: new voters who have reached voting age; removal of deceased voters from the rolls; adjustments due to voters who have moved in and out of the constituency.

The roll is prepared or updated by a house-to-house survey in each jurisdiction by enumerators who go from door to door. The process normally begins long before the earliest possible election date. For each household, using a prescribed form (Form 4) they list names, sex, age, and other particulars for each resident of the household, beginning with the head of household. (In preparation for the 1989 elections, according to press accounts, 997,000 enumerators, working over a six-month period, prepared the rolls at a total estimated cost of some 50 million Rupees.) Once the rolls are completed, notice is posted (form 5) that the roll is ready for inspection. Thereafter, anyone claiming exclusion from the roll may file a Form 6 to petition for inclusion.

This process has many phases, including the preparation and publication of electoral rolls in draft; the provision of a period allowing for public inspection, and for claims and objections about the draft roll; and publication of a final, revised roll in time for the election. There are detailed regulations for every step of this process, all of which is supervised by the Election Commission and subordinate election officers. An important element in supporting the integrity of the election roll is the electoral card, which lists all members of the household eligible to vote. At the time of enumeration, the election official keeps the original and the householder retains a copy, thus providing a check on the system.

G. Voting and Counting Procedures.

Once all preliminary steps, including scrutiny of nomination papers and publication of a final list of candidates, have been completed, there still remains for the Election Commission and its agents and representatives throughout the country to supervise the campaign and the actual conduct of elections. The campaign proper is limited to 19 days. No formal canvassing of voters or processions may take place within 48 hours of the scheduled conclusion of the poll in a given constituency. On the day of the vote, no electioneering of any kind, even display of banners, is permitted within 100 meters of the polling station. The sale of alcohol is also banned on election day.

Although there is interest in the use of voting machines in India, and some have been used successfully on a trial basis, the elections of 1989 employed traditional methods: the paper ballot and the sealed ballot box. Polling places are usually located in schools or other government buildings. The voting process is under the supervision of the Presiding Officer for the polling place and the Polling Officers under his authority. The voter, once he enters the polling station, has his identity checked against the electoral roll. He then has his left forefinger marked with indelible ink and is given a paper ballot which contains the name of each candidate and the symbol of each candidate's party. The voter, inside a curtained compartment, affixes a rubber stamp mark next to the name and symbol of his chosen candidate. He then folds the ballot, leaves the voting compartment, and deposits the ballot into a common ballot box in full view of election officials and the various agents representing particular candidates.

At the conclusion of the time period fixed for voting, which must be at least eight hours, the Electoral Registration Officer seals the ballot box, wraps and sends it and other documents and materials, as quickly as possible, under escort of at least one government official and security personnel, to the location where votes for the entire constituency will be tallied. Counting is done at the constituency level, where up to 16 tables will be provided to permit the counting of up to 16 ballot boxes at a time, under the supervision of the Presiding Officer. One Counting Officer, representing each candidate, may be present at each of the counting tables. With an average of 1000 polling stations per constituency, and an average voting electorate per constituency of some 550,000, this is obviously a laborious and time-consuming task, often taking 24 hours, not including the time required to transport some 1000 ballot boxes, from 800 to 1200 locations, to the designated vote counting center. The District Election Officer in a state or a Returning Officer in a union territory has strict responsibility to maintain all election papers and documents, including used and unused ballot papers and to store them securely, under double lock (one set of keys maintained by the District Election Officer, the other by the District Treasury Officer), at District Headquarters for at least one year. The rather elaborate procedures for safeguarding election documents are in anticipation of possible petitions at a later date.

The Returning Officer is authorized to certify the winner of the election in his constituency. This normally will occur at the end of the vote count. A Certificate of Election is issued to the winner by the Returning Officer and the results reported up through the chain of command to the Election Commission in New Delhi. In the event that there are credible charges of fraud or booth-capturing, the Presiding or Electoral Registration Officer has the authority to order a re-poll, which decision will be

communicated up the chain of authority to the Election Commission. In such cases, a re-poll is normally taken the next day or, if that is not possible, the day following.

