

THE DEMOCRATIC SYSTEM OF INDIA: A WAY AHEAD

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ABSTRACT

India is the largest electorate in the world, with a total of 714 Million electorate recorded in the last general elections held in 2009. The country boasts of electing the largest mandated Government in the world, however, due to the loopholes in the system, the process is often corrupted with rampant practices of unethical nature, violation of the basic principles of human rights and violence. Off late, the process of election has become a circus for the politicians to mint money from industrialists on account of a cooperative measure if elected. The entire process of election has failed to elect a democratically sound Government and only those who have money power get elected. This research paper proposes reforms within the electoral setting in India to account a more dynamic, electorally sound and mandated Government in the future.

One of the first proposals which shall be studied in the paper is the concept of State Funding. The money given to political parties as part of donation is not taxed, and this is a very common route for the conversion of black money into white. The concept of State Funding can not only keep a check on this, it will also allow more eligible candidates to participate in the electoral process. The idea of List System needs a practical lookout in the electoral process. It is quite common that a candidate who polls 30% of the votes wins since 4-5 parties remain in the fray. The list system proposes to elect candidates who finish second in areas where the winner has not polled 50% or more votes. There is a need to increase the number of legislators in the country to allow the list system to proceed in practice. Also, it is proposed that a private agency be hired across all political parties for the publication of banners, posters, etc. to keep a check on corruption. This paper proposes these ideas in detail along with envisaging an increase in power for the Election Commission to avoid interference from the incumbent Government.

Keywords: electoral, parliament, vote, election, democracy

INTRODUCTION

India is the land of the largest democracy in the world. Sometimes this statistics is given a mere symbolic feature to propel the minds of the country towards a bigger goal. The country has been at the forefront of many an intense battle for the biggest prize in democracy, but over the years we have not seen major reforms in the electoral sector, which have now become the call of the hour.

This paper shall be divided into various parts and shall address the problem in a thematic way. The paper focuses on the various aspects of the election system of India. The paper shall address the recommendations made by the Law Commission and the Supreme Court of India, along with its own independent suggestions, the paper aims to direct the mindset of the administration into reforming the electoral sector at the earliest in order to boost the country's growth and development for the future.

THE PROBLEM

India consists of over 1.2 Billion people. It is the second largest country (population wise) in the world and largest democracy, however, in spite of having such a tremendous number of electorates, only half of them actually take part in the Government building process. So, in total, we have around 600 Million people electing to elect a Government for themselves. This is a

fundamentally challenging issue, which the election commission is trying its best to tackle, and the change is surely beginning to show. The road is long and it will take a while before the electorate in India decides to venture out in greater numbers.

India follows the 'First Past the Post' system of election. This is a system, which proposes to elect the candidate with the largest number of votes secured in the constituency, irrespective of the number of votes polled towards such candidate. So in a constituency, which has people belonging to various castes and religions, it becomes pertinent to note that the winning candidate carries a lesser probability of securing a majority victory. After gaining independence in 1947, the nation was quick to adapt the colonial style of functioning in almost all of its institutions. The same idea was applied to the electoral policy of the country, and the British system of FPTP system without concentrating enough on its merits and adaptability into the Indian context. The present FPTP system has proved beyond doubt that from the time of independence it gives leverage only to certain dominant groups in India to capture and retain power of governance without sharing power with all sections of people. CERI firmly believes that sharing of power is an essential ingredient of any representative democracy and governance.

- India is a multi party democracy and therefore, renders the FPTP system of elections redundant and unrepresentative. It invariably produces ruling party or parties that are not mandated by majority of the voters in India.
- FPTP is suitable for enhancing representation in any country with two party democracy. In this case a clear majority for one party will be the outcome and a clear majority of voters will be able to give mandate to political parties to govern. This is clearly not the case in India.
- India has already arrived at coalition politics irreversibly both at the Center and in the States, and many of our electoral problems, sometimes even crisis such as corruption, violence, communalism and casteism are because of this misfit of our electoral system to the composition of the democratic governance of our country.
- India, as a multicultural society is in need of special provisions for historically oppressed minorities, Dalits, Adivasis/Tribals, MBCs and women. Such provisions have to be integrated into the electoral system itself in order to enable such communities to come to level playing fields and gradually grow out of the present 'reserved seats' for only SC/ST categories.

