

17/04/2024

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A referendum on India's future (17 April) (GS Paper II: Electoral reform)

As Indians wait to elect their 18th Lok Sabha, at stake are not only 543 seats but also the 'India' and 'Bharat' of the Constitution

- The upcoming 2024 general election in India is viewed as crucial for the future of the country's democracy.
- Over the past decade, India's reputation as the world's largest democracy has been tarnished, with some now referring to it as an "electoral autocracy".

- **Electoral autocracy** is a form of government where there are elections, but those elections are not fair or free.
- In an electoral autocracy, the ruling party or leader may manipulate the electoral process to stay in power.
- This could involve things like **controlling the media, limiting opposition candidates, or intimidating voters.**
- So, even though there might be voting, the outcome is often predetermined or heavily influenced by those in power.
- It gives the appearance of democracy because there are elections, but in reality, the people don't have a genuine choice or a fair chance to change their leaders through the ballot box.

- There is a widespread perception that while elections still occur, **the fundamental pillars of democracy, such as the legislature, judiciary, media, and independent agencies, are being weakened or influenced.**
- The ruling Bharatiya Janata Party (BJP) and its allies are accused of **promoting hate politics, religious vigilantism, and the demonization of minorities.**

- Additionally, there are concerns about the **intimidation of the media, corruption in politics, and the suppression of dissent under the guise of patriotism.**
- The upcoming election is seen as a referendum on the future of India, with a choice between ethno-nationalism that undermines democratic principles and civic nationalism that upholds the Constitution and diversity.

Much has changed

- The first general election of independent India in 1951-52 was a significant democratic experiment.
- It served as a referendum on India's future and was a remarkable display of democratic zeal.
- The period leading up to the election involved extensive nation-building efforts, including addressing the aftermath of Partition, resettling refugees, and integrating princely states into the Union.
- Despite facing daunting challenges, India's leaders, led by Jawaharlal Nehru, remained committed to democracy.
- **India's Constitution, drafted during this time, granted universal adult franchise, even to the largely illiterate population.**
- The **Representation of the People Act, 1950, laid the foundation for a voting system in India,** catering to its vast and diverse population, with approximately 176 million eligible voters, the majority of whom were uneducated.
- The election preparation was considered a monumental task, attracting attention from international observers who noted its colossal proportions.

A quest to translate a vision into a reality

- Nehru faced internal challenges to his leadership and values within the Congress party, particularly from **Purushottam Das Tandon**, who became party president in 1950.
- Tandon's conservative views clashed with Nehru's vision of secularism and inclusive governance.
- Nehru saw Tandon's presidency as aligning the Congress with communal organizations like the RSS and Hindu Mahasabha.
- Concerned about the party abandoning its ideals, Nehru resigned from key party positions, prompting a crisis within the Congress.
- **The Congress rallied behind Nehru to prevent his departure, leading to Tandon's resignation and Nehru's election as party president in September 1951.**
- Nehru aimed to reshape the Congress into a vehicle for promoting stability, secularism, and progress in India.
- Despite inheriting the legacy of the freedom struggle, the Congress faced opposition from various leaders, including **J.B. Kripalani, Jayaprakash Narayan, Babasaheb Ambedkar, and S.P. Mookerjee.**
- Nehru acknowledged the role of the opposition in democracy and focused on implementing the Constitution's vision for India.
- Nehru aimed to increase women's representation in Parliament by encouraging women legislators to resign from state assemblies and contest for the first Lok Sabha in 1951-52.

- Despite his popularity as a campaigner, Nehru emphasized the importance of voting to the crowds, regardless of the party they chose.
- The contrast between the first and latest general elections lies in the starkly different political climates and treatment of opposition parties.
- **In Nehru's era, even the Communist Party of India, which had rebelled against the state in 1948, was considered a legitimate competitor.**
- The first general election in 1951-52 occurred amidst communal tensions fueled by the aftermath of Partition and violence against minorities in East Pakistan.
- Nehru staunchly advocated for secularism and unity, declaring war against communalism and urging Indians to vote for harmony over hatred.
- Despite challenges, Nehru led the Congress to a decisive victory in the election, reflecting the triumph of harmony in the face of bigotry.

A battle again

- The first general election saw 107 million Indians casting their votes, symbolizing the beginning of their role as custodians of India's fate.
- Today, after 17 general elections, India finds itself in another battle for its soul.
- The vision of an inclusive India, where people of all faiths are equal, was cherished by voters in the 1950s.
- The ruling party appears opposed to this inclusive vision, preferring division to prevent unity among the people.
- **The choice lies with the people to either allow the partition of India's soul or oppose it resolutely.**
- Quoting India's first Prime Minister, the message emphasizes the importance of preserving India's unity: "Who lives if India dies?"

