

IMPORTANCE AND DEGENERATION OF POLITICAL PARTIES IN INDIAN DEMOCRACY

DR. M.H. PRAHALLADAPPA

Abstract: Political parties in Indian Democracy grow up the as spokesman of organized interests. Thus, a Political party system in India is an organization of likeminded people based together either to preserve and promote group interests or to promote a particular ideology. Usually every party seeks to promote some particular interest and ideology. The political party constantly seeks to capture governmental powers to secure its ends. In a democracy, the party gets into power through elections. In a Parliamentary system such of India, the political party winning the majority of seats in the Lower House of the Parliament forms the Government, while the Party or Parties failing to get the majority constitutes the opposition. Thus the Parliamentary government is always a Party government. It may be the government of a single party or it may be the government of a coalition of parties.

The existence of different political parties has many advantages. The citizens of our country can experiment with the different parties alternately. They give chance to one party with a set of programs. They can see whether these political parties are doing good work for the country. After sometimes they try another party with another set of programs and see how far these are superior to their predecessors.

Key words:Parliament, Political parties, Government, democracy, electoral system, De generation

Introduction: The nature of political party system in India was characterized by Morris Jhones as a dominant one party system. It means that India basically has a multi-party system but one among the many parties is dominant party and monopolizes governmental power. Since independence up to the 4th general election in 1947 this was precisely the picture. The Congress party was in power during all the twenty years from 1947-67 both at the centre and in the states with a brief exception in Kerala in 1958. The 1967 elections saw the fall of the Congress monopoly in several states where unstable coalitions were established. The sixth General Election in 1977 witnessed the fall of the Congress at the centre. The Janata Government was established. But the Janata experiment soon failed. For Janata was in reality an unstable coalition. The Congress gained back its power in 1980. Then there was a B.J.P. coalition government at the centre and in few states. Then, Congress remained in power from 2004 to 2014. In the election of 2014, B.J.P got the majority and formed the central Government under the leadership of Shri Narendra Modi.

The Role of political parties: Political parties provide the connection between politics and society. In this sense they fulfill four crucial functions. First, political parties develop policies and programmes. This is the content side of their responsibility. It ensures that there are different choices in the political marketplace – not only in terms of candidates but also in terms of ideas. Once in government, a party can start implementing these ideas.

Second, parties pick up demands from society and bundle them into packages. Demands are numerous and sometimes conflicting. Parties are able to discuss

and evaluate these issues and shape human needs into policy alternatives. In so doing they are an important part of the political process.

Third, parties are the main vehicles for recruiting and selecting people for government and legislative office. Although they are often criticized for filling posts with their own people, this is what they are supposed to do: high level public positions, that is, those considered political rather than technical need to be filled somehow and parties provide a responsible vehicle for that.

Fourth, parties either oversee or control government depending on whether they are in government or opposition.

Importance of political parties: Party assistance varies greatly. It includes the provision of training courses, knowledge resources or specialized advice. Depending on the nature of the problem, assistance can be provided to strengthen the internal functioning of political parties or to improve the external regulation of political parties.

Yet party assistance itself can suffer from a lack of clarity about what it is supposed to achieve. This makes choosing the right approach more difficult. It also means that there is no proper evaluation at the end of a project – so it can remain unclear whether the assistance is a success or a failure.

International IDEA is committed to making party assistance as effective as possible, precisely because it is so important. To this end, the Effective Party Assistance initiative was launched in January 2007 at a workshop in Stockholm. The aim of the initiative is to find a consensus about how party assistance projects should be planned and implemented. Although the discussion has some distance to run, International IDEA strongly supports the

development of principles covering the following areas:

(1) an approach that deals with the central functions of political parties; (2) better integration of party assistance with other areas of democracy support; and (3) needs assessment, monitoring and evaluation.

