

Political Parties and Indian Democracy

A Lok Satta Discussion Paper

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Importance of Parties

1. 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 that 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.
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 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. Yet the political parties in India are least understood, little-studied and obscure.
5. Whatever may 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 are 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 42(in 1957) to 20(in 1962) independent Members were elected to Lok Sabha between 1952 and 1967, their numbers dwindled to 14(1971) and 1(1991) after that. Even more remarkably, while 60% of all independent candidates lost their deposits in 1957, over 99% of them lost the deposits since 1980. That means, while in 1952, a third of the candidates could retain their deposit by obtaining a sixth of the votes, only 7 out of 1000 of the independent, non-party candidates, have managed to obtain more than 1/6 of the votes polled in their respective constituencies since 1980. 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	99.1
1999	543	6	99.1
2004	543	5	99.4

8. Even in States, where the 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 show that 1967 saw as many as 68 independents elected. However, since 1978, the independents are getting elected in much smaller numbers, falling to 5 in a house of 294 in 1999 and 2004 general elections. 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 re-elected 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.

Year	Independents elected to Andhra Pradesh Legislative Assembly	
	No. of Seats	No. of Independents elected
1962	300	51
1967	287	68
1972	287	57
1978	294	15
1983	294	17
1985	294	9
1989	294	15
1994	294	13
1999	294	5
2004	294	5

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:

- Government leaders are chosen in competitive elections in which there are opposition political parties.
- 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.
- 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.
- 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, African-Americans, 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 until 2005. Erstwhile Soviet Union, and most of the Eastern European Countries, until their adoption of democracy in the early 1990s, 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. There are five key ingredients of democratic polity: 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 the law have guaranteed these freedoms in a fair measure to citizens, in reality freedom is undermined by

the abuse of power by many in political parties. This power is used to paralyse society at will, to appropriate resources, and to pressure citizens and groups. Parties stop traffic, arbitrarily take over properties, vehicles etc, and resort to violence. The many failings of political parties, when 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, in India the 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 of government are all combined with autocratic political parties significantly undermine self-governance. 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, overly 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 and the skewed Indian party structure, which seems to be incapable of attracting the best elements of society into public office, have made sure that the decline of the Indian state is progressive and have contributed to near-collapse of our governance.

Parties in modern state

15. It is evident that political parties and government cannot be isolated from the internal structure and functioning of parties. However, Indian political parties 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.” Ideally speaking parties are expected to uphold ethical principles and values in public life. Although, 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 has proven too strong to resist even for such parties over time.

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 routinely in organizational poll, 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. More recently on November 4th 2005, Mr K. Kesava Rao, present of Andhra Pradesh congress committee, stated that on record, the state party had a membership of 29 lakh. He further added that he did not know how many of these were bogus memberships; in many cases they had simply taken the voter lists and converted it into Congress memberships. Many political parties have lost the respect of a vast majority of the middle and upper sections of society through corruption scandals and criminal links. 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 that motivates the voters. 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 their current state, have failed to represent the citizens, effectively govern the nation, or conversely, responsibly criticize those in power and make the necessary reforms to 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. Most parties have become hostages to corruption, crime, intrigue and nepotism. As a result 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 appropriation of state resources an influence for private ends. This allows systematic abuse of power to benefit those in public office and the party cadres whose support put them in office consequently in the 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 licenses, 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.
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. Increasingly the best elements of society are alienated from politics and are repelled from joining the political process. A careful analysis shows that heredity and family connections are the commonest cause for entry into serious electoral politics. Thirty-four percent of the major contenders in an election enter politics through a simple family connection. This is closely followed by a twenty-one percent of major contenders who are those that have large inherited or acquired wealth, and have decided that investment in politics is good business (Verma,

2003). There is, of course, some overlap between crime and family but these numbers are not insignificant. 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. Although we cannot neglect the fact that these people may have an excellent understanding of politics, it is ironic that from this vast and diverse country there is a rather significant lack of those 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 few who choose to enter politics out of passion for the public good are often made to pay an unacceptably high price for their integrity and values. More and more the best men and women that our 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 is now in shambles.

