Expert Workshop on
Better Elections for Healthier Democracy

Initiated by
State Election Commission, Maharashtra

and hosted by
Department of Civics & Politics, University of Mumbai

Venue: Virtual Classroom, Pherozshah Mehta Bhavan

6 July 2018

CONTENTS

Sr. No.	Title
1.	Introduction to Expert Workshop
2.	Background
3.	Goals & Objectives
4.	Participants & Process
5.	Inaugural Session
6.	Session I – Introduction of 5 Themes
7.	Session II – post-Group Discussion
8.	Key Speeches
9.	Concluding Session

Background

On 6 July 2018, Institute of Democracy, Elections and Good Governance (IDEGG), a wing of State Election Commission, Maharashtra (SECM), organised a one-day Expert Workshop jointly hosted by University of Mumbai at University of Mumbai (Kalina Campus) from 10:00 a.m. to 06:00 p.m. The gathering included personnel including former election authorities, former Indian Administrative Service (IAS) officers, Income Tax officers, Indian Police Service (IPS) officers, local-body election experts, academicians, etc. to discuss, deliberate and provide value-adding inputs in the form of suggestions to SECM for the purpose of bettering the election management process at the local-body level.

The Expert Workshop on "Better Elections for Healthier Democracy" aimed towards bringing to the discussion table a variety of issues that simultaneously exists in the election environment, hosting challenges that can be addressed through knowledge creation and sharing of best practices.

The occasion also presented detailed and systemic sharing of ideas, opinions and experiences from authorities, officers and experts, in the form of research papers, presentations, group discussions, etc. to effectively and efficiently serve the purpose of organising the workshop. The SECM has closely worked with different state authorities and election experts over the past few years, bringing the concept of sharing and conceptualising best practices amongst different stakeholders working on local-body elections and related areas; this Expert Workshop has been another such successful attempt, following conferences held at national and regional level.

Themes for Expert Workshop on "Better Elections for Healthier Democracy"	
Sr. No.	Theme
1.	Ownership of Elections by Public/Civil Society Organisations
2.	Inclusiveness of Multifaceted Society of India (Poor, Downtrodden, Women, Disabled, etc.)
3.	Use of Social Media, Fake News During Elections
4.	How to Develop the *Institute of Democracy, Elections and Goof Governance* Established by *State Election Commission of Maharashtra*
5.	Strategies for Combatting Misuse of Money and Muscle Power During Elections

Host - *Smt. Anuya Kuwar, Project Coordinator, Asia Region, Commonwealth Local Government Forum*
Panel
- ❖ *Shri. J.S. Saharia, Commissioner, State Election Commission, Maharashtra*
- ❖ *Shri. Shekhar Channe, Secretary, State Election Commission, Maharashtra*
- ❖ *Dr. R.D. Kulkarni, Pro Vice Chancellor, University of Mumbai*
- ❖ *Dr. Sudha Mohan, Head of Department, Department of Civics and Politics, University of Mumbai*

Shri. J.S. Saharia Commissioner, State Election Commission, Maharashtra
- ❖ **Independent status of the SEC:** SEC enjoys the same status and power, as that of ECI in the domain of the local body elections.
- ❖ **Volume of Local Body Elections** - In Maharashtra, there are 28,000 local bodies, 27 Municipal Corporations, 361 Municipal Councils, 34 Zilla Prishad, 351 Panchayat Samitis and 27,250 Village Panchayats. These local bodies having 2.5 lakhs elected representative, as against the 5,500 elected members from Parliament and Assembly elections.

Major initiatives of State Election Commission, Maharashtra during 2016-17:-
- ❖ **100 per cent digitalization of nomination and affidavits**: Candidates compulsorily have to fill nominations and affidavits on the website thus reducing the number of rejections. This also makes the data available of the elected representative, which can be further used for analysis.
- ❖ **Display of Affidavits:** The criminal and financial background of the candidate is displayed outside the polling station as well as published in the newspapers, helping the voters in making informed choices.
- ❖ **Registration & Deregistration of Political Parties:** The Election Commission of India does registration as well as recognition. Any party who is not registered with SECM will not get a symbol of their choice, including the National Parties.
  There were about 450 political parties, in 2014. As SECM found, many of them were not following the laid down discipline. These 220 political parties have been deregistered. It had to be done to follow discipline and if it is not followed, SECM will not allow them to contest.
- ❖ **Banned the Use of Discretionary Grants**: Use of Discretionary Grants by Elected Representatives of local bodies as well as Members of Legislative Assembly was banned prior to three months to the date of expiry of their respective term in the local body
- ❖ **Research on dynamics of local-body elections**: SECM engaged a couple of universities including University of Mumbai and Gokhale Institute of Politics and Economics, Pune (GIPE) to conduct researches. These Institutes have done great research on 20-25 topics in two years and have come out with very good reports on local body elections and its dynamics.
- ❖ **Income Tax officers as expenditure observers:** For the first-time, **SECM** appointed Income tax Officers as expenditure observers.
- ❖ **Institute of Democracy, Elections and Good Governance:** SECM has also established the Institute of Democracy, Elections and Good Governance to study and initiate research projects to help understand the dynamics of local body elections. (A booklet containing the major initiatives of SECM was distributed amongst the participants)

Institute of Democracy, Elections and Good Governance: SECM has established the Institute of Democracy, Elections and Good Governance in 2015. He explains various activities done through this institute:-

(i) **Oath by Students:** Introduced Oath to be taken by first-year varsity students at the time of admission – 'to register as a voter as soon as he/she attains 18 years of age'.

