



Situational Prevention and Elections in India

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Abstract

Elections in India are major administrative problems due to the sheer size of the electorate and the geographical expanse of the country. In the 2004 elections there were an estimated 600 million eligible voters and the voting percentage was around 58%. This implied that around 360 million people actually stood in queues to cast their vote. Further, around 1.2 million police personnel were deployed to provide security during the election period. In the democratic polity of the country elections are always combative and require major administrative and police arrangements. Unfortunately, since the sixties elections have been vitiated by the involvement of anti-social elements who were hired to provide muscle power to the candidates and intimidate opponents. Now, many of these criminals have begun to contest the elections. State assemblies as well as the national parliament are witness to the strange phenomenon of charge-sheeted criminals serving as ministers in the government. This so called criminalization of politics is playing havoc with the election process and raising questions about the integrity of the democratic process. The Election Commission and the police administrators have evolved several promising situational preventive mechanisms to deal with this influx of criminalization in the voting process. This paper presents the problems of election process in India and the application of situational prevention techniques in dealing with them.

Key Words: India, Democracy, Elections, Situational Prevention, Police.

Introduction

Situational Crime Prevention [SCP] which shares many features of other criminological perspectives like Rational Choice, Opportunity Theory, Environmental Criminology and Routine Activities Approach is a dominant theory in Criminology. Situational Prevention suggests that a careful evaluation of the immediate environment could help comprehend the opportunity that enables the offender to commit the crime. This understanding in turn can help devise measures to block these avenues and prevent crime from taking place. Indeed ordinary citizens routinely apply some of these concepts in safeguarding their property and family. The use of well fortified doors, alarm systems, clearly demarcated boundaries to help control exit and entry are situational preventive features that have been practiced for generations. By providing a label and suggesting that such methods are an effective strategy to prevent crimes is largely stating what is obvious in many cases. However, underlying this perspective is an assumption that an offender

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makes a rational choice in planning and implementing his or her criminal behavior. There is a clear evaluation of the risks involved in any criminal action and an expectation of reward that may be material and sometimes even emotional or ideological. SCP suggests that by increasing the risks in the commission of crime and by reducing the anticipated rewards it is possible to influence the rational offender from committing the unwanted act (Clarke, 1992).

Nevertheless, there are many limitations in controlling crime through situational methods. Knutsson and Clarke (2006) suggest that even seemingly straightforward interventions can be difficult to implement for a variety of technical, managerial & social reasons. Furthermore, for all its promise, SCP has typically been implemented in Western industrialized settings. Rational choice perspective, lying at the core of SCP suggests that situational approaches are applicable in other settings also as factors that govern criminal behavior exist independent of context. Situational prevention is applicable to every kind of crime and not just to opportunistic or predatory offenses since all deviant actions are surreptitious in nature (Wood, 1991) and affected by situational contingencies. However, implementing SCP, even in well-resourced areas remains challenging (Knutsson & Clarke, 2006). Sherman et al. (1998, p. 6) developed the Maryland Scale of Scientific Methods to measure impact of SCP and found that “no community-based crime prevention programs proved to be effective at preventing crime”. The study suggested that stronger scientific methods are needed before even minimally valid conclusions can be reached about the impact on crime of programs costing billions each year. Poyner (1993: 8) also argues in an older study that “few of the crime prevention projects had the desired effect of reducing crime. Not only were many projects poorly organized and incompletely implemented, but, even when they were carried out well, many doubts were raised about the effectiveness of the measures employed”.