Oligarchic control

21. Even in the best of circumstances, oligarchic control of political process violates the basic tenets of democracy. The objections to the dominant role of political parties are quite serious, and need to be examined closely. Michael Dummett lucidly illustrated 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, to influence, or to 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 52nd amendment to the Constitution, commonly referred to as the “Anti-defection Act” and the more recent 97th Amendment. But let us now turn our attention to an examination of some of the most important problems facing 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 6 national parties and 50 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. After the Amendment of 2000, a party is officially recognized as National or State party if it has a significant presence in the Lok Sabha or the State Assemblies.

Parties can also be officially recognized if they receive at least six percent of the valid votes in a state or general election.

24. Registration and Recognition of political parties is controlled and regulated by the Electoral Commission of India. A registered party is entitled to exclusive reserve symbol for its candidates during general state or national elections. The application for party registration must include a copy of the party constitution that adheres to components of the Indian constitution. It also must include the rules and regulations by which the party will be guided, including the organization and timings of party elections. The registration application attempts to ensure that the registered party does maintain some degree of support by requiring that registering parties show that they have 100 members who are in fact registered voters.
25. The Electoral Commission can also recognize parties as State or National parties. The recognition of a political party can give it certain privileges such as free supply of electoral rolls, broadcasting time on television and radio networks, and preferential allotment of symbols. A party is treated as a recognized political party in a State if it is engaged in political activity for a continuous period of five years and has returned at least one out of every twenty five members of the Lok Sabha from the state or once out of every thirty member of the Legislative Assembly in the last general election. Alternatively, if the party polls 6% of the valid votes in the state in the last general election, it is recognized as a State party. If a party is recognized in four or more states it becomes a National party.
26. 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 landmarks 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 Tenth Schedule of the Constitution through the 52nd Amendment, further amended by the 91st Amendment in 2003. 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 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

27. It is traditionally believed that the strongly ideological parties like Communists tend to depend on party cadres, as opposed to the centrist mass-parties that tend to have open membership. In recent years, most parties in western democracies, irrespective of their origins, have open membership. Usually anyone 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.
28. 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. Party leadership does occasionally enforce its will; but, if such a decision is seen to be inimical to democracy or party interests, it is fiercely resisted, humbling even powerful leaders. Ken Livingstone's mayoral race in London against the wishes of Tony Blair and the Labour Party is a fine example of this. Mr Livingstone was expelled from the party after he announced that he would run as an independent against the Labour Mayoral candidate when he was denied the candidacy by a fiat from the party leadership. He was later re-admitted to the Labour Party after he had won the office of Mayor and Tony Blair took measures to ensure that he would be represent the Labour party in the 2005 Mayoral race. What is more, despite the defiance of Livingstone, once he was elected Mayor, the London City government was granted unprecedented autonomy and powers.
29. 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 US 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

30. 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 that are mass-based and have no rigid membership norms; however, they 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. The expulsion of Mr Kalyan Singh from the BJP after he had served as Chief Minister of Uttar Pradesh and his subsequent re-admission is just another example of arbitrary practices of unaccountable parties.
31. 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. 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. Idealistic, talented youngsters are often repelled by such parties, and undesirable elements find a haven within them.

Freedom vs discipline

32. 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.

33. Our electoral process, based on the First-Past-the-Post (FPTP) system, further weakens members of parties vis-a-vis leadership. The dissenting members or even major leaders, who disagree with the policies or decisions of the party, are helpless in influencing the leadership. Nor do they have an opportunity to articulate their dissenting views publicly in order to convert a majority of members, for fear of being expelled from the party. And expulsion is a political death sentence in our system. Even if the expelled leaders form a new political party to pursue the policy goals rejected by their former party, almost always the new party will flounder. This is because the FPTP system significantly raises the bar for meaningful legislative presence. In a FPTP system, usually a minimum of 30% vote is a prerequisite to have a realistic chance of getting reasonable number of members elected to the legislature. And a new party can rarely gain such momentum. Once people know that the new party is unlikely to win, even sympathisers and potential supporters do not vote for it: they will not want to waste their votes on a losing party or candidate, and will opt for the next best alternative provided such a party is 'electable'. This compulsion makes party members and even dissenting senior leaders helpless in the face of the autocracy of the bosses. The party leadership too has no compulsion to accommodate the views and wishes of dissenters, because they cannot pose a credible political challenge.
34. 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 justifiable 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 that 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 as well as make a 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

35. 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.
36. 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. The recent party elections of the British Conservative party also demonstrate how effective a democratic system within a party can be at quickly bringing unknown candidates up through the ranks. David Cameron, a young conservative member and a virtual unknown in the party, ran against some of the top candidates and is now the front-runner for the party leadership. The truly democratic and competitive nature of the Conservative leadership race allowed for the best candidates to emerge on top, whether or not they had the support of the party heads.

