

## **Political Parties and Indian Democracy**

I deem it a great honour to deliver the Narla Memorial Lecture to this august audience. I have never had the privilege of knowing late Sri V R Narla personally. Born after he attained fame as a writer, journalist and editor, to me he was a great and distant figure of enormous influence and outstanding ability. When I read collections of his editorials for the first time I marveled at their lucidity, forthrightness, passion, and at times poetry. I particularly remember the joyous editorial written in 1969 when man landed on the moon. It was only in the latter half of the seventies that I began reading Narla's works. His literary pieces, his scholarship, his rational approach to life, his clinical analysis of contemporary events, his breath-taking grasp of history in all its majestic sweeps, his deep understanding of human civilization, and above all, his innate humanity made a profound and lasting impact on me. His essay on 'poverty of intellectualism in India' was an exhilarating and stimulating journey for readers like me. Narla had the rare insight and courage to state unequivocally that our recognition of Raja Rammohan Roy in preference to Henri Vivian Derozio as the symbol of renaissance and Mahatma Gandhi instead of Manavendra Nath Roy as the torch bearer of national struggle were two classic examples of poverty of intellectualism in our modern history. Only a great philosopher with exceptional breadth of vision and command of facts would have the courage to resort to such heresy, and yet be respected for his wisdom and scholarship, instead of being condemned as a maverick. His essay on the myth of the divide between the so-called eastern mysticism and spiritualism, and the western materialism was a classic. He marshalled the facts of history with extraordinary dexterity and uncommon acumen; and in the process demolished many prevalent myths about our past and present. Almost alone among the great journalists of India, he defied orthodoxy and embraced reason with fierce determination and strength of conviction. His espousal of causes which were unpopular in the heat of contemporary events, and yet are remarkably just and fair in the cold light of logic and the hindsight of history is a great tribute to Narla's ability to see far ahead of

others. Even as I never had the opportunity to meet the great man, I admired him during his life time and now, as one of the greatest scholars and thinkers of the Telugu people, and a great journalist of this century in India.

2. By a curious coincidence, years ago I was asked by Justice Avula Sambasiva Rao to succeed him as the Chairman of Dravidian Philosophical Research Institute, whose only invaluable asset was the Narla Library. I must admit that my brief stint as chairman was quite undistinguished, and I can honestly claim that I served the cause of the institution more by leaving it. Months later I decided to resign that position in order to help the Library. This seemingly paradoxical decision had to be taken to enable me to lobby with the government to write off the arrears due to Hyderabad Urban Development Authority towards unpaid rent and rescue this invaluable collection of books from the stupidity of government bureaucrats. In a tragic imitation of the Third Reich, the officials actually had the temerity to throw out the books in the Narla Library as arrears could not be paid for want of income. Happily, the government saw reason and promptly waived all arrears. Eventually the library was transferred to this Ambedkar Open University. I do hope that the students, scholars and general public appreciate this unique treasure of knowledge and make full use of it.

### **Importance of parties**

3. I have chosen “Political Parties and Indian Democracy” as the topic of this lecture with some deliberation. Much has been, and is being, said in our country in recent years about electoral reforms, federalism, corruption, judicial delays, and the need for looking for alternatives or improvements to ensure stable and honest governments. All these issues of our governance deserve close attention and need to be pursued with great vigour and clarity to safeguard our republic.

However, in all this debate, the role of political parties is rarely discussed, and their importance is little understood. Whoever said politics is the last refuge of a

scoundrel has done immense damage to mankind. Only an ignoramus or a misanthrope can make a thoughtless remark of that kind, and view all political activity with contempt. The pejorative use the word 'politics' is subjected to in our country is a sad commentary on the frustration of many ordinary citizens at the state of public affairs. True politics, however, is about promotion of happiness and maximizing public good. Accepting the notion that only crooks and scoundrels are fit for politics is nothing but condemning ourselves to perpetual misrule, injustice and misery. In any sane society, politics should be the preserve of the brightest, finest and most humane citizens. Only then can the future of our children be secure. The attempt to keep polite society and decent elements out of statecraft by this false notion that politics is dirty is but one telling illustration of the poverty of intellectualism prevalent in India. Such a half-baked notion distorts all public discourse, and promotes a culture of whining and groaning and complaining about governance in India, without doing the least bit to make things better. As a result of this flawed understanding of public affairs, high decibel levels, mindless competitive populism, and ultra short-term gains in the power game dominate our governance process. Most sane and rational elements are drowned in the flood of irrational verbiage, false image making, endless distortion of facts, and ceaseless myth-making. The medium has become the message, and the reality is buried in an avalanche of what is projected to be the gospel of truth for the fleeting moment. As Mark Twain put it succinctly, "often a hen that only laid an egg cackles as if she has laid an asteroid".

4. Political parties are the arbiters of politics and the nation's fate in a true sense. They exercise enormous influence on public discourse. They drown all other voices literally by the noise levels they generate. They occupy endless newspaper space and radio and television time. They have a direct impact on public policy affecting millions of lives. Their espousal of causes, and as is seen more often, their opposition to policies affects almost all state actions. Their agitations on real or contrived issues paralyse all economic and social life. We only have to

witness a ‘Rasta Roko’ or a ‘Bandh’ or a ‘Hartal’ organized by this party or that to understand the power of a handful of persons, often armed with sticks, stones and chains, once they have a party banner in front of them and a slogan on their lips. Yet the political parties in India are least understood, little-studied and obscure.

5. Whatever be the origins of various political parties, in the ultimate analysis all parties are instruments to acquire power, control the state apparatus and govern. There may be many organizations espousing causes, contributing to public discourse, or promoting public awareness. But the essential difference between all such organizations and a political party is the absence of desire and effort to acquire power. Organizations other than political parties may seek, and sometimes acquire, influence, but only parties seek, compete for, and acquire power over state apparatus and control over public funds, government bureaucracy and legislative mechanism. Politics in most countries is therefore inseparable from political parties. Even in many authoritarian societies, there are often strong and influential political parties, albeit state-sponsored, state-patronised ones with limited or no competition. Only Middle-East sultanates and unabashed dictatorships banning all parties and political activity are free from the influence of political parties. Parties are, however, particularly integral to democratic institutions and practices.

### **Marginal role of independents**

6. It is unimaginable to think of a liberal democratic society without influential political parties. There is no genuine democracy in which parties do not play a dominant and decisive role in both elections and governance. The well-meaning but somewhat naive attempts of idealists to promote partyless democracy have floundered in all countries, including in India. The heroic efforts and advocacy of Lok Nayak Jayaprakash Narayan for partyless democracy are a telling illustration of such an idealistic vision of a democratic society based on free will of individual citizens without the intermediation of political parties. However, such unalloyed

idealism could not withstand the power of organized political parties, and ultimately failed to take off. Many scholars believe that apart from competitive elections, the existence of a whole series of intermediate institutions in society espousing particular political values is critical for the survival of a liberal democracy. In practice, it is well recognized that electoral political action outside political parties is almost always doomed to failure. This applies equally to countries like the United Kingdom with strong and well-organized political parties and to nations like the United States with very loosely organized political parties with enormous accent on individual liberty. Even in the US, an occasional independent like Ross Perot may significantly influence public attitudes on certain crucial issues for a time, but cannot realistically hope to capture the levers of power.

7. In India, the number of independents elected to Lok Sabha from 1952 to date shows their marginal and declining role in our political process over time. While 20(in 1962) to 42(in 1957) independent Members were elected to Lok Sabha between 1952 and 1967, their numbers dwindled to 1(1991) to 14(1971) after that. Even more remarkably, while 60% of all independent candidates lost their deposits in 1957, 99.7% of them lost the deposits in 1996. That means, only 0.3% of the independent candidates have obtained more than 1/6 of the votes polled in their respective constituencies. The few, who manage to gather a significant vote share, and occasionally get elected, are most often party rebels who are denied tickets, but are supported by a sizeable faction or caste group in the constituency.

#### **Independents Elected to Lok Sabha**

Year	No. of seats Filled	No. of Independents Elected	Percentage of Independents Who Lost Deposit
1952	489	38	66.6
1957	494	42	60.1
1962	494	20	79

1967	520	35	86.2
1971	518	14	94
1977	542	9	97.2
1980	529	9	98.9
1984	542	5	99.7
1989	529	12	98.9
1991	534	1	99.5
1996	542	9	99.7
1998	542	6	---

8. Even in States, where Assembly Constituencies are much smaller and local factors play a much more prominent role in elections, the role of independents has been limited, and is declining over the years. The data for Andhra Pradesh Legislative Assembly shows that 1967 saw as many as 68 independents elected. However, since 1978, the independents are getting elected in much smaller numbers ranging from 9(1985) to 17(1983). It is well known that almost always the independent candidates elected to the Assembly are party rebels denied party ticket. Eventually most independents find themselves in a major party. Rarely did an independent member manage to get reelected again as an independent candidate. This shows the power and dominance and control of political parties in electoral politics and competition for elective public office.

**Independents elected to Andhra Pradesh  
Legislative Assembly**

Year	No. of Seats	No. of Independents elected
1962	300	51
1967	287	68
1972	287	57

1978	294	15
1983	294	17
1989	294	15
1994	294	13

### **Democratic institutions and practices**

9. At this point, it will be useful to outline the democratic institutions and practices as commonly understood in contemporary liberal democratic world. Myron Weiner has listed four such institutions and practices as follows:

1. Government leaders are chosen in competitive elections in which there are opposition political parties.
2. Political parties – including opponents of government, have the right to openly seek public support. They have access to press, freedom of assembly, freedom of speech and freedom from arbitrary arrest.
3. Governments defeated in elections step down; losers are not punished by winners; defeated leaders are not punished unless in the act of governance they have broken the law; their punishment is based on due process.
4. Elected governments are not figureheads, they exercise power and make policies and are accountable to the electors – not to the military, the monarchy, the bureaucracy or an oligarchy.