Degeneration of Political parties: Political parties in any democratic polity are supposed to be vital links between the State and the Civil Society. Parties in India have failed to perform the basic functions of Government and Opposition on account of a number of reasons. Very few parties take their own Constitutions seriously. For this reason they have come under personalized and dynastic dominations. Another dimension of illegality of Indian parties is evident from the Writ petition No. 24 of 1995 to the Supreme Court by the Common Cause, a registered society headed by H.D. Shourie. The public interest case arose out of the alleged violation of the provisions of Section 13A of the Income Tax Act and Section 293A of the Companies Act by political parties with regard to their income and expenditure. The Common Cause argues that these laws “clearly indicate the legislative scheme, the object of which is to ensure that there should be transparency in the matter of sources of funds of the political parties and the manner in which the funds are spent.”¹ The laws put “all political parties... under mandatory obligation to maintain accounts, issue receipts for voluntary contributions above the prescribed limit and of getting their for voluntary contributions above the prescribed limit and of getting their accounts annually audited.”² Of the major fifteen parties approached for confirmation, none could claim that the legal requirements were complied with (barring the Janata Party, a rump of its name sake of the yore and a pocket organization of Subramaniam Swamy). The responses from the Government department concerned confirmed the contention of the Common Cause (1995: 13; Responses of the Department of Revenue, Ministry of Finance, Government of India, attached to the petition)³. The Supreme Court’s ruling on this petition was: “If a political party deliberately chooses to violate or circumvent these mandatory provisions of law and goes through the election process with the help of black and unaccounted money, the said party ordinarily, cannot be permitted to say that it has incurred or authorized expenditure in connection with the election of its candidates in terms of Explanation to Section 77 of the Representation of People Act (Para 19).”⁴ The Parliament subsequently circumvented the judgment by ‘suitable’ amendments.

Another aspect of the degeneration of the party political processes in the country is what has commonly come to be known as criminalization of

politics. There is probably no political party today that does not harbor a number of criminals holding party and even legislative / ministerial posts, the figure in some parties running into double digits as revealed by press reports. In the 1990s, economic scams and political scandals has reached the proportions of an unending deluge. The octopus-like hold of politics and economy by business-politics-administration-crime nexus has reached a stage where even Joint Parliamentary Committee investigations have proved to be utterly ineffective, fruitless and farcical exercises. In July 1993, the Government of India established a committee at the administrative level headed by the then Home Secretary N.N. Vohra “to take stock of all available information about the activities of crime-syndicate / mafia organizations which had developed links with and were being protected by Government functionaries and political personalities.”⁵ The Report submitted in October 1993 made the following sinister submissions, among others: “Central Bureau of Investigation has reported that all over India crime syndicates have become a law unto themselves. The nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country. The existing criminal justice system which was essentially designed to deal with the individual offences/crimes, is unable to deal in the activities of the mafia...”⁶ There is evidently little follow-up action on the Report, notwithstanding the Supreme Court directive to the Government to report what steps have been taken to implement its recommendations.

Another dimension of political corruption is the so-called politics of defection, which since 1967 has turned the legislatures and ministries into licensed casinos for political opportunists and defectors. Huge sums of money change hands and plane-loads of legislators are flown to five-star tourist facilities, often outside the State, to insulate them from temptations offered by other parties. Formerly known to have taken place only in State capitals, a similar vice for the first time surfaced at the national level in the notorious JMM bribery case adjudicated by the Supreme Court in 1998. The Supreme Court ruling in this case was:

- 1) An MP is a public servant under the provisions of the Prevention of Corruption Act, 1988; since there is not competent authority under the provisions of the act to remove an MP from his office, the Court can take cognizance of his offence without seeking sanction from any other authority.
- 2) However, the prosecuting agencies need to seek sanctions for proceeding in the framing of charges

from the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha.

- 3) MPs charged with taking bribe for voting against a no-confidence motion enjoy immunity from courts under Article 105 of the Constitution relating to the parliamentary privileges.
- 4) Bribe-givers enjoy no such immunity.
- 5) It is for the competent parliamentary authority to take proper action against offending MPs.⁷

Under the Tenth Schedule of the Constitution introduced in 1985 and amended recently (the Ninety First Amendment), a party member of a House is liable to be expelled from a Legislative body unless at least one-third of members of the legislative party desert it to form a new party or merge with another party. To reduce temptation for defection, the size of a Council of Ministers is fixed at 15 percent of the total membership of the Popular Chamber.