Ever since the situational methods were developed at the Home Office Research Unit of British government, opportunity reduction has been recognized as a promising strategy to deal with crime (Clarke, 1992). Situational Prevention now encompasses the entire range of environment and objects involved in crime and preventive methods incorporate legal, management and design solutions to address the crime problem. The shift from criminality to criminal event has brought attention to place and time and specific environment that creates the opportunity for offender to strike. The theory is now a standard and integral part of criminological literature and has seen a variety of applications. Situational methods have been successful in reducing suicides in jails and preventing prison violence (Christine, 1999; Wortley, 2002); in dealing with fare-dodging on transit systems (Scott, Brantingham & Brantingham, 1991); in out-smarting terrorists (Clarke & Newman, 2006); in reducing ordinary and e-commerce crimes (Smith and Tilley, 2005; Newman & Clarke, 2003); in reducing violence (Indermaur, 1999) and preventing shop-lifting (Farrington, Bowen, & Buckle, 1993); in handling riotous situations (Verma, 2007) and even poaching of endangered species (Wellsmith, 2008).

SCP applications in non-western societies have been limited by the lack of resources, poor governance and specific situations. There is nothing to suggest that the basic fundamentals of theory do not apply to these communities. The lack of proper infrastructure, roads, communications, technology and shortage of police personnel for example leave large parts of India unguarded. Most rural areas in Bihar and UP are isolated and limited police services encourage gangs to commit heinous crimes with impunity (IBNLive, 2006). Many shopping arenas are vulnerable to theft due to poor and erratic

electricity supply that creates opportunities in the dark surroundings. In such circumstances, formal surveillance using CCTV or better lighting will not work or cannot be relied upon to prevent theft. Most shop owners therefore hire security guards to enforce direct surveillance. The principle of blocking opportunity remains the same but another method has to be evolved to address the specific situation. Moreover, specific and even different nature of crimes could be addressed by SCP as the underlying basis of such deviant actions is rational choice that seeks to exploit opportunities in a given situation. Mob aggression in riotous situations is an example that is peculiar to India and some other societies where offenders exploit crowded and narrow streets to promote violence (Verma, 2007).

This paper argues that Situational Crime Prevention provides a useful perspective in addressing a number of election malpractices that have vitiated the election process in India. Crimes related to the election process are peculiar to India where a variety of situations enable offenders to prevent genuine casting of votes, in violating the election rules and thwarting the right of the citizens in electing their representatives. Over the years, the Election Commission, concerned citizens and police officials have been evolving different methods to prevent election mal-practices. While, it is unknown if members of the Commission or other people are aware of SCP, problem oriented policing and associated theories, it is possible to interpret their strategies using SCP theory. Thus, this paper seeks to argue that the reforms ushered by different people to strengthen the electoral process in India can be explained from the perspective of SCP.

I will first describe the electoral system of the country and the complex legal, political, administrative and election processes that have facilitated the criminals to prevent voters from choosing their representatives and even capturing the election booths to mark ballots for their candidate. Thereafter, I will describe some of the major situational measures taken by both the Election Commission and police authorities to address these problems. I will also provide an assessment and evaluation about the success of these measures in the organization of free and fair elections in the country.

The Election System: Structural Problems

India is a Republic composed of 28 States [Provinces] and 7 Union Territories and governed by the constitution adopted in 1950. The Parliament consisting of the Upper House with 245 members and the Lower House with 545 members is the supreme law making body. The Lower House members are directly elected through universal adult franchise every five years unless the government loses its majority and mid-term elections have to be called. A similar structure exists at the State level where the Chief Minister and the Council of Ministers reign supreme. A three-tiered Panchayati Raj System, consisting of the *zilla parishad* at the district level, the *panchayat samiti* at the block level, and the *gram panchayat* at the village level, has been regularized as small administrative units (Kondo, 2007). On the basis of the 74th constitutional amendment, municipal bodies have been similarly regularized and the competitive election system has been extended to these grass-roots levels also.