(ii) **Compulsory Module on Democracy**: Introduced a compulsory module on democracy, election and good governance for students of all faculties in the first-year.

(iii) **Research**: Researches were conducted with the help of GIPE and University of Mumbai on electoral and functional dynamics of Zilla Parishad and Panchayat Samiti, Voter Perception in Municipal Council (Elections), Use of Technology in Electoral Candidates, etc.

(iv) **National Conference**: SECM Celebrated the 25 years of 73rd and 74th Constitutional Amendments Act by hosting National Conference on 2nd & 3rd November, 2017.

(v) **Democracy Fortnight**: Celebrated Democracy Fortnight from 26th January 2018 to 9th February 2018, to spread the concept of democracy, elections and good governance.

(vi) **Workshop for Political Parties**: To make political parties aware about their role in the democracy, SECM held workshop of political parties; Looking at the response, SECM's intend is to hold similar workshops at the regional level across Maharashtra.

(vii) **Future Plan**: As part of the IDEGG, an International Conference of authorities responsible for conducting local-government election from across the globe will be hosted; developing Democracy Index.

Common Act: SECM is drafting a Common Act for Local body elections and also trying to fill-up the vacuous areas in the Act. The experts, present in the conference, were asked to contribute, for the same.

Dr. R.D. Kulkarni, Pro Vice Chancellor, University of Mumbai

1. Reiterated his support and co-operation of all sorts within the jurisdiction of University of Mumbai
2. Assured that the course developed by State Election Commission will be taught in the first-year of Bachelor's Degree across all streams; implemented with effect from 18-19 Academic Year.

Dr. Sudha Mohan, Head of Department, Department of Civics and Politics, University of Mumbai

1. This workshop will bridge the existing gaps between the state and academia through cooperation, collaboration and coordination between different sectors and actors as well as by engaging meaningfully with institutes of governance.

Chair - *Shri. S.M. Vijayanand, Rtd. Indian Administration Service Officer*
Panel
- ❖ *Dr. Rajas Parchure, Director, Gokhale Institute of Politics and Economics, Pune*
- ❖ *Shri. Bhim Raskar, Director, Resource and Support Centre for Development*
- ❖ *Shri. Balsing Rajput, S.P., Cyber Branch, Maharashtra*
- ❖ *Dr. Mrudul Nile, Associate Professor, University of Mumbai*
- ❖ *Dr. T.R. Raghunandan, Rtd. I.A.S. Officer*
- ❖ *Shri. Mahesh Zagade, Ex-Principal Secretary, General Administration Department, Government of Maharashtra*
- ❖ *Shri. Avinash Sanas, Deputy Commissioner, State Election Commission, Maharashtra*

Ownership of Elections by Public Civil Society Organisations
by Dr. Rajas Parchure, Director, Gokhale Institute of Politics and Economics, Pune

1. **Related Studies –** Conducted a study on voter turnout in Pune Municipal Corporation Elections. The phenomenon is a decline in voter turnout.
2. **Dimensions of voter turnout –** Two important aspects of the voter turnout are the size of the voter turnout and the composition of the voter turnout.
   a. Due to bad size and composition of voter turnout what kind of representatives might get elected and thus will they translate the preferences of the citizens into policies and actions
3. **Voter Turnout –** National level elections have highest voter turnout followed by the federal level and local level.
   a. In USA and Western Europe studies shows that the people who vote are typically older, are from wealthier community are more educated and are white.
   b. Non Voters have a different profile than the profile of the people who vote thus raising the question of quality of representatives.
4. **Strategies to Increase Voter Turnout –** To consider compulsory voting as a measure.
   a. Improving registration and close down the gap by use of AADHAR and mobile numbers.
   b. Make people aware about the case of no vote the information will be shared with neighbours thus creating pressure to vote.
   c. TV ads to be targeted at young audiences, door to door movement by volunteers prior to and on Election Day etc.
   d. Inclusion of e-voting i.e. voting through internet or mobile phone.

Inclusiveness of Multifaceted Society of India (Poor, Downtrodden, Women, Disabled, etc.)
By Shri. Bhim Raskar, Director, Resource and Support Centre for Development

1. **Introduction –** Working with Mahila Rajsatta Andolan for past 18 years reservation doesn't help women to come into power in governance thus inclusion is necessary.

2. **Primary Issues with Reservation –**
   - ❖ How to vote for free and fair elections without the support of husband and family members.
   - ❖ Issues likes division of work i.e. women are not able to complete their term, character assassination, loss of connectivity, budget phobia etc.

3. **Exclusion –**
   - ❖ Recent instance of Mob lynching in Dhulia, which is against democracy.
   - ❖ Diversity is leading to exclusion of various groups in our country with respect to elections.
   - ❖ Fighting the creamy democracy which leads to exclusion of other groups in society and system.

4. **Excluded Groups –**
   - ❖ Unreached section consists of weaker people, weaker groups like Nomadic tribes, de notified tribes, Payment dwellers, beggars etc.
   - ❖ Voteable and Reachable but non-registered groups consist of ST, SC, minority groups and physically challenged people.

5. **Issues related to voters –** Difficulty in getting a voter card.

6. **Strategies/ Recommendations –**
   - ❖ We need to reach out to the non-registered voters and register them.
   - ❖ To implement policies like election appreciation policy, award distributions, so that voters are felicitated and thus motivates them to vote.
   - ❖ Voters to be declared anti corrupt by using stickers outside their doors, etc.
   - ❖ Using good governance to enhance voters trust in democracy and elections.
   - ❖ Multimedia campaigning can be used to change the mind-set of the voter

Use of Social Media, Fake News during Elections
By Shri. Balsing Rajput, S.P., Cyber Branch, Maharashtra

1. Six challenges: Election Machinery, Fake News, Crimes Committed on Social Media, Social Media Awareness, Social Engineering, Social Transaction (Online Transaction and Expenditure)

2. There are Six Layers of the Internet: Real, Network, Information, Personas, People and Social.

3. The 6th Layer of Internet constitutes Social Media (SM). It includes personalities that may be real or only virtually existing. While, actions on SM have real life implications, there is hardly any attempt to understand this phenomenon.

