



INNOVATIONS FOR SUCCESSFUL SOCIETIES

POLICING ELECTION DAY: VULNERABILITY MAPPING IN INDIA, 2006-2009

SYNOPSIS

During India's 2009 election, there were not enough uniformed personnel to guard every one of the country's 828,000 polling places or to keep the peace during the campaign period. The Election Commission of India introduced "vulnerability mapping" to help election officials decide where to deploy the police and paramilitary personnel ahead of polling day. The state of West Bengal piloted the new tactic. Intense political competition and a Maoist insurgency in some parts of the state meant West Bengal was more susceptible to trouble than many other places in the country. Using general guidelines drawn up by the commission, the head election official for West Bengal, Debashis Sen, classified polling stations by their level of sensitivity. These rankings helped election officials decide where to position the police and paramilitary. The commission also instructed the police to execute existing arrest warrants and to keep close tabs on likely offenders. Election officials in West Bengal said the mapping helped dampen violence and increase voter turnout on election day.

Michael Scharff drafted this case study on the basis of interviews conducted in New Delhi and Kolkata, India, in November 2010. Case published August 2011.

INTRODUCTION

At a 2007 brainstorming session, officials from India's elections administration, the Election Commission of India, sought a new approach to dampen conflict during campaign periods and around polling places. The commission knew that thugs intimidated citizens throughout the country and prevented them from participating. They also knew that vote-stealing sometimes marred the accuracy of election results. S.K. Mendiratta, who joined the commission in 1964, recalled, "We were thinking, 'How can this situation [the fraud and violence] be controlled so that people

are encouraged to come out and vote?'" Mendiratta said the public was increasingly aggrieved that "in an independent India, we are not free to vote."

Elections to India's Parliament took place every five years, and in 2009 roughly 714 million registered voters were eligible to cast ballots. Aware of its limited policing resources, the commission decided that a big part of the solution lay in targeting the areas where violence was most likely.

In October 2007, the commission issued detailed instructions to chief electoral officers, the

head election officials in each state. The instructions introduced “vulnerability mapping,” a measure designed to help the chief electoral officers identify which polling places in their states would be most vulnerable in the 2009 nationwide parliamentary elections. Information on each polling place’s vulnerability would help election officials decide how to prioritize deployment of security forces. Moreover, the commission instructed police officials at the state level to carry out any pending arrest warrants and to take preemptive action against individuals who might perpetrate fraud or violence.

In West Bengal, India’s fourth most populous state, implementing vulnerability mapping would be a daunting task. For the 2009 parliamentary elections, the state anticipated more than 52 million voters at 48,900 polling places in 42 constituencies. This challenge would fall to Debashis Sen, the state’s chief electoral officer (a civil servant appointed by the national commission in consultation with the state government). As a former election observer, Sen said he saw the potential merit of mapping: “What it did was that it put into one place all the factors that were relevant. Which are the vulnerable polling stations ... and what would you do with the resources you have on the day of election.”

West Bengal was an important testing ground for the mapping initiative. In past elections, the state had encountered the kinds of troubles that the strategy sought to address: widespread fraud and political party violence, complicated by a Maoist insurgency. If election officials there could implement mapping and demonstrate its effectiveness in reducing violence and fraud, mapping could become a standard element of election preparations nationwide. This case shows how Sen successfully implemented the national directive in a large state well known for conflict and corruption.

THE CHALLENGE

Heated political competition fueled electoral violence in India. Some candidates saw an elected position as a ticket to personal

advancement. Campaigners often paid supporters to harass, threaten and physically attack citizens who intended to vote for their opponents. Some of the attacks resulted in deaths. For example, just two weeks before the 2009 polls in West Bengal, a member of the Communist Party of India (Marxist), was shot and killed by Maoist rebels after refusing rebel orders that he resign from the party. Indeed, a decades-long Maoist insurgency in West Bengal drove much of the electoral violence. The rebellion began in 1967 over demands that the government give land to the poor. Inspired by the teachings of China’s Mao Zedong, Maoists often boycotted Indian elections and targeted election officials and polling places with shootings and bombings.

