

Independent Panel for Monitoring Indian Elections – 2024

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Weekly Bulletin of key concerns. No 1, 27th March, 2024

The Independent Panel for Monitoring Indian Elections, 2024 (IPMIE) plans to release periodic in-depth interim and final reports, based on its monitoring of general election 2024. We also feel it is important to flag to the Election Commission of India (ECI), on a more ongoing basis, key concerns with the conduct of free and fair elections that are brought to our notice, so ECI could respond to those as the elections gets underway. Below is a catalogue of concerns we observed in the past days, since the announcement of general election 2024, on 16th March 2024.

1. Appointment of Election Commissioners

The recent appointment of two election commissioners to the ECI has reportedly been criticised by the sole non-ruling party member of the selection committee, who has claimed that the names of the shortlisted candidates were not provided to him in adequate time, among other “procedural lapses”. Supreme Court too has expressed concerns at “procedure adopted” in the appointments.

2. Questions regarding polling schedule and voting phases

The long seven-phase election cycle announced by ECI is seen as advantaging the ruling BJP, and its “star campaigner”, Prime Minister Narendra Modi.

3. Continuing concerns over EVMs

There are continuing doubts regarding the robustness of EVMs, as expressed by civil society. RTI inquiries reveal a high rate of EVM failure reported by states to the ECI during the 2019 elections. The suggestions offered by civil society to overcome these challenges, such as by counting VVPATs as ballots, have not been accepted by the ECI, in its plans for general election 2024, and concerns around the EVMs have not been addressed in a satisfactory.

4. **Electoral Bond Scheme (EBS):** We also take note of the significance of Supreme Court’s recent judgement on EBS. From the evidence and analysis available publicly, it seems EBS has been used by the ruling BJP unscrupulously, to, among others, put pressure on potential donors. The bonds seem to provide significant financial privilege favouring the ruling party that undermines the competitive aspects of India’s electoral democracy.

5. Prime Minister Modi’s speech invoking religious sentiments

PM Narendra Modi, in an election speech delivered in Salem, Tamil Nadu, on 19 March, was reported invoking religious sentiments in electoral campaigning. Please see this for example of a media report. We are made to understand that complaints have been filed with the ECI on this alleged violation of the Model Code of Conduct, specifically this complaint, reported in the press.

6. Arrest of Arvind Kejriwal, a sitting opposition Chief Minister

The arrest of a sitting Chief Minister from an opposition political party during elections casts serious doubts over whether a level playing field is being provided to all parties going into the election. This comes after the arrest recently, of another sitting CM from the opposition, Hemant Soren in Jharkhand. There seems to be a clear pattern in using investigative agencies to disproportionately target opposition political parties and their leading figures, which will have a chilling effect on the opposition’s ability to contest the elections freely and fairly.

7. **Media bias:** We take note of the fact that most mainstream media has presented an unbalanced picture regarding issues that impact free and fair elections, including electoral bonds, arrest of sitting Chief Ministers. These too have the potential to bias information available with voters in favour of the ruling party, thus breaching the obligation to ensure a level playing field.

8. **Voter Registration:** Article 325 of Indian Constitution states:....”*no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.*” yet evidence shows that millions of Muslim Indians and millions of Dalits have been systematically excluded from the rolls: an urgent inquiry needs to be undertaken by the EC into how this has happened, and how it can be swiftly rectified.