The idea of democracy has always been to include each and everyone of its people into the decision making process of the country. Either it works, or it fails. The truest of the truest democracies have adopted an approach, which engages the nation to allow equal representation and participation of people in the legislative assemblies. There is no grey area in the functioning of democracy. If a country cannot instill equal representation for its people then it has failed to abide by the most fundamental aspect of democracy. This often leads to a spiral from which it often becomes difficult to come back. India is currently sitting at the thresholds of this spiral, and the motive of the paper is to propose changes to make substantial change happen for the future.

England thrives on the concept of FPTP system since it is a country where only two political parties contest between each other for the office of power. India, on the other hand, is a country layered with different multitudes of castes, religion and ethnicities. This obviously led to a system where each and every one of these communities formulated a political party of their own in order to allow maximum representation for their people. There was nothing wrong in the approach of these communities. The problem lies in the way the system and the administration failed to tackle the influx of political parties in the country. For example, a state like Uttar Pradesh has four political parties competing for the position of the Government in the state. This situation is in direct contrast to the UK where there are only two major parties vying for the birth of the Prime Minister ship. Both the states consist of the same electoral system. The underlying philosophy behind any system is to foster exclusive role for each and every citizen in the process of representation of the people. A system, which fails to achieve this primary objective, is redundant at the outset. For England, the FPTP system is perfect since there are only two political parties in place. In a situation like FPTP system, the candidate to cross the chequered flag first wins the mandate of the people. Having two contestants vying for a constituency produces the minimalist approach towards the electoral process of a country. This approach directly allows the better candidate

to win, since there are only two possible chances, and the one with the most votes not only gains the mandate of the majority, he also achieves the greatest representation for the people of the constituency.

So all in all, the FPTP system is the simplest approach towards decision making for a country with the minimum number of contestants vying for political power.

IMPLEMENTATION OF THE LIST SYSTEM

This part of the paper focuses on giving a solid platform for the implementation of the list (also known as “FPTP”) system in India. To start with, we have 543 Members of Parliament in the lower house known as the Lok Sabha, which is a directly elected body of representatives across the country. Along with this, we have 250 members who are nominated on the basis of their party’s strength in the respective State Legislative assemblies. The total number of representatives in the Parliament therefore culminates to 793. One might imagine that this number is considerate enough with regard to the total population of the country. At the time when the Constitution was drafted, the total population of the country was almost half of what it is today, and the number of Parliamentarians remains still the same. So, on one hand we have had an increase in the number of people but the representative to people ratio has not remained stable, and has steadily grown and reached a whopping 10,50,000 to 1 as of today.

The idea of democracy is to foster equal representation for the people of the country with respect to the democratically elected individuals serving the interest of the people. This is to say, that if there is a village with a total population of 1 Lakh, then the interest of each and every one of those 1 Lakh people should be served in the Parliament rather than relying on the callous approach of favoring the majority. Indeed it is a tough task to achieve, but the interest of the majority marginalizes a start towards the same needs to be initiated before the country. 10,50,000 to 1 is an astonishingly high ratio for a seamless approach towards catering the needs of each and ever individual. We need to bring the ratio down and to do that the constituencies have got to be divided proportionally. This alone will not solve the problem, as almost 45% of the country does not take part in the electoral process every five years. The main reason behind this omission is the fact that people are not convinced in the rhetoric of the politicians and often take a back when the general elections happen.