4. There are three parts of the Web/Internet: Surface Web, Deep Web and Dark Web.

5. Most of SM and its identities are only limited to Surface Web and Deep Web. Whereas Dark Web has certain communities and a parallel setup of corporations (carryout dissemination and shaping of personas in the virtual world) and criminals – hidden groups manipulating most things on Internet.

6. There are about 18-19 types of SM, out of which 8-9 platforms are used most often. These latter platforms are often one-to-one encrypted, support formation of groups, user can edit, etc.

7. The role of SM has raised various Questions that have led us to enquiry on aspects of data, keywords, information and facts.

8. Communication has become convenient in the virtual world, as large-scale mobilisation of people takes place, in the form of one-to-one and one-to-many.

9. Amongst other platforms, WhatsApp is the most highly used platform for information and fake news circulation. Its technical structure (end-to-end encryption) makes it difficult to control the fake news and information disseminated on this platform.

10. There are existing Troll Armies and Non-State Actors that perform organised syndicates to manipulate the psychology of the voter and information. There are terrorist organisations as well that use SM for the period of Elections. In addition, there are intelligence agencies from other adversary countries that use bots for spreading misinformation.

11. Psychological operations are carried out through Groups; coordinated and syndicated misinformation campaigns; use of targeted ads, bots and Artificial Intelligence tools.

12. In the same, there is a crucial role of Big Data and Data Engagement during election period, while selling of data information – information based on communication -- excluding one-to-one -- is used.

13. Objectionable Acts: in Elections over SM, Trolling and Cyber Bullying are widely conducted acts, mainly to supress the candidates and spread certain opinions. Defamation, naming and shaming happens, as image of the candidate is an important pillar during the elections.

14. The role of information warfare is crucial, and focus should be directed towards it, as countries such as the USA, China and Russia already have done. This is a tool used to control information and manipulation of the same – a phenomenon present today amongst Indian voters.

15. Similarly, Twitter accounts and YouTube news channels are used and wide scale information is spread, causing un-rest in society. Alongside this is the growing importance of Artificial Intelligence, increasing WhatsApp and Telegram Groups -- and their usage in the Indian Market.

16. A three-front strategy: 1. Declaration of parties and candidates; 2. Monitoring informatives and analytics of social media; 3. Expenditure and advertisement accounts.

17. Blocking the Fake News Content: as per Information Technology Act: Blocking and taking strict action against fake news content and content creators as well as disseminators under SECM's quasi-judicial powers. A portal should be setup to tackle the issue of Fake News; compiling fake news citizens received from different source on a common platform created by the SECM.

18. Election Commission: Social Media Interaction/Engagement with the Voters along with Regulation and Monitoring of Social Media for Elections. While, there shall be disclosure of

Social Media Accounts and Profiles + Platforms used by Parties and Candidates to the SEC as part of Form No.24. In addition, certification for paid and non-paid advertising on SM.

19. Setting up of: Internet and Social Media Monitoring Unit; Online Transaction Monitoring; Cyber Security angle to Election Monitoring; Election-Cyber Security Campaign, particularly cyber hygiene; Digital Literacy – targeting of college going students for this purpose; Setting up a cell for SM monitoring

20. Protection of Digital Assets of Commission: In Section 70 of the IT Act selected systems can be declared as protected systems – declaring the same as national critical information asset by the SECM

How to Develop "Institute of Democracy, Elections and Good Governance" Established by State Election Commission, Maharashtra

By Dr. Mrudul Nile, Associate Professor, University of Mumbai

1. **Vision –** To create an academic and professional community to promote elections and democracy and this should percolate down to last man for empowerment of all sections of the society and participatory management at local level through increased participation in electoral process.

2. **Form of Institute –** It should be autonomous and specialized agency to bring in those kind of changes which state, academia and local people would like to see in the society in future

3. **Academic Programmes –** Will be run in collaboration with university. Institute will endeavour to bridge the gap between government and the governed.

4. **Structure –** Three pillars Research, Training and Academia.
   1. Institute to build own resources.
   2. Institute should be some kind of depository of knowledge and for that data
   3. Management system is required.
   4. Should serve as an important training agency for electoral process for local
   5. Representatives and government officials also.

5. **Affiliation & Courses –**
   i. Institute should at least be affiliated to two universities
   ii. PG degrees should be initiated in public policy and governance which is important in the view of policy decisions needed and
   iii. Development programmes.
   iv. Outreach programmes for representatives at district, block and gram panchayat level.
   v. Working of all courses should be with university itself.

6. **Work Distribution & Funds –**
   1. University will provide academic and infrastructure and SECM will provide guidance and finance.
   2. Make people aware of institution and research suggestion should be submitted to the government.

7. **Summary –** Directions teachers and project coordinators.
   1. 1 coordinator for 1 district.
   2. Research Fellows.
   3. Field officers from government and University.