Fraud also disenfranchised many voters. A practice called jamming slowed the voting process to a crawl and discouraged legitimate voters from casting their ballots. Large numbers of party stalwarts would descend on polling stations and line up to vote, even though they were not registered in the area. When they reached the front of the line and were turned away, they immediately got in line again, ensuring that the line was always long. Legitimate voters either grew impatient with the wait and left before voting or were prevented from casting a ballot altogether. Another popular tactic was “negative vote buying,” whereby candidates paid citizens to stay home on election day.

The chief electoral officer in each of India’s states and union territories had responsibility for allocating state police to help limit violence and fraud within their jurisdictions. When planning police deployments in the past, the electoral officers had relied on intuition and instinct rather than firm data on the location of trouble spots. As a result, police were not always assigned to the polling places most susceptible to fraud and violence.

The political entanglements of the state police further complicated efforts to quell election violence. Because the police were an arm of the state government, the party in power could use the agency to its advantage, providing security based

on the desires of its candidates, for instance, rather than the needs of citizens. “Political pressure meant that forces were diverted from polling places where they were needed most,” explained Ashish Chakraborty, an undersecretary at the commission. “The police were doing their own thing.” Chief electoral officers had legal authority over the head of police in each state, and they could overrule politically motivated police assignments. But chief electoral officers had no way to monitor what was going on at each of the thousands of polling places in their states.

In addition, the state police were often slow to execute arrest warrants for people suspected of criminal offenses in the months preceding elections. Politics played a role in contributing to the backlog. “It often happens that someone has to be arrested and arrest warrants have been issued, but the police claim that they cannot be found,” Sen said. The commission even pushed the police to expedite the arrest of people with outstanding warrants unrelated to electoral offenses, reasoning that they might stir up trouble before the election.

After security personnel were deployed to polling places, the challenge became how to make sure they were doing their jobs fairly. The commission needed neutral observers who understood the dynamics of the local situation and knew the players. In particular, they sought to oversee any detention and monitoring of individuals. Unjustified arrests and other enforcement actions could discredit both the commission and the electoral process.

FRAMING A RESPONSE

Sen had been West Bengal’s chief electoral officer for about three months when, in early 2006, he approached R. Balakrishna, then a deputy member of the Election Commission of India and the head of the commission’s planning division. Sen told Balakrishna that the majority of West Bengal’s citizens had little faith in the commission. A coalition of left-leaning parties had held power in the state for 30 years. The fact that a coalition could hang on to power for so long

was an anomaly in India and provoked suspicion that the coalition parties were rigging the elections and that the commission was “merely applying its stamp of approval,” Sen recalled telling Balakrishna.

West Bengal’s state assembly elections, scheduled for May 2006, offered an opportunity for a pilot project to sway public opinion about the fairness of the electoral process.

Sen and Balakrishna began to brainstorm “how to make it so that on the day of elections everything would be absolutely fair and proper,” and, importantly, “appear to be fair and proper to everybody,” Sen said. The two men drew up a strategy paper that, among other things, proposed assigning members of the Central Reserve Police Force, or CRPF, to each of the 45,000 polling places the state would create for the 2006 state elections. Since 1999, chief electoral officers had the power to call upon the CRPF, a paramilitary police service operated by India’s Ministry of Home Affairs, to supplement state police during elections. Typically, however, states had never received enough CRPF personnel to cover every polling place because the agency needed to cover the whole country. Because states scheduled elections for their own legislatures at varying times, Sen had no trouble getting his full request for West Bengal’s 2006 assembly vote.

With CRPF police at each polling station, Sen and Balakrishna deployed the state police to detain people with existing arrest warrants, whatever the charge. They also brought in observers from outside the state to monitor voting on election day.

Sen described the 2006 pilot effort as a resounding success. Reflecting on the election, Sen said, “There was not a single serious complaint or even a substantiated nonserious complaint that said that any of the 45,000 polling stations were rigged.” He shared the story with senior election officials, including the country’s chief election commissioner, N. Gopalaswami, at the commission’s headquarters in New Delhi. The officials were impressed. Sen’s presentation came at a time when the commission was seeking

a way to limit fraud and violence. Voters had complained for years about both issues, and in 2006, calls for action were louder and stronger than ever, fueled by an increasingly activist media. “With the spread of the media, the middle class in India became more reluctant to accept these things, such as the explicit use of violence and people walking in and capturing booths,” said Uday Baxi, a former joint chief electoral officer in New Delhi.