The Constitution of India has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to the Parliament and Legislature of every State and the local bodies and to the offices of President and Vice-President of India. The major Election laws are Representation of the People Act, 1950, which mainly deals with the preparation and revision of electoral rolls,

and the Representation of People Act, 1951 which deals, in detail, with all aspects of conduct of elections and post election disputes. The Election Commission is a statutory body and enjoys considerable discretionary powers. The Constitution provides for equal rights to every citizen of the country to vote in the elections. However, the vast diversity of the country makes the process of elections extremely difficult to implement these rights. There are major differences in the culture, language, ethnicity, religion, historical experiences and economic status of the people. The dominant patriarchal system has also delegated the women to an inferior status. Nevertheless, one person one vote has made the Indian system the biggest experiment in democratization seen anywhere in the world. It set the country on a revolution the likes of which have not been seen since 1767. Groups marginalized for thousands of years have been empowered to compete with their exploiters in choosing political leaders. Consequently, "India has become an outstanding example of the management of diversity through pluralist democracy. Every Indian has been allowed to feel he or she has as much of a stake in the country, and as much of a chance to run it, as anyone else: after all, our last elections were won by an Italian woman of Roman Catholic heritage who made way for a Sikh to be sworn in as PM by a Muslim President, in a nation 81% Hindu" (Tharoor, 2008).

The vast electorate and the large geographical expanse of the country make any election a costly affair. The role of money in the electoral process has become significant and introduced a large number of anomalies. Candidates and political parties spend vast sums to woo voters through various inducements. This leads to an unholy nexus between the political parties and vested interests that demand a quid pro after financing election expenses. Appeal to the voters on the basis of caste, religion, region and such partisan matters have served to divide the communities with disastrous impact upon the society. Another trend has been the tendency of elected members to change their vote against the directions of their party. This enables horse-trading to go on where money rather than political ideology or policy determines the decision of the elected member. In many States this became a major problem with a large number of legislatures openly offering their votes for sale. During a vote of no-confidence in the Parliament, many opposition members displayed wads of money that was allegedly given to them for switching their votes (Kaushal, 2008).

A serious consequence of lax election laws has been the growing criminalization of politics in the country. Indian law prohibits a person from contesting election if he or she has been *convicted* of any criminal charges. This provision is easily circumvented, as court trials take extremely long, even years to come to a decision. In the meantime, the person is free to contest elections and even garner ministerial posts upon winning the elections. Thereupon, it becomes harder for police agencies to prosecute the person since he or she begins to adversely affect the witnesses and even the investigators by misusing the political connections. A large number of people, charged with serious crimes such as murder and rape, have won elections and gained political dividends. "By one estimate in 1997, 700 of 4,120 elected members of 25 State-level assemblies had criminal records. Of these, some 1,555 were accused of heinous crimes such as murder, armed robbery, rape and the like" (Verma, 2005).

This criminalization of politics started from the early days of Indian democracy when the forward castes and well entrenched groups prevented lower castes and other marginalized people from casting their vote. Organized 'booth capturing' began in 1957 when a group of upper-caste muscle-men chased away the electorate and forcibly cast the

votes for their candidate (Sen, 2004). Such booth capturing (the forcible casting of votes in favor of a particular candidate) and the use of force to prevent genuine voters from exercising their rights slowly became a serious problem in most parts of India and especially in States like Bihar and Uttar Pradesh. In 2004, some special officers appointed by the Election Commission found blatant evidence of violence, intimidation and 'silent booth capturing' by the supporters of a prominent ruling party leader (Onkar Singh, 2004). The inquiry prompted the Election Commission to invalidate the results and order re-polling. However, in most cases it is not easy to detect such well-organized operations.

The other problem has to be with the establishment of Commission itself. The Constitution provides for an independent body but does not sanction a permanent staff for its work. The Commission has to rely upon the government bureaucracy for its functions. Thus, the tasks of voter registration, conduct of elections and supervision during the electoral process is done by personnel drawn from the Central and Provincial government departments for a limited period of time. This imposes serious limitations and affects its independence and effectiveness. The importance of personnel conducting elections is such that ruling political parties tend to post 'their' officers in crucial positions before the elections. Even the Election Commission was forced to draw attention of senior bureaucrats that "...certain State governments[s] appoint pliable and politically motivated persons in sensitive posts.... They also transfer forthright officers, who do not work according to the dictates of the ruling political party or influential political leaders. This tendency specially manifests itself during the period when the election becomes imminent" (Election Commission, 1996). Another major limitation has been the inability of the government to provide official identification cards to the citizens. "Since few voters have personal identification cards, the discretionary powers of these subordinate officers to permit or deny a citizen the opportunity to vote is considerable. This power is abused frequently" (Verma, 2005).

