

**Report on ECF participation in the
International Election Visitors Programme
New Delhi, India
4-9 May 2024**

4 June 2024

1. Introduction

At the invitation of the Election Commission of India (ECI), the ECF Chair, Barbara Malimali and Commissioner 'Atu Emberson-Bain, participated in India's *International Election Visitors Programme* for its 2024 General Elections to the Lok Sabha (Lower House of Parliament). Elections are a critical hallmark of representative democracy, and the objective of the Programme was to familiarize other countries with the extensive and meticulous planning for and management of elections in the world's largest democracy.

India has over 976 million electors spread across 28 States and eight Union Territories, and a federal system of government. At the top level is the national government based on a bi-cameral Parliament (Rajya Sabha and Lok Sabha). Only members of the Lok Sabha are directly elected by all registered Indian electors. Then there is a system of state governments (30 state assemblies with a mix of bicameral and unicameral legislatures); and beneath the state system, a tier of local government comprising urban municipalities or municipal corporations (depending on population size), and rural or village level Panchayats.

The invitation from the ECI was to observe the third phase of India's 18th General Elections to the Lok Sabha. The final (7th) phase of the elections is scheduled to take place in June. It is only after polling is completed for that phase that votes from all seven phases will be counted. Results will be known in a matter of hours.

2. Election Commission of India (ECI)

The ECI was established in 1950 as a permanent, independent constitutional body with its headquarters in New Delhi. Staffed by a 400-strong Secretariat, it is the **sole authority** for all matters related to elections including the preparation and revision of electoral rolls and the conduct of all national AND state elections, as well as elections to the offices of President and Vice-President. The ECI has exclusive jurisdiction to determine the schedules of both general elections and bye-elections. It carries out voter education, facilitates media coverage, monitors election campaigns including funding and expenditure of candidates, organizes polling stations/booths, and oversees the count and declaration of results. It also approves registration of political parties and determines disputes arising from party splits and mergers.

The ECI faces a unique set of logistical challenges in view of the sheer size and scale of India's elections; the cultural, religious, and linguistic diversity; the predominantly rural population (69%); the varied and challenging terrain (mountain, desert, forest, coastal and

plains); the modest literacy rate especially for women (65%); the divisive legacy of colonial rule; and the associated communal tensions following independence. But the ECI has striven to build trust in a non-partisan, inclusive, participatory, and open approach to election management. *Dialogue, Disclosure, Consensus and Responsiveness* are the hallmarks of its approach which includes acknowledging the media as a key stakeholder, an ally, and an indispensable bridge between the ECI and a well-informed electorate willing and able to participate in choosing their preferred political leaders and policies. According to the Commission, the transfer of power from one election to another “has always been smooth, with complete acceptance of people’s verdict by all political formations.”¹

3. International Election Visitors’ Programme

Around 70 delegates from 23 countries attended the Programme. There were:

- Addresses by the Chief Election Commissioner, Rajiv Kumar, and other Election Commissioners in New Delhi on 5 May, and comprehensive ECI briefings on a range of election related topics including the ECI mandate and history; poll preparedness and the electoral process; the use of technology (EVM and VVPAT); IT initiatives; and media/social media.
- Field visits from 6-9 May to:
 - Goa (Group 1 – Bhutan, Israel, Mongolia)
 - Gujarat (Group 2 – Australia, Fiji, Kyrgyz Republic, Madagascar, Russia)
 - Karnataka (Group 3 – Cambodia, Moldova, Nepal, Seychelles, Tunisia)
 - Madhya Pradesh (Group 4 – Philippines, Sri Lanka)
 - Maharashtra (Group 5 – Bangladesh, Colombia, Kazakhstan, Mauritius, International Foundation for Electoral Systems - Sri Lanka)
 - Uttar Pradesh (Group 6 – Chile, Georgia, Maldives, Uzbekistan).

4. Field visit to Gujarat

We were two of the 10 observers assigned to the state of Gujarat. Our field visit to Ahmedabad, the commercial capital, offered fascinating insight into aspects of India’s electoral process. The State comprises 33 districts, and has a population of 70.7 million.