Prospects: A notable development of the 1990s is the emergence of the Election Commission of India as an activist federal agency. The Commission under o and his successors appears to have brought about a sea change so far as the conduct of elections is concerned. In the elections in the 90s and after, there has been a visible impact of the Commission in curbing electoral abuses by the ruling and opposition parties, e.g., obliging the parties to adhere to a code of conduct formulated by the Commission but followed more in breach than in adherence in the past, reduction of election expenses by a more rigorous rendering of accounts, control over noisy, communal, and, filing of affidavits regarding non-involvement in criminal convictions and activities, and so on. The Commission has also considerably checked mass transfer of Government officers with ulterior electoral purposes, misuse of Government machinery by the party in power and announcement and inauguration of schemes for particular sections of the population too close to the electoral schedule to influence voting, and so on. Moreover, the Commission also seems to be presenting more comprehensive and bolder proposals for electoral and party reforms to the Government, but legislation and executive action has been lacking.

The recent proposals of the Election Commission to the Government broadly cover a wide range of issues concerning delimitation of constituencies conducted and administration of elections, and political parties and candidates. In view of the fact that decay of parties and criminalization of politics have assumed alarming proportions in more recent times, we review here mainly proposals relating to these problems. To being with registration of political parties with the Commission, the Commission recommends measures to discourage frivolous party formations and deregistration of non-serious and defunct parties.

Presently, parties are registered with the Commission under the provisions of Section 29A of the Representation of the People Act, 1951.

The number of parties contesting elections in India has varied from 36 in 1980 to 209 in 1996, 176 in 1988, and 169 in 1999.⁸ The Election Commission of India revised its classification of political parties in December 2000 into "National" and "State" parties, besides the "Registered (Unrecognized)" parties. The last category includes the largest number of parties that are merely registered but not recognized as either a national or a State party (numbering 461). National parties are those that (i) Secure not less than six percent of the total valid votes in four or more States in the previous Lok Sabha or Vidhan Sabha election AND (ii) Whose MPs are elected from not less than three States. In 2004, the list of national parties included the Indian National Congress, BJP, CPI, CPI (M), NCP and BSP. A State party is a party that (i) Secures not less than six per cent of the total valid votes in the State where it is so recognized AND (ii) returns at least two members to the Vidhan Sabha in the previous Assembly election OR wins at least three per cent of the total number of seats in the Vidhan Sabha or at least three seats, whichever is more.⁹ The list of major State parties in 2004 included : TDP (Andhra Pradesh), AGP (Assam), RJD (Bihar), INLD (Haryana), JKNC, JKNPP and JKPDP (Jammu and Kashmir), JD(U) and JMM (Jharkhand), JD(S) and JD(U) (Karnataka), Shiv Sena (Maharashtra), BJD (Orissa), SAD and SAD(M) (Punjab), AIADMK, DMK, MDMK and PMK (Tamil Nadu), SP and RLD (Uttar Pradesh), and AITC (West Bengal).

By way of other reforms, the Commission could think in terms of devising more stringent requirements relating to their organizational structure. Indeed the Commission requires parties to submit copies of their Constitutions and election manifestoes to it. Until T.N. Seshan's incumbency as the CEC, this was a fairly ritualistic affair. Moreover, the Commission has since then started insisting on adherence to their own Constitution by parties in constituting party organs and holding regular organizational elections. The state of affairs at the Nirvachan Sadan are again getting back to the old manifestoes and electoral promises at least during the mandate of an election contested on the basis of that manifesto, subject to adjustments within a coalition or minority Government. Enforcement of these rules and regulations will force parties to structure themselves democratically, develop grassroots and constituency organizations, and define themselves more sharply in ideological terms.

The Commission is inclined to go along with the current law whereby a company in existence for more than three years may contribute and amount to party

funds not exceeding five percent of its average net profit. The Commission is against a total ban on company donations on the ground that political parties do need funds coming through certain channels for legitimate political activities. Besides, as trade unions and other organizations are allowed under the law of the land to contribute funds to parties, a ban on company donations would appear to be unjustified in the Commission's view. All that the Commission requires is that "such contributions should be limited to a reasonable level and all transactions in this regard must be made in a completely transparent manner."¹⁰ Moreover, the Commission also recommends to the Government that parties must be required to maintain their accounts and get them audited by agencies specified by it.