10. Judged by these yardsticks, many countries, while having elections, fail to qualify at varying periods of time as true liberal democracies (Alan Ware). Zambia and Argentina had for sometime competitive elections for public office, but gave unlimited power to elected leaders. In Argentina for some time there was also limited electoral competition with major political forces banned. In apartheid South Africa and white-dominated Rhodesia, while there were regular

elections, large sections of people were forcibly prevented from participating in them. In fact, even in the southern states of the United States, the blacks, while legally permitted to vote, were in practice denied the franchise until the Civil Rights Movement of the 1960s. In countries like Mexico for decades, and in Pakistan and Bangladesh often, there was theoretical election competition, but massive state rigging was practised. In Turkey, Pakistan, Bangladesh, and Philippines periods of electoral competition are interspersed with authoritarianism. In Algeria and Burma there was electoral competition but the winning parties were prevented from assuming office, and are in fact persecuted. In countries like Iraq some parties exist, with no electoral competition. Erstwhile Soviet Union, and most of the Eastern European Countries until their adoption of democracy about a decade ago, had authoritarian communist regimes in which only one party could control government. China continues to be under an authoritarian, one-party rule. Several South East Asian countries too have witnessed limited electoral competition or outright authoritarianism for decades.

### **Standards of democracy in India**

11. Happily for us, India has consistently upheld democratic institutions and practices. Except for the dark period of the artificially induced 'internal emergency' declared in June '75 and concluded with the defeat of Congress Party in March '77, we never wavered in our faith in, and allegiance to, democratic institutions and practices in the political arena. During that infamous emergency period there was partial authoritarianism; our civil liberties were suspended, opposition was jailed, and the life of legislatures was prolonged beyond the term of 5 years for which they were elected. However, it must be said in favour of Mrs Gandhi, the architect of that emergency, that she did voluntarily call for elections, though after the expiry of the natural term of Parliament, and lifted the curbs on most freedoms. The elections in 1977 were by and large free and fair,

and the transfer of power from the defeated ruling Congress Party to the newly elected Janata Party was peaceful and orderly.

- 12.** However, when judged by more exacting standards of democracy, Indian polity is flawed in many respects, and political parties have a lot to blame for these failings. There are five key ingredients of democratic polity viz: freedom, self-governance, empowerment of citizens, rule of law and self-correcting institutions of state. Let us briefly examine the performance of Indian polity in the light of these standards. Freedom, in an elementary sense, is the right of an individual to do as he or she pleases, as long as his actions do not impinge on the freedom of others. While the Constitution and law have guaranteed these freedoms in a fair measure to citizens, in reality freedom is undermined by the unchecked power of parties to paralyse society at will, to appropriate resources, and to black-mail or bully citizens and groups. Parties stop traffic, arbitrarily take over properties, vehicles etc, and resort to violence. These failings of parties, combined with the institutional maladies including inaccessible school education and primary health care, delayed justice, unaccountable police, unchecked crime, secrecy in government and inefficient public services have severely eroded our freedoms despite constitutional guarantees.
- 13.** Self-governance is the right of citizens to govern themselves directly or indirectly. Representative democracy means that the elected legislators and governments should be fully accountable to citizens. However, autocratic political parties, flawed electoral process, limited and often unhappy choice of candidates between Tweedledom and Tweedledee, uninformed public discourse, criminalization of politics, marginalization of citizens and over-centralization have all reduced our self-governance to a mockery. Empowerment is the ability of citizens to influence the course of events on a sustained basis and to make meaningful decisions on matters of governance having impact on their own lives. In effect, people always continue to remain sovereigns. However, rampant corruption, hostility to public participation in governance, centralization and secrecy, red

tape, and a culture of touts and middlemen with the backing of powerful party organizations have denied people any meaningful degree of empowerment.

14. Rule of law is the concept of people being governed by law, and all citizens, irrespective of station and rank, being subject to the same laws to the same extent. However, centralized and autocratic political party functioning, flawed electoral system, highly opaque and secretive functioning, ubiquitous patronage system, VIP culture in every public service, gross failure of public order, primacy of political agents, influence-peddlers, touts and rabble rousers in government decision making at the cost of non-partisan citizens, and the tardy and inefficient justice system make rule of law virtually non-existent in our society. Self-correcting mechanisms give institutions of state and polity the capacity to learn from past experience and to constantly improve themselves in order to serve the people better. Our incapacity to design and operate the institutional correctives on the one hand, and the moribund party structure incapable of attracting the best elements of society on the other hand, have made sure that the decline of the Indian state is progressive and contributed to near-collapse of our governance structure.

### **Parties in modern state**

15. As can be seen from a less-than-happy glimpse of the malaise afflicting our polity, the sickness of political parties has a lot to do with our governance crisis, and the near-collapse of the Indian state. To be fair to Indian political parties, they are not dissimilar to parties elsewhere as far as their basic pursuit of power is concerned. As Max Weber printed out, “modern forms of party organization are the children of democracy, of mass franchise, of the necessity to woo and to organize the masses, and develop the utmost unity of direction.” Though it is difficult to believe, parties are expected to uphold certain principles and values in public life. Though most of our mainstream political parties have long since forsaken all claims to principled action, their origins are often founded in

principle. Parties are also meant to draw the masses into political activity and perform the function of political socialization. The American presidential election campaign and the national conventions of major parties, for instance, seem more like carnivals for political socialization and nation-building, rather than campaign events in the election of public officials. Parties also bring together disparate groups of people and a variety of interests, and perform the function of aggregation of groups and interests. However, Indian political parties are more like 'electoral mechanisms', conforming to Schumpeter's description as a group whose members propose to act in concert in the competitive struggle for political power. As Anthony Downs described, most members join parties "solely in order to attain the income, prestige and power which come from being in office. They treat policies purely as a means to attainment of their private ends, which they can reach only by being elected." In this mercantile approach to politics and parties, party labels are merely incidental, and there is little to distinguish most of the mainstream parties. A few parties indeed have been exceptions to this norm, and have steadfastly stood for their principles and goals. However, increasingly the lure of pelf, privilege, and patronage is too strong to resist even for some communists, as witnessed in States like Bihar, and the Bharatiya Janata party, as witnessed increasingly in many States, most notably in Uttar Pradesh.

### **Declining membership**

16. Political parties have been declining in their importance and sway over the masses throughout the western world. An analysis of membership of political parties as a proportion of total electorate in 11 western European democracies shows that in general the membership declined significantly in the three decades between 1960s and 1980s. There is no reliable data for the United States, since parties there are very loosely organized without any formal membership. But even in the U.S., the decline of the Democratic Party machines in Chicago (Mayor Daley), Pittsburg and several southern States shows that the power of parties is on

the wane. This is accompanied by increasing democratization of parties and the political and electoral process.

**Proportion of the electorate who are party members**  
**(As a percentage and by country)**

Country	First election In 1960s	Last election in 1980s
Australia	26.2	21.8
Sweden	22.0	21.2
Denmark	21.1	6.5
Finland	18.9	12.9
Norway	15.5	13.5
Italy	12.7	9.7
Netherlands	9.4	2.8
UK	9.4	3.3
Belgium	7.8	9.2
West Germany	2.5	4.2
Ireland	----	5.3

Source: Richard S. Katz – European Journal of Political Research, 22(1992), 334.

- 17.** It is difficult to assess the membership of political parties in India, and therefore no definitive conclusion can be drawn on the sway of parties over people. Congress, the oldest party, still has the largest support base. As Bhabani Sengupta describes, “It is still the largest coalition of social and economic classes spanning the entire nation. However, there are no masons rebuilding its house any more. The leaders need the party only to fight the polls or stay in power”. Congress is reported to have about 5 crore (50 million) members on its rolls, but

with bogus membership and false voting witnessed in the last organizational poll in 1997, these estimates are wholly unreliable. Similarly, the second largest Bharatiya Janata Party claims a membership of 4 crores (40 million), and again there is no reliable data to make a proper estimate. However, one thing is certain. Over the years, most political parties lost the respect of a vast majority of the middle and upper sections of society. Among the poor, most people are sullen and resentful and are not attracted to any party in large numbers. More often than not, it is anger against the establishment and rejection of those in power which motivates the voters. As a result, political parties have long since become the sanctuaries for opportunists and lumpen elements. The party system works only for scores of little political dynasties and interest groups, and not for society as a whole.

### **Legal plunder**

18. Political parties in India have, over the years, failed to articulate people's yearnings, represent the citizens, govern the nation, criticise the failings of those in power, and reform the governance system. Unbridled and irresponsible populism, knee-jerk opposition to those in power, unbridgeable chasm between rhetoric and action, endless opportunism, and shameless plunder of the state's resources have become the hallmarks of our political system. Spawning a centralized and anaemic culture, most parties have become the hotbeds of corruption, crime, intrigue and nepotism. Power has become an end in itself, and is no longer the means to public good. All that matters is a hand in the till of state, and an opportunity to indulge in legal plunder and constitutional brigandage. Once in power by hook or crook, principles, ideology or public opinion are of little consequence. Appointment of public servants to key offices, transfer of inconvenient employees, licensing, distribution of patronage in the form of benefits and subsidies to the poor, public distribution system, government contracts and tenders, mining licences, permissions to exploit forest produce, maintenance of law and order, crime control, crime investigation and prosecution, execution of public works, toll gates – all have become the playthings of party

functionaries. The so-called cadres and workers are not enthused by any idealism except in a few fringe parties, but have become mercenaries who rig polls and resort to violence at the behest of 'leaders', and expect in return to partake in the plunder and share the booty.

19. The ubiquitous role of the hyperactive, if erratic and often ineffective, Indian state has accentuated the tendency of parties to degenerate. As the state affects the lives of a very large number of people, influence peddling and mediation through party workers has become all-too-common. As Myron Weiner pointed out, the citizen's dependence on state for livelihood, inputs in agriculture, permits, licences, quotas etc., the monopolies of public sector, the VIP quota culture, needless restrictions on trade and marketing of agricultural produce, state's role in almost all public goods and amenities, its control and ownership of almost all public utilities – all these meant that politics in India is a highly remunerative profession with little investment and few risks for those who are not unduly bothered about moral dilemmas, legal niceties and spirit of public service. This trend is amply illustrated by a brief analysis of the new entrants into politics over the past three or four decades in the country.