The following are some of the highlights of our four day stay:

- (i) Visit on 6 May to D.A.V International School, Makraba, Ahmedabad, a **Dispatch Centre**, to see the safe storage of EVM and pre-polling arrangements for teams of civil servants and teachers responsible for collecting and distributing EVMs to polling stations across the district of Ahmedabad. A total of 336 polling stations and 415 EVMs (25% of which are back up/reserve machines) service the 100,000

¹ ECI “Election Streak 2024: Legal and Administrative Framework of Indian Elections”, No 3, 15.

voters in the district. After polling closed at 6 p.m. on 7 May, the EVMs were returned by the same teams but now holding the ballot papers of voters.

Observations – efficient organization, festive atmosphere, diligence and patience of the civil servants/staff complement of 1,600, good care taken of all workers – freshly cooked food, abundance of safe drinking water, medical services on hand including an ambulance and ORS because of the extreme heat.

- (ii) Early morning visit to polling station on 7 May to see a **mock poll**. This involved a demonstration test of the EVM and a trial run of the whole process. Importantly, all was done in the presence of party agents who witnessed the testing of the EVM and signed their approval before the machines were sealed with a wax seal. The EVM comprises three constituent machines – a Control Unit, Ballot Unit, and a VVPAT (Voter Verifiable Paper Audit Trail).

The process of voting was as follows:

- a voter moves along a line of desks to check whether their name is on the roll;
- this is cross checked on production of photo ID with name and address;
- a slip is provided;
- another check is made;
- voter signs;
- indelible ink is applied to index finger;
- slip is surrendered to officer operating the Control Unit;
- button on Control Unit is pressed to verify and give the OK for a single vote to be cast in the Ballot Unit;
- voter views Ballot Unit sheet of information (number, symbol, & name of each candidate) and casts vote (presses selected button) in the privacy of a screened booth; there are Braille instructions on the right hand side of the Ballot Unit to enable a blind or visually impaired voter to cast a vote without the need for assistance;
- voter moves to the VVPAT which displays the symbol or number he or she has just pressed. There are a few seconds to verify a vote slip before it drops into the box.

Observations – simplicity, efficiency, reliability, safety, user friendliness, and transparency of the technology (EVM); plenty of cross checks including a check against ballot stuffing because the Ballot Unit will only accept one press of the button – any additional presses do not register – which also means a voter can't have a second shot if he/she makes a mistake; battery run machines with no internet supply lines involved in order to eliminate the risk of hacking; no history of errors; and full confidence of political parties and candidates in the machines.

(iii) Visit to second polling venue on 7 May

Observations – ramps observed at entrance to polling venue; polling stations all on the ground floor; wheelchairs provided at polling venues; CCTV cameras seen in nearly every classroom (a school tradition at exam time but are only turned on during polling if the venue is considered “sensitive”; those not in use are covered with paper).

- (iv) Visit to rural polling venue on 7 May, Telav 2 Village, where polling got underway at 7 a.m. Just 3 polling stations, each of which had 5-6 polling agents and party or independent candidate agents present to observe. This polling venue showcased an eco-friendly polling station; and a “Pink Booth” - a polling station totally run by women, one of whom marked up a breakdown of voting in two hour slots (7-9.00 a.m., 9-11 a.m.) on the classroom blackboard. This revealed that of 916 total registered voters, there were 471 male, 455 female, and 0 other (transgender) voters. By 11 a.m., within 4 hours of polling commencing, 28.7% of registered voters had voted, and there was a noticeably higher turnout of male voters. This was attributed to the likelihood that women were doing their domestic work in the morning, and were only free to come out to vote later in the day.

Observations – colourful, decorated polling venue; separate lines for men and women; children accompanying their parents and allowed into polling stations (this is not just about enabling parents, especially mothers, to vote more easily, but about early exposure of children to the importance of participating in elections); political parties given space to observe and monitor the polling process; a group of women given sole responsibility for running a polling station - the ease and flair with which they managed their various responsibilities, including tracking and recording of votes cast, and providing a gender breakdown/calculations on the blackboard for all to see (this is not a requirement); and the recognition of non-binary gender identities in the gender disaggregation of voters.