H. Other Factors.

India's vast subcontinental political system, with an unevenly developed infrastructure, personnel and resource constraints, plus tremendous differences of climate and elevation, dictates that the election process is almost always a phased process, with differences and in some cases delays depending on local conditions. The entire nation is on a single time zone, which, for election purposes, means that the polls---always open a minimum of eight hours anywhere in the country---open earlier in the east and later in the west, to allow voters maximum daylight for getting to and from the polls. A more important limiting factor is the strain which elections, especially in the larger and more contentious states, place on personnel responsible for conducting the elections. In past elections, polling was often spread out over several weeks. In 1989, there were three polling dates: November 22, 24, and 26. Most voting nationwide took place on November 22, but in four states---Bihar, Uttar Pradesh, Madhya Pradesh, and Jammu and Kashmir---the vote was split between two days, largely to ensure an adequate number of personnel to monitor elections in all polling locations. A further complication in 1989 was that state Legislative Assembly elections were held simultaneously in five states, adding to the responsibilities of the Election Commission and its representatives at all levels.

VI. The 1989 Election: Some After-the-Fact Observations

Elections to the Lok Sabha tend not to be close, and this one was no exception. Perhaps partly for this reason, no one we interviewed felt that fraud and other defects in the system determined or significantly affected the overall outcome of the 1989 Lok Sabha elections. By the same token, however, all had much to say---as have many distinguished Indian analysts, over the years---about the many ways in which the system is distorted.

By most accounts, the 1989 election---although broadly reflective of the popular will---was more violent and marked by more overt fraud than either its 1980 or 1984 counterparts. Although we have seen no final definitive figures, it was estimated that well over 100 Indians died in violent incidents more or less directly related to the election campaign, and at least another 100 or more in communal incidents which may have had some relationship to the upcoming election. A Janata Dal leader, Sanjay Singh, was shot and seriously wounded on election day in Amethi, Rajiv Gandhi's home district in Uttar Pradesh. Singh's own checkered political history cast doubts about the likely perpetrators although most blamed the incident on local Congress (I) militants. An appearance by V.P. Singh in his home constituency of Fatehpur was also marked by a gunfire incident.

A hardy perennial of Indian elections is the phenomenon called "booth capturing"---whereby party loyalists use overt force or the threat of it to control the process at a local polling station. Historically, this process has been largely limited to certain specified areas in the Hindi Belt, mostly Uttar Pradesh and, especially, Bihar, where caste differences reinforce party animosities. Overt cases of booth capturing have increased in recent elections. In 1980, repolling was ordered in 39 polling stations in 12 constituencies nationwide due to booth capturing. In 1984, the equivalent figures were 264 and 53. In the 1989 elections, the Election Commission ordered repolling in 1139 polling stations nationwide, the largest figure in history. This works out to about 2/10 of one percent of all polling places, not a large percentage.

Seasoned observers, however, expressed concern on two points: the steady growth in booth capturing and other abuses from one election to the next in recent years; and the sense that the reported figures represent only part of a larger picture. First of all, it is assumed that there are many cases where, due to complicity among local officials who have responsibility for conducting elections, numerous instances of voting fraud are never identified or reported to the Election Commission. Second, there is the phenomenon which one expert called "silent booth

capturing". This involves, not overt actions aimed at overturning local results, but use of threats to prevent registered voters from voting, followed by the casting of these "unused" votes, illegally, for a particular candidate. Finally, there is a range of more subtle social pressures and intimidation aimed at deterring groups of local voters from exercising their vote. It is not possible to quantify "silent booth capturing" and the deliberate but even more subtle forms of intimidation, but our impression was that they are factors which appreciably affect the voting process. Such basic societal factors---such as, for example, intimidation of lower-caste voters by high-caste local influentials---clearly will take time and attitudinal change, and not just improved procedures, to deal with.