- 37.** 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.
- 38.** 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.
- 39.** 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 that he can use skilfully 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

40. 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 un-elected coteries dominating and manipulating the political process. The structure of political parties is designed in a way that gives party leadership 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 are complete and unchallenged. The structures that allow for this cannot enhance a healthy democracy. Given the fact that only one leader, and not even a small group dominate most parties, the term 'monarchy' would be an apt description of the existing party structure. These leadership titles are often decided through blood or marriage ties and therefore do not allow for the proper democratic processes to take place within parties.
41. Most major parties have constitutions that 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, any democratic merit was seriously undermined by 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 un-elected leader. Once in office, the power of leadership is absolute, and control of resources is awesome. Potential dissidence or principled opposition is instantly snuffed out. Leaders have a tendency to over use their power of suspension, expulsion, instant removal from office, denial of party tickets, as weapons if there is any whiff of opposition.

If the party is in power, state machinery tends to be used for party ends, and often to perpetuate absolute control over the party and state, and this often leads to disregard of 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'. Party leaders attempt to maintain the maximum amount of power. 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.

42. This absolutism practised over the years by the Congress party leadership, undermining 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. Parties rarely make membership rolls available, and when they are prepared they are often spurious. All parties, without exception, nominate candidates for public office through the dictates of the leadership or high command leaving out an important democratic step of internal party elections or debate. 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. The overly centralized party structure means that the party's central leadership decides even candidates for public office in local government elections, and cooperatives. When the party obtains a majority in a local election, again the zilla parishad chairman or other functionaries are decided by the party bosses who are 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.

Public scrutiny and regulation

43. 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? 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. With very little difference between political parties and how they broach issues of democracy within their parties, no matter which party is in power, the political process remains largely unchanged.

44. We as a people have an abiding and legitimate interest in the affairs of parties. 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.
45. 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 parties 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 become unaccountable

and autocratic, perpetuating individual control over levers of power and political organization, for personal aggrandizement, self 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 of 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

46. 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

47. 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

48. In all other western democracies also similar decentralized, democratic procedures are followed in selection of candidates. In Germany, the party constituency committee selects the candidate for the constituency by secret ballot. The proportional representation list for the party of each 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. Even in many developing democracies internal democracy is seen as a necessary element. For example, South Africa's African National Congress (ANC) has it written within their constitution that elections will decide internal party leadership. The ANC has an elected National Executive Committee, which is elected and in turn appoints a separate party Electoral Commission to run internal party elections by secret ballot. According to the ANC constitution a "National Conference", a mainly elected body, nominates candidates for national elections. Clearly, democratic choice by local members and delegates is the universal norm.

American primaries

49. 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

50. 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 un-elected, and unaccountable bosses, and their minions who formed small coteries 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

51. The Election Commission publicly stated almost a decade ago 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. The recent disclosure norms focused public attention on criminalization, but the situation on the ground is largely unchanged. In fact, as recently as November fifth it was reported that an MP from Bihar, Syed Shahabuddin, was arrested in connection with 30 criminal cases that included kidnapping and murder. 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 have become the new determinants of power. Parties are known to have nominated candidates in exchange for moneybags. 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. 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 has aggravated this dismal crisis.

