Chapter 8

CONCLUDING REFLECTIONS AND CORROBORATIVE SUGGESTIONS

Democracy simply means “nothing more than mob rule, where fifty-one percent of the people may take away the rights of the other forty-nine.”\(^1\) If democracy is the destination chosen by the electorates of a Country then, free and fair election is the only effective means to achieve it. An unfathomable faith in free and fair election is thus, the bedrock of any successful democracy.

According to Abraham Lincoln, the Sixteenth U.S., President, democracy is the “Government of the people, by the people and for the people”.\(^2\) However, taking into account the prevailing state of affairs in several democracies including India and Iraq, one is compelled to redefine democracy as a ‘Government off the people, buy the people and far from the people’. Voters generally perform their constitutional duty of casting votes, however immediately after the elections, nowhere the aspirations of the electorates are cared for. It is a stark reality that during campaigning period, political parties/entities stoop to their lowest possible levels and even dare to “buy” the voters by using their ill gotten money and muscle power. Governments run under the thumb of such leadership can only be “far” from the people whose actions of voting in favour of such leadership is instrumental in installing them as a Government. Despite existence of such

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\(^2\) This was a speech delivered by Lincoln during the American Civil War, on the afternoon of Thursday, November 19, 1863, at the dedication of the Soldiers’ National Cemetery in Gettysburg, Pennsylvania, U.S.A., four and a half months after the Union armies defeated those of the Confederacy at the Battle of Gettysburg – “Gettysburg Address”, [http://www.abrahamlincolnonline.org/lincoln/speeches/gettysburg.htm](http://www.abrahamlincolnonline.org/lincoln/speeches/gettysburg.htm), [accessed on 29-10-2013].
evil ills, democracy is one of the most sought after forms of Government
universally in the present millennium.

Successful democracy and free and fair elections go hand in hand; the
absence of one renders the other useless. But conducting elections in a free
and fair manner is a herculean task due to inherent woes \textit{i.e.,} criminalization
of politics, communalism, castesim, insurgent/sectarian violence,
mushrooming of political parties, \textit{etc.}

Further, the \textit{Constitution of India} has neither recognized voting as a
right nor imposed it upon the citizenry as a duty. Moreover, there are a
number of shortcomings in the existing laws in India whereas in Iraq there is
dearth of electoral laws as the country has adopted the democratic form of
governance in the recent past. Thus, it is quite obvious that all is not well
either in India or in Iraq in relation to elections. In spite of the fact that
election being the ‘darling of democracy’, it has been reduced to a plaything
by political parties. The nude reality can be expressed through the inimitable
expression of William Shakesphere though expressed in a different context
which also contains a ray of hope to cling on to come out of the mess:

Gloucester, it’s true that we are in great danger. The greater therefore
should our courage be. There is some soul of goodness in this evil.

Would men observingly distil it out …?

Both India and Iraq are in dire need of electoral reforms that ought to
encompass and embrace, \textit{inter alia}, the “organic law, the electoral system,
the legal and administrative framework” coupled with the most needed
“political will” of the actors and players in the field. Electoral reforms
therefore, are pivot to the successful political future of both countries in the
coming years. It is equally true that for restoration of sanity and sanctity of
conduct of free and fair election, the most sacred act of democratic morality,
concentration upon legal reforms alone may not be a panacea to ensure the installation of genuinely elected democratic Government in both India and Iraq. Multi-pronged efforts in the right direction are required to be taken at the earliest. This ought to start with the examination of the constitutional schemes under both the Constitutions of India and Iraq which being basic laws provide for democratic exercise of power.