Strategies for Combating Misuse of Money, Muscle Power during Elections
By Dr. T.R. Raghunandan, Rtd. Indian Administration Service Officer

1. **Satya, Ahinsa, Swaraj, Sarwodaya and Antyodaya:**
   There are 7 Inefficiencies in the Electoral Process: Inaccurate Voter List, Ineffective Monitoring of Campaign Expenses, Voter Intimidation and Bribing, Dilution of Secrecy of Ballot, Machine Unreliability, Weak Internal Management Processes and Distortion of Mandate by the First Past the Post system

   i. Inaccurate Voter Lists:
      Solutions:
      - Proper Work Study on How Much Time Is Required To Do A Good Job,
      - Deployment of Proper Staff,
      - Use of Tech Such As Face Recognition Software to Identify And Simplify The Removal Of Duplicates,
      - Online Application System to Be Made More Effective

   ii. **Ineffective Monitoring of Campaign Expenses**
      - Lots of effort in chasing pennies when the big ticket expenditures are not monitored.
      - Has the effect of reducing visible campaign expenditure but cannot reduce bribing
      - Innovative methods of voter intimidation – impounding of voter IDs and taking selfies, spreading rumours about VVPAT

   Solutions:
   - Strict deterrent action on parties, including warnings and disqualification of candidates
   - More flying squads and staff on the ground on Election Day

   iii. **Dilution of Secrecy of the Ballot:** Counting of votes booth viz. enables winning parties to undertake reprisals on communities that have taken bribes but not voted for them.

   iv. **Totalisers:** Use of Totalisers to lose the link between votes and booths. This weakens the incentive to bribe, as bribe fivers cannot have data to check whether bribe takers have (broadly) voted for them.

   v. **Weak Internal Management Process:**
      - Violation of orders relating to the conduct of polling agents and other facilitators on Election Day –
      - Local police showing distinct bias to offer protection to sitting MLA and enabling him to drive into polling booth areas with police protection
      - Police looking the other way when intimidation was being undertaken by political goondas
      - Impersonation by counting agents on counting day
      - Independents selling their counting agent privileges to mainstream political parties so that their supporters can enter the counting hall in larger numbers than permitted.

   vi. **First Past the Post System distorts the mandate:**
      - Constituency sizes vary dramatically, thus changing the value of each voter's vote, from constituency to constituency
      - Small swings of the vote can dramatically change the result, which incentivizes bribing, intimidation and distortion of the voters list

   Solution: We need to debate the merits and demerits of other systems of democratic representation

Additional Paper/PPT on "Strategies for Combating Misuse of Money, Muscle Power during Elections"

1. **Avinash Sanas**

   ➢ What is money power in election?-   'Need of money' due to inequity turns into money power. The abuse, misuse and negative effects of money creeps in the election campaigning.
   ➢ The nexus with muscle power, with criminals, with black money and with interest groups starts. This opens an array of evil effects, leading to vicious circle of need for money and then need to spend.
   ➢ The phrase "money buys speech" is true in election arena, and when candidates lack money to buy media time and space they are effectively silenced. Their inability to "speak freely" violates the most significant intentions of our nation's founders: that a sovereign citizenry elect its own leaders based on a free exchange of ideas.
   ➢ Future Plan and Strategy:
      • Bringing maximum Transparency as possible by (a) E-filing of accounts of Party and candidates made compulsory (b) Separate bank account for Campaign expense of the Political Party during election period (c) Funds received during campaign period by Political Parties and candidates need disclosure during election period (d) Limited Direct State funding of campaign expense of political parties, (media expense or Public rallies) to leverage transparency (e) Restraint on receipt of anonymous donations by parties and candidates during election period Effective implementations of rules, regulations and directions.
   ❖ Defining third-party campaigners and threshold for registration with ECI.
   ❖ Reporting obligations and expenditure limits for third-party campaigners. Prohibition on certain source.
   ❖ Use of technology to check the new methods and gather data.
   ❖ Formalizing and steering for new and strict regulations.
   ❖ Data should be made timely, reliable, accessible and intelligible.
   ❖ Timely information is key where civil society organizations get involved as watchdogs over political financing. Information available only months or years after the election of the end of the fiscal year makes the information less relevant for public discussion.

2. **Mahesh Zagade**

   ❖ Root causes: Use of Religion, Caste, sectarian feelings playing with subconscious.
   ❖ Re-unification of political sphere and economic sphere.
   ❖ Clear, mandatory, defined, time bound deliverables prior to voting.
   ❖ Mechanism to secure implementation of deliverables post-election.
   ❖ Segregation of roles assigned to Elected Representatives and accountability of bureaucracy.

SESSION II
POST-GROUP DISCUSSION
Chair – *Shri. P.K. Dash, Ex-Director General, Election Commission of India*
Panel
- ❖ *Dr. Rajas Parchure, Director, Gokhale Institute of Politics and Economics, Pune*
- ❖ *Smt. Manasi Phadke, Project Consultant, Gokhale Institute of Politics and Economics, Pune*
- ❖ *Dr. Ajit Ranade, Founder Member, Association for Democratic Reforms*
- ❖ *Shri. Balsing Rajput, S.P., Cyber Branch, Maharashtra*
- ❖ *Shri. Vishal Gaikwad, Gokhale Institute of Politics and Economics, Pune*
- ❖ *Shri. Avinash Sanas, Deputy Commissioner, State Election Commission, Maharashtra*

Ownership of Elections by Public/Civil Society Organisations
Dr. Rajas Parchure, Director, Gokhale Institute of Politics and Economics, Pune

