An election is a long accepted process for choosing representatives to institutions to help make laws and take important decisions. To-day elections are invariably associated with the concept of a representative government. The Indian Constitution also visualises a democratic republic for the country and its salient provisions largely conform, with suitable modifications, to constitutional practices of other democratic constitutions of the world.

The *sine qua non* for a true democracy is the holding of free and fair elections to send people's representatives to legislative bodies. The framers of the Indian Constitution drew largely from the experience of other countries and tried to avoid abuses and pitfalls. Provision was accordingly made in the Constitution to ensure that at no time may any party in power be in a position to influence the conduct of elections in a manner which may favour its own interests. Therefore, the preparation, direction and conduct of all elections to the offices of the President and the Vice-President have been vested in a permanent constitutional body called the Election Commission. It has been made independent of the
government of the day. Earlier, it had also the power to appoint Election Tribunals to decide disputes arising out of elections. Part XV of the Constitution specifically relates to elections. It defines the powers of the Election Commission and of the Parliament and State Legislatures to enact laws for elections. Article 325 in this part of the Constitution prohibits exclusion from participation in the electoral process on grounds of religion, race, caste or sex. Article 326 establishes adult suffrage, and courts are barred from interfering in electoral matters under Article 329. However, these Constitutional provisions do not cover the details of an electoral process. These details were left to Parliament and State Legislatures. Parliament passed two major Acts for this purpose. The first of these was the Representation of the People Act 1950. It provided for the allocation of seats and the delimitation of constituencies, the qualifications of voters, and, "matters connected therewith". The next enactment was the Representation of the People Act 1951, the preamble to which announces that the Act was to provide law for the conduct of elections to the Parliament as well as to the Legislature of each State. It also sought to define various corrupt practices and prescribe law for settling electoral disputes. Under
each of these two Acts, statutory rules were also made by the Central Government. These were respectively called the Representation of the People (Preparation of Electoral Rolls) Rules 1950, and the Representation of the People (Conduct of Elections and Election Petitions) Rules 1951. It is within the framework of these laws and Rules that the first general election was held in the country. Subsequently, the two Acts and the Rules were amended as and when necessary. Till date, nine general elections to the Lok Sabha have successfully been held, the last being in 1991. Subsequent to each election several petitions were filed, rightly or wrongly, to settle electioneering disputes. However, the general impression is that election petitions were more to harass the successful candidate than to expose unfairness and get redress. Of course, the election of a successful candidate is not to be lightly interfered with. However, one basic essential of the election law is to safeguard the sanctity of the process itself and to see to it that people do not get elected by flagrant disregard or breach of law, or through a corrupt practice. An election petition is never only a matter of a dispute between candidates who strove against each other at the hustings. There is substantial public interest also and this is not only of news value. The citizens at large
have an interest in insisting that elections be free and fair and not be vitiated by any corrupt or illegal practice. And yet, it is unfortunate that electoral malpractices in our country abound. It is a contest carried on at the lowest common denominator of public morality by the candidates and their parties. Hence, there is a spate of election petitions after elections are over.

But allegation of a corrupt practice is easy to make, though hard both to rebut, as well as to prove, particularly because courts want a proof that is beyond reasonable doubt. A charge of corrupt practice against a candidate, if established, entails serious penal consequences. It has the effect of debarring him from being a candidate at an election for a considerably long period. The courts have constantly held that in our country election is a costly venture. Therefore, an election result cannot be lightly brushed aside. In any case the Representation of the People Act 1951 has sufficient provisions to safeguard that an election be free and fair. At the same time, it is also necessary to ensure that candidates do not secure the valuable votes of the people by bribery, undue influence, communal propaganda, or, other corrupt practices as defined in the Act.
It is in this background that the present work studies the various corrupt practices enumerated in Section 123 of the Representation of the People Act 1951. The object is to find out whether courts have been successful in completely eradicating, or, even in minimising the menace of a corrupt practice from the electoral scene of the country. The study also aims at evaluation of various judicial propositions, propounded to help arrive at an upholding, or, reversing the electoral verdict. The study is mainly based on Supreme Court, High Court, and Election Tribunal cases.

The study is divided into eighteen chapters. Chapter I is introductory. Chapter II is the historical background of elections in India and the enactment of electoral laws, so that the Indian Councils Act 1909 and the Government of India Acts 1919 and 1935 receive some attention. Chapter III describes the fascinating electoral process, including preparation for an election, the selection of candidates by the political parties, nominating process, as also the campaign and actual voting. Chapter IV assesses the machinery the Constitution has devised for conducting free and fair elections and comments on its efficacy as an institution. Chapter V
discusses the first category of corrupt practice, i.e., bribery. Chapter VI discusses the abuse of influence exercised on voters. Campaigning on the ground of religion, race, etc., has been prohibited as a corrupt practice in clause(3) of Section 123. The ambit of judicial check on such divisive campaigning has been covered in chapters VII and VIII under the titles Sectarian campaigning. These two chapters have been concluded together since both discuss the same statutory provision. Promotion of the feelings of enmity or hatred among different classes of Indian citizens is examined in Chapter IX. Chapter X looks at the glorification of Sati as a corrupt electoral practice. Chapter XI is an attempt to see how the courts have reacted to the publication of false statements made on the eve of an election to jeopardise the prospects of rivals. Hiring or procuring of vehicles for voters which also comes under the rubric of corrupt practices has been considered in Chapter XII. One election law is of the most controversial aspects of election expenses. Chapter XIII reflects on how courts have reacted to this aspect of an election. The act of obtaining assistance from government servants was made a corrupt practice to ensure fairness. The rationale behind the provision is to keep government servants aloof from politics and to
prevent the machinery of the government being used in furtherance of a candidate's return and also to protect government servants from being pressed upon by those with influence or in a position of authority. This is the subject of discussion in Chapter XIV. The most recent legislation is to control the rising menace of booth capture. It is discussed in Chapter XV. Chapter XVI covers the various facets of electoral adjudication. From time to time political parties and associations have come out with detailed proposals for electoral reforms. The Election Commission, too, has suggested many electoral changes on different occasions. Chapter XVII gives a list of those reforms some of which require immediate attention for a fresh look at the election law. Chapter XVIII incorporates the conclusions arrived at in the thesis about extant judicial behaviour in petitions grounded on Section 123 of the R.P. Act 1951.