The senior officials assigned Balakrishna’s planning department the job of developing specific guidelines for limiting fraud and violence. The senior officials met every morning in a conference room on the fourth floor of the commission’s headquarters to discuss policies and the latest election-related issues. At these sessions they reviewed and revised guidelines that Balakrishna’s department proposed.

In a national election, the demand for police would exceed the supply. One of the proposals Balakrishna brought forward called for allocating security personnel to specific polling stations based on the area’s history of election-related violence and other problems. In October 2007, the commission issued a four-page set of instructions for vulnerability mapping. The instructions were sent to the chief electoral officer in each state. The chief electoral officers were to conduct the mapping in three stages. First, they were to work with their subordinates to compile a list of all polling places in their state, ranked by level of vulnerability based on specific criteria that included whether in the most recent election a violent incident occurred at a polling place, or whether in the same election, 75% or more votes went to one candidate. Based on those criteria, each polling place would be classified as normal, sensitive or hypersensitive. The commission believed the criteria captured the telltale signs that voters were intimidated or that trouble, in the form of fraud or violence, might take place. Chief electoral officers would allocate police based on these rankings.

Second, in addition to the state police, the chief electoral officers had at their disposal a

limited number of CRPF personnel. Members of the CRPF were well regarded and respected for their discipline and were widely seen as politically neutral because they had no direct ties to state governments. “Since they are not local people, they are perceived to be more neutral, and their presence has a psychological effect on the electorate,” said Mira Pande, the head of the state election commission in West Bengal, which had responsibility for overseeing municipal and village-level elections. Knowing how many polling places were vulnerable, and to what degree, helped the chief electoral officers to determine how many CRPF personnel to request.

Third, chief electoral officers and the director general of the state police were to carefully compile a list of potential troublemakers believed to be likely to commit acts of fraud or violence during the elections, based on past experience and current intelligence. With the lists in hand, chief electoral officers were to consult with local district magistrates and police chiefs to track people seen as potential threats, using video surveillance in some instances. They would ask some people to pay bonds of guarantee, reimbursed after the election upon good behavior. In extreme cases, targeted persons were subject to arrest. Most individuals arrested by police before the election had outstanding arrest warrants, but some were detained preemptively.

Although these measures would be impermissible under the laws of some democratic countries, Mendiratta said that they were specifically authorized under Indian law. Sections 107 and 110 of the Code of Criminal Procedure allowed district magistrates to require persons whom they suspected might stir up trouble during the election period to pay a bond. Section 151 gave the police the authority to make a preemptive arrest if they believed that a person was about to commit a crime. However, the Code of Criminal Procedure also prohibited the police from detaining individuals for more than 24 hours, unless law enforcement discovered that additional provisions within the Code or other laws authorized their continued detention. The

Representation of People Act of 1951 and the Indian Penal Code—the country’s main criminal code—spelled out specific election-related offenses and their punishments.

GETTING DOWN TO WORK

Sen received the commission’s guidelines in October 2007 and immediately circulated them via fax and email to the district magistrates in each of West Bengal’s 18 districts. Given the responsibilities outlined in the instructions, election officials would need to begin the mapping about five months before the 2009 parliamentary elections.

Voters were scheduled to go to the polls in three phases, staggered over three weeks in late April and early May 2009. For decades, most states had staggered their election schedules in order to allow election and security officials to better focus their efforts. In West Bengal, this phased process was particularly important because the police and the CRPF also had to ensure that the Maoist insurgency in parts of the state did not disrupt polling.

Listing polling places, assessing vulnerability

The first step of the mapping was to compile a list of polling places and to rank them based on their level of vulnerability. For the 2009 elections in West Bengal, there were 42 assembly constituencies, with an average of 1,200 polling places per constituency. Sub-district level officers (the head election official in a constituency) were dispatched to cover about a dozen polling places each. Armed with the commission’s criteria for assessing vulnerability, the officers met with party candidates and voters who lived near the polling places. They also met with the local election staff who had been stationed at the polling places in the previous election. The officers classified a polling place as sensitive if their meetings and observations revealed any of several characteristics.