Recommendations:
- ➢ Paradoxical trend in India, where decline in voter turnout is not observed as compared to other democracies.
- ➢ Opposite trend of voter turnout observed in India. Gram Panchayat has the highest voter turnout, followed by state and national elections. Unlike other democracies where the hierarchy of turnout is exactly the other way round. In India, there is a big gap that exists between rural and urban voter turnouts; special steps are required to boost urban voter turnout.
- ➢ Large gap observed between Hindi belt (54 per cent) and South belt (68 per cent), with regard to voter turnout.
- ➢ Updating and cleaning of voter list by matching data with AADHAR Cards. Elimination of duplicate voters if any.
- ➢ Making voter registration process simpler by involving Housing societies, colleges and workplaces.
- ➢ Inclusion of voter registration and turnout as a parameter in all Government run incentive/awarding schemes, in rural areas.
- ➢ Election days to be weekends specifically, with the process stretching over two days.
- ➢ All local body elections, both urban and rural to be held on the same day; as far as possible.
- ➢ Messages/Reminders to be sent a day prior and on the day of election.
- ➢ Rapid process for development of e-Voting must start at the earliest.
- ➢ Media drives for voter awareness campaigns to be carried out, which resemble the campaigns of NRHM, NREGA.

Recommendations:

➢ **Women:**

A. **Observations:**
  - ➢ Exactly 50% winners seem to be women. Women contest only on seats reserved for women, not on general seats.
  - ➢ Percentage of women voters tends to be less compared to men.
  - ➢ Women are proxy candidates for the dominant male politicians.
  - ➢ Physical mobility hampers the political mobility/dynamics between bureaucracy and elected women representatives.
  - ➢ Ad-hoc frequency of trainings including the induction training.

B. **Suggestions:**
  - ➢ Could the SECM lay down rules regarding minimum participation of women/SC/ST within a political party consistent with the existing norms of democracy within the political party (*Pakshantargat Lokshahi?*)
  - ➢ Induction training to be given to all elected representatives within one month of getting elected. Only after the successful completion of training, will the elected representatives be given the charge of the local body (Key role for Institute of Democracy, Elections and Good Governance).
  - ➢ Training calendar to be issued by concerned department and SECM to facilitate.
  - ➢ Need based and decentralized training.(budget and current affairs)

➢ **Affluent:**

A. **Observations:**
  - ➢ It's the affluent across the entire creamy layer who seems to be the winners.
  - ➢ Nexus between the candidates and contractors.
B. **Suggestions:**
  - ➢ Random checking of the figures quoted in the affidavits.

1. **Other issues:**

A. **Observations:**
  - ➢ Participation of STs/ Nomadic tribes/aboriginals – a challenge
  - ➢ Direct election of Sarpanch – impact on inclusiveness; has it worsened inclusivity?

Recommendations:

1. **Introduction:**
   i. WhatsApp Groups- Dr Ranade pointed out that there are statistics which show that dissemination of Fake News through these WhatsApp groups, one-to-one messaging, and out of these two types, the latter accounts for the larger chunk of the per cent.
   ii. There is a greater perspective that Fake News is carried out at the Group level rather than individual or one-on-one messaging. 90 per cent of the traffic is from person-to-person exchanges, and not exactly organised groups that are there; so it is like a viral phenomenon.

2.
   Supply Side and Demand Side:
   i. We have supplied side measures and we have demand side measures. So there are measures that the election authorities can specifically undertake we also have that can be taken up by individual people; we cannot ignore the role of people that become sceptical.
   ii. As we are pressurising that the Supply Side should be curbed: Political Parties, Politicians and Candidates. These people should be held accountable, which would in-turn affect the measures on the Demand Side of matters. So who are these people generally interested in Fake News?

3. **Suggestion 1: Spreading of 'right' and 'good'** information about and during Elections by influencing personalities; this may include the demand side i.e. Election Commission, Bureaucrats, Administration etc. against the flow of Fake News. We should be force multipliers for good news.

4. **Social Media Listening Officers or Social Media Officers:**
   i. Social Media Listening or Social Media Officers should be appointed. So just like we have enforcement squads for Money and Muscle Power, according to various constituencies; we shall also have these listeners in the same bracket. So the EC/SEC has to have full-time person/persons who has his eyes and ears on SM i.e. like you have for Money Monitoring etc. across different platforms. They also need to be empowered that at any point if there is a suspension they can conduct an investigation and enquiry into that issue.

5. **Encouragement and Funding of Fact Checking Agencies, NGOs or Third-Party Agencies**
   - Presently, the Government and other respective bodies are also carrying out such fact checking but after a point this will be beyond their limit to do it alone; so there are some agencies present such as Social Media Hoax Slayer and Alt News. Then there is BOOM Live; there are also initiatives between Google, BOOM Live and Election Commission of India.
   - **Enhancing Reach through Collaborations:** This is an activity conducted by Google for the 5,500 journalists to help themselves better identify what is actual news and what is Fake News or Information. Our proposal is to the SEC we should also carry out a parallel exercise with Facebook or Google, maybe some other SM giants i.e. to teach the officers, journalists, 3rd party agencies, candidates as well as parties.
   - **Madras High Court Judgement** has given a verdict for WhatsApp forwards i.e. if you are forwarding a WhatsApp message that means you as an individual are in line with that WhatsApp message/writer etc. In the Shreya Singhal v.

Union of India case where the Likes were not considered to be grounds for prosecution. In the light of the Madras judgment, we should highlight to the people, to SECs and other authorities if you forward Fake News you will be held equally liable as the creator.