There are some mitigating factors. Fraud, where it occurs, is believed to reflect dominant local pressures and influences rather than, for instance, consistent pressures which work nationwide for a single party or faction. In November, booth capturing was attributed in different locations to the Congress (I), the National Front, and the BJP, and repolling ordered by the Election Commission in what appears to have been an impartial way. The system, while cumbersome and enormous, does appear to contain many procedural elements which deter fraud. Booth capturing is effectively limited to known "problem areas" in about five states, and the Election Commission does attempt, despite constraints, to allocate additional security forces to those areas to forestall problems. For example, in our conversation with the Chief Election officer for Orissa state, historically a non-problem area, we were told that there were no allegations by any candidate, of any party, of booth capturing or other major irregularities.

In our interviews, we frequently attempted to elicit quantitative estimates about the seriousness and extent of the practice. The range we came up with was one to several percentage points in the constituencies affected---well in excess of the number of officially reported cases---but largely limited to historical problem areas, and further limited by ordered repolling. The main concern we encountered on this point was not that fraud had significantly affected the results in 1989 but that the trend was up, based in part on the greater importance of communal conflict, and that corrective action was needed if the Indian election process were to maintain its credibility.

Another unique feature of the 1989 elections was the appointment by the President, at the Prime Minister's recommendation, of two additional Election Commissioners just before the announcement of the election date. The move was controversial. The new election Commissioners, V. S. Seigell and S.S. Dhanoa, both with links to the Congress (I) party, were widely believed to have had questionable credentials for the position and, according to press

accounts, Chief Election Commissioner R. V. S. Peri Sastri---who has earned high marks for independence---reportedly considered resigning in protest. Accounts vary somewhat about the actual influence wielded by the two new Commissioners. Both resigned in January.

A controversy arose during our stay in New Delhi concerning preparations for the February Legislative Assembly elections, but it bears upon the national election process as well. The Chief Minister of Bihar State--a Congress stalwart--announced the rotation of a large number of state officials (who would have election responsibilities) prior to the February elections. Chief Election Commissioner Sastri remonstrated on the grounds that such personnel moves, without his authorization, could undercut the integrity of the election process. Although there were some signs that a compromise was in the works, the issue was still unresolved at the time we departed New Delhi. It illustrates graphically the dependence of the Election Commission on the support and good will of state officials and the possibility that the latter can frustrate the will of the Commission.

We heard a good deal about the role that the media had played in the 1989 elections. One observer compared the present Indian political process to the United States in the 1930s or 1940s--- heavy reliance on whistle stopping and personal appearances, backed up by somewhat rudimentary national electronic media, and with newspapers still playing a central role. But 1989 witnessed important new developments on the election scene:

- the widespread use of audio cassettes to spread the word in remote areas on behalf of candidates and parties;

- the first use of extensive and massive polling, including exit polling, to predict outcomes and identify key issues and trends;

- a quantum jump in TV reporting, with the first use on Indian state television of American-style "anchor desk" election night reporting, featuring impromptu interviews, electronic maps and charts, and rolling election coverage;

- heavier live radio and TV campaign coverage which, while attacked by anti-Congress elements for showing a strong pro-government bias, also got credit for sporadic displays of editorial independence as well as dramatic live coverage;

- a new reliance, in urban areas and at the national level, on media consultants to market candidates and election themes. Reviews were mixed: the Congress (I) "My Heart Beats for India" campaign was both expensive and widely satirized, but no one would predict a smaller role for professional ad agencies in the future.

In part because of the widespread belief that the official Indian media Doordarshan (TV) and All India Radio exhibited bias in favor of the Congress (I), the issue of media impartiality and

independence has, since the election, become a major issue in the broad context of election reform.

Another area of concern about which we heard a great deal was the largely uncontrolled use of election funds by candidates and parties. Under current law, candidates themselves are limited (depending on the constituency) to spending no more than from 20,000 to 150,000 Rupees---limits which, today, are regarded as ludicrously low compared with actual expenditures--which include such costly items as vehicles, gas, campaign videos, advertising, payments to party workers, organizers and paid "volunteers". Candidates are also required to account for and report their own expenditures. However, the law is basically silent on contributions of money and in-kind resources by other individuals, corporations, associations and other groups to political campaigns. Corporate contributions to campaigns must be reported, but only in the context of financial records reported to the government, and well after the fact. It is also relatively easy to make cash contributions which do not show up in official records. New legal provisions to regulate "money power" in elections are now officially on the government's agenda. Two elements are under consideration: 1) requiring more accountability and transparency in terms of outside contributions to political campaigns and 2) providing for state funding or in-kind support (e.g. vehicles) for campaigns, thus reducing dependency on outside contributions.