Victory at any cost

52. 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

53. 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

54. 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 are 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

55. 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 guidebooks 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.
56. 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 taxpayers, 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

- 57.** 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 up to 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 up to 5% of profit. However, parties were 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. 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. Since then the law has been amended to improve transparency and incentivize open funding for legitimate political activity. The 2003 law made three particularly important changes to the electoral financing laws. First, it imposed much more stringent restrictions for a ceiling that would be applied to every election expenditure. The infamous explanation under section 77 of the RP Act, which made a mockery of the ceiling on every expenditure, is now all but repealed. Only travel expenses were not included in this ceiling. Second, both individuals and corporations gets 100% tax exemption on political contributions. Corporate contributions shall be within the ceiling of the 5% average net profit of the year. Third, all contributions of Rs.20000 and above should be disclosed. Lastly, and perhaps most importantly, recognized parties are given indirect public funding through the allocation of time on the cable television network and on other electronic media – private of public. This allocation is based upon past electoral performance. This last legal provision has not been implemented so far, as the rules have not been formed yet. However, once this provision of free airtime comes into effect, most of the legitimate electioneering requirements would have been met by access to private and public electronic media. With the growing spread of television, this will revolutionize the nature of our campaigns and integrity of the electoral and political process.
- 58.** 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

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

Party Whip

60. Let us now briefly examine the Tenth Schedule of the constitution, incorporated by 52nd Amendment, and altered by the 91st Amendment, popularly known as the Anti-defection Act. These provisions have a major bearing on parties, public discourse and legislative and parliamentary voting. The 52nd and 91st Amendments were obviously well-intentioned, and were meant to ensure that the people's mandate is respected, and elected legislators did 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, which is often in return for money or favours, is a gross insult to democracy. Clearly, the anti-defection provisions under the 52nd Amendment completely failed to prevent defections. There are countless instance of defections in Parliament and State legislatures since 1985, after the law came into effect. While the Act deterred individual defections through disqualification, it did little to deter collective defection. 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! The 91st Amendment Act attempted to remedy some of these problems. This Amendment deters masses defection by adding a clause thing the second paragraph that states that: "a person disqualified under the anti-defection law shall not be appointed as a Minister nor hold any remunerative political post for the duration of the period commencing for from the date of his disqualification". This amendment goes further in that it no longer allows for the

defection of one-third of a party's members to be recognized as a party split. Paragraph three of the Tenth Schedule, which allowed such splits, has been repealed. Now all defecting members of a legislative party, whether they constitute one-third or two-thirds will be disqualified.

61. There is, however, one major unintended result of the Anti-defection Act that has not been rectified. 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 wrongdoing 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.
62. Obviously major reforms are still needed in the anti-defection provisions if we are to preserve even the limited sanctity of electoral verdicts. The Election Commission should be the competent body to decide on disqualification, instead of the Speaker. The major reform still 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

63. 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: the 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 paragraphs 57 and 58.

- 64.** 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 up to six years. However, there are 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-sheets, history-sheets 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. More importantly, legislators who were convicted of crimes during their term of office enjoyed immunity from disqualification until their appeals were disposed of. As a result, given the huge pendency and inordinate delays in courts, many convicted criminals could contest and win elections while appeals were spending, provided they were convicted while they were legislators. This loophole has now been removed by the Supreme Court. In a recent decision the Supreme Court finally held section 8(4) of the RP Act, 1951 unconstitutional. This section exempted incumbent legislators from disqualification until the appeal is disposed of, even if a lower court convicted them. Such a provision, which was probably inserted to avoid a costly by-election when appeal was pending, was clearly discriminatory and unconstitutional, that the court verdict (2005) has at last rectified it.
- 65.** After years of dithering and delay, electronic voting machines are now being successfully used in our elections. Voters now have identity cards and therefore, false-voting is reduced subsequently. However, evidences shows that identity cards alone cannot guarantee absence of electoral fraud. Coercion and collusion still play a large roll in certain pockets. 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 a 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 re-polling 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 impersonation took place, they can insist on a tendered vote. Once re-polling is mandatory wherever the tendered votes exceed a certain number, then there will be no incentive to rig polls by impersonation, 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.