6. **Code of Conduct – Ethical and Moral Code for Journalists:**
   - There is no vivid Code of Conduct for the journalists and media houses from the ECI. There are some guidelines offered by the PTI. We should come up with Moral and Ethical code, not anything enforceable i.e. to be issued by SECM to the various media houses across different platforms. If there is a breach, we should seek PTI and measured response in a timely manner should be done.
     - i. Ads should also be stopped before 48 years of the Elections: ads, hashtags and mentions. SECs should work with SM giants to get this thing started. **It is possible, and should be done under the quasi-judicial powers of the SEC.**

7. There should be **specific mention of Electronic and Social Media in the SEC Act**

8. There should be **Oath Taking by the Candidates** that they will **Not Spread Any Type of Fake News**. We should run a campaign, **in the schools and colleges the new voters** can be made aware about these activities – how and why they should not encourage or be part of such activities.

9. We should protection and confidentiality of the information – we should encourage the people that come out and expose Fake News practices.

10. **Online Transactions:** Regarding Online Transactions, we submit that wake of the Karnataka Elections wherein the QR Codes and Money; **transferred to different candidates** – Scan the codes and get the decided money instantly.
    - i. **Collaborating with e-Wallet and Reserve Bank of India for Tackling the Issue with Online Money Transfer:** So, by working alongside e-Wallet companies and RBI as well as other banks; these banks and e-Wallet companies can work with us and report such activities pre, during and post elections; banks have a system whereby they identify abnormality in the transaction pattern; so, from A account or branch this is the normal flow of transactions and there was some abnormality, it could be reported; during the Election period they should report it to the ECI/SECs

How to Develop the *Institute of Democracy, Elections and Good Governance* Established by State Election Commission, Maharashtra *Vishal Gaikwad, Gokhale Institute of Politics and Economics, Pune*

Recommendations:

- ➢ **Philosophy**
  a. Democracy
  b. Governance
  c. Elections

- ➢ **Mandate**
  a. This Should Be An Autonomous Institute.
  b. Governing Body- SEC, Govt. Officials, Academia, Civil Society.
  c. Physical Location Probably YASHADA.
  d. Faculty - Govt. Officials on Deputation, Civil Society, Academia, Media, Legal Experts, IT.
  e. Funding- One Time Corpus Fund from Govt., CSR, Corporate Chairs and Consultancy.
  f. Stakeholder-Co-Operative, SHG, NGOs

- ➢ **Functions**
  a. Research and Knowledge Centre
  b. Networking Centre
  c. Consultancy
  d. Lead Institute for all SECs
  e. Training centre for Resource Personnel

- ➢ **Organisational Structure**
  a. Director: Selection Should Be From Panel. Panel Constituted By SEC Commissioner.
  b. Tenure - Three Years (Can Be Extended By Two Years)

Misuse of Money Power and Muscle Power during Elections *Avinash Sanas, Deputy Commissioner, State Election Commission, Maharashtra*

- ➢ **Topics of Suggestions**
1. Regulate political financing
2. Bring more transparency
3. Preventive steps
4. Awareness Campaign
5. Create Fear Factor by Exemplary Cases
6. Effective enforcement of existing laws
7. Use of Technology
8. New Laws & Regulation
9. Other

➢ **Regulate Political Financing**
- Filing of accounts of Party and candidates be made compulsory (PD).
- Ceiling on money receipts so as to encourage only small donations (PD).
- Social Audit of Political Financing (PD).
- Third Party campaigner expenses be regulated on lines of 3rd party campaigners Act in UK (PD) (SJ).
- Money movement even before MCC, intelligence on it be gathered. Involve local intelligence (NY).
- Expenditure sensitive constituency can bring focus. (NY)
- Observer should be in discovery and action mode rather than just Observer. Guidelines needed. Action on intelligence gathered before the action period. Experience shows IT ends up doing only auditing (NY).
- Only e-payments to receive and spend (PP)
- Monitor source of funds (PP)

➢ **Transparency**
- Disclose political finance in public domain
- Invite public objections and develop machinery to decide on objections
- Disclosure of pre-candidature expenditure on line of Federation Election Act in US (which makes any public activity 1 year before election by candidate mandatory to disclose).
- Compulsory manifesto submission to Election Commission and timely report card about fulfilling of promises from manifesto to Election Commission, as a legal requirement. Its display in public domain.
- E-filing of accounts of Party and candidates made compulsory
- Restraint on receipt of anonymous donations by parties and candidates during election period
- Data should be made timely, reliable, accessible and intelligible. Timely information is the key where civil society organizations get involved as watchdogs over political financing. Information available only months or years after the election of the end of the fiscal year makes the information less relevant for public discussion.

➢ **Preventive**
- Preventive action 6 months before for CRPC (PP)
- Why money is spent? Identify that. Make statutory tool to stop such making of money. Eg. Approval of tenders, etc. should be removed. Amend Laws in such area. (MZ)

- Failure of Official machinery is responsible for corruption. Strengthen machinery to take action. Put responsibility, held accountable highest boss eg Secretary. (MZ)
- Preventive action under CRPC be vested with police (NB)
- CCTV & public activity video graphing of candidate be used for surveillance and collect evidence (NB)
- Booth re-location away from caste dominant areas (NB)

➢ Awareness Campaign
- Awareness Observer role is important; seen in Bihar election – does great job – starts 2 to 3 months prior to elections
- Make voters aware. Awareness is important. Enforcement should come later
- Involvement of NGOs and civil society organizations to spread the message against bribery
- Pledge by candidate & political parties: I do swear in the name of God/do affirm that:
    i.   I shall uphold the purity of election process, and
    ii. make all efforts to curb the pernicious effects of Money power and Muscle power, and
    iii. I shall cooperate with the Commission in conduct of free, fair and clean elections
- Campaign for educating the voters on the legal provisions against bribery
- Appeal to Political Parties: I. To exercise self-restraint. II. To avoid transactions in cash during the election process. III. To advise their party functionaries, candidates and agents not to carry huge cash in the constituency during election process.