Further, the Election Commission also recommends that it be empowered to fix ceiling on election expenses before every general election and that expenditure incurred by a political party and other organizations be included in the election expenses of a candidate for purposes of ceiling on election expenses. Besides, the Commission is also in favour of some sort of State-funding of elections to a certain extent. The Commission has indeed already worked out a scheme of allocation of free-time to parties on equitable basis on the State-owned electronic mass media. But it covers a rather small fraction of the expenses involved.

One other serious problem with which the Election Commission has recently been seized with is the difficulty to define a criminal and to prevent his entry in politics:

"The Commission is conscious of the fact in the eye of law a person is presumed to be innocent unless proved guilty. In the Commission's considered opinion, a person who is facing trial in a serious offence, if kept out of the electoral fray till he is exonerated of the charge, should not have a legitimate grievance, as such restriction on his right to contest election would be a reasonable restriction in the greater public interest and for bringing sanctity to the both Houses which are the Supreme law bodies of the country."¹¹

Pending Government action on this proposal, the Commission has already initiated some steps in this direction. In August 1997, it invoked Article 324 of the Constitution to oblige all candidates then contesting to file affidavits along with their nominations about their convictions in cases covered by Section 8 other Representation of the People Act, 1951, which disqualifies persons convicted of those specified offences. Challenged politically, the Commission got legal backing from the Supreme Court.

The issue of party reforms has also received a serious attention in the National Commission for Review of the Working of the Constitution (NCRWC) Report 2002. It is interesting to compare the approach to political parties on the part of the founding fathers of the Republic in the Constituent Assembly and that of this eleven-member Constitution Review Commission. The Constituent Assembly did not consider the issue of party system necessary to be addressed on the legal and constitutional plane. It was apparently hoped that as parties had grown without a legal intervention on the basis of civil society initiative and constitutional convention as in Western liberal democracies, India also could do so. Fifty years later when this fond hope was belied, the NCRWC recommended a comprehensive legislation on political parties providing for "compulsory registration for every political party or pre-poll alliance". The registration rules should require.

- a) Allegiance to the basic constitutional values.
- b) Open door to all citizens irrespective of any distinctions of caste and community.
- c) Reservation / representation of at least 30 percent of organizational positions and legislative seats for women.
- d) Compulsory maintenance of accounts and audit of funds, and
- e) Mandatory declaration of assets and liabilities at the time of filing nomination by members for election to the Parliament / State Legislatures.¹²

This legislation, to our mind, is a vital precondition for survival of democracy in India. An early action by the government would appear to be an imperative that cannot be dodged to save democracy in India.

An Example India May Emulate: The Election Commission of India and many prominent citizens and jurists like Jayaprakash Narayan and Justice (Rtd.) V.R. Krishna Iyer have been advocating electoral and party reforms over the years.¹³ At least two parliamentary committee were appointed to examine and recommend reforms in this area. In view of the seriousness of the malady, it appears imperative now to entrust the task of considering comprehensive electoral and party reforms to a full-scale constitutional commission like the Sarkaria Panel on the Centre-State Relations. It may be interesting to draw attention here to the valuable work done in this respect by the Royal Commission on Electoral Reform and Party Financing appointed by the Government of Canada in November 1989. This Commission sponsored a score of academic studies on the problem as well as it held nation-wide hearings itself and submitted its recommendations in four volumes in 1991-1993.¹⁴

Some of the recommendations of this Commission as well as some Canadian practices in this regard in

vogue since the early years of this century may also be considered for adoption in India. Volume 3 of the Report, which is presented in the form of model legislation, has some interesting ideas about political parties, constituency associations, and party foundations. The proposed legislation lays down detailed legal requirements for registration of parties, their constituency associations, and party foundations under this parliamentary law. Each of these organizations is supposed to be registered under Section 24 of the model Act on the condition that they must have a Constitution that shall.

- a) Promote democratic values and practices in a manner consistent with the spirit and intent of the Canadian Charter of Rights and Freedoms;
- b) Provide clear and consistent rules on the selection of candidates, leaders, delegates, if any, and officers;
- c) Provide that members of the party who select the party's candidates, select delegates to a leadership convention or select a party leader must be voters¹⁵

The proposed legislation goes on to provide other legal requirements to facilitate smooth functioning of these organizations and procedures for settlement of disputes, which need not necessarily detain us here.