### **Entry into politics**

20. Very few persons with intellect, integrity, commitment to public service and passion for genuine reform could enter the political arena and survive with honour. A careful analysis shows that heredity and family connections are the commonest cause for entry into serious electoral politics. This is closely followed by those who have large inherited or acquired wealth, and have decided that investment in politics is good business. In recent years, many local muscle men, whose services were earlier sought for extortion or vote gathering, are now directly entering the fray and gaining political legitimacy. A few persons have entered politics out of personal loyalty to, and close contacts with, those in high public office. People with very high visibility on account of great success in mass

entertainment like sports or films have also been increasingly drawn into the vortex of politics. Occasionally accidents of fate are pitchforking certain individuals into elective public office. If we exclude these methods of entry, there will not be even a handful of persons in this vast country of ours, who have entered politics with deep understanding of public affairs and passion for public good, and survived for any length of time over the past four decades. The best men and women the society can boast of are either prevented or repelled by the political process, and are rendered incapable of surviving in the political arena. Predictably, the noble activity of governance, which fell into the hands of ignoble elements, is now in shambles.

### **Oligarchic control**

21. Even in the best of circumstances, oligarchic control of political process violates the basic tenets of democracy. Given the Indian governance crisis, the failure of political parties to operate the governance system optimally for the public good is leading to catastrophic consequences. The objections to the dominant role of political parties are quite serious, and need to be examined closely. Permit me to quote Michael Dummett at some length to illustrate the need for proper accountability of political parties even in an otherwise mature and well-functioning democracy.

“We are so used to political parties that we tend to think of them as integral to the functioning of a democratic system; some of their members feel towards them a loyalty more appropriate to a religious body. Yet in fact their very existence infringes the ideal of democracy. They are in essence conspiracies in accordance with which their parliamentary representatives agree to vote in unison in order to make more votes go as their individual members wish than would happen if everyone voted according to his true opinion ..... this function of political parties is highly institutionalized by the system of whips, and the practice of expelling from their party MPs who defy them.”

“It is obvious that the outcome of a vote is more likely to be the expression of the general will if all who participate in it vote according to their true opinions than if some, in collusion with others, vote contrary to those opinions. Such collusion may nevertheless be advantageous to the voters ( legislators) who engage in it: that is a large part of the purpose of political parties..... To the extent that the member’s true opinions were a sound guide to what would have been for the best, or to what the electorate desired, the collusion converted the best possible outcome into the worst possible outcome; but those who engaged in it could congratulate themselves on a skilful piece of political manipulation. That, in miniature, is the purpose of political parties.”

“Nevertheless, the existence of political parties is probably an inescapable evil. It is usually in dictatorships that all political parties, or all but one, are proscribed; a one party state is of course a form of dictatorship. Uganda is currently experimenting with a no-party state – a democratic system under which the formation of political parties is not allowed; there is naturally an accusation that this gives excessive power to the incumbent regime, and it remains to be seen whether such a system can be worked without degenerating into a dictatorship. In normal democracies in which political parties function, they play a large role in electoral process than is by anyone else’s standard desirable, since they select the candidates between whom the voters have to choose. Moreover, the power of a political party to dictate, influence, or interfere with the selection of candidates for parliament is more inimical to democracy the more centralized it is. If it is in the hands of a regional office, or, still worse, of the central office of the party, a rigid conformity to the current party line will result. A local constituency selection committee may continue over the years to nominate a deviant adherent to the party, such as Sir Winston Churchill, who disagrees fundamentally with its prevailing policy, but who would never be tolerated by the central office if it could help doing so.”

22. The above insightful passage is worth quoting at length, since it outlines some of the major problems a centralized, autocratic party will pose to society. We will revert to the problem of the whip and party control later while discussing the 52<sup>nd</sup> amendment to the Constitution, commonly referred to as the “Anti-defection Act”. But let us now turn our attention to an examination of the key failings of most Indian political parties, in respect of membership recruitment, leadership choice, candidate selection, funding pattern and centralized control. While specific details vary in respect of each party, in general several common features can be clearly identified. Whatever be the origins of the parties, their popular appeal, social base or regional spread, almost all parties conform to the patterns described here.

### **Legal status of parties**

23. At present there are 7 national parties and 48 State-parties recognised by the Election Commission. Article 19 of the Constitution accords citizens the right to form associations. Except this implicit recognition of the right to form political associations, there is no constitutional or statutory provision regarding formation and functioning of political parties in India. Election Symbols (Reservation and Allotment) Order 1968, issued by the Election Commission (EC) under Art 324 of the Constitution, read with provisions of Representation of the People Act 1951 and Conduct of Election Rules 1961 provides for recognition of political parties. According to this Order, a party could be recognized by the EC as a State level party and allotted a common symbol for its candidates throughout the State if it had been engaged in political activity continuously for five years, and had obtained at least one out of 25 members of Lok Sabha or atleast one member per thirty members of a State Assembly or had secured not less than 4% of the total valid votes cast at the election in the State. A party satisfying these conditions in four or more States is recognized as a national party. The Symbols Order of 1968 has been recognised by the Supreme Court as a self-contained code and can be treated as ‘one of the important land marks in the evolution of regulation of

political parties' (R.P.Bhalla). The Court upheld the Order in *Sadique Ali VS Election Commission of India*. In 1974, the term 'political party' was for the first time mentioned in a law, in the form of the amendment of Section 77 of Representation of the People Act (R.P.Act), 1951, to exclude expenditure incurred by political parties from the statement of accounts lodged by contesting candidates. Later, in 1985, political parties found place in the Constitution through the 52<sup>nd</sup> Amendment. Through this amendment, a new Tenth Schedule was added to the Constitution which disqualified members defecting from a party in numbers amounting to less than 1/3 of the party's strength in legislature. In 1989, Section 29A was inserted in the RP Act, 1951 making provision for registration of political parties with the Election Commission. These are the only four references – all somewhat incidental – to political parties in the Indian Constitution, laws and rules. This near complete absence of even reasonable restraints on the conduct and organization of political parties, which exist only to seek power over all of us by acquiring control of levers of state, has led to predictable unhappy consequences. This is particularly compounded in a semi-feudal society struggling to break out of the shackles of poverty, ignorance, oppression and illiteracy. The essentially power-centred nature of our society, which recognises hierarchical dominance and easily accepts it, made the situation even worse.

## **Membership**

24. It is traditionally believed that the strongly ideological parties like Communists tend to depend on party cadres, as opposed to the centrist mass-parties which tend to have open membership. In recent years, most parties in western democracies, irrespective of their origins, have open membership. Usually any one who signs an undertaking to the party to abide by its principles and policies and regularly pays subscription is enrolled as a member. Members are a source of income to the party and provide a pool of labour for campaigning. They form the basis for spreading party ideology and policies and programmes. Members, in return are

entitled to control of party policy, decision making and leadership choice. In the United States, there is no formal membership of major parties, and activists and supporters who register as voters for the party control selection of candidate through primary elections. Given the character of the political parties in western democracies, the spread of literacy, the impact of media in promoting enlightened public discourse, and a non-hierarchical, non-clannish social structure, parties had to necessarily disperse power. While the influence of party loyalties and leadership's views is quite significant, the central party or leadership does not exercise any real control over the local unit and members. Barriers of entry into a political party or expulsions at will are almost unheard of. Parties successfully attract and recruit enlightened and talented citizens into their fold and promote the promising members politically. Members have freedom to air their views, as well as to oppose the leadership of the day. Many heretics like Winston Churchill, and leaders who do not conform to party orthodoxy like Pat Buchanan and Jesse Jackson in the U S survive and thrive in their parties. The basic assumption is that the members control the parties. If any member espouses views that are wholly unacceptable to the vast majority in a party, then such majority will marginalise the maverick successfully. However, by not enforcing conformity on the pain of expulsion, the rebels will have an opportunity to gradually persuade a majority of members to their point of view, if they can. Thus, parties are rescued from fossilization, and evolve with times and respond to new challenges.

### **Parties as pocket boroughs**

25. In India, traditionally parties have been seen as pocket boroughs of those at the helm. Often there are entry barriers to members. Communist parties have always had a somewhat strict membership admission procedure, which is generally uniform in its application. The mainstream parties which are mass-based and have no rigid membership norms, however, have been erecting barriers of entry to all persons who are potential threats to the current leadership. While ordinary, faceless members are admitted as cannon-fodder with ease, the potentially

influential members are not always welcomed with open arms. Similarly, even the faintest criticism of party bosses on any issue is taken as an act of indiscipline, often leading to suspension or expulsion. Again, when leadership changes in the party, the same member who was earlier punished for rebellion is welcomed back with alacrity. There are countless instances of such disgraceful autocracy in all major political parties in India. Mr. Arjun Singh's expulsion from, and readmission to, Congress is just one of the several such instances in that historic organization whose political and organizational culture became too pervasive to be resisted by its opponents. If imitation is the best form of flattery, then most Indian political parties are true admirers of their traditional enemy, the Congress! The expulsion of Mr. Ramakrishna Hegde from Janata Dal is one other such example of unaccountable bossism in parties.

26. The political parties, which exhibit such authoritarian tendencies in protecting the privileges of those in power and nipping in the bud any potential threat to individual dominance have not shown the slightest sense of shame or remorse in assiduously cultivating and recruiting known criminals, corrupt persons and charlatans and rogues. Such shady elements are courted and welcomed, while decent and dignified citizens are shunned and often rejected. No major mainstream party has any published membership rolls. Spurious membership and disputes arising out of it are only too well known to all of us in respect of major political parties. As a net result, parties have often become a collection of greedy, corrupt and unscrupulous persons, who are willing to use any method, however ugly, immoral, violent or brutal, to perpetuate their hold on state power. By virtue of entry barriers and expulsion powers in the hands of party bosses, no real rejuvenation of parties with injection of fresh blood is possible. All idealistic, talented youngsters are often repelled by the parties, and undesirable elements find a haven in them.