➢ Fear Factor By Exemplary Cases
- It's a Game of cat and mouse. Create exemplary cases. Fry 2 or 3 big fish. Create fear. Take care of favouritism allegations. (TR)
- Use present system to have a Demonstrative effect (SJ).
- Catch 2/3 candidates and make exemplary case (NY).

➢ Effective Enforcement Of Existing Law
- Peaceful election on poll day, but it does not mean 'free and fair elections' (RS)
- Infiltration in campaign. Random checks. Have [aid & unpaid volunteers. Check hawala operators. Use secret funds (TR).
- Bank to give money trail during elections to enable investigation & action (TR).

➢ Use of Technology
- E-filing of election expenditure and sources of funds. Online daily election expenditure submission
- Implement Totalizer (to maintain secrecy of vote)
- Use of modern technology to make efficient response on complaints. Redress the complaints faster. Complaints by parties, NGO, candidates, honest public only 4 sources. Use app to redress like police (BP).

➢ New Law & Regulations
- RPM Act on lines of RPI Act
- SEC can issue direction for 'Disclosure of pre-candidature expenditure' on line of Federation Election Act in US.
- SEC can issue 'Third Party campaigner expenses' on lines of 3rd party campaigners Act in UK

- ECI guidelines cannot be followed blindly for Local elections. SEC to make its own guidelines (RS)

➢ **Others**
- Committee in SEC which includes Police, IT etc.
- SEC is like an umpire in football match; yellow card for 2 violations and 3rd violation be red card, removing all permissions and privileges.
- Make AADHAR mandatory.
- Need regulation of outsiders / non-residents in elections.
- Public debates on the topic, roles, manifestos, achievements can bring a constructive change.

➢ **Internationally Recognised 4 Pillars For Clean Elections**
- Transparency - by Reporting & Disclosure
- Deterrence – by Banning & Limiting
- State Oversight – closing gap between law and practice and government neutrality to elections
- Media & Civil Societies (watchdogs) – larger and active role towards strengthening the democracy.

➢ **SEC Future Plan**
- Learn from past experiences & international best practices
- Take cue from the field & expert agencies and from the observations of court
- Combat the new methods and techniques by using modern technology
- Bringing maximum transparency
- Effective implementations of rules, regulations and directions
- Data & reports should be made timely, reliable, accessible and intelligible, to the voters.
- Wherever possible plenary power to make elections free, fair and transparent

KEY SPEECHES

List of Speakers

- ❖ *Shri. P.K. Dash, Ex- Director General, Election Commission of India*
- ❖ *Shri. S.M. Vijayanand, Rtd. Indian Administration Service Officer*
- ❖ *Shri. Ravindra Shisve, Additional Commissioner Police (Special Branch)*
- ❖ *Smt. Rashmi Sharma Shukla, Rtd. Indian Administration Service Officer*
- ❖ *Shri. Sanjiv Jain, Additional Director, Income Tax*
- ❖ *Shri. Deven Bharti, Joint Commissioner of Police (Law & Order), Mumbai*
- ❖ *Shri. Jagdeep Chhokar, Founder Member, Association for Democratic Reforms*

Shri. P.K. Dash, ex-Director General, Election Commission of India

- ➢ **Disqualification of Candidates:** Initially he congratulated SECM for --

  - **Disqualification of Candidates:** SECM has disqualified 200+ candidates, whereas ECI has disqualified only three candidates in the latter's entire history. Adding that the procedure of disqualification should be done on real time basis.

  - **Deregistration of Political Parties:** The Deregistered/Disqualification Political Parties has been really remarkable.

  - **None of the above/NOTA:** NOTA can be a very important point for disqualification of candidates, expressing his desire to contribute to SECM in such areas.

  - **Deterrent Effects of Money power:** Money Power as a whole has a detrimental effect on the elections, acting as a deterrent of democracy. As a result, the whole process is violated.

  - **Democracy in Surrounding Countries**: India is located in a geopolitical setup surrounded by Pakistan, Afghanistan, Bangladesh, China, Myanmar, Nepal and Sri Lanka. All these are countries where democracy has not taken roots so far, while India is the only country where we have a functional democracy.

  - **Objective and Amendments in Act Varies:** There was a certain Amendment brought for greater transparency and accountability in election spending, while preventing future generation of black money. But, the Amendment was in the favour of the political parties, allowing them to hide the source of their income.
    Political parties are using public funds; they are getting tax injunctions from the donations they are receiving; these political parties get some benefits from the govt., as a result, using public funds.

  - **Role of Civil Societies, Citizens and Political Parties:** For holding elections, ECI/SEC can just go to certain extend, and not go beyond it. So, the Civil Society, Citizens and Political Parties, need to take a step and check the mechanism; creating a system wherein all of us are required to come together and work.

  - **Step by Step Action can be taken for Breach of Code of Conduct (MCoC):** The local level the elections are very fiercely contested. As a result, this fierce competition leads to various sorts of misuse and malpractices. For first-time breach of MCoC, a notice can be circulated to the offender. Then if required, Red Flag can be raised, effectively holding out all the services or privileges that are enjoyed by the candidate for example: vehicles, campaign materials, etc. This will give the message that this candidate is a mischievous person and an offender, in spite of repeated warnings by the ECI/SEC.

  - **Third Party Campaign**: Political parties have to disclose the income coming from a third-party, and the third-party should also be included in the election mechanism, adding a limit mark on donations made by third parties.

- **IDEGG:** The IDEGG should primarily focus on voter awareness. It will have a much greater impact than training govt. officials or political parties.