Nevertheless, the biggest problem confronting the election authorities has been the sheer magnitude of the whole process. Elections in India involve complex political, mobilizational and organizational logistics that remain unparalleled in the world. In the May 2004 national elections, for instance, there were 5435 candidates from 230 registered national and State-level political parties (Election Commission, 2004). Of the estimated 650 million voters, approximately 56%, or 380 million people, actually cast their votes. The Election Commission employed almost 3.5 million personnel to administer the elections and an estimated 2 million civilian police and security forces were deployed for order maintenance during the elections. The direct cost of deployment and organizing the election amounted to approximately \$245 million (Thakur, 2004). Further, in view of isolated geographical conditions election arrangements involved various modes of transport such as bullock carts, tractors, elephants and camels to carry the ballot boxes through difficult terrain. Furthermore, thousands of security personnel had to be deployed to counter threats by insurgents to set up some 700,000 polling booths. Such large scale administrative arrangements and fierce contests have invariably led to violence in which murders, kidnappings and intimidation of voters and candidates has become the hallmark of Indian elections.

Prevention: Situational Methods

The Commission has faced determined opposition from the political parties to usher reforms in the system. However, Article 324 of the Constitution of India provides

independence from the executive. It is this clause that was used by a determined Election Commissioner TN Sheshan in developing a series of preventive measures to control election malpractices (Sharma & Sharma, 2007). The Commission, supported by Court judgments in many case has been able to slowly develop and enforce *rules* governing many important issues such as the use of political party symbols [sustained by *Kanhiya Lal v RK Trivedi* 4 SCC 628 1985]; disclosure of party campaign expenses (*Common Cause v Union of India* 2 SCC 752 1996) and the disclosure of a candidates' economic assets, criminal records, educational qualifications etc (*Union of India v Association for Democratic Reforms* 2 LRI 305 2002).

A major step taken by the Commission has been the development and introduction of electronic voting machines for the process. The objectives were to address two problems vitiating the elections: the difficulties in counting the paper votes manually which frequently led to disputes and court challenges and the other being the problem of booth capturing. It was noticed that offenders would quickly stamp the voting papers and stuff them in the boxes which made it impossible to assess if a particular vote was genuinely cast or done by an illegal process. Accordingly, the Commission approached the Electronic Corporation of India [ECIL] to design a machine that would record votes at a slow pace. At present, the current machines record a maximum of five votes per minute. This design was expected to help in *hardening the target* since the offenders would have to spend a great deal of the time at one booth to cast a large number of illegal votes. This additional time would enable the police to respond to the call and reach even distant booths in time to handle the offenders. The machines could also be disabled by polling personnel and would then require a supervisor to re-start. Moreover, the electronic machines would also help in counting the total votes and declaring the results in the shortest possible time. This was expected to prevent mischievous elements from disturbing the process.

Another initiative was to focus upon the *facilitators* that enable malpractices to take place. Accordingly, strict supervision over the preparation of electoral rolls and emphasis upon photo-identity of the voters is being exercised. The Commission undertook a massive administrative measure to prepare these rolls in electronic format that could help detect duplicate and suspicious names. The Commission approached Indian companies to design special software that could compare population trends with voter concentrations and identify the districts and villages showing suspicious deviations and therefore requiring intervention to closely scrutinize the rolls (Gopalaswamy, 2006). The Commission has also promoted the development of name recognition software that uses fuzzy logic in detecting names that do not fit into social groups of the person concerned (Election Commission, 2008a). The Commission has also worked hard to provide specifically designed photo identity cards across the country. Another strategy has been to hold the elections over longer periods to enable extensive police security at maximum number of booths. Elections to the Parliament and large Assemblies have been staggered over one to three weeks and polling has been distributed amongst contiguous regions. This has helped police authorities and election supervisors to strongly control the *entry and exit* to polling booths and take action against those preventing genuine voters from coming to the booth. Furthermore, adequate security helps complete the process in one region and then move the personnel to the next without shortage of staff. The Commission has also forbidden reporting of election results till all phases are completed.