In the fray: On the CSDS-Lokniti pre-poll survey 2024 findings (17 April)

Lokniti survey suggests that the Lok Sabha contest is not done and dusted

- The **CSDS-Lokniti pre-poll survey 2024** highlights unemployment and price rise as major concerns for voters.
- **More than half of the respondents feel that corruption has increased in the last five years.**
- The performance of the BJP government led by Narendra Modi on the economic front is viewed as **mediocre**, with little effort to address unemployment.
- While the BJP emphasizes issues like the inauguration of the **Ram temple and Hindutva**, the survey indicates that livelihood concerns are more significant for voters.
- The **BJP and its allies hold a comfortable lead over the INDIA bloc, with factors like "leadership" and socio-cultural issues favoring the ruling party.**
- There is a disconnect between key voter concerns related to the economy and the BJP's electoral prospects.

- The **Opposition could capitalize on economic and livelihood issues to narrow the gap in vote shares.**
- State-level dynamics, particularly the **north-south political divide**, are becoming more pronounced, with the BJP facing challenges in swaying the south.
- The survey underscores the importance of political messaging centered on addressing livelihood concerns.
- Alarmingly, **a significant portion of respondents (58%) have lost trust in the Election Commission of India, highlighting the need for the institution to address concerns and assert its independence.**

Step back: On Iran-Israel tensions (17 April)

Israel should stand down to avoid a regional war in West Asia

- Iran launched a significant drone and missile attack on Israel in retaliation for the bombing of its embassy compound in Damascus.
- This attack heightened tensions in an already volatile West Asia, bringing the region close to an all-out war.
- Iran's attack targeted Israel directly from its own soil, resulting in the loss of two generals and other senior officers.
- Israel, with support from the US, UK, France, and Jordan, intercepted most of the Iranian projectiles.
- Iran claims its action was self-defense in response to the embassy attack and considers the matter settled for now.
- The US and Israel's allies commended Israel's missile defense system and urged restraint to prevent further escalation.
- The situation underscores ongoing tensions in the region, including Israel's actions in Palestinian territories and Iran's support for militant groups like Hezbollah and Hamas.
- There are concerns that continued aggression could lead to a full-scale regional war, with potentially devastating consequences for the entire region.

The importance of Madigas (17 April) (GS Paper I: Society)

Political parties are taking calculated decisions and risks to win the Madiga vote

- The rivalry between the **Malas and Madigas, sub-castes among the Scheduled Castes (SCs) in Telangana**, has resurfaced during the announcement of candidates for general elections.
- **Madigas make up 59.52% of the SC population in Telangana**, while Malas constitute 28.11%.
- Despite Madigas being the majority, the Congress did not nominate any Madiga candidates for the three SC reserved parliamentary constituencies: Peddapalli, Nagarkurnool, and Warangal.

- The Congress instead named two Mala candidates for Nagarkurnool and Peddapalli seats, which have significant Madiga voter populations.
- Dr. Mallu Ravi, brother of Deputy Chief Minister Mallu Bhatti Vikramarka, is the Congress candidate for Nagarkurnool, while Gaddam Vamshi Krishna, grandson of former Union Minister Gaddam Venkataswamy, is contesting from Peddapalli.
- For the Warangal seat, the Congress nominated Dr. Kadiyam Kavya, daughter of former Deputy Chief Minister Kadiyam Srihari.
- **Madigas are discontented with the Congress's decision, feeling marginalized by the absence of Madiga candidates.**
- The BJP and the Bharat Rashtra Samithi (BRS) have fielded Madiga candidates and criticized Chief Minister A. Revanth Reddy's government as "anti-Madiga".
- The ruling party, despite not nominating candidates from the Madiga community, has started engaging with influential Madiga leaders to mitigate discontent.
- **Satish Madiga, a prominent member of the Madiga Reservation Porata Samithi (MRPS), switched from BJP to Congress in March, signaling a shift in alliances.**
- The MRPS advocates for sub-categorization of Scheduled Castes (SCs), alleging that Malas in Andhra Pradesh have benefited more from reservation than Madigas in Telangana.
- **BJP relies on MRPS founder Manda Krishna Madiga's support, but previous attempts to gain electoral advantage through him did not yield significant results.**
- Despite BJP's efforts to rally support around the sub-categorization issue, it's unlikely to sway Madiga voters towards the party.
- The Bharat Rashtra Samithi (BRS), facing challenges after the loss in Assembly polls, is attempting to retain support by fielding Dr. R.S. Praveen Kumar, a respected Madiga leader, as its candidate from Nagarkurnool constituency.
- The Congress risks losing Madiga support by neglecting their representation in elections, while the BRS struggles to attract votes from the community.
- The outcome of the election will determine the impact of BJP's caste-based strategy and the ability of political parties to address Madiga concerns.