Because of the lack of reporting requirements, any figures about the cost of political campaigns are conjectural. One account published after the election estimated total expenses by the parties at some 10 billion Rupees, with the bulk being spent by Congress (I).

Finally, a word about internal party organization. One of the strongest impressions with which we left India was the near-total lack of intraparty democracy, whether through party primaries, conventions, meaningful party congresses, or other opportunities for rank and file members to make their views and concerns known. This generalization applies to all the major parties. Paradoxically, at least two individuals we interviewed gave the Communist parties somewhat more credit than other parties for allowing at least a modicum of internal democratic procedures.

It was a frequent observation that, of the various difficulties which plagued the Congress (I) prior to and during the campaign, one of the greatest was that decisions, and candidates, were imposed from the Centre with no opportunity for grassroots input and views to be considered...and, indeed, no structure or organization by which such input could even be registered. For example, by all accounts, decisions on who was to stand as the Congress candidates in particular constituencies around the

country were made by the party high command in New Delhi, in consultation with Congress party bosses in the states. It was noted that the Congress' local structure has been allowed to languish, without reforms or internal party elections of any kind, for nearly 20 years. More than one commentator attributed the Congress(I)'s need for massive campaign funds to the lack of loyal, grassroots party cadres almost everywhere in the country. A Congress Party loyalist readily identified this as a main problem for his party, needing urgent reform.

A Janata Dal leader acknowledged that his party's procedures and structures, too, were autocratic and badly in need of reorganization to permit more internal democracy---going so far as to say that "no degree of electoral reform will serve its purpose unless it is accompanied by the reform of the [party] organizations themselves", and going on to argue that effective governmental regulation, to ensure internal democratic processes, should be a legal prerequisite to political parties' participation in elections. This is an extreme formulation, but it reflects the extent to which the problem is perceived as real, and serious. One observer said that, ideology and other factors being equal, the first major Indian party which seriously undertook to organize on a grassroots basis could have a tremendous opportunity---on that basis alone---to gain popular support.

VII. Results and Aftermath

A. The Outcome

The 1989 elections proved a stunning repudiation for Rajiv Gandhi and the Congress in most of the country, mitigated by heavy defeats of several of the National Front's dominant regional parties in the south where the Congress, itself aided by the anti-incumbency trend, made big gains. The Janata Dal won 142 seats, thus positioning itself to form a minority government. Other major features of the election included the stunning gains throughout the Hindi Belt of the BJP, which increased its Lok Sabha seats from 2 to 86, and moderate gains by both Communist factions who almost alone successfully resisted the anti-incumbent tide.

| Seats in Lok Sabha | <u>1984</u> | <u>1989</u> |
|-------------------------------------|--------------|-------------|
| Congress (I)..... | 415..... | 194 |
| Bharitiya Janata Party (BJP)..... | 2..... | 86 |
| Communist Party of India (CPI)..... | 6..... | 11 |
| Communist Party (Marxists)..... | 22..... | 32 |
| Janata Dal *..... | 0..... | 142 |
| Janata Party (JNP)..... | 10..... | 0 |
| Congress (Socialist)*..... | 5..... | 0 |
| Lok Dal..... | 3..... | 0 |
| Telugu Desam *..... | 28..... | 2 |
| AIADMK#..... | 12..... | 11 |
| DMK *..... | 1..... | 0 |
| Other..... | 32..... | 35 |
| Independent..... | 6..... | 12 |
| TOTAL..... | 542..... | 525† |

@ As of 10/89

* = National Front Parties

= Allied with Congress (I)

† = There are 543 elected seats in the Ninth Lok Sabha. This figure omits 4 countermanded elections (due to death of candidate after final filing date) and 14 seats to be elected from Assam

Voter turnout since 1952 has been in the 55-64 per cent range. The trend has been generally upward and in 1984, the last election to the Lok Sabha, there was a turnout of 64.1 per cent. In 1989, however, there was a noticeable downturn to 59.6 per cent of eligible voters. This figure is, however, well within the normal turnout range for India (and much higher than the recent percentages recorded in Presidential elections in the U.S.).

recorded in Presidential elections in the U.S.).