The Election Commission has also devised new administrative *rules* to streamline the process and prevent a number of logistic problems that had begun to bedevil the Indian

elections. In order to promote greater citizen participation the rules defining the criteria for standing in elections were originally kept simple. Only a small deposit and general qualification was needed to stand in any election in the country. This did encourage a large number of people to contest elections but also started adversely impacting the process. Many political parties would set up a large number of [bogus] candidates with similar sounding names as their opponents to confuse the voters. Since every candidate also needed an election symbol the Commission had to accommodate a large number of demands that were difficult to handle. The size of ballot paper also became a problem. During the Tamil Nadu State assembly elections in 1996, there were 1033 candidates contesting a single seat in the *Modakurichi* constituency. To accommodate all the names, parties, and symbols, the ballot had to be designed in the form of a booklet (Election Commission, 1996). This, in turn, introduced the problem of ballot boxes large enough to accommodate the oversized ballot. The Commission has examined these *facilitators* and addressed these problems by developing more stringent scrutiny for potential candidates. The deposit for registering as a candidate has been increased from Rupees 250/ to 10,000/- [roughly from \$6.5 to \$250] and to demand a minimum of 10 proposers instead of only one as originally stipulated.

The Election Commission has further developed several rules to *block* situations that enable politicians to misuse government machinery and influence officials in the elections. Backed by a number of Courts judgments that have supported the efforts of the Commission, *rules* have been made providing greater control over the personnel deputed for election duties. The Commission has been able to acquire powers to change Returning and Presiding officers at any given time if allegations of doubtful discretionary judgments are found true against them. Moreover, the Election Commission has asserted control over the entire apparatus of the bureaucracy and has begun selecting officers on its own rather than engage the ones deputed by State governments. This has enabled it to select independent and untarnished officers for election duties. Moreover, the Commission has also made a practice of posting personnel away from their place of work so that no local influences can operate. For instance, elaborate rules have been framed that control discretion and provide for greater accountability of officials deputed for election duties (Election Commission, 2008). Another rule was developed to ensure that state police, generally perceived to be favorably disposed towards local politicians is neutralized by presence of central police forces. Thus, the Commission issued a general rule stating, “local State Police shall not replace the Central Para-Military Forces [CPMF] at the polling stations and no senior officer of the local state police, with or without contingent shall position himself at the polling station and exercise any supervision and control over the CPMF at the polling station” (Election Commission order No. 464/UP-LA/2007, October 25, 2007).

In order to prevent the misuse of officials by the ruling parties the rules governing deputation of officials have been systematically implemented. First, an electronic data base of all government officials has been created and it is now used to randomize the selection and deputation of officials for election duties. Till the last moment deputation of officials are not known outside the Commission. This prevents ruling politicians from influencing the choice of officials deputed at polling booths of importance to their election. Thus, the Commission has stipulated:

“No person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency”.

Further

“In order to avoid any allegation of collusion among the polling personnel in favor of any candidate or political party and to instill confidence in the minds of political parties and candidates about free and fair elections, proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party should be ensured. Two officials of the same serial group/category should not be put together. Further, two members of the polling party should not be from the same department”.

(Election Commission Rule No.464/INST//2007/PLN-I January 8, 2007).

