Electoral Disclosure in Karnataka: A reality check
Civil Society Initiatives in Urban & Rural Karnataka

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Bangalore
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EXECUTIVE SUMMARY

Voters’ Right to Information in Local Body Elections

On March 13, 2003, the Supreme Court passed a landmark verdict making it mandatory for candidates to declare their criminal antecedents, assets and liabilities, and educational qualifications at the time of filing nomination papers. Acting on the Supreme Court directive, the Election Commission of India (ECI), in its order dated March 27, 2003, instructed all Returning Officers to make appropriate institutional arrangements for the implementation of the Supreme Court judgment in both Parliamentary and State Legislative elections. In a fortuitous move, the All India State Election Commissioners’ (SEC) Conference held in July 2003 unanimously resolved to implement the disclosure rules in local body elections too, thus broadening the ambit of the Supreme Court verdict. Close on the heels of SEC conference, elections to the City Municipal Council (CMC) of K.R. Puram, a suburban town of Bangalore was held in August 2003. Being the first ever local body election in South India after the Supreme Court verdict, the K.R. Puram CMC elections provided a unique opportunity for Public Affairs Centre (PAC) to intervene and systematically assess and document the implementation of the disclosure laws.

PAC’s analysis of affidavits filed by 150 candidates in the fray for the K.R. Puram elections highlighted the indifference of candidates and the Returning Officers to the directives of the Karnataka State Election Commission. One of the startling revelations was that some affidavits were accepted even without the signature of candidates. Photocopies of a few other affidavits were found bearing original signatures of candidates, suggesting that those candidates had not signed their affidavits at the time of filing nomination papers. A large number of affidavits did not bear the serial number corresponding to the entry in the Notary’s register, as required by law. Almost all the candidates desisted from declaring the market value of assets. Barring one or two, none of the Returning Officers made any efforts to display affidavits for the benefit of the voters. Even when affidavits were displayed, PAC observed that mere display of the affidavits bunched together on notice boards in the official premises could hardly ensure voters’ access to information on the
antecedents of the candidates. These disturbing findings of PAC’s analysis implied that candidates as well as Returning Officers and Notaries were guilty of dereliction of their duties.

Based on its analysis of affidavits and field observations, PAC formulated and submitted a set of recommendations to the State Election Commission urging it to ensure stricter enforcement of rules in future elections. Responding to the recommendations, the State Election Commissioner assured PAC of stringent action against erring officials and Notaries. The effects of PAC’s advocacy were evident in the October 2003 election to Mahadevapura CMC, which was characterised by greater compliance with disclosure laws. However, the performance of Returning Officers with regard to the display of affidavits was as dismal. Affidavits were bunched up inside the offices of the Returning Officers, which were found locked even during working hours, thus defeating the very purpose of SC verdict in both letter and spirit. Set in this backdrop, PAC’s campaign strategy in both K.R. Puram and Mahadevapura was to disseminate the information on candidates’ antecedents to voters in a simple and reader friendly format, to enable them to exercise an informed franchise. The exit poll in Mahadevapura revealed that 85% of those who had received the PAC leaflet reported using the information to make their voting choice. PAC’s findings and recommendations have major implications for future elections across the country. PAC’s experience has brought forth the need for concerted, vigilant and proactive action by the Central and State Election Commissions, the media and civil society organisations, so as to prevent recurrence of large-scale violation of disclosure laws such as the one witnessed in K.R. Puram elections.

A Campaign for Transparency in Gram Panchayat Elections

The elections to Gram Panchayats (GP) in Karnataka held in February-March 2005 presented new avenues for PAC’s interventions in rural areas. Until then, PAC’s electoral interventions had been confined to urban areas. With the objective of enhancing the quality of panchayat polls and to promote informed participation by voters, PAC embarked on a four-pronged campaign called "Parinamakari Panchayati" (meaning “effective local governance”). The campaign was also an effort to test the implementation of the disclosure law at the panchayat level.
Interested groups from eight districts of Karnataka were identified as partners and given orientation on the four major components of the campaign: verification of electoral rolls, training of women candidates to file their nominations, scrutiny of affidavits, and Mukha-Mukhis or public interactions between candidates and voters to discuss plans and priorities of the former.

**Salient observations from the Parinamakari Panchayati Campaign**

- The verification of the voters list revealed large-scale anomalies, such as non-inclusion of eligible voters, exclusion of already registered voters, double entries of the names of temporary workers (such as rock-cutting communities) although they had migrated, names of deceased persons on the rolls, etc.

- Despite severe time constraints, the partners groups made a concerted effort to train aspiring women candidates on nomination procedures and formalities.

- Except groups from Davanagere, Bidar and Udupi, all others experienced a major setback in obtaining affidavits from the concerned Panchayats, Taluk and Deputy Commissioner's offices. The concerned officials refused to part with copies of the affidavits, although the handbook for Returning Officers clearly states that copies of the affidavits must be provided to the public upon request. Even those who succeeded in obtaining copies of affidavits had to face severe hardship in the process.