## **Freedom vs discipline**

27. A question then arises: What is the dividing line between freedom and discipline among the members of a party ? The practice in liberal democracies shows us that the greatest safeguard of public good in a democracy lies in the trust in the majority view, and respect for the minority view. Instead, if every rebel is expelled on spurious or sometimes seemingly valid grounds, then all dissent will be stifled. As we have seen earlier, there is no realistic possibility of meaningful political action outside political parties for citizens in any democracy. A party is not the private estate of any individual or coterie that happens to be at the helm at a point of time. There is enormous investment of energy, effort, passion and hopes of millions of people over time in a political party. A party is a creature of history, struggles and sometimes sacrifices of thousands of people. Historical memories and emotional attachments go into a political party's invisible bank. Consequently, successful formation of a new party with any significant impact is a rare exception, and is not a realistic option for most citizens most of the time. Allowing any party to become captive of a coterie or an autocrat, and expelling members at will, is antithetical to the very notion of democracy, and is dangerous to the health of parties.
28. However, we must also recognise the needs of cadre-based, ideology-driven parties. Therefore a fair reconciliation would be to make all membership open and accessible to all. If a party insists on reasonable qualifications and scrutiny, such scrutiny should be objective and uniform, and should be justiciable if there is allegation of unfair discrimination. The US example shows that General Dwight Eisenhower had no prior party affiliation. He chose the Republican Party and accepted its nomination for presidency on the ground that his father belonged to that party! In an open and free system which prevails in the US parties, he could as easily have become a Democrat, and accepted that party's nomination for presidency! Similarly, Gen. Colin Powell could have chosen to be a member of either major party and bid for presidential nomination immediately, if he so

desired. Such free and open criteria for membership – and if the party chooses to be selective in recruiting members, then uniform, fair, non-discriminatory and non-discretionary criteria for membership – are vital for the health of our democracy. Similarly, as a rule expulsions should be prohibited. Rebellion can be controlled by the majority marginalising a maverick, and not by throttling dissent. If a party deems it necessary to have the provision of expulsion in its constitution, then the grounds for such expulsion should be explicitly listed. Criminal record of a member, corrupt conduct, or moral turpitude can be grounds for expulsion, and not vague ‘anti-party activities’. Any such disciplinary action even if provided for in the party rules, should be subjected to judicial scrutiny if the member so desires. Only when we have such democratic mechanisms will expulsions cease to be tools to perpetuate bossism in parties, and to purge inconvenient elements.

### **Leadership choice**

29. In all mature democracies, party leadership is chosen openly and democratically. Democracy is the only system in which leadership has to be constantly nurtured, renewed and when necessary, rejected. If leadership is thrust on a party or a people, or if it is acquired by brute force or hereditary succession, it cannot be democratic leadership by any standard. If leadership, once elected by the free will of members, is not open to constant and public challenge, such leadership tends to perpetuate itself and becomes unaccountable. These basic principles are accepted in all democratic decision making and followed scrupulously by all major political parties in the democratic world. A brief survey of the British and American political parties shows how inner party democracy flourishes in their functioning.
30. In the British Conservative Party, leadership is decided by the elected Members of Parliament. The peers in the House of Lords have no role. The incumbent has no advantage in leadership contest, and in fact suffers a handicap. The incumbent

leader has to obtain 15% more vote than the majority requirement. If this condition is not satisfied, a second ballot is held, in which overall majority is required for election. Election is by secret balloting. The removal of Mrs Margaret Thatcher from party leadership in 1991 is a good illustration of how the system works. Mrs Thatcher won a record three consecutive general elections, and served as Prime Minister for 13 years with great distinction. In many ways, she changed the face of Britain, and decisively changed the course of British politics, and in some ways global politics. And yet, her leadership could be easily challenged, and she had to face an election in 1991. Michael Heseltine, a member of her own cabinet earlier, was the challenger, and she won a comfortable majority of votes. Yet, she was not elected as party leader, since she could not obtain the 15% extra votes needed for a victory on the first ballot. She was entitled to contest the second ballot, in which she would have probably won by a majority. However, she bowed to the pressure of her patrymen , who felt she might be a liability in the next general election on account of her poll tax proposals, and resigned. John Major won the ensuing leadership contest with Thatcher's support and assumed the office of Prime Minister. Michael Heseltine assumed high office in John Major's cabinet. This model study of inner party democracy shows how civilized and free the process is in mature democracies. Similarly, the leader who loses the general election is expected to step down, and usually does so. John Major's resignation as party leader upon losing the general election in 1997 is a case in point.

- 31.** In the British Labour Party, leadership is decided by election in the National Executive Committee. The electoral college for leadership comprises of three groups with equal weightage \_ the party's elected MPs, affiliated organizations and individual members. The earlier system of excessive weightage to trade unions was reformed, and the party functioning is made more democratic and fair. The leader is usually expected to resign when the party loses a general election. Neil Kinnock, who rejuvenated Labour Party and made it a strong fighting machine, resigned in 1992 upon Labour's narrow defeat in the general

election. Later, on the death of the new leader John Smith, Tony Blair was elected to Labour Party leadership, reformed the party, and successfully led the party to an overwhelming general election victory. Again, we see the triumph of democracy. Similarly, Liberal Democratic Party, launched in 1988 with the merger of Social Democrats and the Liberal Alliance, chooses its leadership at various levels through transparent, democratic procedures. Elections are held on one member, one vote principle for party leadership, presidency, parliamentary candidates and party conference representatives. The party conference, whose representatives are elected, in turn elects the party leader.

32. If a party wins the general election, the party leader becomes the Prime Minister and heads the government. Not only is leadership decided democratically, and challenged periodically, but democratic procedures are scrupulously followed at various levels in the party. The parties never impose their will or control the regional or local units. In fact, it is the will of the local party members and pressure from them which often leads to policy changes and leadership challenges. At no level is a local or regional leader nominated by the party's central leadership. The local and regional party units are locally elected. The party's national conference, which lays down policy, prepares a platform for general election, and elects party leader, itself comprises elected representatives of local and regional units. In effect, the parties function the way they ought to in a democracy; the grassroots units elect, influence and control the central units, and not the other way round.
  
33. In the United States, parties have no formal membership. The party nominee for presidency is elected at a National Convention, whose delegates are themselves elected on the basis of primary election results. The nominee, and if elected to office, the President, is the leader of the Party. He shapes policies as President, and influences the party to some extent. He is himself bound to enter the primaries in the next election if he wishes to bid for office again. The national party leadership has absolutely no control over, or role in, the affairs of the State

and local party units. In fact, it is the local and State members and delegates, who play a role in nominating the congressional and presidential candidates. Parties are totally decentralized. The personality and popularity of a President are the only assets which he can use skillfully to shape policies and influence the thinking of his partymen. The whole democratic process is totally open. With the demise of the urban Democratic Party electoral machines, and a series of reforms introduced over the years, the most notable of which is primary elections, parties have become totally open with ill-defined membership, and any registered democrat or republican can bid for nomination without any formal party support base. In Canada also, party leader is elected at the national convention, in a process somewhat similar to US presidential nomination.

### **Absolute control**

34. The contrast could not have been starker in Indian political parties. As a perceptive political observer commented some years ago, in Indian political parties, 'the man who wears the crown is the king'. Leadership is often acquired through undemocratic means and retained by the power of patronage, nomination and expulsion, rather than the support of members. This paved way for oligarchies and unaccountable and unelected coterie dominating and manipulating the political process. Party leadership, however illegitimate the ascent to it may be, gives total control of the party apparatus and resources. Through total monopoly over candidates' choice, the leadership's access to, and control over, levers of state power is complete and unchallenged. Given the fact that most parties are dominated by only one leader, and not even a small group, 'monarchy' is the correct description of party leadership. Often, as seen most glaringly in Congress and several regional parties, leadership is bequeathed by blood or marriage ties, and therefore 'hereditary monarchy' is not an inaccurate description. Most major parties have constitutions which prescribe some form of election for leadership. However, elections are rarely, if ever, held. Congress Party conducted organizational elections only once in the last four decades. When they were conducted, there were serious incidents of bogus voting, violence and

rigging; there were countless allegations and counter allegations, and a few election matters went to court. Even with packed delegates, regular election to party presidentship was held only twice in 46 years. On all other occasions, there was only anointment of an unelected absolute leader, or installation of a puppet president. Once in office, the power of leadership is absolute, and control of resources is awesome. Any potential dissidence or principled opposition is instantly snuffed out. Suspension, expulsion, instant removal from office, denial of party tickets, all these and more weapons are fully available to leadership if there is any whiff of opposition. If the party is in power, state machinery is used for party ends, and more often to perpetuate absolute control over the party and state, with cynical disregard to propriety and public good. All positions in the regional and local units are nominated by the party leader. Every party functionary owes his or her position to the grace and good will of the 'High Command'. Myths and images are assiduously propagated to perpetuate personal power. No other party functionary or leader is allowed to share the limelight. The moment a local or rival national leader is gaining in popularity, he is immediately cut to size, removed from office, and if necessary expelled from the party to deny him a political base, and force him into political wilderness.