- (v) Visit to Shreyash Foundation on 7 May to witness polling. A private school, this accommodated five polling stations. We got an idea of voter turn out (59% of registered voters had cast their votes by 3 p.m.)

Observations - All CCTV cameras were on; publicizing of voting statistics only on the blackboards of two polling stations; 48-hour Silence Period noticeably in force – no public rallies, no campaign materials or posters on the streets.

- (vi) Late evening visit on 7 May to a **Receiving Centre** at the Nursing College, Civil Hospital Campus in Asarva, where 198 buses were expected to arrive during the course of the night carrying the first sealed EVMs and their assigned staff. We observed the arrival of the first bus at about 8.20 p.m. Once all 198 EVMs were delivered and processed, they were to be transported in two large, fortified trucks about 10 km to Gujarat College where they would be stored in the “strong room”:

- Stage 1 – EVMs offloaded, seals checked, and moved into large aluminium trunks
- Stage 2 – list of registered voters handed in
- Stage 3 – statutory documents in particular list of voters who cast their ballots (Form 14 equivalent to our pink slips) handed in
- Stage 4 – non-statutory documents handed over
- Stage 5 – unused ink and booth screens handed in
- Stage 6 – Relieving certification – Sector Officer gives Presiding Officer permission to leave
- Stage 7 – sleep deprived, hardworking civil servants and teachers sit down to enjoy a freshly cooked meal.

Observations – the process was efficient and fast, and all civil servant staff arriving with EVMs seemed energetic, conscientious, and up beat. Learnt that the “strong room” at Gujarat College which will house all EVMs has a three tier security system. The outer periphery is in the hands of local police; the inner periphery looked after by state police; and the innermost periphery under the control of the (para)military.

- (vii) Travel to Gandhinagar, the capital of Gujarat, 23 km from Ahmedabad, on 8 May for a debriefing at the Gujarat State Election Commission Office on 8 May. All delegates had an opportunity to thank the Commission for the opportunity to see first hand India’s election process at work; to comment on highlights of the visit; raise questions; and make suggestions. There was a general consensus amongst the delegations that the conduct of the elections was admirable, and the depth of knowledge demonstrated by ECI liaison staff impressive.

5. General comments

A range of good practices adopted by the ECI would seem to underlie public confidence in its ability to deliver free, fair and inclusive elections. They may also explain the solid voter turnout (65% in the first two phases of the 2024 election) in what is essentially a “persuasive” electoral space where voters aren’t obliged to vote. Some of these practices could be applied or adapted in Fiji in order to improve public trust and confidence in our own electoral process, to safeguard our elections against interference or other malpractice, and to improve voter registration and turnout. We had the good fortune to see some of these practices first hand.

- The secondment of civil servants and teachers for polling duties and other field level responsibilities during the election period;
- A zero tolerance policy for any breach by election staff;
- An elaborate system of appointing observers (and publicizing their phone numbers) including senior government officials from outside the relevant state where the election is taking place;
- The use of polling Electronic Voting Machines (EVM) for all voters except those using postal ballots (diplomatic corps, military service personnel, and those working on election day). The EVMs seem to have many advantages including being simple,

efficient, safe and reliable to operate. They include Voter Verifiable Paper Audit Trails (VVPAT) which provide voters with written confirmation of their ballot by way of a screen display.