First, a polling place was deemed sensitive if a high percentage of voters’ names appeared on

the electoral roll without accompanying photographs. The commission believed that voter rolls with a high percentage of missing photographs indicated a high risk of voter fraud or intimidation. Every year, regardless of whether an election was scheduled, the commission undertook a campaign to make sure all voter rolls coupled names with photographs. Voters with missing photographs were asked to submit their own passport-size pictures or to come to designated locations to have photos taken.

Second, a polling place was to be classified as sensitive if more than 75% of votes cast in the past election were for one candidate, or if a violent act had been committed there in the previous election, or if a revote had been ordered there in the most recent parliamentary contest. Only the election commission in New Delhi could order a revote, based on the advice of the head election official stationed at the polling place. Most often, revotes were conducted in the wake of voting irregularities such as suspected or observed fraud. Finally, a polling place could be designated as sensitive if conversations with local villagers revealed perceptions of threats or intimidation. While the other criteria were designed to take into account verifiable data, this final measure was intended to respond to local beliefs and perceptions.

The officials finished compiling their lists about a month before the start of the election period. The state electoral commission then sent the completed lists to the district magistrates for each constituency. The district magistrate compiled the lists into one document and called for a meeting with the district’s superintendent of police and observers assigned by the election commission to constituencies in the magistrate’s district.

The observers, drawn from the Indian civil service, began monitoring two to three weeks before elections. Typically, three observers were sent to each constituency for parliamentary elections to monitor preparations and to make sure that polling places were structurally sound and

accessible by the elderly and handicapped. To promote neutrality, the commission required that observers could not work in the states where they were born, where they were married, where their spouse was from, or where they were currently working or living. Moreover, observers were never assigned to constituencies where they had previously observed election proceedings, and they took orders only from the commission in New Delhi.

By meeting with the district magistrate and superintendent of police, the observers were able to familiarize themselves with the issues in their constituencies. The meetings also provided a forum for police input. District magistrates reviewed the lists of polling places and the designations, made changes as needed and submitted the lists to chief electoral officers at least seven days before the election.

The commission required the observers to visit all of the polling places that had been labeled as hypersensitive or sensitive, to host a public discussion and find out more about the local problem. District magistrates and police superintendents were supposed to make similar visits, with the aim of bolstering voter confidence in government efforts to ensure safety at the polls.

Once Sen received most of the lists from his district magistrates in West Bengal, he submitted a formal request to the state government for CRPF support. The state government then negotiated with the home affairs secretary, who was in charge of the CRPF and who usually whittled down requests. Soon after Sen learned how many CRPF he would get to augment the approximately 38,000 state and city police at his disposal, he developed a detailed plan for deploying his security personnel. Days before the election, he traveled to New Delhi to explain his plan to the commission. He had to demonstrate to the commission that his plan “was not driven by political considerations.” For security reasons, election officials did not inform the public about the number of CRPF personnel in the state or where they would be located.

Deploying security personnel

The CRPF personnel traveled by train and arrived in West Bengal a day or two before the polling places opened, bringing with them tents and food. The CRPF operated under the command of the director general of police, who took orders from the chief electoral officer. Although not required to do so by the commission, Sen addressed the CRPF by group when they first entered the state and used the opportunity to assert his authority. “You report to me, not to the state police,” he recalled telling the security personnel, who had no specialized training in election security. He was also strict in his warnings about using lethal force. “There are very few instances that warrant shooting someone” was a message he repeated to each arriving group.

Sen briefed the CRPF on the specific security concerns in the state and offered advice on how to avoid being viewed as partisan. “Never accept the offer of a cup of tea or a sweet from a civilian,” he recalled telling them.

Most polling places received just one officer from the state police, but those that were classified as sensitive or hypersensitive received as many as a dozen state police officers. In total, about 25% of polling places in West Bengal were covered by CRPF forces.

Most CRPF personnel were deployed directly to the polling places, where commission regulations required them to stay 200 meters from the building where voting took place. Where there were clusters of vulnerable polling places, district magistrates assigned special teams of CRPF and state police personnel. A small CRPF contingent was kept in reserve.