THE WAVE EFFECT

The wave effect is a psychological trend, which takes place every time an election takes place. It is a mental phenomenon in the mind of electorate whereby the electorate through his surroundings, understands and interprets the general wave of the ongoing election and analyses the proceedings to come to a strong willed conclusion which qualifies a definite proposition favoring one candidate over all the others. The voter easily picks up the sounds of election and through his rational judgments feels that a particular candidate is the favourite to win, and therefore abstains from voting thinking that irrespective of the fact that he votes or not, that candidate is going to win, therefore it would be a waste of time to devote the energy for elections since the vote is not going to change the course of elections. This is a common trend found in every election everywhere in the country and there is no recourse to change this effect, until and unless the people are educated that their vote counts every bit. The election commission has tried its best to educate the people about the importance of voting, but the voter understands that if his/her vote stands of less or no importance in the general context of the elections, then it is futile to invest the energy in the ongoing process. To correct this, we need to instill the faith back to the voter. The only approach which can sustain the will of the people to vote for their representatives is to convince them that their representative is going to stand a solid ground in the decision making process of the state or the country. And the list system is the best advertisement for the proportionate voting.

The Law commission in its 170th Report proposed the List System with an addition of 25% of overall seats in the Parliament to accommodate the list system elected candidates. The system, though complex in nature, looks after the problem enormously better than the current FPTP system prevailing in the country.

The most prominent political parties, which have enjoyed a certain degree of mandate of the people, shall be given the right to contest the list system election. The Election Commission on the recommendation of the parties shall devise a list comprising of the most eligible candidates depending upon the popularity of these representatives. Once the election is over and the overall voters percentage list is out, the list system shall spring to action. Let us suppose Party A polled in 26% of votes in the State Election, out of which it secured a 20% number of candidates in the legislative assembly. Under ideal circumstances, the percentage of votes polled in a state should directly correspond to the percentage of seats in the legislative assembly. Therefore, to sustain this philosophy, the list system shall be used as a direct method for its incorporation.

The results of UP Election 2012 shall be used as a real example to demonstrate the problem and the solution in this respect. In the elections in Uttar Pradesh this year, the total number of votes polled was X. Out of this, the winning Party Samajwadi Party secured 29.29% of the votes, but at the same time, achieved 56% of the total seats in the legislative assembly. There can be seen a stark contrast between the will of the people and the actual results of the election. On the other hand, the second largest party in BSP secured 80 only 80 seats, which is 20% of the total seats in the legislative assembly, but scored a close 25.91% of voter percentage, only 4% less than the winning party. However, when looked from the perspective of the total percentage of seats distributed, the BSP falls short by a whopping 36% to SP. A mere difference of 4% of voter share resulted in a dramatic difference of 36% in seats secured. This is a strange disparity, which needs to be checked at the earliest in order to result in more relative votes to seats distribution.

In the proposed list system, the commission, by adding 100(25%) more seats to the legislature shall focus towards a more equal redistribution of the total legislative seats. Now, out of those 100 seats, the winning party shall not be allotted any seats since it has already received a gigantic proportion of the assembly without having got the votes to credit the proportion. The second largest party shall be given 50 seats to equal the proportion of votes to seats. The third largest party shall be given 28 seats while the fourth largest party shall be given 22 seats, so as to balance the voters' share with the seats share. Not only this brings greater proportionality with respect to the overall distribution of seats, this will also cater to the demand of the people's votes and will reduce the redundancy of the overall votes polled in the state.

STATE FUNDING

This part of chapter relates to proposal for state funding of elections put forward in the working paper. The working paper had reiterated the proposals contained in the Dinesh Goswami Bill of 1990 which, as has been stated herein before, was based upon the consensus of all the political parties.

