CHAPTER - VI
Conclusion and Suggestions
6.1. CONCLUSIONS

The main aim of this research work is to identify the steps and also to find out the methods to ensure fairness of elections in India so that Indian democracy is put on a stable path. The punishment for corrupt practices should be made more deterrent. Although there has been many changes made from time to time on electoral system of India, yet there were no significant and substantial reforms brought about. The reports of Dinesh Goswami Committee on Electoral Reforms (1990), Indrajit Gupta Committee on State Funding of Elections (1998), Law Commission's Report on Reform of the Electoral Laws (1999), NCRWC (National Commission to Review the Working of the Constitution) went in vain without implementation. It is high time, The Representation of People Act (RPA), 1951 needs to be rewritten to bring the country under the able hands.
Communalism, Casteism, criminalization, corruption and personality domination have been the main planks which have resulted in more caste and class-based political violence in the society. Political parties have invariably exploited these sentiments for gaining electoral support and political mobilisation of the voters. Corruption is an age-old phenomenon, a deep rooted evil and a universal malady afflicting each and every society in one from or another at one time or other. It is endemic in all governments and there is hardly any society which is totally free from corruption, but it has become rampant in India and reached disconcerting levels, particularly after independence. It is found in all walks of life and has affected every sector of the society. It has become all pervading and affected every aspect of life to such an extent that it is now regarded as a way of life.

The term political corruption refers to the unsanctioned and unscheduled use of political resources and goods for private ends. The above statement helps in deducing three assumptions. First, there is a distinction between political corruption and non political corruption. Secondly, there is a distinction between political corruption and corruption of political process and, finally, political corruption is a social process. In a broader sense political corruption is that corruption which involves persons occupying positions in the formal polity. The term formal polity refers to the government institutions such as executive, legislative, judiciary, bureaucracy and statutory bodies of various sorts. From the above it means that political corruption originates when a legislator or an executive or a magistrate or a bureaucrat or an officer of a statutory body misuses his power but strictly speaking political corruption refers to the misuse of
power by a political office holder including a legislator or a minister. Abuse of power by a bureaucrat may be termed as bureaucratic corruption while judicial corruption refers to misuse of office by a judicial official.

A law should be made by parliament providing for all recognized political parties to keep full and accurate accounts, including their sources and details of expenditure. The law should provide for periodic inspection and publication of their accounts. Multi-purpose identity cards are also desirable which will entitle one not only to vote in elections, but for availing other services like rations, health facilities and so on. In order to discourage non-serious candidates, the amount of the security deposit should be increased.

The intrusion of religion and caste into politics is playing havoc with the body politic. Candidates must often emphasize the various cleavages in the society; and official power is sometimes misused by the party in power. Therefore, what is needed is not the five-star consumerism but a sense of service and dedication to the people. In order to make elections free and fair a code of conduct must be formulated for the political parties. Above all a culture of cooperation and trust on the part of voters and moderation on the part of candidates is needed for curing the cancerous malpractices of the democratic system, and for making the national system as a whole much more cohesive and stronger.

The conduct of the fair election must conform with another constitutional goal, namely secularism. Sec.123 (3) of the Representation
of Peoples Act, carries within it the ideals of Secular Democracy.¹ The purpose of it is to prevent religious influence from entering in the electoral field. The constitutional imperative that religion must be separated from politics is the underlined idea under 123(3) of the Representation of Peoples Act. Sec.123 of R.P.A. which deals with corrupt practices, specifically deals with the corrupt practices of appeal on the grounds of religion, caste, etc.

The appeal by a candidate or his agent or by any other person with the consent of a candidate election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

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 they 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 proved to be utterly irresponsible, unaccountable and autocratic, perpetuating individual control over levers of power and political organization, entirely for personal aggrandizement, pelf and privilege.

¹ S.Harcharan Singh v. S. Sajjan Singh AIR 1986 SC 236 the Supreme Court expressed a view that the basic purpose underlying Sec.123 (3) of the Act is the concept of secular democracy.
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 practice 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 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.