35. This absolutism practised over the years by the Congress party leadership, disregarding all canons of democracy, has sadly become the norm for most other parties with certain minor variations. The communists officially practise democratic centralism, and have rigid and uniform, if often undemocratic, procedures. Most other parties have neither norms nor propriety to guide their activities. Membership rolls are not available, and when prepared are often spurious. Elections are not held, and if held are rigged. Musclemen often take over party meeting and conferences at various levels, and fisticuffs and violence are quite common. All parties, without exception, nominate candidates for public office through the dictates of the leadership or high command. All funds are collected clandestinely and spent at will to further augment personal power. State level 'leaders' are nominated by the 'high command'. When a party is

elected to office in any State, the legislature party leader, who will be Chief Minister, is nominated by the central leadership, and formally anointed in a farcical 'election'. Often sealed covers are sent indicating the name of the person chosen as Chief Minister by the party leadership. There are instances in which persons who did not command the support of even a handful of legislators became Chief Ministers. Even candidates for public office in local government elections and cooperatives are decided by the party's central leadership. When the party obtains a majority in a local election, again the zilla parishad chairman or other functionaries are decided by the party bosses far removed from the scene. In short, political party functioning has become totally autocratic, oligarchic, unaccountable and undemocratic. The whole political process and all democratic institutions are systematically subverted. Party leaders have become medieval potentates, with the sole intent of survival in power, and bequeathing their office to their family members or chosen successors.

### **Public scrutiny and regulation**

36. It does not require any great analysis or insight to understand that undemocratic political parties cannot nurture, sustain or strengthen a democratic society. The most critical need is to reform parties and make them open, democratic and accountable. Basic democratic principles of member control, elected representatives from lower tier electing leadership at higher levels, open membership rolls, fair and free elections, no power to central party over regional and local units, easy and effective challenge to incumbents, no recourse to expulsion or removal of potential rivals, and no nominated office holders at any level, should be integral to the functioning of any political party. The question then is, can the political parties be left to manage their own affairs democratically? Past experience shows that it is futile to expect parties to become democratic on their own. Through long years of neglect, democratic processes have become fragile. The coteries, individuals and families controlling parties are so firmly entrenched, that there is no realistic hope of members being allowed to

organize themselves and challenge the leadership and procedures. It will be somewhat naïve to expect the party leaders themselves initiating the process of party reform, which will undermine their own unaccountable, and often illegitimate personal power. Nor is there hope that democratic elections for public offices will automatically force reform on parties. As the choices offered to the public are between Tweedledom and Tweedledee, no matter which party wins, the picture remains unchanged and immutable.

- 37.** We as a people have an abiding and legitimate interest in the affairs of parties. As we have seen, parties are by no means private clubs looking after their personal interest. They are the engines of democracy and instruments of governance in society. They seek and acquire power over us, and in reality have effective, and unbreakable monopoly over power. The power of the party cartels cannot be checked by forming new parties. Experience everywhere shows that the hope of new parties emerging and spawning a new culture rejuvenating the political process is a pipe dream. The emergence of a successful new political party itself is a rare phenomenon in modern world. The emergence Telugu Desam Party in Andhra Pradesh was one such rare example. A combination of unusual circumstances – a strong-willed, extremely popular leader who became an idol to millions as a successful film star, absence of a viable political alternative to the dominant ruling party, people’s disgust with misgovernance and corruption, and a strong anti-establishment sentiment have brought about a major political change in 1983 in Andhra Pradesh . However, as events have shown, the same new party has become a replica of Congress, and has conformed to the iron law of Indian politics – ‘all mainstream, centrist parties imitate Congress and become its clones’. This fate is seen in varying degrees in many parties. The Janata of 1977, which took birth from the anger of people, and its various progeny; BJP, which claimed indigenous cultural roots and promised a brave new world, and yet lost is seen in office within a few months; the regional parties like the two Dravidian parties, whose origin was based on cultural regionalism; the Shiv Sena, which rose out of urban middle class frustration; the many other religious, tribal, caste,

and regional ethnic parties with bases all over India \_ all these have proved to be no different from Congress in organizational ethos and internal functioning. Of the three truly ideology-driven parties, Swatantra party and Socialists disappeared, and Communists continue their policy of splendid isolation and democratic centralism, unmindful of the tectonic shifts in global and Indian politics.

- 38.** From this bird's eye view of Indian political parties, it is clear that we, as a people, have stakes in their functioning and future. The moment they seek power over us, and control over state apparatus, they forfeit their claim to immunity from public scrutiny and state regulation based on reasonable restraints. This is particularly true in a climate in which they have proved to be utterly irresponsible, unaccountable and autocratic, perpetuating individual control over levers of power and political organization, entirely for personal aggrandizement, pelf and privilege. Therefore, in a deep sense, the crisis in political parties is a national crisis, and has to be resolved by a national effort. This leads us to the inescapable conclusion that there should be internal democracy in parties, regulated by law, and monitored and supervised by statutory authorities. Every party, by law, should be obligated to practise internal democracy in all respects. The details of functioning can be left to the party's own constitution, but it should conform to the broad principles of democracy stated clearly in law. The actual practice of internal democracy should be verifiable by an external agency, say the Election Commission. Mandatory publication of membership rolls of political parties at local level, election of leadership at every level by secret ballot supervised by the Election Commission, a comprehensive prohibition on nominations of office bearers or expulsion of rivals, a well-established system to challenge the leadership of incumbents at every level, and justiciability of these internal democratic processes through special tribunals – all these measures could form the basis of any meaningful reform and regulation of political parties. Extreme care and caution should, however, be exercised to ensure that a party's democratic choices of leadership or its espousal of policies are not in any way directly or

indirectly influenced by law or external monitoring agencies. The party leaders and its policies should be judged only by the public, in the market place of ideas and in elections.

### **Selection of candidates**

**39.** In most mature democracies, there are highly democratic, systematized procedures to select the party candidates for elective public office. In fact, selection of candidates to represent the people adequately and to promote public good is the key function of a political party. This function is of utmost importance because, as we have seen earlier, in reality the election is almost always between the candidates of major parties. For citizens intending to spare their time and energy for public good, parties are the natural and most effective organizations giving them access to patronage, service and influence. In keeping with the vital nature of this task, fair, democratic and participative selection at the local level by the constituency members is the norm. The higher echelons of the party may, at times, influence the local party members to reject a maverick with extreme views, or rarely to prefer a well-known figure. However, such instances are very uncommon, and when they do occur, they are at best helpful suggestions, and never dictates. The final decision invariably rests with the local constituency committee or the members themselves. The party's role is limited to presenting a pool of potential candidates to the local people to make a choice. A brief review of the procedures adopted by some of the major parties in established democracies will illustrate the democratic and decentralised choice of candidates.

### **British practices**

**40.** In the British Conservative Party, the candidates apply to the Conservative Central Office (CCO). CCO then defines the pool of eligible candidates on the basis of the quality of applications and a review of their eligibility, and prepares a short list of candidates. Then there is a Residential Selection Board Test for

applicants. Those who pass the test then apply to the vacant seats in the constituency. The Constituency Committee, comprising of the elected representatives of the members at the constituency level, interviews the candidates and makes the actual selection. The selection has to be approved by the General Membership Meeting of all members of the party in the constituency. There will be a formal endorsement of the locally selected candidate at the national party level, which happens as a matter of routine. Occasionally, if the choice of the local Constituency Committee is challenged, the selection is put to vote of all dues-paying members, in a form of primary election. The decision of the members is final. In British Labour Party, the role of the central party is equally marginalised. The Constituency Labour Party (CLP) committee shortlists eligible applicants, and the members of the CLP select the candidate by voting (one member, one vote). The selection is then sent to the National Executive Committee (NEC) for approval, which is accorded. In exceptional cases NEC may veto a candidate, and this happened only a few times in history, mostly to prevent communists from being put up as candidates. In Liberal Democratic Party, applications will be made to State Committees (England, Scotland and Wales), they are scrutinised and approved, candidates are interviewed on 'Selection Day', and regional approved lists are prepared. The candidates in the approved lists will then apply for vacant seats, and the local executive committee short-lists the candidates. Local members of the party select the candidate by election. The choice of local members is final. As can be seen, the choice of candidates is democratic, fair and decentralised in all major parties in the U.K.

### **Candidate selection in other democracies**

- 41.** In all other western democracies also similar decentralized, democratic procedures are followed in selection of candidates. In Germany, the candidate for the constituency is selected by the party constituency committee by secret ballot. The proportional representation list of the party for the Lander (province)

is prepared by the party's elected delegates at the Lander level through secret ballot. In Norway, the elected delegates of local party units will select the candidates for inclusion in the proportional representation list by voting, and neither national leadership, nor provincial leaders have any control. The district committees of each party shortlist candidates after receiving suggestions from members and local organizations. In Sweden, all the dues-paying members are consulted by mail ballot in a form of primary election, and the candidate who secures maximum votes is selected. In case of Swedish Socialists, the entire district slate is submitted to party members for voting. In Belgium, there are internal primary elections for selection of candidates from a list submitted by local party leaders. In Australia, State level party endorses the candidates, but the actual selection is made by ballot among the members from a list submitted by the State executive. In Australian Liberal Party, delegate conferences comprising of 60% from local branches, and 40% from State party executive select the candidates. In unitary New Zealand, in Labour Party a six-member committee, comprising of 3 members from national party and 3 from local party, selects the candidate in a meeting of local party members. In New Zealand National Party, the local party chooses the candidates from an approved list submitted by central party. In Canada, members at the constituency level directly select parliamentary candidates in a special meeting. Membership of parties is ill-defined, and any 'supporter' can participate in special party meetings, in a process similar to the US primary elections. Approval of local party executive is taken for granted, and national party approval is not needed. Clearly, democratic choice by local members and delegates is the universal norm.

