Electoral Transparency

Why in news?

Recently, The Centre has amended the Conduct of Election Rules to restrict access for the public to a section of poll documents.

What is the recent amendment to Conduct of Election Rules?

- **Conduct of Election Rules 1961** - It is a set of rules which provide for provisions on how to conduct the elections as per the Representation of People Act, 1951.
- **Provisions of conduct of election rules** – The rules provide for procedures regarding election matters such as
  - **General provisions** - Public Notice of Intended Election, Nomination Papers, Symbols for Elections.
  - **Election Process** - List of Validly Nominated Candidates, Withdrawal of Candidature.
  - **Polling Procedures** - Appointment of Election Agents, Publication of Polling Hours, Voting in Person, Postal Ballots
  - **Declaration of Results**
- **Recent amendment** – The amendment to Rule 93(2)(a) of the 1961 Conduct of Election Rules was brough by Ministry of Law and Justice.
- **Earlier Provision** - All other papers relating to the election shall be open to public inspection.
- **The amendment** - All other papers as specified in these rules relating to the election shall be open to public inspection.
- **Purpose** – To Restrict the access to electronic records, such as CCTV video footage of election process.
- **Need for the amendment:**
  - To prevent violation of secrecy of vote.
  - To prevent potential misuse of CCTV footage of inside of the polling station.
  - Sharing of CCTV footage may have serious repercussions, especially in sensitive regions like Jammu and Kashmir, naxal- affected regions, etc.

Electronic documents such as CCTV camera footage, webcasting footage and video recording of candidates during the Model Code of Conduct period are not covered in the Conduct of Election Rules.

- Many documents are mentioned in the handbooks and manuals published by the Election Commission from time to time, such as

What is the significance of transparency in electoral process?

- **Transparent electoral process** – Openness of electoral activities to scrutiny by stakeholders (political parties, election observers and voters alike), who are able to independently verify the process.
- **Building confidence** - Transparency fosters trust among voters, candidates, and political parties in the electoral process.
- **Enhances accountability -** Transparent electoral processes hold election management bodies (EMBs) accountable to the public.
- **Promotes participation -** When voters understand how elections are conducted and see that processes are transparent, they are more likely to participate actively in elections.
- **Reduces electoral fraud -** Open procedures and clear guidelines minimize opportunities for misconduct.
- **Equal access to information** - Transparency ensures that all candidates and voters have equal access to information regarding the electoral process.
- **Informed electorate -** Transparent processes provide voters with the information they need to make informed choices, enhancing the quality of democratic participation.
- **Assess the fairness of elections** - Access to electoral documents is crucial to assess the fairness of elections.

What are the issues with the recent amendment?

- **Restricts citizen-voters' right to Information** - It prevents access a large number of electoral documents which are not specifically mentioned in the Conduct of Election Rules such as
    - Reports submitted by Election Observers
    - Scrutiny reports submitted by Returning Officers after polling day
    - Index Cards sent to the EC after the declaration of results which contain detailed statistics relating to the elections.
    - CCTV footage of election process
- **Erodes integrity of the electoral process** – It reduces the public confidence on the election commission and creates trust issues in the electoral process.
- **Imbalance in access to information** – Enables the ruling party to have access to information that others may not have.

What lies ahead?

- Balancing the electoral transparency and administration is essential for a successful electoral democracy.
- Sunlight is the best disinfectant, and information will restore faith in the process.
- Curated contents can be shared with the public to ensure transparency and privacy.
- Judiciary monitored access to sensitive information on case by case basis can be provide.

Reference

[The Hindu | Election rule amendment]