There is no surprise to the well-known notion that elections cater to corruption in large parts of the country. Elections are a place where black money thrives in the market. Under the usual practice, the candidates often receive grants from the corporates or private businessmen, in a hope that after they achieve victory a quid-pro-quo favor shall be provided in matters related to business in their constituency. Power provides many ways to control the affairs of the administration, and this is the reason why the businessmen lure candidates to accept donations on behalf of their organizations. In order for a private individual to contest and win elections, it will take a massive influx of money and muscle power. And the middle-class Indian is prone to avoiding this for the same reason. Therefore, due to the heavy entry blocks into the election for the young generation, politics has unfortunately not been able to interest many out there.

The idea of State funding needs to be incorporated in order to promote greater influence of the youth in Indian politics. On an average account, it takes anywhere near 50 Lakhs to 2 crores to fight an election competitively. This figure is far-reaching if we look at the prevailing conditions of poverty in the country. It is therefore of paramount importance to introduce the concept of State funding to allow people who are financially well off into the foray of politics.

In order to bring change it is imperative that we introduced this concept.

At the current scenario, major election expenditure is concentrated upon the distribution of pamphlets, holding rallies and meetings, printing banners and advertisements holding along with the placing on billboards, entertaining party workers etc. The money for all these expenditures comes from the pockets of the candidates, and it is a common belief amongst the corridors of Indian political business that the more money you have, the better chances you gain of winning elections. Since the Indian voter has a very short memory and relies on what goes around him at the present moment, it is quite prominent that the candidates who indulges in maximum publicity stands out victorious while he might not be the best qualified.

Therefore, the need of the hour is to engage in this concept. At first, the State shall dictate funding for all the prominent candidates in the constituency. In order to prevent frivolous expenditure on independent candidates, the State should only fund recognized political parties and those candidates who are ready and prepared to furnish an undertaking that in case they do not secure a position in the top 5 of the standings in the constituency they will re-imburse the expenditure which the State made on them.

“practice in England where free television time was made available by BBC and by independent television companies. Postal communication was also accessible free of charge to the candidates. Council halls are made available for holding the meetings. The cost of printing and compiling of the registers were all paid by the State. He then referred to the French electoral system, which he said is the most generous in this respect. Money is not given there directly by the state but pamphlets, leaflets, posters, handbills and other publicity material including election manifestos and statements are printed by the state machinery at the specific request of the candidate. Vehicles including oil and petrol are provided by the State. Help was extended to the candidate to organize public meetings and public address systems. Radio time and television time was also made available to a candidate free of cost.”

“France again where, with a view to preventing a large number of independent candidates from taking advantage of state funding, it has been provided that every candidate receiving State funding shall execute a bond and also furnish a bank guarantee for the financial support extended to him so that in case he got less than 8 per cent of the total votes polled, he would forfeit his bond and money would be recovered from the guarantor. He was of the opinion that such a provision should be made in the Indian law also, if state funding was to be provided. Such a course, he submitted would prevent a host of candidates appearing on the electoral scene and, at the same time, would render great service to democracy by providing a level playing field to all the persons who genuinely desired to serve the nation as representatives of the people. He submitted that the existing professional politicians alone could not represent the people and that it was necessary to bring into existence a new generation of educated individuals who desired to serve the country.”¹

Understanding and learning from the experience of France and England, it is pertinent that partial State Funding, if not complete State Funding, is proposed and brought amendment in the Representation of People's Act, 1951. This will surely allow poorer but eligible and smart candidates to participate in the electoral process of the country. The electoral process is the starting point of a change in the nation, as the people we chose define the way we live, and therefore it is imperative on the part of the Parliament and the Government to allow better options in the overall election of this country's representatives through the act of State Funding.

FINANCIAL ACCOUNTABILITY OF POLITICAL PARTIES

Another pertinent topic of the hour is the enormous funds enjoyed by the political party, which go unnoticed before the taxman. There is no real mechanism, which keeps a check and balance on the financial balance sheet of the political parties. This major loophole in the law allows the parties to amass incredible amounts of funds from top notch corporates in return to favors granted once they taste power. The country needs to exercise strict checks and balances on the financial working of the parties.