- Almost all the partner groups succeeded in organising Mukha-Mukhi programmes. The overall response of both candidates as well as the public was encouraging. The civil society groups, for follow up action, recorded promises made by candidates.

PAC’s findings and recommendations were submitted to the State Election Commission with the objective of further improving the conduct of GP elections.
INTRODUCTION

Public Affairs Centre (PAC) has almost a decade of experience in the arena of electoral reforms. PAC’s interventions have led to its belief that any improvement in the quality of governance will neither be meaningful nor sustainable without a corresponding improvement in the quality of the elected leadership. With the humble beginning of a small but proactive citizens’ initiative to stimulate informed choices during the Bangalore Municipal Elections in 1996, PAC has continuously striven to enhance transparency, accountability and citizen participation in electoral processes. PAC’s campaigns, in collaboration with citizens’ groups and other non-government organisations (NGOs), have endeavoured to stimulate informed choices in Parliamentary, Assembly, Urban Local Body and, very recently, Gram Panchayat elections. The campaign for electoral reforms has now attained a national character with several civil society groups such as Association for Democratic Reforms, Catalyst Trust, Lok Satta and Agni actively pursuing the common goal of cleansing the electoral process.

PAC’s electoral interventions received a fillip with the landmark Supreme Court verdict on March 13, 2003, making it mandatory for candidates to declare their criminal antecedents, assets and liabilities and educational qualification at the time of filing nomination papers. The Court’s verdict itself was a result of intense civil society advocacy, under the banner of the National Campaign for Electoral Reforms, of which PAC was a member. The Election Commission of India, in its order dated March 27, 2003, instructed all Returning Officers to put in place machinery to implement the Supreme Court judgment with regard to national and state elections. The All India State Election Commissioners’ (SEC) Conference held in July 2003 took the apex court’s decision a step further, and extended this ruling to local body elections. The Karnataka SEC is among a handful of States such as Maharashtra, Tamil Nadu, Uttarakhand, to name a few, that have proactively enacted disclosure laws for local body elections.

This paper traces PAC’s interventions in urban and rural local body elections in Karnataka during the period 2003-2005, and has important implications for both policy and implementation of electoral
laws. These initiatives were conducted in partnership with several civil society organisations in urban and rural settings. Section II narrates the urban experiences, in light of the State Election Commission's decision on mandatory disclosure in Karnataka. Section III describes PAC's venture into rural elections, during the Gram Panchayat elections held in February 2005. Section IV provides a concise summary of learnings and conclusions.

The experiences narrated in this paper serve as a reality check, highlighting gaping holes in the implementation of the information disclosure laws. It urges the concerned authorities to effectively implement the laws, and recommends the active involvement of civil society organisations in the various stages of electoral process such as preparation of accurate rolls, dissemination of information on candidates' antecedents, training of aspiring candidates belonging to weaker sections of society, and in ensuring an interface between candidates and the electorate. This collaboration would go a long way in making the right to information and transparency in elections a reality.
SECTION - 1

VOTERS’ RIGHT TO INFORMATION
IN LOCAL BODY ELECTIONS

A Tale of Two Karnataka Municipal Elections

In 2003, elections were held in two city municipal councils (CMC) near Bangalore where affidavits were collected from candidates under the Election Commission (EC) guidelines for the disclosure of information pertaining to their antecedents. It is to the credit of the Karnataka Government and its State Election Commission that they decided to extend the requirement of mandatory disclosure to local elections though the Supreme Court’s judgment on the subject applied only to national and state elections. For civic groups in Bangalore and its vicinity that are concerned about their “right to know their candidates”, the CMC elections provided a unique opportunity to see how the celebrated mandatory disclosure of candidates’ antecedents actually get implemented in elections.

EC guidelines will remain toothless unless they are properly complied with during elections, and steps are taken to disseminate the information to the voting public. This hypothesis was put to test in the two Karnataka towns, K.R. Puram and Mahadevpura, both with a population under 300,000 where elections for their city councils were held in August and October 2003, respectively. PAC undertook a quick assessment of how the EC guidelines were implemented in these elections. The Campaign comprised of three main components: collection and dissemination of background information about candidates in 10 wards of K.R. Puram, analysing information furnished in the nomination forms by the contesting candidates in all 35 wards and conducting an exit poll to assess impact of the campaign on the voter’s electoral choice (see Annexure 2 for detailed steps of the campaign).

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1 Reproduced from Economic and Political Weekly - January 10 - 16, 2004
2 The EC guidelines were issued on March 31, 2003
Neglect of the EC Guidelines

The first thing that the PAC team\textsuperscript{3} noted in the K.R. Puram CMC elections was the indifference shown by the candidates and the election staff to the EC guidelines. Thirty out of the 170 candidates in the elections did not bother to declare the value of their assets fully or in part. Twelve did not sign the affidavits or did it improperly. One among this group also won a seat! Almost all the Notaries failed to comply with some of their basic rules and a few put their seals even when the candidates had not signed. And the Returning Officers whose job is to ensure that the affidavits are complete and signatures are in place accepted all the affidavits without batting an eyelid. The candidates, of course, did not challenge the affidavits of any of their rivals despite these glaring omissions! Thus, the assumption that candidates would be a check on each other’s false or incomplete information was proved wrong.