Navigating life as a consumer with disability (17 April) (GS Paper II: Vulnerable Section of Society)

A collaborative effort between businesses and the government, supported by a robust legal framework, is imperative to effectively protect the rights of consumers with disabilities and afford them an equal opportunity to participate in the marketplace and society

- March 15 is celebrated annually as World Consumer Rights Day to raise awareness about consumer rights.
- However, often overlooked are consumers with disabilities, who face significant challenges in accessing products and services.
- Imagine being a person with visual impairment trying to buy a toaster at the supermarket:

- Difficulty booking a cab ride due to inaccessible mobile apps.
- Lack of **tactile pavements** in the supermarket, requiring external help to navigate.
- Dependence on others to locate and purchase a toaster.
- Challenges in contacting customer support due to inaccessible contact details.
- Needing assistance to send written complaints via postal mail.
- **These daily struggles compromise their dignity, independence, and privacy.**
- The pervasive inaccessibility in consumer experiences **prevents people with disabilities from fully participating in society.**
- In India, persons with disabilities account for 5-8% of the population (World Bank, 2009).

The potential change-makers

- Consumers with disabilities face challenges accessing goods/services and customer support.
- Responsibility for enhancing accessibility is questioned.
- **Businesses and government are identified as key players.**
- Businesses often overlook persons with disabilities as potential consumers.
- Making offerings accessible could expand businesses' customer base.
- **Government policies can help raise business awareness and bridge accessibility gaps.**
- **Example: FSSAI's advisory on QR codes for food products aids visually impaired consumers.**
- Comprehensive accessibility guidelines for all goods/services are recommended, drawing on successful initiatives from other countries.

Legal reforms

- **Rights of Persons with Disabilities Act (RPWDA) 2016** safeguards rights of consumers with disabilities.
- RPWDA includes provisions for **universally designed goods/services and accessibility standards for Information and Communications Technology ICT.**
- Disability Commissions handle complaints under RPWDA **but issue only recommendatory directions.**
- **Consumer Protection Act (CPA) 2019** empowers Consumer Commissions to impose penalties and award compensation.
- Consumers with disabilities have obtained remedies under CPA in cases of discrimination in *S. Suresh v. The Manager i/c, Gokulam Cinemas.*
- Unlike RPWDA, CPA lacks dedicated rights for consumers with disabilities, potentially discouraging complaints.
- Alignment of CPA with RPWDA is essential to ensure comprehensive protection.
- **Awareness about rights and resources under both legislations is crucial for consumers with disabilities.**
- Despite consumer awareness campaigns, individuals with disabilities often overlooked.

Reforms needed in the voting process | Explained (17 April) (GS Paper II: Election)

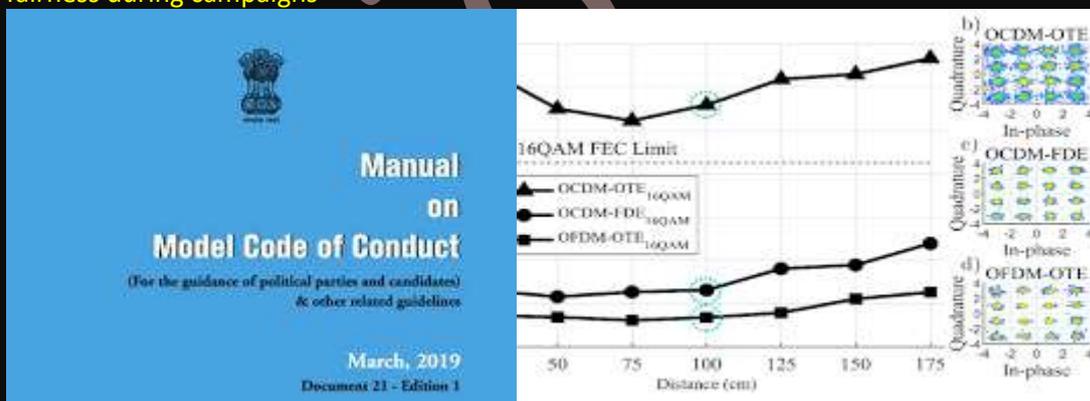
When were Electronic Voting Machines (EVMs) first introduced? What have been the concerns raised by activists about EVMs? What are the voting practices in other countries? How can the process of voting be made more robust?