¹ CERl Campaign for Electoral Reforms in India." CERl.

Donations granted to the parties during and before elections should be classified in order to give a proper account of the way money is being received and spent by the parties. Following are the excerpts from the 170th Law Commission Report:

“The suggestion in this behalf was to introduce provisions making it obligatory upon the political parties to maintain regular accounts clearly and fully recording therein all amounts received by them and all expenditure incurred, as is the legal requirement in Germany. It was further suggested that the said account should be duly got audited at the end of each year and the audited accounts submitted to the Election Commission before the prescribed date every year. Election Commission was required to publish the said accounts for public information. This proposal was made to introduce an element of transparency and openness in the financial matters of the political parties and is backed by the judgment of the Supreme Court in Gajanan Bapat v. Dattaji Meghe². The said decision emphasized the desirability and necessity of the political parties maintaining true and correct account of their receipts and expenditure including the disclosure of the sources of receipt. It was pointed out in the decision that this was essential to ensure the purity of elections and to prevent money from influencing the outcome of elections. The Law Commission in its working paper that the aforesaid provisions in conjunction with the provisions pointed it out contained in section 29A, would advance the objective of ensuring purity of elections by preventing the money-power, in particular black money-power and money collected from suspect sources from influencing the elections.”³

It is high time that political parties are provided recognition in the Company's Act as a taxable society. There is a need to move to the next level by charting out a accountable procedure for the political parties which would contain the accounts in the same way a company has, and without its compliance the party shall not be allowed to contest elections. There is a great anomaly in the money minded procedures currently laid out for the parties, and there is a desperate need to move away from the existing layout for a more robust and solid platform regarding the financial health of the political parties.

THE RIGHT TO SAY 'NO'

Those who have voted in their life might have observed that at present the option of 'None of the Above' is not present in the election voting machine. The reason behind that is unknown, however, it is quite surprising that the voting machine does not contain this right of people at the time of elections. As much as the people have a right to say yes to a candidate, the Election Commission and the Legislature should include the right to say 'No' for the existing list of candidates. Following are the reasons and advantages of presenting this right to the voter:

Weightage to Voting: The current system allows a passive negation of the existing candidates for the voters at large. It is understood that those who do not vote or abstain from voting due to any given reason, have displeasure from the Government and are not comfortable with the list of candidates presented to them for voting in the elections. However, this message is not sent across to the Election Commission or the Government of this nation in the best of spirits. The administration often fails to understand the gravity of the situation with regard to the total voter turnout. It is often said that the Election Commission needs to go an extra mile to convince the voters to vote, but the problem does not lie with Commission, rather it is concerned with the failure of the candidates to spur the voters, and also the unavailability of an option in the Voting Machine to register the emotion of refusal to participate in the electoral process. A passive negation does not lift the veil in as much spirits as an obvious recording of those emotions would help in doing the same. And therefore it is an urgent need of the hour to seize the feelings of the voters by giving them an option to say 'No', which would hopefully convince the administration about the failure of the parties to field respectable and competent candidates. This might not result in an immediate change in the quality of candidates, but will be a start for the those who have refused to come out in the open and express their displeasure at the current state of affairs in the country, and slowly this mechanism will also provide a solid motivation for the reluctant citizens of this country a means to participate in a soft revolution of its kind, one to bring credible parliamentarians in the future.

² (1995 SCC 347)

³ 170th Law Commission Report, Ministry of Law and Justice, Government of India

From the writer's first hand experience in the general electoral process in the country, it is considered that the main reason behind such a low voter turnout is the reduced factual importance to each and every individual vote, and when this translates into a reality of omission at the polling booths, suddenly 40-50% are recorded as 'NA'. The Indian voter is both honest and smart. He understands that according to the larger scheme of things, his vote will have a minute effect upon the general outcome of elections. This feeling is inherited from the wave effect and thus cannot be changed or modified for the better or the worse. The only thing, which can be done, is to bring an overhauling effect in the quality of candidates and the administration. However, since the Government and the Parliament have refused to do anything about it, the only way these instruments of administration can be pushed into action is, for them to receive a red mark on their textbook through the recorded findings of refusal to vote by the people of this country.