It is the duty of the Returning Officers to ensure that affidavits are complete and duly signed and notarised. They should also check

\textsuperscript{3} The PAC Team consisted of Manjunath Sadashiva, Anuradha Rao, Guruprasad, Cyril Vas, Geetha Badami and Wilson Pats. PAC has also published "ABC...of Voting - A Voter’s Guide", which is being made available to the Election Commissions and citizen groups in different states.
whether all the questions have been answered. If the authorities fail to do this, the exercise of collecting information on candidates will lose all credibility, and may be of little use to the voting citizens. The PAC team concluded that the Election Commission’s guidelines for the declaration of the candidates’ antecedents were seriously breached in the K.R. Puram elections. This was the first local election to be held in Karnataka after the new Election Commission guidelines were issued. It is possible that the authorities underestimated the task of orienting and training their staff to comply with the guidelines.

Did the voters have access to the affidavits containing information on antecedents of candidates? That was the purpose of the Supreme Court directive. If the practice adopted by the authorities in K.R. Puram is to be followed in other states, the chances are that voters will not get to know the antecedents of candidates. In K.R. Puram, the affidavits were displayed in the municipal office and the Taluk office. All the 170 affidavits of 35 wards were bunched together and put on the notice board, though voters were interested only in the candidates of their respective wards. There was no publicity on where the information would be available. The citizen’s “Right to Know” that the Supreme Court upheld was unlikely to be realized under these conditions. It is for this reason that the PAC team, in partnership with local civic groups, mounted a campaign to disseminate comparative information on candidates in several wards in K.R. Puram.4

Action on the Findings

The lapses highlighted above were publicised and reported by Public Affairs Centre in detail to the Karnataka State Election Commissioner soon after the election, along with suggestions on how to improve the compliance with the EC guidelines. In a meeting with the Commissioner, PAC proposed the following actions to be taken by the concerned authorities:

- The Election Commission should intensify the training and supervision of the Returning Officers and other front line staff.

4 The campaign entailed modest costs for printing leaflets for distribution to the people, local transport and related items. A great deal of careful planning and mobilisation of volunteers were essential as all the work had to be completed within a matter of a few days.
Many of them are deputed from other departments and need to be oriented to the new requirements

- Incomplete affidavits should be rejected forthwith. Speedy actions should be taken against erring officers, including Notaries

- Declaration of the value of assets should be insisted upon. It would help voters to compare candidates if they also declare the total value of assets. It is impossible for ordinary people to make sense of multiple categories of assets that cannot be compared or added up

- Election Commissions should, through the press, radio and TV, inform voters of locations where the affidavits relevant to different wards/constituencies will be displayed. Multiple venues such as post offices, ward offices, polling booths and panchayat offices should be used for this purpose. This calls for a proactive approach to dissemination without which this massive effort in information gathering will be futile

- Wherever possible, the authorities should display the candidates’ information on their websites. Speed of dissemination is important, as the time period between the acceptance of candidates’ affidavits and elections is short

These are actions that fall within the control of the Election Commission. Needless to say, civic groups/neighbourhood associations, etc. should mount campaigns to disseminate information on candidates and challenge cases of false and incomplete information.

At the meeting referred to above, the Commissioner agreed to take prompt action against the erring Returning Officers and the Notaries. Some of his actions were publicised in the press. As for the candidates’ non-compliance, his advice was that voters and civic groups should take them to court.

The PAC findings and proposals have major implications for elections all over the country. The flouting of the disclosure guidelines in the K.R. Puram elections could happen anywhere in the country. The Central and State Election Commissions as well as the media and other civil society institutions have to be watchful and proactive if these abuses are not to recur. Concerted efforts by the various
stakeholders can help reduce the scope for wilful abuses and thus prevent the SC judgement from becoming toothless. Unfortunately, there are very few groups/organisations in states that are dedicated to the tasks discussed above.

Response of the Authorities

The election in Mahadevapura, the second town, took place two months after the K.R. Puram election. As a result of PAC’s campaign after the K.R. Puram elections, the State Election Commission’s actions to improve compliance with the EC guidelines were tested in the Mahadevapura election. PAC’s analysis of the Mahadevapura affidavits showed that candidates furnished most of the information required this time, except for a few missing asset details. Notaries had properly attested the documents and the returning officers had done their job well. This meant that the Commission had taken steps towards improving compliance. That even a small but watchful civil society group could stimulate the government to perform better was a hopeful sign.