66. There are other aspects of election, which although they may seem to be minor, are in fact central to the free, fair and transparent conduct of elections in a democracy. Significant problems with voter registration have become a central problem in Indian elections. Electoral rolls, as they stand today, are extremely flawed, undermining the entire process of elections. Steps have been taken to address some of the major issues. Voter identity cards have recently been introduced to stop problems of fraudulent voting. These cards have worked exceptionally well. The Electoral Commission (EC) has responded to public pressure by launching major exercises to clean up electoral rolls. Also, post offices are increasingly included in revision of electoral rolls. To further clean up elections, the EC directed that the voter lists should be read out in gram sabhas and ward sabhas and that new applications should be collected locally. The exercise unveiled a huge number of omissions and corrections. In Andhra Pradesh alone 6.45 million names were deleted and 2.52 million new voters were added. However, many problems with the system of voter registration still need to be addressed. Studies (Lok Satta: 2004-2005) show that even now there are about 15% errors (wrongful inclusion and deletions) in urban areas and 6% errors in rural areas in voter registration. They can be set right only when the local post office becomes a permanent nodal agency for citizens' voter registration.

Interlocking Vicious Cycles

67. In a well-functioning democracy, the political process ought to find answers to governance problems. Every election holds a promise for peaceful change. People in India have been voting for change time and time again. But, the political process is locked into a vicious cycle, and has become a part of the problem. There are several factors complicating the political process, perpetuating the status quo.
68. First, election expenditures are large, unaccounted and mostly illegitimate. For instance, expenditure limit for Assembly elections in most major States was Rs 6

lakh until recently, when it has been revised to Rs 10 lakh. In reality average expenditure in most States is several multiples of it, sometimes exceeding Rs 1 crore. Most of this expenditure is incurred to buy votes, bribe officials and hire musclemen. There are three features of such skyrocketing election expenses. First, large expenditure does not guarantee victory; but inability to incur huge expenses almost certainly guarantees defeat! There are a few candidates who win without large expenditure, but such constituencies are limited. Also in great political waves, when a party wins by a wide margin, expenditure is irrelevant. But in the absence of ideology, and increasing cynicism, large expenditure has become necessary to win. Desperate to win at any cost, parties are compelled to nominate mostly those candidates who can spend big money. Such large, unaccounted expenditure can be sustained only if the system is abused to enable multiple returns on investment. The economic decision-making power of the State is on the wane as part of the reform process. But as the demand for illegitimate political funds is not reduced, corruption is shifting to the core areas of State functioning, like crime investigation. Robert Wade studied this phenomenon of corruption, and described the dangerously stable equilibrium, which operates in Indian governance. This vicious chain of corruption has created a class of political and bureaucratic 'entrepreneurs' who treat public office as big business.

69. Second, as the vicious cycle of money power, polling irregularities, and corruption has taken hold of the system, electoral verdicts ceased to make a difference to people. Repeated disappointments made people come to the conclusion that no matter who wins the election, they always end up losing. As incentive for discerning behaviour in voting has disappeared, people started maximizing their short-term returns. As a result, money and liquor are accepted habitually by many voters. This pattern of behaviour only converted politics and elections into big business. As illegitimate electoral expenditure skyrocketed, the vicious cycle of corruption is further strengthened. With public good delinked from voting, honesty and survival in public office are further separated.
70. Third, this situation bred a class of political 'entrepreneurs' who established fiefdoms. In most constituencies, money power, caste clout, bureaucratic links, and political contacts came together, perpetuating politics of fiefdoms. Entry into electoral politics is restricted in real terms, as people who cannot muster these forces have little chance of getting elected. While there is competition for political power, it is often restricted between two or three families over a long period of time; parties are compelled to choose one of these individuals or families to enhance their chances of electoral success. Parties thus are helpless, and political process is stymied. Absence of internal democratic norms in parties and the consequent oligarchic control has denied a possibility of rejuvenation of political process through establishment of a virtuous cycle.
71. Fourth, in a centralized governance system, even if the vote is wisely used by people, public good cannot be promoted. As the citizen is distanced from the decision-making process, the administrative machinery has no capacity to deliver public services of high quality or low cost. Such a climate which cannot ensure

better services or good governance breeds competitive populism to gain electoral advantage. Such populist politics have led to serious fiscal imbalances.