As a net result of these distortions, elections have lost their real meaning as far as the people are concerned. It is often tempting to blame the illiterate and poor citizens for this plight of Indian democracy but in reality it is the democratic vigor and enthusiastic participation of the
countless poor and illiterate voters, which has sustained Indian democracy so far. However, most people have realized with experience that the outcome of elections is of little consequence to their lives in the long run. If, by a miracle, all winners in an election lose, and all their immediate rivals are elected instead, there will still be no real improvement in the quality of governance. This stark realization compels people to make rational short-term choices and often succumb to the pulls and pressures of money, liquor, caste, religion, group or other sectarian loyalties, when not motivated by anger and rejection.²

6.2 SUGGESTIONS: After thorough study the researcher made the following suggestions;

- It must be made compulsory for the political parties and their candidates to declare their assets and liabilities
- No political party should sponsor or provide ticket to a candidate for contesting elections if he was convicted by any court for any criminal offence or if the courts have framed criminal charges against him.
- There shall be an internal democracy within every political party; *inter alia* ensuring primary elections in constituency/parties for ticket distribution.
- There shall be public disclosure of audited accounts of party’s finance giving details of source of receipts, expenditure, assets and liabilities;
- The election manifesto shall include clear cut ideological stance and programs with clearly defined targets and corresponding feasibility

² Mehra, Ajay K., "Coalition culture", Pioneer, 13 May 1999: p. 9
indicating what expenditure is planned and what additional tax will be levied.

- The Political parties must be prohibited from accepting any money except the membership fee from its members and money raised by party

- Minimum educational qualification including a law degree for President, Vice President, Governor and members of Panchayat/State Legislature/Parliament shall be prescribed so that the elected member has the ability to discharge the duties entrusted to him.

- Every holder of a political position annually must file a statement of his assets and liabilities as also the assets and liabilities of his dependant family members with the Secretary General of the Parliament.

- Intra-State delimitation of constituencies shall be carried out prior to elections by Delimitation Commission;

- Electoral rolls should be periodically posted on the Web site of the Election Commission and CDROMS should be available to all political parties and any one interested. Prior to elections these rolls should be printed and publicly displayed at the post offices in each constituency as well as the Panchayats or relevant constituency head quarters.

- Time on National TV / Radio and Local Radio / TV shall be allotted by the Election Commission / Additional Chief Election Officer to candidates or their representatives on equitable basis for election campaigning.
• No one should be allowed to contest elections simultaneously for two different offices or from more than one constituency for the same office.

• A candidate who won at the panchayat level should be permitted to contest at higher levels.

• Electoral roll should be updated at the lowest constituency level with a clear link to the higher constituency levels till the parliamentary constituency.

• There should be a mechanism for constantly updating these rolls and during each 1st week of April the updated rolls as of 31st December of the previous year should be posted on the web.

• Multipurpose voter ID cards or citizenship card should be designed with a bar coded unique voter ID number.

• Booth capturing must be made punishable with more stringent punishment and empower the Election Commission, to investigate booth capturing and other violations of the electoral law, through the Central or State police investigating agency; by the establishment of special electoral courts.

• Consider use of tamper-proof video and other electronic surveillance at sensitive polling stations/constituencies.

• Any campaign on the basis of caste or religion and any attempt to spread caste and communal hatred during elections should be punished with immediate disqualification and mandatory imprisonment.

• The President's rule must be imposed over all the States for the duration of elections
Once charges relating to certain crimes have been framed by a court against a person, he should not be permitted to contest elections unless cleared.

A potential candidate against whom charges have been framed by the police may take the matter to a special electoral court. This court would be obliged to enquire and take a decision in a strictly time bound manner. Basically, this court may decide whether there is indeed a prima facie case justifying the framing of charges. If yes, the person should not be allowed to contest.

The Government must create special electoral courts for deciding on election petitions. These should be decided in a time bound way within 6 to 12 weeks.

All political party accounts should be published yearly with complete disclosure under pre-determined account heads. The Election Commission should have these accounts audited.

The EC must place reasonable restrictions on wall writings, display of cut-outs hoardings and banners, hoisting of flags, use of more than a specified number of vehicles for election campaign and for processions, Announcements or publicity by more than a specified number of moving vehicles, holding of public meetings beyond the specified hours, display of posters at places, other than those specified by the district/electoral authorities., Strong penalty for violation of expenditure ceiling, During election times rallies only under covered roofs should be allowed. No outdoor public rallies should be permitted.

The voting must be made compulsory which shall be based on preferential voting system
• There must be a limit of two terms for any political position

• There is every case for their being more women representatives. Political parties should be asked to nominate women candidates for at least one-third of the seats they contest both for State and parliament elections or the same number of seats should be reserved for them by rotation

• Women Reservation Bill also to be passed and should become an Act as early as possible

• Voting shall be by electronic voting machines as far as possible, to facilitate fair polling and easy counting without any tampering and shall ensure foolproof voting. The present experience shows that there is room for tampering even though Electronic Voting Machines foolproof mechanism should be evolved

• Campaign period shall be reduced to two weeks.

• Candidates shall be barred from contesting in more than one constituency

By introducing these reforms it is possible to some extent to improve not only Indian electoral system, but also the democratic system as a whole.