Following the election, and after several days of rather byzantine maneuvering among the leaders of the National Front, V.P. Singh was asked by President Venkataraman to form a government. He quickly did so. The formula was somewhat unusual in that---united in opposition to Gandhi and the Congress Party---the Communists and the Bharatiya Janata Party indicated their willingness to support Singh but not to join the government coalition. The result was a minority government drawn from Singh and his Janata Dal/United Front allies. Rajiv Gandhi, despite the Congress' stinging defeat, was unanimously re-elected head of the Congress Party and thus took his seat as leader of the opposition (Congress and two minor parties with which it is allied), controlling some 215 seats in the Lok Sabha.

B. Postscript: The Reform Agenda

Coinciding with our arrival in New Delhi the weekend of January 13 was the announcement by V.P. Singh's Law and Justice Minister, Dinesh Goswami, that the major parties, including the Congress (I), had agreed on electoral reform as a priority topic. Goswami announced the intention of the government, jointly with the parties, to pursue this issue. On January 19, he announced the formation of a mixed commission (composed of government officials, party representatives, and former Election Commissioners) to draft legislation to this end. In an interview published in December, Goswami said: "We will pay a lot of attention to electoral reforms. The objective is obviously to reduce the blatant influence of money and muscle power...Other matters calling for attention are the strengthening of the Election Commission, [and] providing state funding for elections." Speaking in January, the Minister described electoral reforms as a "continuous exercise which governments have to perform at all times" because "human ingenuity always finds loopholes in legislation."

The subject of election reform is vast and complex. An undated but fairly recent Election Commission document outlining the Commission's own proposals for reforms covers some 70 pages. Some proposed reforms reflect the agenda and interests of particular parties. For example, the BJP's espousal of compulsory voting, perhaps in the hope of gaining support of many traditionally oriented Hindus, who have tended not to vote in proportion to their numbers, appears to fall in this category. Some smaller parties who have felt disadvantaged by the single-member constituency system argue for proportional representation or the list system.

What is now on the table, however, is a range of proposed reforms which seem to have attracted a degree of support from the various

parties, and which will receive intensive discussion in the months to come. Some areas of reform will require legislation or, in a few cases, amendment of the Constitution. Others can be implemented by decree. It appears to be the intention of the Prime Minister, probably reflecting the minority status of his government, to seek maximum consensus before moving ahead. Any legislation on these intensely political matters will require clear understandings with parties---BJP, Communists, and perhaps the Congress as well---not included in his minority government.

The categories of possible reform being proposed with the most frequency in Indian circles, briefly summarized, include the following:

1. Structural reform in the political system. Some political figures, particularly those representing smaller parties, note with disapproval the advantages the present system gives to larger parties, and especially the Congress (I). It is noted, for example, that Congress has never achieved even 50% of the total vote cast in Lok Sabha elections, and yet has been able to form a majority government, usually with a comfortable margin, after all but two national elections. Some advocate a straight proportional representation or party list system; others have urged a mixed system along the lines of the Federal Republic of Germany, which would combine the present plurality system with proportional representation. Advocates of the status quo argue that, in a nation as fragmented and diverse as India, any system which increased the share of seats held by smaller parties would make unwieldy coalitions inevitable and the process of governing even more difficult than it already is. Our sense is that, given a strongly vested interest in the status quo, and in a system which has proven workable over time for India, agreement on change in this area is unlikely.