Addressing volunteers on how to conduct the "Informed Choices Campaign"

In Mahadevapura, PAC also succeeded in persuading the City Police Commissioner to verify the criminal backgrounds of the candidates in record time. Seven candidates had disclosed their
criminal records in the affidavits. Police checks showed that another five candidates also had criminal cases reported against them. However, as charges were not yet framed against them, their disclosure was not mandatory under the EC guidelines.

There was also a downside despite the SEC's increased vigilance in Mahadevpura. Having dutifully collected the affidavits from 144 candidates, no effort was made by the authorities to disseminate this information to the voting public. As before, affidavits were displayed inside some government offices. Voters and activists who tried to collect the information found the Returning Officers' doors locked during the day and hence had to go home empty handed. This highlights a major factor that can limit the usefulness of the information collected, and it can happen anywhere in the country. Affidavits may be displayed in some obscure offices, leaving the voters none the wiser! The only hope is that active civil society groups may be able to obtain the data and disseminate it to the public.

This is precisely what happened in Mahadevpura. With a band of enthusiastic volunteers led by 62-year-old Rama Rao of the Shree Sadguru Seva Samsthe, K.R. Puram, PAC mounted a campaign to distribute leaflets containing information on candidates. Almost all the 31 wards were covered under this campaign and many voters welcomed this effort. Participants in this campaign were very ordinary citizens, and not high profile persons or intellectuals! It shows what ordinary people can do if they are motivated and trained. For the rest of India too, this may be the only way to educate voters on the antecedents of the candidates. But there are also some risks. The campaign's volunteers were physically attacked while in the area by a candidate's supporters who thought that they were working for his opponent! It underscores not only the importance of being neutral in this effort, but also of the need to make it widely known.

An exit poll of the voters after the elections offers some evidence on how the latter used the comparative information on the candidates. Nearly 55% of the voters had seen the leaflets distributed by the volunteers. A good majority thought that the least reliable data pertained to the assets of candidates. More than two thirds said that they had shared the candidates' information with friends and neighbours. Significantly, 85% said that they used the information in their voting decisions. It shows that if the information is provided to
the people in a usable form, it has a good chance of influencing their choices in elections. If the affidavits are merely kept bunched in an office, at best some activists may manage to check or analyse some of the data such as evidence of criminality. But the voting public will not get the comparative information on candidates that might have aided them in their choices.

**Lessons and Implications**

There are several lessons to be learned from PAC's campaigns in the two municipal elections reported above. First of all, the existence of a law or official guidelines is no guarantee that affidavits disclosing the mandated candidate information will be collected and disseminated by the authorities. Citizen groups, media, etc., need to play a monitoring role and point out lapses and irregularities until proper systems, supervision and transparency are in place. Secondly, the Karnataka experience shows that authorities do welcome this watchdog function by civil society and are willing to make corrections and improve compliance. This is not to say that such positive responses will be automatic in all other states. Much will depend upon the modalities used and the sense of partnership shown by the monitoring groups. Thirdly, despite the best efforts of the election commissioners, it is unlikely that they will be proactive in the dissemination of candidates' information in a user-friendly manner in time to be absorbed by the ordinary citizens. The election staff are extremely busy during this period and the time available for them to perform their multiple tasks and checks is indeed limited. This means that if civil society groups, media and other non-governmental forums do not intervene to disseminate the relevant information during this limited period, voters are unlikely to benefit from the information so painfully gathered from numerous candidates. Fourthly, if the information in the affidavits is widely disseminated, there is a good chance that significant proportions of voters will pay attention to the information and use it in their voting decisions. Information empowers! At least this is the evidence from the two Karnataka towns. But for this to happen, it is necessary not only to mobilise the needed resources and skills, but also to conduct the campaign in a neutral, open and citizen friendly manner.
SECTION - II
A CAMPAIGN FOR TRANSPARENCY IN PANCHAYAT ELECTIONS

Lessons from Rural Karnataka

Elections to the Gram Panchayats (GP) in Karnataka were held on February 25 and 27, 2005. This provided an opportunity for PAC to design and experiment with new interventions to improve the quality of panchayat polls, and to enhance informed participation by the voters in GP elections. This also involved building capacities of the partners involved in improving governance at the local level. It was also an opportunity to test the implementation of the SEC guidelines on mandatory disclosure for panchayats.\(^5\)

Karnataka has over 5,659 Gram Panchayats spread over 28 districts. The state is known for its commitment to decentralisation and its policies to strengthen the institution of panchayati raj. In the wake of the 73\(^{rd}\) Constitutional Amendment, Karnataka was the first state to enact the Karnataka Panchayat Raj Act, in 1993. This provided for three tiers of Panchayat Raj Insitutions (PRI) and also democratic decentralisation in the governance of rural areas. The Act envisages that these PRIs function as viable and vibrant institutions of local self-governance. However, there is still a long way to go before PRIs fully emerge as responsive, accountable, transparent and people-centric institutions.