As it has been earlier stated in this thesis, voting is neither a Constitutional right nor a duty cast upon the citizenry in India. But, Article 5 of the Iraq Constitution declares that “[t]he law is sovereign. The people are the source of the authorities and its legitimacy, which the people shall exercise in a direct general secret ballot and through their constitutional institutions”. Similarly, the German Constitution also granted this right in its Article 20(2) which states that “[a]ll State authority shall emanate from the people. It shall be exercised by the people through elections and voting...” However, it may be noticed that of late, despite the day of election being declared a national holiday, there is still a tendency of low voter turnout during elections in India. Election after election the percentage of voters turnout is dwindling. For instance, in the recently held Karnataka State Assembly elections, Bangalore Urban Area with even more educated persons recorded 52.83% voter turnout.\(^3\) Besides, lesser number of women exercise their franchise as compared to men.\(^4\) This has compelled all concerned to think whether large chunk of Indian citizens have lost faith in the representative form of democracy for their governance as a consequence


\(^4\) However, in some States women have steadily increased their voting efficacy, see, Election Commission of India, Statistical Report on General Elections, 2012 to the Twelfth Lok Sabha 95, (2012).
probably, of their bitter experiences in sixty five plus years of democratic rule.

It is often stated that the greatest factor responsible for the low poll in India is abject poverty, backwardness on one hand and appalling illiteracy and erosion of democratic values on the other. Therefore, compulsory education, it is argued, is a panacea. However, when we look into the low turnout of voters especially in metros (as is the recent case of Bangalore Urban Area) where high literacy is a common factor among the citizens it can be safely said that education has negligible role to play in increasing voter turnout. Hence, voting instead of considering as a right ought to be thrust as a duty non-performance of which ought to entail punishments.

Any person who fails to vote will however not be allowed to avail benefits under Government schemes for e.g., ration cards, Mahatma Gandhi National Rural Employment Guarantee schemes, etc. If they are industrialists or employed persons, for the next five years some sanctions having adverse effect upon their earnings and career should be imposed for not exercising their duty to vote. India is not first country to act on this lines. There are already ten democracies like for e.g., Australia, Singapore, and Brazil who have made voting compulsory. Besides, voters need to be educated so that they should be capable to make right choices during elections. The day of election ought not to be declared as holiday but time of shall be provided for the employed class and the polling station should be kept open for casting votes from 6 a.m. to 6 p.m. instead of timings presently found in the election rules of the respective countries.

Iraq, just like its counterpart India, has a major problem in regard to the number of persons exercising their right to vote during elections despite the day of election being declared a national holiday. This can principally be attributed to the sectarian violence in the country. For instance, the recently held Iraqi Governorate elections for twelve provinces recorded 51% voter turnout.\(^7\) However, it is quite surprising to note that the number of women who exercised their franchise in the recently held local elections was more as compared to men.\(^8\)

With low voter turnout, incompetent persons, especially those with criminal backgrounds, are elected and even re-elected to govern in India and Iraq. Thus, the question is whether it is time now to convert this Constitutional right into a duty both in India and Iraq? It is suggested that the Constitution and the relevant election laws in both the countries need to be amended to bestow duty upon all eligible persons to vote during elections. A proverbial statement that a “stitch in time saves nine” holds good in this context too. It is better both the democracies make the citizenry duty conscious on the issue of voting at this stage of democratic governance. However care should be taken in providing total security to the voters especially in Iraq when they come forward to vote.


It is an established fact that wherever voting is imposed as a duty, the voter turnout is recorded at a whopping 99%. Therefore, it is suggested that both India and Iraq should amend their laws to make voting as a duty till citizens realize their responsibility as voters. However, there should be a thorough research undertaken by experts in both the countries before deciding the quantum of punishment to be imposed on each individual depending on the facts and circumstances and care should be taken that the punishment should not be disproportionate.

Besides, the researcher suggests making participation in the electoral process a fundamental duty by its inclusion in Article 51A of the Indian Constitution and compulsory voting to be introduced through amendment of electoral laws.

It is also argued that “voting is not only a right but is a spiritual responsibility”. Corinne McLaughlin of the U. S., Centre for Visionary Leadership says that “the right and responsibility to vote matters if you care about life on this planet” “If you care”, she says, “answer the call of your soul to vote because [o]ur lives literally depend on how we vote”. The votes cast could well help decide policy on terrorism, war, health, education, climate change and a plethora of other subjects that touch the life of every individual. In a democracy, it is a spiritual responsibility to vote. If we are committed to living by spiritual values as per Narayani Ganesh, we must bring them into the polling booth and educate ourselves about the candidates and the issues involved. Voter’s apathy and defeatism, for sure, threatens the very survival of the democracy. Hence, it is suggested that voting should be imposed as a duty upon all eligible citizens both in India and Iraq, the non-performance of which must entail severe penal consequence.