2. Technical Refinements (a) The idea of replacing present balloting methods with voting machines has been around in India for years, and indeed has been started on a limited basis. Indian-built machines, after extensive trials, were found suitable and about 150,000 were ordered from an Indian firm. They were to have been used on a limited basis during the Ninth Lok Sabha but this plan was aborted for two reasons: the early date of the elections and, interestingly, Indian fears (based in part on the Ronnie Dugger New Yorker article about the alleged vulnerability of the U.S. system to fraud) that machines would lend themselves to vote-tampering. Several parties protested the use of machines and the Election Commission backed off. The assumption is that they will come into greater future use, but not until the confidence level of the parties has been raised. (b) Improved voter identification documents. These have been used on a very limited basis in the past and their use is provided for in the Representation of the

People Act. There appears to be agreement that voter ID cards (with or without photographs) could help reduce impersonation and election fraud if the costs can be met. A call for giving each voter a "multi-purpose identity card" was included in the reforms proposed by Law Minister Goswami in mid-January.

3. Tougher qualifications for independent candidates, with the objective of screening out frivolous candidates, reducing election costs, and controlling a phenomenon described by Minister Goswami as "just a way to get agents and party workers into the polling booths."

4. Improved procedures for creating and updating election rolls.

5. Expanding the franchise to allow voting by Indians overseas.

6. Giving teeth to the Model Code of Conduct. The Model Code, issued by the Election Commission in 1977 and in a revised form in 1984, lays down some 23 rules for election conduct. Described to us by one of our interlocutors as "a sermon", many observers of the Indian scene, including the Commission, have recommended that the Code be enshrined in law, with appropriate enforcement provisions.

7. Stronger anti-corruption measures. Related to the previous point, Part VII of the Representation of the People Act covers corrupt practices and electoral offenses. It is a frequent comment on Indian election law that, despite the extent and detail of this area of the law, it contains numerous loopholes, and in many respects lacks adequate sanctions and penalties.

8. New provisions about funding of parties and elections. There is general agreement that this is an area long overdue for reform. Included in this category are the following: (a) state funding of elections, whether in-kind or through actual funding, to supplement and if possible reduce party funding from private sources (Law Minister Goswami has called for state funding of parties on an in-kind basis only); (b) closer monitoring of required reporting of campaign expenses by candidates; (c) raising, to realistic levels, permissible individual campaign expenditures; (d) institution of effective reporting requirements on parties, businesses, associations, and others who contribute to parties or candidates; (e) ceilings on such permissible contributions; (f) tougher, enforceable penalties--including long-term exclusion from the political process--in connection with all of the above.

9. Regulation of political parties. Perhaps as a condition for state funding directly to the parties, it has been proposed that political parties be required to meet various legal requirements

including (a) compulsory registration; (b) official scrutiny of internal procedures; (c) inspection of accounts and financial records; (d) verification of periodic internal elections. Some have gone further to propose that similar requirements be levied on other private associations which support particular parties or are otherwise involved in the political process.

10. Independence of the media. With the 1989 campaign as the most recent example, critics of present arrangements argue strongly that arrangements should be made to ensure that the "official government media", Doordarshan (television) and All-India Radio enjoy greater independence. Although this is an issue that transcends election reform, most parties are officially on record as favoring reform. And the Janata Dal in its election manifesto called specifically for the creation, within one year of assuming power, of "autonomous corporations for radio and television under a parliamentary charter supervised by an independent board of governors", a "freedom of information act", and a variety of other measures pointing to greater freedom for the media.

11. Greater independence and scope for action for the Election Commission. There appears to be a general consensus that the Election Commission, despite independent-minded leadership and an energetic staff, does not still have the resources and autonomy it needs to supervise elections efficiently. Proposed remedies include the following: (a) making it a more fully independent body along the lines of the Indian Controller and Auditor General, while eliminating its dependence in some areas on the Ministry of Law; (b) modifying the Constitution to distance the process of selecting Election Commissioners more fully from the political process and the government of the day (i.e. having the Commissioner nominated jointly by government and opposition leaders plus the Chief Justice, instead of by the President as at present); (c) providing that Election Commissioners shall not be eligible for subsequent government positions; (d) ensuring the Commissioner greater independence and autonomy vis-a-vis state governments on such matters as rotation of personnel; (e) increasing Election Commission staff, infrastructure, and resources, including assignment of full-time staff personnel at state level; (f) assignment, as foreseen in law, of Regional Commissioners directly subject to the Election; (g) broader powers to speedily adjudicate alleged irregularities and violations of election law.