72. Fifth, fiscal health can be restored only by higher taxes, or reduced subsidies or wages. The total tax revenues of the Union and States are of the order of only 15 percent of GDP. Higher taxation is resisted in the face of ubiquitous corruption and poor quality services. De-subsidization is always painful for the poor who do not see alternative benefits accruing from the money saved by withdrawal of subsidies. A vast bureaucracy under centralized control can neither be held to account, nor is wage reduction a realistic option.
73. Sixth, elected governments are helpless to change this perilous situation. As the survival of the government depends on the support of legislators, their demands have to be met. The legislator has thus become the disguised, unaccountable executive controlling all facets of government functioning. The local legislator and the bureaucrats have a vested interest in denying local governments any say in real decision-making. The vicious cycle of corruption and centralized, unaccountable governance is thus perpetuated.
74. Seventh, the first-past-the-post (FPTP) system exacerbates our social divisions as it tends to over-represent geographically concentrated social groups and under-represent the scattered minorities. This representational distortion leads to ghettoisation and marginalisation of the excluded social groups, which then indulge in strategic voting. This gives rise to vote-bank politics in which obscurantists become interlocutors of the group drowning the voice of reason and modernity. For instance, religious symbolism and not education and job opportunities become dominant issues of public discourse. This pandering of fundamentalism leads to competitive mobilization of various groups based on primordial loyalties, leading to communal polarization and social strife.
75. Eighth, the need for money power and caste clout to win a plurality of votes in FPTP system precludes political participation of men and women of integrity and competence. With their exclusion, bad public policy and incompetent governance become endemic, deepening the crisis.
76. Ninth, under an FPTP system, only a high threshold of voting ensures victory. Usually a party needs 30% vote or more to get a reasonable representation in legislature, or social groups with local dominance get elected. As a significant but scattered support pays no electoral dividends, reform groups and parties below the threshold tend to wither away. Voters prefer other “winnable” parties and candidates. This tends to marginalize reform parties, and national parties in many States. It is no accident that the main national parties, Congress and BJP, are directly competing for power in only a few major States. In most States, one or two regional parties are dominant, FPTP thus tends to lead to oligopoly of parties. Given this complex nature of our crisis, many of the reforms that have been enacted and those in the pipeline are necessary, but not sufficient.

77. Revising the electoral system is one major step that can help resolve the political dilemmas we face, and drive our polity into a virtuous cycle. The current system of Single Member Plurality, more commonly known as First Past the Post (FPTP), encourages candidates to do whatever it takes to get elected. Changing to a PR system forces parties to get as many party candidates elected as possible and it does not individualize the race. Desirable and worthy candidates will then become electoral assets and not liabilities. The parties, freed from the desperation to somehow accumulate the marginal vote needed for victory at the constituency level will no longer have to depend on the local feudal oligarchies and mafias for political viability. In addition, PR will have a dramatic impact upon the internal democracy of political parties. The democratization of political parties will occur from two different directions. Firstly, parties will be propelled to accommodate dissenting interests as the bar for political competition is lowered. Secondly, as parties will have to accommodate these all interests. To enlarge their overall vote share, autocratic and strong-armed leadership will give way to internal democracy.
78. In a Proportional Representation (PR) system, a break away group would need much less electoral support to have their voices heard. The electoral system has significant impact over a candidate's ability to influence the political structure. In the current Indian system breakaway parties are virtually inviable, and therefore, are rarely a realistic option for strong members. This means that parties do not consider the departure of dissenting members and leaders as a serious threat. Parties realize that it will be difficult for rebel candidates to mobilize enough support to pose serious electoral competition; therefore, rebels can often be marginalized or ignored. In Israel's system of PR the Prime Minister, Ariel Sharon, has recently broken away from the right wing Likud party in protest over the lack of support for his peace policies. Mr Sharon intends to start his own party, which he believes will gather enough support to form a central part of a new coalition. In a FPTP system, Sharon would never have been able to make this move. However, in a PR form of elections, when an important policy cannot be accommodated, then there is always the risk that dissenting members will break away from the party and take away a significant portion of the vote as well. Therefore, PR forces parties to make an effort to accommodate minority interests as seat share is determined by vote share. The accommodation that occurs strengthens the internal party democracy.

Political Development Index (PDI)

79. Before concluding, a proposal must be made 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

- 80.** 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 behaviour is not rewarded and bad behaviour is not punished in our system; indeed good behaviour is often penalized and bad behaviour 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 unflinching 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.

- 81.** 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.
- 82.** 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.

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