Election Commission of India

- The Election Commission of India is an independent body established by the Constitution of India.
- **Primary Mandate:** Responsible for conducting free and fair elections in India at all levels:
 - Lok Sabha (Parliament's lower house)
 - State Legislative Assemblies
 - Offices of the President and Vice President
- **Structure:**
 - Chief Election Commissioner
 - Other Election Commissioners (currently two)

Key Functions of the ECI

- **Delimitation:** Defining constituencies for elections based on population figures.
- **Voter Registration:** Preparing and revising electoral rolls, registering eligible voters.
- **Election Schedule:** Announcing election dates and schedules.
- **Model Code of Conduct:** Issuing and enforcing a code of conduct for political parties to ensure fairness during campaigns



- **Polling and Counting:** Overseeing secure polling processes, using Electronic Voting Machines (EVMs), and accurately counting votes.
- **Electoral Dispute Resolution:** Addressing petitions and complaints regarding electoral processes.

Ensuring Free and Fair Elections

- **Impartiality:** ECI maintains strict neutrality and independence
- **Electoral Reforms:** ECI drives reforms such as Voter Verifiable Paper Audit Trail (VVPAT) integration for increased transparency.
- **Technology:** Employs technology like EVMs and voter registration software to improve election efficiency.
- **Voter Education:** Conducts outreach and awareness campaigns to promote informed participation

VVPAT

- **VVPAT System:** An additional system used alongside Electronic Voting Machines (EVMs) in India to increase transparency and voter confidence in elections.



- **Purpose:** Provides a printed paper slip displaying the name and symbol of the candidate a voter has selected on the EVM.

How VVPAT Works

1. **Voter Casts Vote on EVM:** The voter uses the EVM as usual to cast their vote.
2. **VVPAT Slip Generated:** The VVPAT machine generates a printed slip showing the voter's selection (party symbol, candidate name).
3. **Visible to Voter:** The slip is displayed in a transparent, sealed window for 7 seconds before automatically dropping into a sealed container.
4. **Paper Trail for Verification:** These VVPAT slips serve as a physical paper record that can be used for auditing or manual counting in case of disputes.

Benefits of VVPAT

- **Transparency:** Assures voters that their vote is correctly registered by the EVM.
- **Dispute Resolution:** Provides a physical paper record for recounting or resolving potential discrepancies.
- **Increased Confidence:** Strengthens public trust in the election process.

Implementation

- **Phased Introduction:** India introduced VVPAT in a phased manner, starting with small-scale use in 2013.
- **Nationwide Implementation:** Since 2019, VVPAT is used in all polling booths across India during parliamentary and state elections.

- The Supreme Court is going to listen to requests asking for a full check of Voter Verifiable Paper Audit Trail (VVPAT) slips.
- This check will be done to ensure that the number of votes counted electronically by Electronic Voting Machines (EVMs) matches with the number of VVPAT slips.
- The aim is to enhance transparency and confidence in the electoral process by ensuring accuracy in vote counting.
- The decision to hear these petitions indicates the importance of addressing concerns related to the integrity of electronic voting systems.

What is the history of voting process?

- In the first two general elections of India held in 1952 and 1957, voters had to drop a blank ballot paper into a separate box for each candidate along with their election symbol.
- From the third election onwards, which took place after 1957, ballot papers with names of candidates and their symbols were introduced. Voters had to put a stamp on the candidate of their choice.
- The Electronic Voting Machine (EVM) was introduced on a trial basis in 1982 in the Assembly constituency of Paravur in Kerala.
- EVMs were fully deployed in all booths during the Assembly elections of Tamil Nadu, Kerala, Puducherry, and West Bengal in 2001.
- The Supreme Court has upheld the validity of using EVMs in various judgments.
- **In the 2004 general elections to the Lok Sabha, EVMs were used in all 543 constituencies.**
- In the case of **Subramanian Swamy versus Election Commission of India in 2013**, the Supreme Court ruled that having a paper trail is essential for ensuring free and fair elections.
- **In the 2019 elections, EVMs were used with 100% Voter Verifiable Paper Audit Trail (VVPAT)** in all constituencies to enhance transparency and accountability in the electoral process.