In order to prevent inducement to voters by the ruling parties the Commission has also stopped the announcement of any major policy decision once the election process commences. A Code of Conduct- Do's and Don'ts has been promulgated that describes in details action that needs to be controlled. Thus, the Commission declared, “announcement of new projects or program or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favor of the party in power is prohibited” (Election Commission Rule 464/INST/2007-PLN-I January 7, 2007). This rule has also banned transfer and posting of officers and all important decisions of the government have been placed under the control of the Commission. This rule has emerged as a ‘Model Code of Conduct’ to regulate the activities of political parties and as a means to control malicious campaigning or divisive politicking. Through this regulation the Commission has banned the appeal for votes on the basis of caste or religion and prohibited the use of Mosques, Temples and other places of worship to be used as a forum for election related propaganda. The Commission has also sought to ease the harassment of citizens by political parties and candidates who tend to conduct a no holds barred campaign. Thus, the use of any private or public land, house, and compound wall for erecting flag-staff, banners, posters and scrawling graffiti have all been banned. Control over the use of loud speakers, posting advertisements on public spaces, use of vehicles and disclosure of money spent have been some other issues dealt by this Model Code of Conduct.

A major change has been the application of Right to Information Act that emerged from judicial intervention and has become a potent weapon to force governments and bureaucrats to disclose their discretionary decisions. In response to a Public Interest Litigation [PIL: *see* Verma, 2001] the Supreme Court on March 13, 2003 (in Writ Petitions No. 490, 509, & 515 of 2002) made it compulsory for candidates contesting elections to Parliament and State Assemblies to submit affidavits as an essential part of their nomination paper. The affidavits are to provide the following information:

1. "Whether the candidate is convicted/ acquitted/ discharged of any criminal offence in the past-if any, whether he is punished with imprisonment or fine?
2. Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.
3. The assets (immovable, movable, bank balances etc) of a candidate and of his/her spouse and that of dependants.

4. Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues.
5. The educational qualifications of the candidate." (Election Commission, 2008).

The politicians were extremely hostile to this directive and all the parties ganged up to pass a bill in the Parliament to 'reject' this rule. However, the Supreme Court declared the Bill unconstitutional paving the way for the Commission to go ahead with its rule making. The Election Commission has now ordered that if a candidate does not submit the affidavit along with the nomination form, this "shall be considered to be violation of the Order of the Honorable Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the Returning Officer at the time of scrutiny of nominations for such non-furnishing of the affidavit". The Commission further issued orders directing all officials to provide copies of these affidavits 'freely and liberally to all other candidates, representatives of media, interested parties etc'. Additionally, it directed that copies of nomination papers, affidavits, and copies of counter affidavits should all be supplied on demand to any individual, political party, organization, agencies etc. without any discrimination. The objectives were to ensure that citizens have full information about the candidates before casting their votes.

A large number of preventive methods have also been designed and implemented by the police authorities. First, officials collect intelligence about the criminal background of potential candidates and even their associates. Second, the polling booths are scrutinized for past violence and demographic distribution of voters that may lead to conflict. In particular, the social composition of voters and geographical location of polling booths are carefully analyzed to determine possibilities of conflict at the time of elections. Thereafter, the booths are categorized as sensitive or super-sensitive in accordance with the potential for trouble. Based on this categorization a scheme is drawn for police deployment in terms of simple presence, armed police or additional reserve police to provide protection to areas around these booths. The police authorities share their analysis with the Election Commission to determine how voting should be phased to enable security coverage to maximum number of booths. The police also direct the citizens to deposit their firearms and collect intelligence over unusual sale of bullets and cartridges in areas of sensitive booths. If needed escorts are provided to vulnerable groups to safeguard their journey to and from the polling booths. Suspected offenders and anti-social elements are identified and sometimes detained under preventive laws for the duration of the elections. The police also make use of the provisions under sections 107 and 109 of the Criminal Penal Code to serve notice of 'good behavior' against those suspected of causing possible disruptions during this period. These laws stipulate that any violation of the imposed conditions will lead to a warrant of arrest by the executive magistrate. Extensive patrolling, surveillance and surprise road checks are other methods employed to keep the criminals on the run.