- The transparent way in which the EVM system is managed. Machines are set up, tested, and technically checked, **all in the presence** of political parties as well as video recorded. The tight security arrangements are public information and all political parties are advised and allowed a representative to be present **whenever** the warehouse storing the EVM is opened and the machines are transported from a polling station to the counting venue warehouse at the end of polling. Political party representatives are also present when the strong room is sealed.
- The mandatory use of CCTV cameras and micro-observers on polling day in all polling stations considered susceptible to voter intimidation, other electoral offences, and/or law and order problems (“sensitive” polling stations);
- The use of active complaint monitoring cells including daily reporting to the ECI of the complaints received and action taken at state and district level;
- An open door policy to the media including fully informing them at all stages of the election and allowing them free movement on polling day. While not permitted to enter the polling stations, members of the media are allowed to stand at the door and take photos as well as interview voters after they have voted;
- Equal broadcast time (45 min) allocated to each political party at State and National level to ensure a level playing field;
- The location of a polling station within 2 kms of every voter and irrespective of the number of voters i.e. this is still done even if there is only one registered voter;
- The use of accessible polling venues (ramps, wheelchairs) and other disability inclusive practices like voter instructions in Braille, the introduction of polling stations managed by persons with disabilities (“PWD booths”), the right of a voter with disability to be assisted by a person of choice, and the option of postal ballots from home;
- Comprehensive training for every person associated with voter registration and polling, including security personnel. Training includes multiple mock exercises, hands on training for EVMs, and special training for persons with disabilities including on Braille usage on the EVMs;
- In order to ensure that the constitutional right of universal adult franchise is actually put into practice, the ECI gives priority to increasing voter participation (in particular of women, young people, socio-economically disadvantaged and marginalized groups) by means of partnerships with government departments, educational institutions, civil society, the private sector, media, and national/provincial champions (“icons”). Activities include
 - the celebration of National Voters Day on the Foundation Day of the ECI (which includes a voter registration drive);
 - the use of pink booths and PWD booths on polling day where women and persons with disabilities respectively are given sole responsibility for managing a polling station;
 - the introduction of “eco booths” to promote environmental awareness and eliminate the use of plastic.

- The colourful decoration of polling stations and generally festive atmosphere (something typical of elections in Fiji in the past) is also likely to promote voter turnout and generate interest in electoral participation.
- Last but not least is the **Model Code of Conduct** (MCC), which was a frequent reference point for our informants/liaison officers. The MCC is a set of guidelines that have been developed with the consensus of political parties to regulate conduct in respect of campaign and polling day activities, polling stations, election manifestos, and the party in power etc. They come into operation the moment election dates are declared by the ECI and continue until results are announced. They help the ECI to conduct free and fair elections.

The MCC gives considerable powers to the ECI during the election period, including embargos on:

- the ruling party using its official position for campaign purposes, using public funds for advertising, or using the media to publicise its achievements;
- Ministers combining official visits with election work or use of official machinery for same;
- Ministers using official vehicles during the election period (only the PM and Chief Ministers are permitted to retain their vehicles);
- Ministers and other authorities announcing any financial grants or promising any construction of roads, provision of drinking water etc;
- any activities or speeches that could incite communal animosity;
- any form of bribery and intimidation, including the transportation of voters, all deemed corrupt practices;
- any commenting on the private lives of others by political parties/candidates

Importantly,

- Ministers need prior approval of the ECI before making any policy announcements and fiscal measures while the MCC is in force.

While it has no statutory foundation as such, some provisions of the MCC can be enforced by invoking relevant provisions in legislation like the *Indian Penal Code, 1860*, the *Code of Criminal Procedure, 1973*, and the *Representation of the People Act, 1951*. Further, ECI decisions on MCC breaches cannot be challenged in the High Court or Supreme Court during the election period (only after the result by way of an election petition).

The MCC appears to enjoy wide support, confidence and trust from all political parties, the media, and voters as a way of ensuring a level playing field. The idea of a regulatory framework dates back to 1960 when political parties themselves took the initiative of developing a code of conduct for state elections in Kerala.

6. Recommendations

- Consider requesting technical assistance from the ECI to investigate the feasibility of introducing EMV in Fiji, initially as a pilot, given all the advantages like the avoidance

of ballot box stuffing, the elimination of invalid votes, massive reduction in counting time (from days to hours), and removal of the risks of electoral “mischief”.

- Review current practices/rules governing political parties and the media in Fiji with a view to recommending the replacement of the restrictive and hostile approach that currently prevails with a more open, transparent, and collaborative partnership that recognizes them as important stakeholders, as in India.
- See how the website, IT apps, and platforms of the ECI might assist the development of our online presence and improve technological capacity. Technical assistance could be sought for this.
- Consider how ECF can draw on good practices in India to: improve voter registration, voter education, and voter participation in elections; and ensure more inclusive, transparent, and efficient elections.

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Barbara Malimali
Chair

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'Atu Emberson-Bain
Commissioner

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- (i) Official invitation to ECF
- (ii) Official ECI documents (various)
- (iii) Press release by ECF, 11.5.24
- (iv) Photos (selection)