### **American primaries**

42. In the United States, democratic process in the selection of candidates has been taken to the logical end, with formal procedures, and statutorily regulated primary elections. As early as in 1913, the Progressives engineered reforms restricting the power of party organizations. Direct primary elections were

introduced and conducted under State laws for selection of candidates for all offices below Presidency. The Presidential nomination for major parties was through a national convention to which delegates were selected through ballot in party caucuses. In the 1970s there were major reforms in Presidential nomination process. Now by law all candidates for Presidency have to participate in the primary elections in 46 of the 50 States. The delegates elected and pledged to the candidates on the basis of the vote in primaries, and elected in the caucuses in 4 States, participate in the National Convention, and elect the Presidential nominee by open ballot. In fact, the election in the Convention is a mere formality, and most often the outcome is predetermined, since the delegate vote is decided by the primary election verdict. In the rare case of no candidate emerging as a clear winner with majority vote in the primaries, there will be actual selection of Presidential nominee at the Convention. The primary election process is strictly regulated, and state funding is provided even in primaries, according to objective and uniform criteria. The membership of parties is loose and ill-defined. Any voter registered as a democrat or republican can vote in the respective party primaries. In some States, even unregistered voters, who are 'supporters' or 'sympathisers' can vote in a party primary. Primaries are major political events attracting nation-wide live television coverage, and often generate more enthusiasm than even a general election in other countries. Any registered voter can have his name included on the ballot for primaries subject to fulfilment of certain norms. Relatively unknown candidates like Jimmy Carter, whose national name recognition was only 2% months before the primaries, and Bill Clinton, who was only the Governor of a small, relatively poor state of Arkansas, could become major political figures only through a direct democratic choice of candidates by members in primary elections, and could eventually bag the nomination, and win the highest prize of Presidency itself. Thus party hierarchies are completely bypassed in the nomination of candidates to Presidency. Similar primary elections are held for nominating candidates for all other public offices at every level, including Congressmen, Senators and Governors.

## **Unfettered discretion**

43. In India central leadership of political parties has absolute, unfettered control over choice of candidates for elective public office. Indian National Congress, the largest and oldest party, entered the electoral fray in the 1920s. Electoral politics meant that there was need for local organization, machinery to choose candidates, selection of party leaders, preparation of platforms, funds and electoral campaigns. The party emerged soon as a truly mass based organization. The Government of India Act 1935 expanded the realm of Indian political participation. 1936-37 provincial elections witnessed rapid development of Indian political parties, with Congress winning 6 of the 11 Provincial Assemblies, and forming governments in 7 Provinces. However, despite growth of political parties, electoral participation was very limited. In the 1920s, only about 3% population had franchise. While it expanded in the 1930s and 40s, the franchise was still limited, and was well under 20% of the adult population. Therefore selection of party candidates was a cosy, private affair among groups of landed gentry and wealthy people. With the Constitution coming into effect came universal adult suffrage. Suddenly there was mass political participation with hardly any struggle, and parties failed to create mechanisms to suit the new democratic aspirations and ethos of independent India. All parties imitated the Congress. Backroom parleys, cronyism, nepotism and politics for personal gain became an integral feature of our political process and parties became private fiefdoms. Selection of candidates has become the primary source of power for unelected, and unaccountable bosses, and their minions who formed small coterie and exercised absolute power. There has been general decay in the quality of public life, as the moral imperatives of freedom struggle no longer operated. As parties tasted power, greed overtook many functionaries. In the absence of strong institutional mechanisms for enforcing transparency and accountability and checking corruption and abuse of office, the political climate descended to extremely abhorrent levels. In this backdrop, unfettered personal

discretion in the hands of party bosses and their chosen minions led to predictable disastrous consequences.

### **Criminalization of politics**

44. The Election Commission publicly stated that more than 700 of the 4072 State legislators (MLAs) have criminal records against them. Several known murderers, rapists, goondas and extortionists were nominated, and later elected, as party candidates. There is no major State in which hoodlums and crime lords did not assume the high office of ministers. Even among those legislators who have no criminal background, many depend habitually on crime syndicates and muscle men for winning elections. Money, muscle, liquor, caste and other divisive calculi became the new determinants of power. Parties are known to have nominated candidates in exchange for money bags. Incorruptible and dignified partymen are sidelined systematically, and crooks and knaves are brought to the fore. Known goondas and rowdy sheeters with blood stains on their hands, and heinous crimes to their credit are now welcomed with open arms and great fanfare into major political parties. Legislative and ministerial offices have become safe sinecures for extortionists and black mailers for practising their trades with state power and police protection. No public duty is too sacred to be untouched by this shocking pollution. In the name of democracy legal plunder and constitutional brigandage have become the fine arts, and law-breakers are merrily turning into law-makers. Employees with a corrupt record, criminals indulging in arson and loot, and rogues involved in swindles and scams are preferred candidates of major parties. Money, muscle power and political power – all three are locked into a vicious cycle, each feeding on the other and thriving. The collapse of the criminal justice system, and the crude electoral process that degenerated into a free-for-all have aggravated this dismal crisis.

## **Victory at any cost**

45. At the macro level, when we examine a whole State or the country, the electoral verdicts broadly reflect public opinion. More often than not, this verdict is a reflection of people's anger and frustration, and is manifested in the rejection vote, rather than their support to a platform. However, at the local level, caste, sub-caste, money, muscle power and crime have become the new determinants of power. All parties are compelled to put up candidates who can muster these resources in abundance in order to have a realistic chance of success. While political waves are perceived around the time of election, or often in hind sight after the polls, at the time of nomination of candidates all parties are uncertain of victory, and would naturally try to maximize their chances of success at the hustings by nominating those candidates who can somehow manipulate or coerce the voters. As a net result, the elections are rigged by the parties well in advance of polls, even by the time of nomination of candidates. No matter which party wins in the fraudulent and farcical elections that follow, the people end up being the real losers. This is followed by another rejection vote in the next election, and the vicious cycle keeps repeating. Where the candidate cannot muster money and muscle power, he stands little chance of getting elected irrespective of his party's electoral fortunes. Increasingly in several pockets of the country, people are spared even the bother of having to go to the polling station. Organised booth-capturing and rigging are ensuring victory without people's involvement.

## **Decentralized and democratic choice**

46. This situation cries for reform of selection of party candidates. There cannot be good governance without credible candidates selected as party candidates in elections. Member control of choice of candidates and democratic and decentralised selection of party nominees should be introduced for every elective office at every level. There should be constituency committees for Assembly and

Parliament for every party, comprising of delegates elected by the dues-paying members directly. These constituency committees should interview the applicants seeking party nomination in an open meeting of members of the party in the constituency. The constituency committee should then select the candidate in a secret ballot. The central or State or district party should have no control over the process of selection of candidates. If any applicant contests the choice made, in an exceptional case there can be voting by all dues-paying members in the constituency for selection of the party candidate. All this process of selection of candidates should be regulated by law, and monitored by statutory authorities. The law regulating selection of candidates should lay down the general principles of democratic and decentralized selection of party candidates, and leave enough room for parties to have some flexibility in adopting detailed procedures to suit their party structure. Only those candidates who are selected by a democratic process as prescribed by law in a decentralized manner by members or their elected delegates should be recognized as party candidates and allotted the common symbol approved for the party. Such regulation by law and its effective enforcement will salvage our political process, and give people meaningful choice at the polls.

### **Funding – British practices**

47. Political parties require money for running the organization. Funds are needed for running party bureaucracy, conducting research and studies for evolving policy, launching election campaigns and myriad other purposes. In all mature democracies, this funding is raised openly and transparently. Often there are strict disclosure norms; the funds are invariably audited, and returns are scrutinised by tax authorities. A brief overview of party funding in the U.K. and U.S. will give us insights into party funding in western democracies. In the U.K., actual election expenses are quite limited. Parliamentary constituencies are relatively small, with an average voter population of only about 50,000. Most candidates have intimate knowledge of their constituents, and door-to-door

campaigning and small town-hall meetings are the common means of reaching the voters. There is strict monitoring of election expenditure. In recent years, with the advent of electronic media, annual party conferences and television advertising have become increasingly important in moulding public opinion and appealing for support and vote. Available information shows that the total funds raised by the British Conservative party is of the order of 11.5 million pounds. Of that, about 37% is raised by corporate donations, 31% from individual contributions, and the rest from membership dues, conferences, sales etc. Labour party raises money by contributions, affiliation payments, sponsorships of candidates and MPs, advertisements in party publications, grants, adhoc donations, and in kind through personnel and other resources. The government provides funds to the parties on the basis of the number of votes the party received in the preceding general election. This fund, which is kept at the party level and does not go to individual candidates, is used largely for running party bureaucracy, research and studies, and campaign advertising. In general, election and party expenditures are modest and well within control. The expenditure for each candidate to run a campaign is extremely low and is of the order of a few thousand pounds. There is strict regulation and monitoring of all expenses.

### **American regulation**

48. In the United State, the parties are loosely organised and there is no formal membership or annual subscription. Most political activity is centered around individual party candidates. Election expenditures are quite high because of the accent on television advertising. Most policy research and studies are conducted by independent and influential 'think tanks', which raise their own resources through contributions, and attract considerable talent. There is often strong support for specific causes, and several individuals, driven by their commitment to certain causes provide funding and other support to think tanks and other organizations. For instance, in recent years 'Heritage Foudation' and 'Cato Institute' have spearheaded the conservative republican advocacy through high

quality research and analysis and well-documented policy documents which are often treated as guide books by major sections of Republicans. Similarly ‘Americans for Democratic Action’ was once a very influential liberal think tank closely linked to Democratic Party. Even now its publications of the voting records of individual members of both houses of Congress are highly respected and generate enormous research.

49. Election expenditures and political contributions are strictly monitored and regulated in the US. Many states imposed limits on individual political contributions by late 1950s. Campaign expenditures were limited by law in most States, and campaign finance by candidates, party and other political committees had to be reported by law. The Watergate revelations of the large scale violations of law and abuse of office, and the popular outrage that followed led to ‘a wave of reform legislation in the US on conflicts of interest, disclosure of assets by public officials, on lobbyists and lobbying, and campaign finance.’ Earlier, in 1971, The Federal Election Campaign Act (FECA), and the Revenue Act created a general campaign fund from tax dollars diverted by tax payers, tightened reporting requirements, and limited media advertising. Contributions by corporations and labour unions were always prohibited. After Watergate, in 1974, the FECA was amended substantially imposing extensive limits on campaign spending by candidates for Congress and Presidency, as well as spending by individuals and groups; imposing strict limits on individual, Political Action Committees’ (PAC) and party committees’ contributions; creating a special enforcement agency called Federal Election Commission (FEC); providing for public funding for presidential campaigns – partial funding during primaries, and full funding during general election; and strengthening disclosure norms. The Supreme Court later struck down expenditure limits by individuals “independently” or by candidates. The Presidential candidates however are bound by strict limits on account of public funding norms. Thus, though huge amounts are raised by party national committees and candidates, the expenditures are strictly monitored and fully disclosed.