This is a step in the right direction and has been advocated strongly by civil societies as well as prominent individuals in the field of election and administration.

LEGISLATIVE CHANGES OF THE HOUR

This section of the paper suggests a list of legislative changes, which need to be incorporated in order to bring greater transparency in the electoral process of this country.

1. Deletion of Article 331⁴ of the Constitution: Article 331 of the Constitution empowers the President to nominate two members of the Anglo-Indian community into the Parliament of India. The writer feels that this Article has past its time and is redundant from the current context of political scheme in the country. The Anglo-Indian community does not retain the same importance as it did during the time of independence, and hence the Parliament should consider deleting this irrelevant Article from the Constitution of India.
2. Deletion of Explanation 1 of Section 77, Representation of People' Act, 1951:
Explanation 1⁵ of Section 77 of the Representation of People's Act, 1951 declares that any travelling, media or Governmental expenditure incurred by the candidates during the Parliament or State Legislative Assembly election shall not be considered to be an expenditure for election purposes and which therefore shall be kept out of the purview of Section 77 of the Act which makes in compulsory for the candidates to make their electoral expenditures public to the Government. This explanation dilutes the power of Section 77 and provides an anomaly in the overall aim of maintaining a balance sheet of the accounts of electoral expenditure of various political parties.
The aforementioned explanation reduces the scope of monitoring the electoral expenditure considerably since it demarcates travel and media expenditure, which is an important denomination in the whole business of running an election. It is quite easy for the candidates to manipulate the accounts through areas where it is not deemed necessary to show the true accounts of expenditures.

"The words "all expenditure in connection with the election incurred or authorised by him or by his election agent" fell for consideration of the Supreme Court in Kanwarlal Gupta v. Amar Nath Chawla⁶. The court, in the first instance, referred to sub-section (6) of section 123 of the Act which says that "the incurring of authorizing of expenditure in contravention of section 77" is a corrupt practice which disqualifies the person from contesting the

⁴ Representation of the Anglo-Indian Community in the House of the People.— Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People.

⁵ (a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating programme of the political party shall not be deemed to be the expenditure in connection with the election incurred or authorised by a candidate of that political party or his election agent for the purposes of this sub-section.

(b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

⁶ (1975) 3 SCC 646

elections for the next six years. After referring to the language of section 77, they observed that where the expenditure was authorized by the candidate or by his election agent expressly, there was no difficulty in determining the meaning of the aforesaid words, but, the court observed, difficulty arose where the expenditure was incurred not by the candidate but by the political party which had sponsored him or by his friends and supporters.

The Supreme Court held a strong view with regard to Explanation 1 of Section as explained in the excerpts from C.Narayanaswamy v. C.K. Jaffer Sharief⁷

“As the law stands in India today anybody including a smuggler, criminal or any other anti-social element may spend any amount over the election of any candidate in whom such person is interested, for which no account is to be maintained or to be furnished and any such expenditure shall not be deemed to have been expenditure in connection with the election, incurred or authorized by the candidate or by his election agent for the purpose of sub-section (1) of Section 77, so as to amount to a corrupt practice within the meaning of sub-section (1) of section 77, so as to amount to a corrupt practice within the meaning of sub-section (6) of section 123. It is true that with the rise in the costs of the mode of publicity for support of the candidate concerned, the individual candidates cannot fight the election without proper funds. At the same time it cannot be accepted that such funds should come from hidden source, which are not available for public scrutiny. According to us, sub-section (6) of section 123 declaring “incurring of authorizing of expenditure in contravention of section 77” a corrupt practice has lost its significance and utility with the introduction of the Explanation-I aforesaid which encourages corruption by underhand methods. If the call for “purity of elections” is not to be reduced to a lip service or a slogan, then the persons investing funds, in furtherance of the prospect of the election of a candidate must be identified and located. The candidate should not be allowed to plead ignorance about the persons who have made contributions and investments for the success of the candidate concerned at the election. But this has to be taken care of by Parliament.”⁸

Therefore, keeping in mind the recommendations made by the Supreme Court and the Law Commission, it is imperative to delete this explanation in order to bring accountability in the electoral process of the country.

