The study of judicial decisions on corrupt practices as enumerated in Section 123 of the Representation of the People Act 1951 has led this thesis to conclude that the courts seem to have put a narrow construction on it. Thus, in the interpretation of the first clause, the courts have in most of the cases rejected a plea based on bribery as a ground of corrupt practice, because of lack of positive evidence, insisting on the motive behind the alleged act of bribery. They have, however, faltered because the determination of motive was always a matter of subjective satisfaction. This explains why similar situations have been differently decided. The law wants a voter to vote without fear either of physical injury, social deprivation or divine displeasure. It is only the abuse of influence that Section 123(2) seeks to prohibit. And yet, judicial interpretation has once again been restrictive and has called for evidence difficult to obtain. Consequently, the cases in which the courts have reversed election results are extremely rare. This is probably the reason why instances of judicial evaluation of Section 123(2) are only few in number. Section 123(3) rules against divisive factors in electioneering and prohibits arousing
irrational passions. The apex court even laid down three principles to judge if the provisions of clause (3) have been violated, drawing attention to the heat of a campaign, the cold atmosphere of a court, and the ultimate effect on the mind of the voter. However, these directives in Kultar Singh have only been selectively implemented in subsequent decisions which have been rather subjective, keeping the doors of divisive campaigning open. Creating animosities for political gain was also prohibited by adding clause (3A) to Section 123. However, judicial interpretation was occasionally found lackadaisical in approach. Glorification of Sati was added as a corrupt practice in 1988. This has a limited scope as the practice is primarily confined to Rajasthan, and in any case, no election has yet been impugned on this account. Clause (4) of Section (123) is designed to achieve the dual purpose of protecting the freedom of speech, and, prevention of malicious attack on personal character or conduct of rivals. A distinction has been made between public character or conduct and private character or conduct. If a statement affects the man beneath the politician it touches private character and if it affects the politician only it does not violate Section 123(4). Courts have also admitted that there may be instances on the borderline
where the false statement may involve both the politician and the man beneath the politician, and, it is precisely in dealing with these borderline situations that difficulties are experienced in determining whether the impugned false statement constitutes a corrupt practice or not. A review of judicial pronouncements shows that by and large courts take a very serious view of Clause(4). Consequently they have succeeded not only in protecting a candidate at the election from character assassination but also in maintaining the purity and fairness of an election on this account. In spite of the fact that there is a statutory ban on the use of vehicles for carrying voters to and from polling stations, hardly any attention is given to check this corrupt practice. The fact that very few cases have been reported under Section 123(5) makes it clear that the practice has somewhat acquired public acceptability. The misuse is so enormous that courts too have taken a liberal view of this prohibition. The law to check excessive electoral expenditure suffers from two defects. Firstly, it catches only candidates but absolves political parties. Secondly, its requirement as to the rendering of accounts is somewhat self-defeating. The law as it stands now is so weak, that courts are hardly a forum for redressal of the consequences which money-power
often brings to the individual or a political party. Again, a review of the cases disputed on the ground of Section 123(7) shows that courts have sought to give a narrow construction to the prohibition contained in that provision. The courts do not seem to be keen to disturb an election result on mere allegations of procurement of service of a government servant. The judicial insistence is on the fulfilment of two conditions. Firstly, there must be clear and cogent evidence to substantiate the allegation that assistance from a government servant was in fact secured by a candidate. Secondly, it must further be proved that the assistance was procured with the object of materially affecting the results of an election. The latter condition places a heavier burden on the plaintiff which it may not always be easy to carry. Booth-capturing was included as a corrupt practice in 1989. The law, in its present form, has hardly any role to play, in the way the elections have come to be contested. Its efficacy will largely depend on how deterrent it is made to be, and how public opinion views the malady.

It can thus be seen that courts very reluctantly reverse election results. This is basically because of two reasons. The first is that an election in India is a very costly venture. Secondly, the allegations in petitions are
often very frivolous and lack the required standard of proof. The degree of proof needed to establish a corrupt practice is the same as in a criminal case. Therefore, allegations should be sufficiently clear and precise, and statutory requirements must be strictly observed. But then, the scenario that emerges is not very happy. The malpractices which parties and candidates resort to in elections are too many and too serious, and not all of them can be curbed through laws alone. Pursuit of power and easy financial gain make politicians drop all sense of scruple, and law is more often than not taken for a ride. Public opinion is manipulated, or else rendered inoperative. Governments have the interest of the party in power to protect, and therefore a poll reform is left a dream. Criminalisation of politics has become the order of the day. Identifying a few practices as corrupt becomes a meaningless exercise, if circumvention is galore, and corruption infects the body-politic as a heinous disease. Law and its courts are the greater sufferers, because, as institutions they are given short shift. The Constitution of India has yet to become a way of life, its bulk, and lip-service to it, notwithstanding. What has eroded is a sense of values. Money is collected from questionable sources, and there is lavish spending in election
campaigns. Money and muscle power have no accountability. India is as yet a nascent democracy, eyeing the courts, the government, the political parties, public opinion and the Parliament for survival. Neither by itself can be panacea for this young democracy's teething troubles, and shift of responsibility from one to the other can be the most hurting factor. However, courts indeed have to be watchful that the State as well as the law does not abdicate its authority, and public opinion is sufficiently geared against all kinds of corrupt electoral practices. Or else, define as many such practices as the Legislature may, the effort will be defeated to the lethal hurt both of India's Constitution and its democracy.