The 2005 Gram Panchayat elections in Karnataka offered PAC a unique opportunity to organise a campaign partnering rural citizens’ groups and NGOs to improve the process of panchayat elections. PAC’s Parinamakari Panchayati Campaign brought together citizens groups in 20 panchayats from across eight districts in Karnataka.

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\(^5\) The SEC vide order no SEC 11 EUB 2002 dated July 14, 2003 extended the disclosure law to panchayat elections. The order was published in the Gazette on July 17, 2003.
Parinamakari Panchayati - campaign strategies and experiences

The primary objective of the campaign was to strengthen community participation in rural governance by improving the quality of panchayat polls. It also aimed at building the capacities of the partner groups working at the grassroots to enable them to effectively engage with institutions and processes of local governance. The campaign comprised of four main components. PAC organised a workshop in Bangalore for all the partner groups to orient and familiarise them with each component of the campaign. As an adjunct to the training, an information kit was also provided.

- **Strategy one - verification of electoral rolls:** The run up to any election in general is always riddled with large-scale anomalies and incidence of tampering with the voters list. Therefore it was planned to undertake a random check of the electoral rolls in selected villages to assess the accuracy of the rolls. Partner groups were able to obtain the voters list with relative ease. A random, house-to-house verification of voters list in selected villages brought to light a number of problems, such as non inclusion of eligible voters, exclusion of registered voters, instances of duplicate entries and continued presence of names
of communities that had already migrated (like rock cutters) inclusion of names of deceased voters, etc. The partner groups had to face much hardship in conducting the survey, as the voter’s list in villages was not arranged streetwise. Enquiries by the groups in Mangalore and Udupi revealed that although the Registrar of Births and Deaths had communicated the number of deaths to the Election Commission, the relevant deletions were not effected. Groups also came across instances of families retaining names of the married daughters on the list, for various reasons. The only exception was Davanagere, where sample surveys in four panchayats revealed negligible discrepancies in the voters list.

- **Strategy two - training women candidates to file their nominations**: Given that one third of seats are reserved for women and the high incidence of female illiteracy, the training was intended to assist aspiring women candidates fulfil the cumbersome requirements of nomination procedure, thereby preventing disqualification on account of mistakes in the nomination forms. Despite severe constraints of time, partner groups trained around 300 aspiring women members of Self Help Groups (SHG), many of whom were illiterate, on the procedure to fill in details in their nomination forms and affidavits. The Nagarika Seva Trust (NST) in Dakshina Kannada district organised meetings in 382 villages on the importance of fielding good candidates. The group has a wide network across the district and has been actively involved in voter awareness campaigns. Of the 124 members of NST who contested, 74 won. Among the winning candidates, 59 were women and 15 were men.

- **Strategy three - scrutiny of candidates’ affidavits**: This was the first panchayat election in Karnataka that required candidates to disclose information on criminal antecedents, educational qualification and assets and liabilities. PAC therefore deemed it fit to study the process and scrutinise affidavits filed by candidates, since it would not only help disseminate information on candidates amongst voters but also check abuses, if any, by the candidates and Returning Officers.
Except groups from Davanagere, Bidar and Udupi, all others experienced a major setback in obtaining affidavits from the concerned Panchayats, Taluk and Deputy Commissioner’s offices. The concerned officials refused to part with copies of the affidavits though the Handbook for Returning Officers\(^6\) clearly states that copies of the affidavits must be provided to the public upon request and against payment of photocopying charges. Even those who succeeded in obtaining copies of affidavits faced severe hardship in terms of being shunted from pillar to post. Ironically, many of the officials who refused to part with copies of affidavits were those who had undergone training on the Right to Information! There were also reports of officials being rude and unfriendly. In Bidar, one of the Returning Officers informed the group that he could not put his signatures on some of the affidavits and therefore refused to part with them. In Shimoga, the officials went a step further by stating that affidavits were not mandatory for GP polls! In some districts, bills for receipt of payment towards purchase of the copies of affidavits were not issued. The experience across the districts highlighted gross indifference of the official machinery to disclosure laws. Owing to barriers in accessing affidavits, neither scrutiny nor dissemination of poll antecedents of candidates was possible.

- **Strategy four - public interactions with candidates:** Each partner group was asked to organise a public meeting with all the contesting candidates, known as “Mukha-Mukhi” (Face to Face). It was hoped this would create opportunities for voters to obtain firsthand information on past achievements, plans and priorities of candidates, and empower citizens to truly hold their elected representatives accountable to their electoral promises. Most of the partner groups were able to organise Mukha-Mukhis in their respective panchayats. The large turnout and the quality of discussions were encouraging. The promises made by the candidates in these meetings were recorded for follow-up action. One unforeseen exception was Bellandur, known as a “Model Gram Panchayat”, where the PAC team received

\(^6\) Page 16, instruction (e) of the Handbook for Returning Officers; Gram Panchayat Elections 2004 issued by the State Election Commission, Karnataka
threats of violent retaliation by unscrupulous elements in the event of a Mukha-Mukhi interaction.