## **Funding – Indian experience**

**50.** It is well known that in India political parties raise vast sums for their activities and election campaigning. Election expenditure by parties and their candidates is astronomical, considering our per capita income and the purchasing power parity of rupee. Prior to 1969, Section 293 of the Indian Companies Act permitted contributions to political parties. Such contribution could be upto 5% of the profit with the approval of the Board of Directors, and unlimited with the approval of shareholders. In 1969, corporate contributions were banned. In 1985, again companies were permitted to contribute upto 5% of profit. Section 13A of the Income Tax Act (I.T.Act) exempts from tax the income of a party from house property, other sources and voluntary contributions. However, parties are bound to maintain accounts regularly, record and disclose the names of all donors contributing more than Rs.10,000, and have the accounts audited by a qualified accountant as defined in section 288(2) of the IT Act. In 1978, section 139(4B) was added to the I.T.Act by the Janata government. This provision, read with section 13A, makes it mandatory for the political party to furnish return of incomes every year. However, every party violated this statutory requirement of furnishing returns if its income exceeded the normal taxable limit. It was reported in the press that recently the BJP furnished to the tax authorities the details of contributions received by cheque. Obviously receipts by cheque are exceptional, and do not constitute even a small fraction of the contributions to parties. The press also reported that on Supreme Court's directives in a public interest litigation filed by the Delhi-based Common Cause, the income tax officials have sent notices to all political parties to file tax returns disclosing the receipts and sources of contributions. So far there is no evidence of parties having submitted these returns. The parties obviously consider themselves above law, and there is a deafening silence from them. Predictably the party establishments entered into a silent conspiracy to protect each other. This non-disclosure is an invitation to corruption, extortion, and illegitimate election expenditure. This

brief review of the legal provisions relating to party funding and their non-compliance by parties clearly establishes the cancer afflicting our political process.

- 51.** Though corporate contributions to political parties upto 5% net profits are legal, in reality huge funds are collected from individuals and companies by extortion or as a consideration for past or future favours. Political corruption has become integral to our governance process. As the Jain Hawala scam, and several other scandals have shown, large amounts of tainted money from highly questionable sources is flowing into party coffers, sometimes directly endangering national security, and always compromising public interest. It is widely known that most major contracts, defence purchases, and clearances of big projects involve huge political payoffs. Election expenses are often for illegitimate purposes. The recently raised election expenditure limits in 1997 just before the 1998 parliamentary election imposed new ceilings in various States. For instance the limit in Andhra Pradesh is Rs.6 lakhs (Rs.600,000) for Assembly elections and Rs.15 lakhs (Rs.1.5 million) for Parliamentary elections. However, in the 1970s, party expenditure has been excluded from these ceilings. Despite recent Supreme Court pronouncements, the situation is still ambiguous. The disclosure norms are very feeble and unenforced. Most expenditure is illegitimate; it is spent on buying votes, distributing liquor, transporting voters, bribing local power brokers, bribing polling agents, payoffs to police and polling personnel in several places and hiring hoodlums for rigging and booth capturing. Most major parties no longer attract Voluntary party workers motivated by principles and goals, and therefore hire them at great expense during elections. Large mobilization of poor people for election meetings spending enormous sums for lorries and bribes to the hired audiences, and ostentatious campaign in the form of large fleets of cars and jeeps, huge cutouts, banners, posters, tents, loud speakers etc account for other expenditures.

## **Astronomical election expenditure**

52. As a net result, the election expenses have completely gone out of control.

Outrageous sums are spent by parties and candidates illegally, and money is recouped by corrupt deals and extortion while in power. Most candidates are selected on the basis of the money they can spend. As a natural corollary, people with large unaccounted, illgotten resources are attracted to political activity, and their investment in politics yields multiple returns once they are elected to power, or gain access to it through campaign funding. It can be safely said that out of the more than 4600 elected State legislators (MLAs) and MPs in India, about 99% would be violating expenditure ceilings, and filing false declarations. Almost no party is exempt. The legal penalty for not filing election expenditure returns is disqualification for 3 years, which means the candidate can happily contest the next election after 5 years! If the expenditure exceeds the ceiling, the penalty is 6 years' disqualification. There is no known case of successful imposition of this penalty. The loopholes in law are too many, and enforcement is non-existent. In the last parliamentary election, it is widely believed that there are at least a dozen constituencies in Andhra Pradesh in which the expenditure of both major party candidates together was of the order of Rs.5 crores (Rs. 50 million) or more. In a few constituencies, the total expenditure of the two leading candidates together exceeded Rs.10 crores (Rs.100 million), and in one case it was said to be close to Rs.20 crores (Rs.200 million). It can be safely said that in none of the 42 constituencies has the expenditure been less the legal ceiling of Rs.15 lakhs (Rs.1.5 million) for the major party candidate, and almost everywhere the leading candidates spent about Rs.1 crore (Rs.10 million) or more. It is estimated that the total expenditure of the major party candidates in parliamentary polls all over the country is of the order of about Rs.1500 crores (Rs.15 billion). Knowledgeable insiders believe that in the next elections for the Andhra Pradesh Legislative Assembly due in 1999, the candidates of the major parties will be spending on an average nearly Rs.1 crore (Rs.10 million) each, while the legal spending limit is only Rs.600,000. Almost all this expenditure is

undisclosed, and illegitimate. These figures reveal the ugly face of our politics and electioneering.

- 53.** Clearly, the situation is alarming and calls for major reforms in party funding and campaign expenditure. Several proposals are made for realistic spending limits, tax credits for political funding with strict limits and disclosure norms, severe penalties for violating norms, compulsory audit of party funding and candidates expenditure by external regulatory agencies, and other relevant regulations with practical and effective mechanisms for enforcement. In addition, candidates and parties should be provided by law free and equitable access to all radio and TV channels during election campaign, to facilitate easy reach and effective campaigning. Parties are very reluctant to bring in these reforms, even as they show great enthusiasm to receive public funds without being accountable. In the present condition, public funding of parties is much too complicated and cannot be considered until there is a major party reform and regulation and monitoring of election expenditure, along with other vital electoral reforms.

### **Party Whip**

- 54.** Let us now briefly examine the Tenth Schedule of the constitution, incorporated by 52<sup>nd</sup> Amendment popularly known as the Anti-defection Act. These provisions have a major bearing on parties, public discourse and legislative and parliamentary voting. The Anti-defection Act was obviously well-intentioned, and was meant to ensure that the people's mandate is respected, and elected legislators do not violate the trust reposed in them by the public. Candidates are generally elected on the basis of the platform and a party, and their defection, often in return for money or favours, is a gross insult to democracy. However, the Anti-defection Act completely failed to prevent defections. There are countless instance of defections in Parliament and State legislatures since 1985, after the law came into effect. The only novel feature now is that individual defections invite disqualification for legislative office, and therefore there is no incentive for such defection. However, collective defection is now legitimate and amply rewarded. The provision that if 1/3

legislators defect, it is a split in the party and is permissible is a classic case of missing the wood for the trees. It is tantamount to saying that if an individual commits a murder, it is a crime; but if a group does it, it is perfectly legitimate! As a result splits are engineered, and constitutional coups are planned with meticulous precision, and careful conspiracy. Politics is reduced to the ugly numbers game in the legislature, without any sense of fairness, principle or obligation to the electorate. At the same time, as the Uttar Pradesh case of defections by Bahujan Samaj Party legislators showed, partisan Speakers can actually create new arithmetic, hitherto unknown to man! In effect, the anti-defection provisions have completely failed in achieving the intended result.

- 55.** There is, however, one major unintended result of the Anti-defection Act. Once the law provided that violation of party whip on any vote attracts disqualification, party legislators who may honestly differ on a piece of legislation are now forced to submit to the will of the leadership. The ill-conceived legislation on muslim women's maintenance after the Supreme Court verdict in Shah Bano case is one sad example of such a case. An even more shameful episode is the whip issued by Congress Party to its MPs in the impeachment case of Justice Ramaswamy. Parliament sits as a court while deciding on impeachment matters, and only evidence of wrong doing and the judgement of individual MPs should matter. Party whips have no place on such issues, and are manifestly illegitimate, and are probably unconstitutional. However, once the law gives the same enforceability to all whips, the legislators have no choice but to obey, or risk disqualification. As the passage from Dummett points out earlier (para 21) we cannot allow such a conspiracy of a group of individuals in the name of a party to distort all public debate and legislation. By throttling legislators and preventing them from giving concrete expression to their legitimate views, Anti-defection Act made them captives to irresponsible party leaderships in an already authoritarian and unaccountable party hierarchy. Thus all dissent is stifled and smothered, whereas collective plunder of the state goes on merrily unchecked. At the same time defections continue in a systematic and organised manner, thwarting people's will.

**56.** Obviously major reforms are needed in the anti-defection provisions if we are to preserve even the limited sanctity of electoral verdicts. All defections, by individuals or groups, should incur automatic disqualification. If there is indeed a legitimate split of a party, it should first take place in the formal party organization with adequate public notice and through voting. Only after a party splits in a transparent and public manner after a statutory public notice of, say at least one month, and after the members of the party are allowed to vote on that at every level, can the legislature party reflect such a split. A sudden overnight change of heart by a group of legislators and midnight meetings with the President or Governors cannot be recognised as split of a party, no matter what proportion the ‘splitting’ members constitute. All such legislators who split from a party and form a separate group after the transparent party process should be prohibited from holding ministerial office for at least one year from the date of such split. Any other defection or leaving a party to join another party during the legislative term should incur automatic disqualification irrespective of the number of members resorting to such defection. The Election Commission should be the competent body to decide on disqualification, instead of the Speaker. The other major reform required is limiting the scope of whip under Anti-defection Act to only such issues, voting on which might bring down a government. Only on a no-confidence motion, or a finance bill, the defeat of which will force a government to resign, should party whip be operative. A whip in all other circumstances should be prohibited by law. Fears of large scale indiscipline in legislative matters other than those affecting the fate of a government are highly misplaced. The party leadership has several inducements to offer, and penalties to impose on dissenting members. Therefore only conscientious objectors and honest dissenters on a specific issue will usually vote against the party position. Such freedom of voting is the essence of representative democracy.