A party foundation may be registered under this Act by a recognized party as "a distinct and permanent institution".

- (i) to develop and promote public policy options,
- (ii) educate party members on matters of public policy, and
- (iii) provide the party with research and advise on policy.¹⁶

The Canadian Royal Commission believes in full disclosure of the size and source of contributions to parties and candidates to forestall any undue influence on elected officials by contributors of large amounts. It recommends submission of interim unaudited report of all contributions by resisted parties and their ancillary organizations for the first

six months of the year and a "full audited return on their financial activities for the entire year."¹⁷

The Canada Elections Act neither bans nor limits the fund a person, corporation, or trade union can donate to a federal party or candidate. However, all donations over \$100 must be disclosed and 75 percent tax benefit to the donor can be claimed on only the first \$100. Moreover, in June 1999, the federal Government forbade federal Crown corporations from making contributions to political parties. Bill C-2 proposed most comprehensive amendments to the Canada Election Act since 1974, with a view to rectify 'some of the well-known problems with the regulation of party and candidate financing', though 'some of the most important were ignored'.

The combination of parliamentary and federal systems of Government of Canada has forced the Canadians to depart from the practice of electing party leaders by the parliamentary organizations (elected MPs). The Canadian parties early in the 20th century, gave up the practice of electing leadership convention composed by provincial party delegates voting as individuals rather than as State delegations en bloc as in the American national party conventions, organized every four years for nominating Presidential candidates. This device of electing the party leader introduces an overarching national element over the State/province-based national parties in the USA and Canada. The adoption of the party convention system in Canada was done to make the leadership selection process more representative and federal.

In view of the increasing fragmentation of the Indian party system, the adoption of the Canadian system of party leadership convention here would introduce an element of federal aggregation of political forces in the country. This reform is particularly necessary now that the growing regionalization of parties in India has rendered the process of formation and maintenance of stable parliamentary Government at the Centre a highly problematic proposition.

References:

1. Common Cause, In the Supreme Court of India, Civil Extra-Ordinary Jurisdiction, Writ Petition No. 24 of 1995, p. 12. H.D. Shouries, Director, Common Cause.
2. Ibid., p. 13.
3. Ibid.
4. Common Cause (A registered Society) V. Union of India and others, Supreme Court, 1996.
5. Government of India, Vohra Committee Report, Ministry of Home Affairs (Chair N.N. Vohra, Home Secretary), p. 1.
6. Ibid.
7. P.V. Narasimha Rao V. the State (CPI/SPE), (JMM Bribery case), Supreme Court, 1998.
8. Douglas V. Verney, "From Quasi-Federation to Quasi-Confederacy? The Transformation of India's Party System", Publish: The Journal of Federalism, Vol. 33, No. 4, Fall 2003, p. 157.
9. Ascertained from the Election Commission of India by Professor Douglas V. Verney, New Delhi, Spring 2005.

10. Election Commission of India, Electoral Reforms (Views and Proposals), New Delhi, Nirvachan Sadan, N.D but apparently 1998, p. 7.
11. Ibid., pp. 24-45.
12. NCRWC Report, 2002, Para 4.30.1 to 4.30.6.
13. M.P. Singh, 'Electoral Politics and Phases of Politicization in India', Trends in Social Science Research, Vol. 3, No.2, December 1996 and "The Party Factor in 'Dirty' Economy", Denouement, Special No. on Democracy, Development and 'Dirty' Economy: A Retrospect of India's Fifty years of Independence, April 1998. Rekha Saxena, "Need for Reforms", The Pioneer, New Delhi, 18 September 1998; and her "Political Reforms", The Pioneer, New Delhi, 28 October 1998.
14. Government of Canada, Royal Commission on Electoral Reform and Party Financing, Report, 4 Vols. Minister of Supply and Services, Ottawa, Canada, 1991-1993.
15. Ibid., 1991.
16. Ibid.
17. Ibid.

Dr. M.H. Prahalladappa/Associate Professor and Head/Dept. of Political science/
Sahyadri Arts College/Shimoga - 577203/Karnataka.