A candidate informs voters about her plans for the Marakkel panchayat in Bidar District

Feedback and Evaluation

PAC organised a workshop in March 2005 to evaluate campaign experiences, facilitate mutual learning amongst the partner groups, interact with the State Election Commission (SEC), and plan follow-up action. On hearing the problems and difficulties faced by the civil society groups during the elections, the Secretary of the SEC assured them of corrective action in future elections. He then went on to share information on the SEC’s recent initiatives such as pasting of electoral rolls on notice boards at each polling booth for public verification, installation of video cameras at sensitive booths during polling, and constant update of the SEC website to assist civil society groups. He also informed the group that the SEC was in the process of revising the Handbook for Returning Officers, and that henceforth trainings would underline the importance of public involvement in the electoral process.

Recommendations towards Parinamakari Panchayat elections

Discrepancies in the voters list call for immediate attention. Concerted efforts by the SEC, in partnership with citizens and civil society groups, can substantially minimise anomalies in electoral rolls.
PAC has recommended that the SEC improve its information communication during revisions, in order to inform citizens of the revision process; focus also on corrections and deletions, instead of only inclusions on the voters list; provide training and orientation and better incentives for the designated officials involved in the revision process; make arrangements to display electoral rolls at all polling centres; and ensure that the information pertaining to the deceased voters from the Registrar of Births and Deaths is periodically fed into the voters list. The enthusiastic response to the training of women candidates signals the need for setting up a help desk at panchayat offices during elections. In light of the errors observed in the duly filled nomination forms, PAC has suggested that a simplified form be introduced.

The hurdles faced by citizens' groups to obtain copies of affidavits from the Returning Officers makes a mockery of various disclosure laws. The reluctance of officials to part with this information can be partly tackled through intensive training programmes for Returning Officers. Moreover, better communication and information flow between various offices concerned with elections, such as the Deputy Commissioner, Tahsildar and Panchayats, would minimise confusion and ensure easier access to affidavits and other relevant information. Special instructions from the State Election Commission to officials at the district, Taluk and Panchayat levels to cooperate with public interest groups would perhaps enhance their responsiveness to such activities.
SECTION - III
SUMMARY AND CONCLUSIONS

PAC's electoral interventions in urban and rural settings have thrown open a number of issues that call for immediate attention by the concerned authorities. What is startling is that discrepancies in the voters list are common to both urban and rural areas. That anomalies on the rolls are so rampant suggests a faulty system of updating rolls during revisions. This can be overcome by proper monitoring during updating of rolls/preparation of new rolls. Information from the Registrar of Death is not effected in the voters list. Large numbers of eligible voters are unable to participate during the revision process, probably due to insufficient publicity prior to the revision. In urban areas, lack of interest and apathy among the public results in poor turnout during the revision process. It is also apparent that enumerators and other concerned officials are not sufficiently trained (especially regarding their interactions with the public) or motivated to do a thorough job.

Nevertheless, in recent times, a small beginning has been made in cities like Bangalore to involve civil society groups during revisions to update and reduce errors on the rolls. Over the years, civil society intervention has resulted in greater responsiveness of authorities, and efforts to improve publicity during such revisions. However, the overall effectiveness depends on extending such initiatives to smaller towns and villages. We all know that the 'quality of polls depend on the quality of [electoral] rolls'. Therefore, concerted efforts of the authorities, in partnerships with civil society groups could greatly reduce the anomalies on the electoral rolls.

The authorities have failed in fully recognising the spirit of the Supreme Court's judgment on disclosure. The difficulty in accessing the affidavits of candidates in both urban and rural areas calls for an immediate intervention by the authorities. Although PAC was able to collect affidavits in time during the K.R. Puram elections, volunteers were made to run from pillar to post to obtain them. However, the situation improved later during Mahadevapura elections, probably due to the rapport that PAC was able to develop with the authorities.
During the gram panchayat elections, almost all the groups were unable to access the affidavits in time. Certain officers also misguided public interest groups by informing them that affidavits were not public documents to be shared with them! Sadly, many such officers had undergone training on the Right to Information Act. Moreover, all Returning Officers were provided copies of the 'Handbook for Returning Officers’, which clearly mentions that citizens are to be provided with copies of the affidavits as soon as they are filed by the candidates. This suggests that the election staff require an intensive training on their duties and responsibilities, as they are deputed from other departments. It is time that Election Commissions involved professional training institutes to train their staff. The Administrative Training Institute in Mysore is one such option, which has a satellite training facility in Karnataka. The Institute is already a pioneer in training gram panchayat members across the State via satellite.

The Bellandur experience has also shown that political parties and vested interests in villages are opposed to such moves to inform and educate citizens on their role in elections. In this context, the role of civil society in promoting informed choices becomes all the more important.