3. Insertion of Section 78A: The Parliament of India should strive to include Section 78A in the Representation of People's Act, 1951 for the maintenance, audit and publication of accounts of political parties in the country. The Supreme Court dwelled into this matter in the case of Gajanan Bapat v. Dattaji Meghe⁹. The Court observed the following:

“We wish, however, to point out that though the practice followed by political parties in not maintaining accounts of receipts of the sale of coupons and donations as well as the expenditure incurred in connection with the election of its candidate appears to be a reality but it certainly is not a good practice. It leaves a lot of scope for spoiling the purity of election by money influence. Even if the traders and business men do not desire their names to be published in view of the explanation of the witnesses, nothing prevents the political party and particularly a national party from maintaining its own accounts to show total receipts and expenditure incurred, so that there could be some accountability. The practice being followed as per the evidence introduces the possibility of receipts of money from the candidate himself or his election agent for being spent for furtherance of his election, without getting directly exposed, thereby defeating the real intention behind Explanation 1 to section 77 of the Act. It is, therefore,

⁷ (1994 (Supp) 3 SCC 170)

⁸ 170th Law Commission Report, Ministry of Law and Justice, Government of India

⁹ (1995 (5) SCC 347)

appropriate for the legislature or the Election Commission to intervene and prescribe by Rules the requirements of maintaining true and correct account of the receipt and expenditure by the political parties by disclosing the sources of receipts as well. Unless this is done, the possibility of purity of election being soiled by money influence cannot really be ruled out. The political parties must disclose as to how much amount was collected by it and from whom and the manner in which it was spent so that the court is in a position to determine "whose money was actually spent" through the hands of the party. It is equally necessary for an election petitioner to produce better type of evidence to satisfy court as to "whose money it was" that was being spent through the party. Vague allegations and discrepant evidence may only create a doubt but then the charge of corrupt practice cannot be held to be proved on mere lurking suspicion or doubts. However, undesirable and objectionable the practice might be, the fact remains that the evidence led by the election petitioners in this case does not establish the charge leveled by them at all."

The Law Commission and the Supreme Court agree that the maintenance of public accounts along with audit and openness of the same is paramount to bring accountability into the functions of political party in India. Auditing and publication of accounts will not only force the parties to manage their funds more effectively and accountably, it will be a new beginning in terms of weeding out corruption from the system of politics, which sits at the epitome of corruption and scandals in this country.

CONCLUSION

The writer has enunciated distinct points on law and facts, which have described the current problem, the status quo and the solution to the problem as a way ahead into the 21st century. Elections lay the foundation of the nations growth and development, since it is that process which decides the leaders and administrators of the country. The educated youth of the country has shied away from politics due to the enormous entry barriers in this profession, which does not allow sustenance for the new comers. Keeping all this in mind, it is suggested that we need to gather and inspire the youth to enter politics and lead the nation into progress in the coming years. To do that, the Parliament has to adopt a solid approach to weed out corruption and incompetence from the current system of electoral process in the country. The current system does not have enough checks and balances into the functioning of political parties; it does not provide an effective mechanism to deal with the problem of corrupt and inept politicians knocking on the corridors of Parliament. With this research paper, the writer has proposed various legal measures which will go a long way to reduce the participation of callous and incompetent individuals along with a predicted increase in the number of educated, skilled, and eligible individuals out of which a large number shall be the youth of this country.

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