Identifying potential troublemakers

While the assistant returning officers and sub-district level officers visited polling places in their constituencies, district magistrates and superintendents of police drew up a list of known or likely troublemakers. The superintendent of police based his recommendations on files of

recurring offenders kept by local police stations. Added to the list were the names of individuals who had existing arrest warrants issued against them and who were thought to pose a threat to the election process. The district magistrate then sat with the chief of police and decided which individuals to monitor, which individuals to require a bond from, and which individuals to arrest preemptively. Preemptive arrests were considered an act of last resort.

Individuals targeted for monitoring were subject to video surveillance in public places for a specific period of days or weeks before the election, in accordance with relevant laws regarding privacy and freedom of expression. Videographers, recruited by local newspaper ads to conduct video monitoring, were paid for every hour they recorded. The commission and the state government split the cost of conducting parliamentary elections evenly, and the funds to pay the videographers (and the CRPF) came out of the general election budget.

After videographers copied each day's work onto computer disks, a three-member committee of local government officials from the district office reviewed the footage. Local government officials of all ranks were susceptible to influence by political parties, which opened the possibility of partisan judgment by the three-member committee. If the committee saw a possible electoral offense, the office forwarded the disk to the chief electoral officer for another committee inspection, this time comprising election commission officials, and then to commission headquarters in New Delhi if action was necessary. The national commission made a final ruling on whether to arrest or fine the person who committed the offense.

To pressure the state police to execute arrest warrants, the commission released the figures on the number of outstanding arrest warrants to the media. "Every month or so the figures would be updated through the media to the public," said Sen. "It created tremendous pressure on the law and order machinery to see that things were brought to book."

Nationwide, state election commissions had designated 86,782 villages and hamlets as either sensitive or hypersensitive, and the police and the election commission monitored, bonded or arrested 373,861 people in accordance with existing laws.

Election day

On election day, sector officers—junior government officers in each constituency—visited polling places and reviewed lists showing how many voters had cast ballots. If voting was unexpectedly slow, the sector officers informed district magistrates, who would then call upon the CRPF reserve teams to visit the specific villages and check for "any hindrance—overt or covert—in the movement of that section of voters."¹

Central observers were also critical to ensuring that vulnerability mapping promoted openness and transparency. Because the observers' telephone numbers and assigned polling places were published in newspapers, voters were able to call in anonymous complaints. Observers relayed complaints to the commission in New Delhi. If illegal activities were suspected, the commission directed the local police and election officials to take whatever action was needed.

OVERCOMING OBSTACLES

Chief electoral officers needed to communicate easily and quickly with their subordinates during the 2009 election, largely because vulnerability mapping was being tried for the first time on a national level and questions tended to develop quickly. The postal service was agonizingly slow and unreliable, and faxes were easily lost or misplaced. Sen's solution was to set up an Internet blog that sharply reduced his email chores and allowed him to communicate instructions to his entire staff and to answer questions at the same time. "It was like a classroom," he said.

While drafting the guidelines for the mapping, the commission sought a mechanism to ensure that the mapping had the desired effect.

There were too many polling places and too few central observers to monitor events in real time. The commission decided to hire so-called “micro-observers” to sit at polling sites that were considered the most vulnerable to violence or other forms of trouble. Micro-observers were state government employees who received brief training from the central observers on election day. Seated inside polling places specifically to monitor election-day events, they reported to the central observers on developments that appeared to be improper.

A total of 139,284 micro-observers were deployed during the 2009 elections, 24,430 of whom were posted in West Bengal. Because there were not enough micro-observers to cover every vulnerable polling place, the locations to which the micro-observers were assigned were kept confidential. “Every political party, every candidate would be told that the micro-observers might be observing their booth,” Sen said.

ASSESSING RESULTS

The Election Commission of India declared that the 2009 balloting was one of the most peaceful in the country’s history.² West Bengal experienced its highest voter turnout ever, with 81.4% of registered voters casting ballots.

Because no one maintained a count of violent incidents surrounding Indian elections, it was hard to know the exact magnitude of the change. The new tactic did not eliminate all violence. For example, three election officials stepped on a lethal landmine in a Maoist area of West Bengal during the first phase of elections, while two voters were killed during the second phase of elections. Voters who had cast ballots despite threats and intimidation may have faced retribution days or weeks later. However, the number of incidents reported to the election commission declined.

Although the 2009 elections were largely peaceful, the experience also highlighted limitations in the design, implementation and transferability of vulnerability mapping. First, the

compatibility of the procedures with civil rights norms was a potentially sensitive matter.