### **Electoral reforms**

**57.** In order to be able to achieve the desired result of improving the quality of our governance, political party reform should be accompanied by appropriate electoral

reforms. Without going into the merits or demerits of our present plural majority system, often called the 'first-past-the-post system,' I would like to outline a few key reforms in the process of election itself. Essentially there are three major flaws in our electoral system – inability to prevent known criminals from entering the electoral fray; uncontrolled, abnormally high and illegal election expenditures; and the serious flaws in the polling process which permit and reward booth capturing, rigging and personation on a large scale. The reforms required to control and monitor election expenditure and to enforce disclosure norms have been already discussed in paras 52 and 53. I will now briefly touch upon the other two key reforms required. Criminalization of politics has assumed alarming proportions and the present legal provisions have clearly failed to curb it. Sections 8, 8A and 9 of RP Act, 1951 lists an impressive list of offences, conviction for which disqualifies a person from contesting elections for a period of upto six years. However, there are two major problems which have cropped up over the years. Firstly, given the judicial delays, the criminal trials take a long time to end in convictions, even after charges are framed. Secondly, there are many known hoodlums, goondas, rowdy-sheeters, history-sheeters and habitual offenders whose dossiers are maintained by the police, but who may not have been convicted for the offences listed under RP Act 1951. In addition, the election authorities have been very lax in implementing the disqualification provisions by wrong interpretation of the proviso in Section 8 (4) of RP Act,1951 which provides for immunity from disqualification for sitting legislators until appeals are disposed of. This latter mistake has been belatedly rectified by the EC in 1998. Given the magnitude and the spread of criminalization of our political process, the following additional reforms are required to prevent entry of criminal elements into electoral politics:

1. Life long disqualification of persons convicted for offences listed.
2. Disqualification of persons against whom charges have been framed after preliminary enquiry, and after a finding of sufficient prima-facie evidence by the appropriate judge; such disqualification should last until the person is acquitted honourably and declared innocent.

3. Disqualification of all rowdy-sheeters and history-sheeters until such names appear in the police records, subject to judicial scrutiny of such lists, and a provision for judicial appeal for deleting names wrongfully entered.
4. Automatic expulsion and disqualification of sitting members of a legislature upon conviction for the offences listed, irrespective of a pending appeal.
5. Permanent disqualification of habitual offenders, if they have been convicted for minor offences three times or more.

**58.** Another area of electoral reform that needs to be addressed immediately pertains to the actual conduct of polling. Electronic voting; compulsory voter identity cards; and automatic repolling on proven personation to a tune of 5 or more votes in a polling station or 1% of valid votes polled are the three immediate reforms which will improve the quality of elections. Happily, the Election Commission (EC) has the power to implement all these three reforms, without any change in the electoral law. Section 61A of the RP Act, 1951, incorporated in 1989, gives the EC the power to introduce electronic voting. The results of electronic voting in the recent elections to State Assemblies in Madhya Pradesh, Rajasthan and Delhi have been satisfactory. The EC seems to be moving towards full-scale use of electronic voting machines in all polling stations in future elections. This is a desirable move, and should be welcomed by all. A major initiative was launched a few years ago for introducing voter identity cards, and making them compulsory for voting. About 80% of the cards have been distributed so far. Huge expenditure was already incurred. However, there seems to be no sense of urgency in completing the task and making it mandatory in future elections. Introduction of mandatory identity cards for voting is the single most important step in cleansing the polling process and preventing rigging and personation. All thinking sections should take up this cause and ensure complete coverage and mandatory use of voter identity cards without further delay. The third step pertains to personation. All electoral malpractices other than buying votes and coercion of voters lead to some form of personation or other. Whether it is rigging, stuffing of ballot boxes, personation, booth capturing with connivance of

polling personnel or by coercing them, and other methods of forcible or fraudulent polling – all result in personation. Personation means that a ballot paper is cast by someone fraudulently, by falsely claiming the identity of another person. In such cases, the person in whose name such a false vote is cast is entitled to a 'tendered vote' upon establishing his true identity. However, this tendered vote is sealed and is not inserted in the ballot box. It is never opened or counted unless there is a court order in an election petition. In effect, the false vote cast by impersonation is counted, and the legitimate vote is merely kept in a sealed cover. Automatic repolling should be ordered whenever such tendered votes exceed, say 5 in number, or 1% of the valid votes polled in the polling station, and wide publicity should be given to such a measure. Then most honest citizens will feel that it is worth their while to go and cast their votes, and even if already personation took place, they can insist on a tendered vote. Once repolling is mandatory wherever the tendered votes exceed a certain number, then there will be no incentive to rig polls by personation, booth capturing or stuffing of ballot boxes. These simple steps, which are within the competence of the EC, will make a significant difference to the purity of our electoral process.

### **Political Development Index (PDI)**

59. Before concluding, let me make a proposal for strong citizens' initiatives to monitor and publicise the functioning of political parties. In any democracy, the people are the ultimate sovereigns. Political parties and other political and state institutions are meant only to serve the public. Given the peculiar problems of representative democracy in large societies, political parties have become pre-eminent in representing the people in the councils of government. Therefore if the people, who are the true masters, fail to monitor the actions of their agents, then the agents go berserk, as it happened in case of the political parties in India. If we recognise that political parties are vital for the working of the constitution, then it follows that we, as citizens, should pay utmost attention to the state of health of these parties. As L.C. Jain points out, 'the prevalent and increasing cynicism about our political

parties should be a matter of deep concern to all thinking citizens'. Sri Jain suggests that credible people's initiatives should develop what may be called the Political Parties' Development Index (PDI), analogous to the Human Development Index (HDI). HDI has served a very valuable role in activating different countries to the need for paying more resolute attention to human development policies and programmes in order to improve the quality and well-being of the individuals and communities constituting the nation. By its comparative ranking of different countries annually in terms of progress made in selected areas of human development, HDI has come to exert a subtle but sure pressure on most governments. A similar effort needs to be made to develop and improve PDI, and apply it as a non-partisan tool to build public opinion for reform in parties. In particular, openness and fairness in membership, leadership choices, candidate selection, internal democracy, funding, performance in public office, decentralized functioning providing for member-control, the party's implementation and sustained advocacy of its own ideology, manifesto and declared priorities and policies, and other relevant indices could be the basis of PDI. We could also compare PDI of political parties in India with the indices of parties abroad considering the same parameters - say the UK and South Africa. Such global comparison will help us to put things in perspective.

## **Conclusion**

60. In conclusion, let me state unequivocally that it is by no means my contention that political parties are the sole cause of our crisis of governance. As is now well-understood, the Indian governance crisis is all-pervasive, and stems from the all-round failure of institutions of state and political parties. Good behavior is not rewarded and bad behavior is not punished in our system; indeed good behavior is often penalized and bad behavior is rewarded consistently and extravagantly! In our scheme of things, public authorities have severe restrictions in promoting public good, whereas there is no check on abuse of power for personal gain and patronage. There are any number of legitimate alibis for non-performance, whereas there are no

effective systems of accountability. As a result of the near collapse of governance, the people are rejecting the parties in power with unfailing regularity and often resounding negative verdicts. Resolution of this crisis is possible only through major governance reforms including electoral reforms to attract the best men and women into the political process and to ensure free and fair elections; renegotiation of Union-State relations; effective local governments and direct empowerment of citizens as stake-holders; redefinition of the interface between executive and legislature, particularly at the state and local levels; major bureaucratic reforms in recruitment, tenure, placement, transfer and disciplinary procedures; extensive judicial reforms to make justice speedy and efficient; and creation of systems of accountability and fairness including freedom of information, insulation of crime investigation and prosecution from political manipulation, strong and effective anti-corruption mechanisms and severe penalties for subversion of constitutional process.

61. However, while political parties are not exclusively responsible for our crisis, the parties have a lot to account for. Even more importantly, parties are the only effective vehicles through which major governance reforms can be engineered within the framework of the spirit of our Constitution. The greatest tragedy of contemporary India is that political parties have lost the vision and will to lead the nation out of our present morass. Shibboleths, hackneyed slogans, propagation of myths, and perpetual mass deception have become substitutes for enlightened public discourse. Parties have largely become bankrupt with little moral legitimacy or intellectual resources. In this scenario, the first great task of national rejuvenation lies in reforming the political parties by democratising and transforming them into potent instruments for democratic reforms and effective and good governance. For too long, the general public fell prey to the false notion assiduously spread by interested partisans, wheeler-dealers, and political players that parties are private organizations. We should mount a relentless public awareness campaign to make people, and ordinary, innocent members of political parties realize that the moment an organization seeks and bids for power, the public has enormous stakes in its functioning. The only feature that distinguishes political parties from other

organizations is their avowed pursuit of power and control over levers of state. Therefore, they should conform to basic norms of democracy and should be subject to fair regulation to ensure internal democracy and public scrutiny.

62. Any complacency in this vital task of reform of political parties will be disastrous to our polity and public interest. Undemocratic, ineffective, unaccountable political parties are lethal to the spirit of our constitution and undermine all democratic institutions and state structure. It is somewhat naïve to hope that party bosses will initiate and pursue reforms which will expose their own illegitimacy and undermine their personal power and privilege. The time has come for a people's movement to democratize political parties and transfer power where it should belong, viz the ordinary members and citizens. Reform and rejuvenation of our political parties is the first and most vital step in our struggle for holistic democratic reform to build a strong, self-governing, just India with all citizens enjoying peace, freedom, harmony and dignity.