Throughout the country, there has been an increasing demand from civil society groups for greater transparency. With the electoral disclosure law firmly in place, a window of opportunity stares us in the face. It is up to citizens to ensure that this law is implemented and that the spirit of the Act is upheld. The authorities must gear themselves to respond to increasing demands by civil society, and forge alliances with it in the quest for good governance. Effective implementation of the electoral disclosure law would go a long way in injecting transparency into our political system, thereby putting the citizen once again at the heart of democracy.
ANNEXURE 1

The Right to Information on Candidates
How Will the Voters Know?

Samuel Paul

The recent Supreme Court verdict upholding the constitutional right of the people to know the antecedents of electoral candidates has been widely welcomed across the country. That it took public interest litigation by civil society groups to get this landmark judgment is a poor reflection on the quality and vision of our political leadership. Political parties across the board had joined together to protest when the Court had given a similar verdict in an earlier case. But now that the Court has clarified that the voter’s right to have information on candidates is a constitutional right, political parties will find it difficult to persist with their earlier strategy. And this being a fundamental right, access to information on candidates should be available to voters in the context of elections at all levels. The Congress and CPI have already signalled that they intend to comply with the verdict. The coalition in power at the Centre is yet to give a response.

We have here a clear case of leaders being turned into followers. Instead of being leaders in deepening the democratic process, our political leaders and their parties are being forced to follow the thinking of the civil society and an independent judiciary. This is not the only case where a role reversal has taken place. The judiciary, often in response to public interest litigation (PIL) cases, has had to direct governments to change public policies, laws and actions. Judges are not supposed to act as policy makers in a democracy. That the judiciary and civil society have to intervene in this fashion repeatedly

7 Excerpt from Economic and Political Weekly - April 12, 2003
8 The Court delivered this judgment on March 13, 2003. The judgment declared as "unconstitutional" section 33B of the Representation of the People (Amendment Act of 2002 that said "Notwithstanding anything contained in the SC judgment of May 2, 2002 or in the consequent order passed by the EC on June 28, 2002, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act".
9 The Supreme Court delivered its judgment in this case on May 2, 2002.
shows that all is not well with our policy making process. It underscores the importance for our people to be ever watchful of what our governments do. We cannot assume that because we have elected a government, they will do all the right things, including respecting our rights.

A similar situation may soon emerge with respect to the Supreme Court verdict on the recent poll act amendment. The Court’s affirmation of our right to know the antecedents of candidates does not imply that such information will now flow freely and automatically to all voters. On the other hand, it is likely that some criminals and other undesirable characters will now be dissuaded from contesting elections. But the potential impact that the Court verdict can deliver is more far reaching. What the Court has done is to create an enabling condition for some useful background information on candidates to be generated when they submit their applications to the electoral officers. If the voters’ access to this information can be expanded significantly, it has the potential to influence the choices they make when they vote. There are, however, several steps to be completed before this information can be accessed and digested by voters. First of all, the Election Commission must gather and collate the required information on candidates. Second, the Commission should make the data available to people in a usable fashion. Third, people should understand and digest the information. Fourth, cases of false information need to be publicised and public pressure exerted on such candidates to withdraw. Fifth, people should go to the polling booths and make use of the information in the voting process.
ANNEXURE 2


Part I: Dissemination of background information about candidates in 10 wards of K.R. Puram

a. Identifying a partner organisation

The first step was to identify and enlist the support of local organisations like Shree Sadguru Seva Samsthe (SSSS), Rammurthy Nagar. The next step was providing technical and financial support to the partner organisation.

b. Identifying the wards for information campaign

SSSS identified 10 wards for the campaign viz. Ward Nos. 5, 6, 7, 8, 9, 10, 11 and 33, 34 and 35. The selected wards were geographically contiguous in order to ensure easier dissemination of information.

c. Collection of background information

SSSS obtained photocopies of the nomination forms and affidavits of all the candidates in the fray from the respective Returning Officers.

d. Designing the leaflet format for dissemination of background information

PAC designed a ward wise leaflet format for dissemination which contained the following information on candidates: Name, age, political affiliation, municipal ward of residence, educational qualifications, criminal background - number of cases, convictions, fines and nature of offence, details about moveable and immovable assets - farm land, non farm land and buildings, payment of property tax and outstanding debts to public financial institutions.

e. Processing and data entry of background information

Background information of candidates for the identified wards was extracted from the affidavits and entered into the ward-wise leaflet format by PAC team. Each ward was allocated to two persons, one for extracting and dictating the text and the other for entering the data.
f. Editing and double-checking the data filled formats

Great care was taken to double-check the particulars before sending it for printing. Even slightest variations can lead to distressful situations.

g. Coordinating with the printer

Since on an average there were four candidates per ward and the 10 wards were geographically contiguous, information on all the candidates was printed on a A3 size leaflet using both sides in Kannada and distributed to each and every household in all the ten wards. Despite meticulous proof reading, some errors escaped attention and became major source of stress and embarrassment during the distribution of leaflets.

h. Distribution of leaflets

Volunteers of SSSS were briefed on the method of dissemination. They distributed the leaflets to each and every household in the ten wards and wherever possible explained the purpose of the campaign to voters. Furthermore, notices were published in local newspapers about the campaign to highlight the importance of the information leaflet.