Although vulnerability mapping is a common strategy in the United States and other countries, preemptive arrests usually violate laws or constitutional guarantees and are permitted only in exceptional circumstances and with safeguards to prevent abuse of the power. The Indian government justified such measures as a necessary response to the country’s long history of political and sectarian violence, especially surrounding elections. Mendiratta, the commission’s legal adviser, defended the policy of preemptive arrests as specifically authorized under laws passed or ratified by a democratically elected government. Indian civic groups offered no objection.

Another limitation was that unexpected violence could change the vulnerability ranking of a polling place at a moment’s notice, creating management and logistical hurdles. For instance, a politically motivated assassination of a voter or candidate just before an election would sharply raise the perceived threat to the balloting in that area. But because personnel were limited in number, beefing up security at one location required weakening security at another. Poor transportation also worked against last-minute reassignments. “Anyone who has handled a battle knows that once the forces are out on the field, to redeploy them is a real challenge,” Sen observed.

The classification system itself created uncertainty. Although the criteria for identifying a polling place as vulnerable helped election officials to allocate security personnel, district magistrates and chief electoral officers had little guidance on what differentiated a sensitive polling site from a hypersensitive one. “The difference between sensitive and hypersensitive is a matter of degree and the individual official’s perception,” said Pande, of West Bengal’s election commission. Nor did instructions exist for how many security personnel—state police or CRPF—should be assigned to a sensitive polling place versus a hypersensitive site. Pande said the omission was purposeful. Given the shortage of

police personnel, she said, “there is no use in having defined guidelines which may not always be possible to enforce.”

The design of the mapping procedures helped reduce the likelihood of collusion between state police and elected officials, because election officers worked closely with the police and could check their activities. Yet wrongful arrests remained possible. Although local police stations maintained data on the number of arrests and warrants issued, this information was not compiled at higher levels. Without comprehensive data, it was difficult to know how many individuals were detained based on preexisting arrest warrants and how many were arrested preemptively as serious risks to the election process. It was also hard to know how many of those arrested were released on bail or held without bail until the election had taken place.

The ability of election officials to issue orders to the police was an example of the broad authority vested in the commission by Indian law during the electoral process. S.Y. Quraishi, India’s chief election commissioner in 2010, said that this power compelled the commission to act with caution when deciding who should be arrested. “We use our power very judiciously, because perception of the people is very important,” he said.

Although Indian law did not specifically provide for video monitoring of individuals, and such activities carry obvious potential for abuse, Mendiratta argued that the policy violated no laws or court decisions. Checks on such monitoring did exist, however. Political parties complained strongly to central observers if they felt their candidates or supporters were being inappropriately monitored, and the election commission heard cases brought by the observers.

Alok Shukla, a deputy election commissioner, said the success of the video monitoring was measured by its deterrent effect. Shukla added that in cases where criminal behavior was observed, the recording provided evidence that could be used to prosecute offenders.

Finally, the mapping did not address the politicization of the state police. “The dependence on central police forces [the CRPF] and the lack of faith in the state police was an issue of concern,” said S.Y. Quraishi. Future vulnerability mapping would continue to rely on the CRPF, which was already thinly stretched across the country.

REFLECTIONS

In its final report on the 2009 elections, the Election Commission of India noted that the presence of local election officials, namely the assistant returning officers and sub-district level officers, “proved a big confidence boost to voters, as it demonstrated the election commission was serious about addressing issues that had for decades prevented or deterred these same voters from casting a ballot.”³

Debashis Sen, head election official in West Bengal for the 2009 voting, said, “I certainly think, and I deeply and sincerely believe, that this mapping exercise was a key to peaceful free and fair elections in 2009.” Sen, who in 2010 was the principal secretary in West Bengal’s Urban Development Department, added, “We must remember that the resources, especially police resources, were very thinly spread during a national election like 2009. Especially when your resources are scarce, where you deploy them is an issue one is always confronted with. The vulnerability mapping exercise was a great tool to make a preliminary assessment.”

¹ India. Election Commission of India. *Lok Sabha Election 2009: Reinforcing Indian Democracy*. New Delhi, 2009.

² Ibid.

³ Ibid.

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