The foregoing list is by no means exhaustive, nor intended to be. It covers most of the main proposed reforms we heard discussed during our time in New Delhi. And it clearly illustrates that Indians, justifiably proud of the accomplishments of their democracy since its inception 40 years ago, also have a clear sense that much remains to be done.

VIII. Conclusions

1. Indian democracy is real and vital. This was demonstrated once again in 1989 by the broad-based confidence apparently placed in the process by the voters, by the large turnout in percentage and absolute terms, and by the various constitutional, legal and procedural institutions which, if imperfect, protect the elections process and endow it with legitimacy. Any discussion of the election process in India needs to begin with this fact.

2. In the Ninth Lok Sabha elections, as in the eight preceding elections for the national legislature, we believe there was a strong correlation between the will of the electorate and the final results. We also believe that, with relatively few exceptions (and certainly not enough to alter the outcome at the national level) the candidate receiving the most votes won.

3. The vote in the 1989 Lok Sabha elections must be interpreted as an anti-incumbent vote. While the national results overall have been read as a repudiation of the leadership of Rajiv Gandhi and, at least temporarily, of the Congress (I), the results in southern India, where Congress (I) candidates did well at the expense of anti-Congress incumbents, indicated a strong national anti-incumbent trend. This suggested to us, and to many other observers, some longer-term problems for Indian democracy in terms of rising (and frustrated) expectations and the credibility of government institutions.

4. Notwithstanding the conclusions in 1. and 2., above, there are some serious problems---identified by ranking Indian political leaders and other observers---which qualify the foregoing positive statements about the working of Indian democracy.

5. Four categories of problems can be identified:

(a) the need for a range of improved procedural and legal measures at various points in the entire elections system, to enhance the authority and independence of the Election Commission and to provide more effective penalties for violation of election laws and regulations;

(b) the need, more specifically, for more effective controls on the use of money and other resources, which, under present arrangements, are widely seen as distorting Indian democracy;

(c) the need to address new elements affecting the election process--e.g. fair access to the electronic media--which are likely to assume much greater importance in the near future;

(d) the absence, acknowledged by every knowledgeable Indian with whom we spoke, of intraparty democracy. The Indian electoral system quite accurately registers the votes of individuals for candidates during the Lok Sabha elections; but the existing system provides the rank-and-file voter, regardless of his party preference, with virtually no voice whatsoever in the process of selecting the candidates among whom he is asked to choose.

6. In a somewhat different category, also under discussion are possible changes in the structure of the political system. A key issue here is whether to adopt a proportional representation or list system, perhaps modified to Indian realities, in favor of the present single member, first-past-the-post constituency system.

7. Finally, the quality of the democratic process in India has been somewhat diminished by the lack of any reapportionment or reallocation of Lok Sabha seats since the 1971 census, and the prospect of no major adjustments until after the year 2000. This may be mitigated by reallocation of seats within individual states and union territories.

8. None of these issues is new, much less unique to the 1989 election. Nor are most of them unique to India. Many of them, and proposed remedies, have been recurrent topics of discussion in India for years and in some cases decades. There are undeniably powerful forces which favor the status quo...almost certainly overrepresented by those, from all parties, who were winners in the 1989 elections. Some observers are cynical about the prospects for important reforms, or expect them to take a very long time. Yet we have a sense that there may now be more urgency about addressing the need for reform. We arrived in New Delhi at a time when discussions of election reform were being undertaken on an all-party basis. Prime Minister Singh, in an interview given shortly after the election, committed himself to "a package of electoral reforms," including state funding of elections.

9. It must be stressed that these various deficiencies have been identified, not by ourselves or other foreign observers, but by Indians themselves. Indian election officials might welcome foreign inputs and assistance in certain specific areas, mainly technical, provided they believe that there is something from the U.S. side that could make a contribution to their own efforts.