What are international practices?

- Many western democracies, including **England, France, The Netherlands, and the U.S.**, have opted for paper ballots instead of Electronic Voting Machines (EVMs) for their national or federal elections.
- **Some countries like Germany have declared the use of EVMs in elections as unconstitutional, as was the case in 2009.**
- Brazil is an example of a country that continues to use EVMs for their elections.
- Among India's neighbors, Pakistan does not use EVMs for its elections.
- Bangladesh experimented with EVMs in a few constituencies in 2018 but reverted to paper ballots for the general elections in 2024.

What are the features of EVMs?

- Electronic Voting Machines (EVMs) have brought several benefits to the electoral process:
- EVMs have **minimized the risk of booth capturing** by limiting the rate of vote casting to **four votes a minute**, making it difficult to stuff false votes quickly.
- They have **eliminated invalid votes**, which were a common issue with paper ballots, streamlining the counting process.
- **EVMs are eco-friendly** as they reduce the consumption of paper, which is crucial considering the large electorate size of nearly one billion people.
- They provide **administrative convenience to polling officers**, making the polling and counting processes faster and more accurate.
- **Mechanisms are in place to ensure the integrity of EVM and VVPAT processes, including random allocation of EVMs to booths, conducting mock polls before the actual voting, and sharing EVM serial numbers and total votes polled with candidates' agents for verification during counting.**
- Despite these advantages, doubts have been raised about EVMs, mainly regarding their **susceptibility to hacking as electronic devices.**

- The Election Commission of India (ECI) has clarified that EVMs are standalone devices with no external connectivity, making them immune to external hacking.
- However, concerns remain about the sample size for matching EVM counts with VVPAT slips, which may not be scientifically adequate and could fail to detect defective EVMs during counting.
- The current process also allows for the identification of booth-wise polling behavior, which could lead to profiling and intimidation by various parties.

What can be the way forward?

- In a transparent democracy, citizens should be able to understand and verify the election process easily.
- The use of Voter Verifiable Paper Audit Trail (VVPAT) allows voters to verify that their votes are recorded correctly.
- However, additional steps are needed to ensure that votes are counted accurately as well.
- Instead of matching every EVM count with VVPAT slips, which would be impractical, a scientific method should be used to determine a sample size for matching.
- This sample size could be determined by dividing each state into large regions, as suggested by experts.
- If even one error is found in a region, all VVPAT slips from that region should be counted fully to determine the results.
- Introducing "totaliser" machines at polling booths can aggregate votes from multiple EVMs before revealing the candidate-wise count, providing additional cover for voters' anonymity.

Centre forms panel to ensure queer community gets access to services, welfare schemes

(17 April) (GS Paper I: Society)

Last October, while hearing the petition on same-sex marriage, the Supreme Court in *Supriyo Chakraborty & Abhay Dang v. Union of India* had directed that such a panel be set up to address challenges faced by the LGBTQ community

- The Ministry of Law and Justice has formed a six-member committee to address issues concerning the queer community.
- The committee will be chaired by the Cabinet Secretary.
- Its objective is to recommend measures to prevent discrimination against the queer community in accessing goods, services, social welfare schemes, and to address threats of violence.
- The decision to form the committee follows a directive from the Supreme Court last October during a hearing on same-sex marriage.

- The Supreme Court instructed the government to establish such a panel to tackle challenges faced by the queer community.
- Other members of the committee include Secretaries from the Ministry of Home Affairs, Ministry of Social Justice and Empowerment, Ministry of Law and Justice, Ministry of Women and Child Development, and the Ministry of Health and Family Development.
- The Legislative Department of the Union government has outlined the terms of reference for a committee focusing on queer community issues.
- **The committee's purpose includes ensuring queer individuals are not subjected to involuntary medical treatments or surgeries, with a focus on mental health modules.**
- It has the authority to co-opt experts and officers if needed.
- The announcement of the committee comes during the Model Code of Conduct period and just before the Lok Sabha election's first phase on April 19.
- This announcement follows the Congress party's manifesto launch, where it pledged to introduce legislation **recognizing civil unions among queer people.**
- While the committee's terms of reference do not explicitly mention recognizing queer couples or partnerships, it has the flexibility to address related issues it deems necessary.
- The Congress party previously indicated it would deliberate on the Supreme Court's decision not to legalize same-sex marriages and subsequently revealed its manifesto promise to recognize civil unions.

PatrioticIAS