The major situational preventive measures are summarized below in table format:

A Summary of Preventive Methods

Method

Examples

Rules

Use of Party Symbols; Disclosure of party campaign expenses;

	Disclosure of a candidate's economic assets, criminal records, educational qualifications etc; Model Code of Conduct; Right to Information
Target Hardening	Electronic Voting Machines; Police patrolling parties; use of mixed police forces usually brought from outside the region; careful selection of polling booths based on geography of caste/ social group distributions; escorts provided to vulnerable groups
Facilitators	Electoral Rolls and Voter ID cards; name recognition software; Extending period of elections and holding in phases; Careful and random selection of election personnel; preventive detention of anti-social elements
Entry Exit Control	Polling booths designated as sensitive to have armed guards;
Removing Inducements	Prevent government to announce new development schemes just before the elections; Prevent misuse of public/ private space for advertisements- graffiti; use of loud-speakers etc

Situational Prevention: Assessment

Although, there is no systematic study to assess the impact of these rules and methods in preventing malpractices some evidence has emerged that suggests limited success. A small scale study of elections in the Delhi State examined the impact of forcing the candidates to file affidavits and give information about their finances, criminal records and educational qualifications. The study suggests that political parties were restrained in nominating candidates with criminal records or those charged with serious crimes (Sivaramakrishnan, 2004). There was also a marked decrease in the number of candidates with criminal records standing for national elections in 2004.

In the 2004 elections almost 1.075 million electronic voting machines were used. There is no data to assess the success of these machines. A recent report from Bihar, the most notorious state for election malpractices suggested that the electronic machines were successful in thwarting the offenders. In the 2005 Assembly elections out of total 23,515,9191 votes cast only 951 were by postal ballot (Election Commission web site) and rest were through the use of e-machines. This application of technology and target hardening had a salutary effect and the complaints of booth capturing showed a definite downward trend (Kapila, 2005).

The preparation of electoral rolls in electronic format and issuance of identity cards to the voters also had a major impact in the Assembly elections of Bihar in 2005. An official (Gopaldaswamy, 2005) described how the Commission developed a software program that generated a list of households showing more than 10 to 15 voters and these were physically verified by officials going door to door to eliminate the names of dead and migrated voters. The voter names were combined with photo-matching software to elicit possible duplicate entries from the Electoral Photo Identity Card records. Their subsequent verification led to the deletion of 1.831 million bogus voters and the addition of 483,000 new voters. The net reduction amounted to three percent of the state's electorate. The constant review and monitoring of this work paid rich dividends in raising

the overall coverage from 57 percent to 84 percent for the state, with some constituencies achieving 90 to 95 percent. The attention to verifiable identity of the voter helped publicize the need to have a valid photo ID issued by the Commission and which deterred many criminal elements from attempting to cast illegal votes.

The police efforts to categorize booths as sensitive, to deploy more armed police units and to pursue known offenders and execute pending warrants of arrest appear to pay dividends too. These methods together with the phasing out the election schedule had a positive impact. First, it helped ensure that almost 95% of the polling booths had security by armed police. Second, election related violence displayed a downward trend. In the Assembly polls of 2000, 48 people were killed and 150 people injured. In the February-March elections of 2005 the number killed in poll related violence came down to 20 while in the last Assembly elections held in October-November of 2005 the numbers were 17 people killed and 60 injured. Furthermore, holding the polls on seven days instead of four days also helped in reducing booth capture. The re-polls as a consequence of complaints of malpractices came down substantially, from about 1,764 in the February-March 2005 Assembly elections to 301 in the October-November 2005 Assembly elections in Bihar (compiled from various media reports). Even though, these are small reductions but these are the first encouraging results suggesting that even a violence prone state like Bihar could be handled by focusing upon preventive methods.

The Model Code of Conduct has curtailed the nuisance of political meetings and slogan shouting and all electioneering now comes to a halt by 10 pm. Indeed, action was taken against a senior political leader for violating this rule in the 2004 national elections (Balchand, 2004). The politicians have also become cautious in their campaigning and more respectful of citizen conveniences. Demonstrations and large gathering that would affect urban life are now more regulated though harassment to city dwellers is not completely over.