10. There was a good deal of interest, in our conversations with Indian leaders in different fields, about features of the U.S. political system, and some very good questions---based for the most part on a very sophisticated understanding of our system--about our own electoral system and our efforts to reform it. Some of these discussions reflected both admiration for the U.S. system

and a clear understanding of those areas where our own system has fallen down. They also showed keen awareness that some U.S. reforms (e.g. in the election funding field) have demonstrated "the law of unintended consequences".

11. Indian democracy has broad implications for the democratic process worldwide. The sheer weight of India---as an established, functioning democracy, as a country enjoying high credibility with many nations of the world and, despite undeniable bilateral differences, as an important nation with whom the United States enjoys good relations---argues powerfully that our own interests in promoting democracy worldwide will benefit from a sustained dialogue with India on election-related issues. Properly conducted, this could be a dialogue from which both sides can learn.

12. We believe that our visit, the dialogue we held with ranking Indians, and this report might, given appropriate followup, provide the basis for some ongoing cooperation between IFES and the Election Commission of India. A first step, with the concurrence of IFES, AID, and the U.S. Embassy, might be the sharing of this report with Election Commission and perhaps other Indian officials, together with a letter outlining areas in which IFES or other institutions may be able to assist India, if requested, on the procedural side of conducting elections.

13. The timing is propitious. The Government of India in the next several months will be actively exploring the issue of election reform, in its different aspects, and drafting legislation and administrative decrees aimed at improving the process.

IX. List of Individuals Contacted and Interviewed
New Delhi, January 14-19, 1990

Indian Nationals

Mr. K.P.G. Kutty, Secretary, Election Commission of India
Dr. Pradeep Mehendiratta, Director, American Institute of Indian Studies
Mr. M.C. Gupta, Staff Economist, USAID, New Delhi
Mr. M.D. Jotwani, Chief, Embassy/USAID Resource Center
Dr. R.P. Bhalla, Deputy Election Commissioner, Election Commission of India
Mr. P.M. Mapatra, Chief Election Officer, Orissa State
Mr. S.D. Mendiratta, Secretary, Election Commission of India
Dr. Bashiruddin Ahmed, Fellow, Center for Policy Research
Dr. Ramashron Roy, Director, Center for Study of Developing Societies
Dr. Roxna Subramiam Swamy, Advocate, Supreme Court of India
Mr. Subramiam Swamy, Vice President, Janata Party
Mr. Mohan Guruswamy, Advisor and Member of National Executive, Janata Dal Party
Mr. Siddharth Shriram, DCM Limited
Mr. V.K. Malhotra, Member of Lok Sabha and Member of National Executive, Bharatiya Janata Party
Dr. Gopal Krishna, Staff Member, Center for Study of Developing Societies
H.E. Harish C. Sarin, former Ambassador of India to Nepal
Hon. Narsinha Rao, M.P., Congress Party of India, and former Foreign Minister
Mr. S. Jaipal Reddy, former M.P. and General Secretary, Janata Dal Party
Ms. Latha Reddy, Deputy Director General, Indian Council for Cultural Relations
Mr. Inder Malhotra, Journalist
Mr. Neelan Sabharwal, Director, Middle East, Africa and Eastern Europe, Ministry of Foreign Affairs
Mr. Pran Chopra, Journalist
Dr. Urmilla Phadnes, Jawalharlal Nehru University
Dr. Satish Kumar, Jawalharlal Nehru University
Dr. I. Ahmed, Jawalharlal Nehru University

Americans

The Honorable Walter Clark, Jr., U.S. Ambassador to India
Mr. R. Grant Smith, Deputy Chief of Mission
Mr. Robert N. Bakley, Director, USAID
Mr. Tim Mahoney, Assistant Director for Program Operations, USAID

Mr. John Grant, Control Officer; Office of Program Operations
Mr. George Sherman, Political Counselor, U.S. Embassy
Dr. Walter Andersen, First Secretary/Political, U.S. Embassy
Ms. Susan Keogh-Fisher, Political Section, U.S. Embassy
Mr. John Whitehead, President, The Asia Society (visiting)
Mr. Marshall Bouton, The Asia Society (visiting)
Dr. Leo Rose, Department of Political Science, University of
California, Berkeley (visiting)

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* Supplied to IFES as documentary backup to this report