Part II: Analysis of affidavits filed by candidates

- The objective of the analysis was to highlight the nature of candidature, the level of compliance to and the quality of implementation of the disclosure laws by the Returning Officers.

- Ward wise comparative analyses were done across political affiliations. There were 170 candidates from 35 wards. PAC analysed 140 out of 170 affidavits submitted by candidates in K.R. Puram. Affidavits were analysed on the following parameters: age, political affiliation, municipal ward of residence, educational qualifications, criminal background - number of cases, convictions, fines and nature of offence, details about moveable and immoveable assets - farm land, non farm land and buildings, property tax payment, outstanding debts to public financial institutions, omission of details, inconsistencies of particulars, etc.
Part III: Exit Poll to assess impact of campaign

PAC conducted an Exit Poll to systematically assess impact of the informed choices Campaign on voters’ choice in the K.R. Puram CMC elections. The questionnaire covered the following aspects:

- Did the voter remember seeing the leaflet
- Did they go through the leaflet
- If so, do they remember any of its contents
- What part of the information they recall the most
- Whether they feel that information disclosed by candidates was false
- If so, which part, which part was false
- Did they discuss it with any other person
- Whether the information in the leaflet influenced their choice in the elections

To avoid any law and order problems, the police were informed of the exit poll and its non-political purpose, a day prior to the elections. The daylong exit poll was conducted on 10th August by a team of eight persons. 259 voters across eight wards were interviewed.
### Annexure - 3

Prototype of Information

**Elections to Mahadevpura City Municipal Council, Sunday,**

*If you come to know that any of the following candidates have a criminal background, please contact: 5537260/5525452*

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name</th>
<th>Age</th>
<th>Gender</th>
<th>Political Affiliation</th>
<th>Address</th>
<th>Education</th>
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<td><strong>Ward No: 1</strong> Backward Class A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>M. Anantaramaiah</td>
<td>48</td>
<td>M</td>
<td>Congress</td>
<td>Garudacharapalya, Mahadevpura Post, Bangalore - 48</td>
<td>SSLC</td>
</tr>
<tr>
<td>2</td>
<td>K. Erachikkegowda</td>
<td>37</td>
<td>M</td>
<td>AIPJD</td>
<td>Garudacharapalya, Mahadevpura Post, Bangalore - 48</td>
<td>SSLC</td>
</tr>
<tr>
<td>3</td>
<td>G. Venkatesh</td>
<td>32</td>
<td>M</td>
<td>BJP</td>
<td>Garudacharapalya, Mahadevpura Post, Bangalore - 48</td>
<td>SSLC</td>
</tr>
<tr>
<td><strong>Ward No: 2</strong> General: Women</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Nagaratna</td>
<td>48</td>
<td>F</td>
<td>Congress</td>
<td>#45, RHB Colony, Mahadevpura Post, Bangalore - 48</td>
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<tr>
<td>2</td>
<td>A. Manjula Chikkanna</td>
<td>32</td>
<td>F</td>
<td>Independent</td>
<td># 223, Mariappa Layout, RHB Colony, Mahadevpura Post, Bangalore - 48</td>
<td>PUC Failed</td>
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<tr>
<td>3</td>
<td>Radhika</td>
<td>23</td>
<td>F</td>
<td>BJP</td>
<td>Lakshminagar, Mahadevpura Post, Bangalore - 48</td>
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</tr>
<tr>
<td>4</td>
<td>C. Rukmini</td>
<td>24</td>
<td>F</td>
<td>AIPJD</td>
<td># 218, RHB Colony, Mahadevpura Post, Bangalore - 48</td>
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<tr>
<td><strong>Ward No: 3</strong> Backward Class A: Women</td>
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<td></td>
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<td>1</td>
<td>Munithayamma</td>
<td>33</td>
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<td># 23 - 2, Saraswathi nagar, Mahadevpura, Post, Bangalore - 48</td>
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<td>41</td>
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<td>3</td>
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<td>46</td>
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<td>43</td>
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<td>189, 1st Cross, Hoodi, Mahadevpura Post</td>
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<td>44</td>
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<td>N. Nagaraja</td>
<td>52</td>
<td>M</td>
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<td>3</td>
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<td>29</td>
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<td>340 (170), Kaveri Nagar, Mahadevpura Post, Bangalore - 48</td>
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**NB:** 2w = Two wheeler, 4W = Four wheeler, JCB = Excavator

24
**leaflet prepared by PAC**

**19th October 2003 : KNOW YOUR CANDIDATES PROGRAMME**

*Issued in public interest by: Public Affairs Centre & Shree Sadguru Seva Samsthe*

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<td>3 lorries, 2W &amp; JCB</td>
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<td>2W</td>
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These details have been extracted from the affidavits filed by the candidates to the election authorities.
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