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The right to “reject” is another significant point worth discussion. Allowing negative/neutral voting need to be necessarily introduced in the Constitutions of both India and Iraq. This will enable eligible voters to express their dissent by rejecting all the candidates contesting in their constituency if they find none of them suitable to be elected. Currently a large number of people do not go to the polling booth because of their disenchantment with the candidates put up by the political parties/entities. This is reflected in the falling poll percentages. Democracy both in India and Iraq will be strengthened if people participate in large numbers in the electoral process and have a choice to reject all the candidates instead of being forced to select one who they think is less bad than the others in the fray. The rejected candidates should be barred from contesting any election in the country for next five years.

At the same time in both the countries, there is need to equip voters with right to ‘recall’ of erring elected representatives by the people through parliamentary initiative. This would enable to maintain stability of Government without compromising on the issue of making every elected member responsible for his acts and omissions before completion of their term. This will also help the voters to keep their representatives on the tenterhook which is inevitable for controlling them from going berserk in the name of governance.

Next, it can be stated that none of the electoral systems is foolproof to suit all the representative democracies in the world as there is difference in their size, in the quality of the electorate and their electoral behavior, in the percentage of political literacy of the electorate, in the quality of the contesting candidates etc. If one considers the case of a huge democracy like India "First-past-the-post" system seems to be inevitable in spite of inherent
lacunae in it. Here one can think of weeding out the lacunae instead of suggesting all together alternative system of election as it would tantamount to suggesting to throw the baby along with the bath water which in all probabilities will prove foolish. In case of a small country like Iraq "Open List System" if properly worked out would be a great success in achieving the goals set by any representative democracy in reality.\textsuperscript{10}

Of late, both in India and Iraq, calculated attempts are being made by political parties/entities and candidates to draw a wedge between different sections of population for creating vote banks by raising the bogy of caste, language, religious sects, ethnicity, regional propensities, etc. There is no provision, for instance, in the Constitution of India which bars legislators from frequently asserting their no-confidence against the Government.

Although the Tenth Schedule has been inserted through the amendment of the Indian Constitution to deal with deflections, experience has established that this move has failed in its mission and instead it has paved way for group defections and horse-trading. Consequently, frequently floor crossing in order to topple the Government for personal aggrandizement have become a common feature. Whenever these petty politicians succeed in such business of politics mid-term polls become inevitable resulting in avoidable botheration to the electorate. Electorates in India like elsewhere show a kind of apathy when bothered by frequent elections. This is termed as “voters fatigue” in the USA and is reflected in the voters’ turn-out on the day of election.\textsuperscript{11} It is rightly suggested to amend Article 83(2) of the Indian Constitution in such a way that elected

\textsuperscript{10} \textit{Infra} note 19 at 344’.

\textsuperscript{11} Sen Verma, S. P., the then Chief Election Commissioner of India, in his written address to a seminar on “Electoral Reforms in India” held under the auspices of the Institute of Constitutional and Parliamentary Studies, New Delhi on December 6-7-1969 has dwelt on this issue earlier.
Government will have a fixed term so that there should be mandatory election at regular interval without interruption as prevailing under presidential form of Government in the USA.

Iraq being a nascent democracy, has to start with a clean slate to come out with all inclusive anti-defection law at the earliest taking into account the political party equations in the last elections. Coalition politics has entered their domain as well which provides a fertile ground for defections in political parties often for personal gains instead of waiting for the chaos that defections may bring in, it is suggested to legislate and for this, the Indian laws can be of great support.