The Commission has found greater success with its rules governing the administration of staff deputed for election purposes. The practice of sending officers from one State to another and the randomized selection of officials after careful scrutiny has helped cut off their links to local politicians. The Commission has acted swiftly to take cognizance of allegations leveled in the media against particular personnel and has not hesitated to take action against those found engaged in malpractices or those not discharging their responsibilities in a fair manner (Kapila, 2005). The rule to post supervisors from outside the region and thus negate local influences has also helped immensely. An officer KJ Rao set such high standards in implementing the rules and ensuring free elections in the notorious State of Bihar that he was voted 'hero number one' in a regional poll (Sahay, 2005).

A summary of promising preventive methods is presented below:

Preventive Methods

Method

Examples

Rules

Model code of Conduct has controlled electioneering malpractices; Forcible disclosure of campaign funds and criminal cases have reduced role of money and muscle power

Target Hardening	Electronic Voting Machines & special software has helped prevent booth capturing; Bringing police forces from outside the region have reduced discretion exercised by local police; Selection of booths has helped in preventing assault by anti-socials
Facilitators	Holding election in phases has helped add force and greater supervision; name recognition software has helped voter frauds; Random deputation of government personnel has helped control their discretion
Entry Exit Control	Armed guards have strengthened polling booths
Removing Inducements	Commission's supervision of government policies during elections have helped prevent inducements to voters; Electioneering has become cleaner

Conclusion

India presents an important area of study as the largest democracy in the world. Plattner and Diamond (2007: vii) write, “ [India is] a remarkable exception to theories holding that low levels of economic development and high levels of social diversity pose formidable obstacles to the successful establishment and maintenance of democratic government. India has proven itself capable not only of preserving democracy but of deepening and broadening it”. Moreover, “the key tenets of democracy [like regular elections] are woven firmly into the warp and woof of India's political culture” (Ganguly, 2007: xiii). The credit for sustaining India as liberal and democratic nation largely goes to the election system that ensures will of the citizens in choosing their representatives in a free and fair manner. Although, a number of anomalies crept in the system and violence began to be an integral part of the electoral process but over the last two decades a series of situational prevention measures have helped check this downward trend. The Election Commission has acquired a reputation of being tough and independent, cracking down on errant politicians and election fraud (BBC, 2004). The police and election officials have demonstrated that given organizational and legal support they can handle the largest electorate in the world. The sheer challenge of arranging for a total number of 59,25,72,288 people to vote and choose from 12,952 candidates for the Parliament in 2004, the largest exercise in elections so far in human history is testimony to the success of the system. The fluctuating fortunes of political parties and smooth changes of government is testimony to the veracity of the election system in the country.

Nevertheless, it needs to be acknowledged that in reality there is little systematic scientific evaluation of any of the described measures. These examples were chosen from all the available media and official reports [& personal knowledge of the author] and as such present a biased sample. If there are other evaluations done by the Election Commission or some police department then these are unknown to the author and to the general public. It is possible that various alternative hypotheses might explain the observed reductions in crime related to the electoral process. Most of the methods could at best be considered ‘promising’ measures which appear to have been associated with reductions in crime but which need to be evaluated in a much more rigorous manner. Again, in practice this may be difficult to achieve. Scientific evaluation of many problem solving

efforts is “inadequate to the task of policymaking” (Sherman et al 1998: 12). Nevertheless, it will be useful for Election Commission and police officials to conduct voter surveys; analysis of electoral offenses pre and post introduction of these measures; and carry out specific experiments to test the efficacy of some measures to judge their effectiveness. In view of the enormity of the electoral exercise, the variety of problems confronting the administration of elections and limited powers enjoyed by the Commission in determining the rules governing the elections such evaluation may be difficult to carry out. But the organization of free and fair elections in India is imperative to the strength of India’s democracy and it is in everyone’s interest to understand if situational methods can prevent election related crimes.

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