Shri. S.M. Vijayanand, Rtd. I.A.S. Officer

- ➢ On the issue of elections and money power, he shared a case study of Scotland Yard and his election experience from Kerala. He described that even if there is no system there must be a culture that during elections, election machinery and police will not influenced by politicians.
- ➢ In Kerala, there is formal control over the staff by law, as they are on deputation. In the Election Period, they have quasi-judicial function that enhances the state; they can disqualify a person based on non-submission of accounts, defection and not holding Gram Sabha.
- ➢ **Curbing of Money Power:** Control on the use of Money Power should not just be during elections, it should be earlier.
- ➢ Social Audit of Election Expenditure is possible and some experts are trying to develop a technique for that.
- ➢ Funding IDEGG can be done by the Government or the local-governments donations. While, the training on elections and democracy should be mixed -- from the beginning, not only post-election.

Shri. Jagdeep Chhokar, Founder Member, Association for Democratic Reforms

- ➢ **Electoral Democracy:** Democracy is not only elections; democracy is not a destination; elections are an event in democracy, it is a method of operationalising the democracy.
- ➢ **Election is an on-going activity:** In election monitoring internationally, there are three accepted phases: pre-elections, during elections and post-elections. Election is an on-going activity. Political Parties should be required to declare their Election Expenditure; not only for the period of the election, but one year before the election is due to take place.
- ➢ **Institute of Democracy, Elections and Good Governance:** Elections are not meant for leaders to get elected, but they are meant for citizens and voters to elect their representatives. We train candidates, college students, but we do not train citizens. People should come-up and talk of educating the concept of citizenship. The IDEGG, if it has an ambition to become an institute for democracy, then there must be some provision for education of citizenship.
- ➢ **Electoral Reforms**- Electoral reform is a never ending process. In the electoral and political systems, they are considered as a low intensity long duration task.
  - o When the State Election Commissions will do something, it will become very difficult for the ECI, not to do it.

Smt. Rashmi Shukla Sharma, Rtd. I.A.S. Officer

- ➢ The State Agencies and State Election Commission(s) can intervene for better as well as more capable enforcement of law and strengthening of institutions
- ➢ There is repeated failure to recognise the positives in the elections that have been conducted so far, both at the national and state level; along with the crucial role Public Administration has played, in the same.
- ➢ If one is thinking about long-term and sustained solution related to problems of Elections, it remains crucial that more and improved attention should be placed on SECs as compared to the ECI, particularly when considering resources in hand.
- ➢ Understanding Public Administration through Knowledge Creation and Sharing.
- ➢ Drawing and developing on the close relationship between Politics and Society, and putting it to better use through Knowledge Creation.
- ➢ Understanding and exercising the importance of Knowledge Creation at the local body level, in terms of understanding the governance process, functioning of the Government & its processes, etc.
- ➢ The role of public support is unparalleled; with the kind of importance it brings to finding solutions to the problems present, in terms of elections in the urban and rural setup.

> ➤ The role of Mass Media in finding these solutions should be treated in the light of making them more responsible and accountable for their conduct – more specifically with reference to Social Media.

Shri. Sanjeev Jain, Additional Commissioner, Income Tax

The prime objective today of the candidate is to recover his/her money that has been spent during elections. All the political parties are having their own call centres disseminating messages based on caste and other things. Important suggestions:

- To make a Call Centre under SECM that will disseminate messages which will clarify fake versus correct news
- It must be made mandatory to make the candidate sign the undertaking that he/she will not give bribe. Then the undertaking should be published, as a public statement. The affidavit/undertaking should be put on SECM's website and call centres shall disseminate the message.
- Call Centre can be used for giving the Asset Records and Criminal Records of the candidate to the voters.
- Notice Boards having information regarding the candidates records to be put-up near voting stations, near bus stops to inform the voters. The same information regarding the candidate can be put-up on Social Media.
- It is also important to set-up examples against dishonest candidates by taking strict actions. Using movies, as a tool to point-out certain people, can be an important way to communicate this message; showcasing the person who has been disqualified.
- An Act is needed according to which expenditures by other persons on behalf of the candidate can be reported.
- Cash transactions should have a limit above which the parties shouldn't be allowed to deal in cash transactions.

Shri. Ravindra Shisve, Additional Commissioner of Police (Special Branch), Mumbai

- ➤ Rethinking our approach towards challenges proposed at local body elections, as directives that come from State Election Commission of India are similar to that of Election Commission of India, which are not really applicable.
- ➤ The State Election Commission should be given proper machinery to check the misuse of money power. (By P.K. Dash)
  - **Moral Code of Conduct:** At LSG Elections MCoC happens only on the deterrence factor. So at least these Moral Code of Conduct violations if are dealt with instantly under the powers with SEC, exemplary results can achieved.
  - **Proposed Study:** Wherever Elections are conducted using the EVM machine, one can study about NOTA factor; its selections in the central and local body elections, across urban and rural areas.

CONCLUDING SESSION

Panel

- ❖ *Shri. S. Channe, Secretary, State Election Commission, Maharashtra*
- ❖ *Dr. Ajit Ranade, Founder Member, Association for Democratic Reforms*

- Summarised the outputs of the conference and extended their remarks for the support and contribution of participants.
- The issues that were discussed in the workshop by different stakeholders will now be taken forward and presented in terms of policy.
- This will done to better understand the scope of the information and presentation made today.
- In organizing yet another successful dialogue of experts, at the local-body elections level, the Institute of Democracy, Elections and Good Governance and State Election Commission, Maharashtra has further strengthened on its efforts to build towards conducting of free, fair and transparent elections.