Equal representation for equal numbers of people is the fundamental goal behind advocating and accomplishing equal demarcation of constituencies. Such demarcation is essential for both representative Government and the majority rule. It is, of course, impossible to bring in mathematical precision in this task. However, mathematical equality may be worked out on this count as it is being done in England in the name of legislative apportionment, i.e., the delimitation of constituencies through a permanent machinery to enable boundaries to be adjusted from time to time to take account of shifting population and to avoid excessive disparities developing between constituencies.

Considering the tremendous growth in population there is need for fresh delimitation. Several aborted attempts have been made in the past in India. Way back in 1971, India's population was 548 million and it was expected to double by 2001. Now, it is 2013, but the same 545 members of

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13 See, the House of Commons (Redistribution of Seats) Act, 1949.
14 Supra note 5 at 55, 56.
15 Id., at 56.
Parliament whose number was fixed in 1975 on the basis of 1971 census are compelled to represent even the excess population. This has adversely affected the representative’s ability to respond to the electorate. Even the Election Commission has appealed to all political parties and the members of Parliament to accord top priority to the issue of delimitation of parliamentary Constituencies.\textsuperscript{16} Along with redrawing the constituencies to even out their sizes there is also need to increase the number of seats in \textit{Lok Sabha} by raising its strength at least by 40%. If any State has succeeded in population control such State should not be victimized by reducing the present allocation of seats to the States. The idea of freezing the \textit{Lok Sabha} strength up to 2026, it is alleged, is altogether unreasonable\textsuperscript{17} hence, and should not be given heed to by the Parliament.

Iraq, even with a small number of voters is still struggling to have its census updated. In the first election, as stated earlier, Iraq relied upon 1997 census for deciding the number of seats for electing the representatives for governance as the then Constitutional provision under “Article 49(1) adopted the criteria of (1) seat for each (100,000) of the Iraqi population. In the next election, under the Amended Constitution, the criteria adopted in Article 15(2) of the Elections Law No. 16 of 2005 was, (1) seat for each (100,000) of the Iraqi \textit{registered voters} in each province which faced Constitutional challenge before the Federal Supreme Court of Iraq. The Court way back in 2007 declared the said amendment of Article 15(2) as unconstitutional and directed the legislators to legislate a new law that is consistent with the provisions of Article 49(1) of the Constitution of Iraq.\textsuperscript{18} However, until 2009, the law makers were not able to legislate on this count

\textsuperscript{16} The \textit{Hindustan Times}, January 12, 1999, p.3.
\textsuperscript{17} \textit{Supra} note 15.
\textsuperscript{18} Al-Mahkama Al-Ittihadiyya Al-‘Ulya, Decision No. 15/t/2006.
though the country was planning for upcoming elections. The country was in a dilemma as elections were to be held in 2010 and even if the new law were to be there it was herculean to get the fresh census done before elections. Therefore the law makers decided to go by the statistics supplied by Ministry of Trade for ration cards. Further tragedy was the statistics provided by the Ministry of Trade were unlikely to account for the actual Iraqi population because some Iraqis, especially those living overseas, did not receive food rations. Nevertheless, the up-to-date ration card registry was assessed to provide a better, or at least less controversial, approximation of the Iraqi population than the outdated voter registries. The last census is of 1997 which ironically did not include data for the three Kurdish provinces of Erbil, Dahuk, and Sulaymaniyah, so reliance upon this census how far is justified haunts the researcher. In the present turmoil ridden Iraq new census however best tried has not become a reality. In such circumstances Iraq governance need to give top priority for revising and updating census.

The procedure for preparing electoral rolls is a time consuming exercise spread over several months. Moreover, it involves huge expenses and a large number of Government personnel who are withdrawn from their normal duties, to the detriment of such duties, to take up this task. It is also of a recurring nature since a summary revision is done every year. Therefore, prima facie, any duplication of this effort for elections to other bodies, where the voter is the same, is a wasteful exercise in terms of time and money and also causes confusion in the mind of the voter. This is mainly because most States in India have framed a law with regard to Panchayati Raj Institutions and another law for municipalities. Some States

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have more than two laws. Each such law contains provisions relating to the conduct of elections, *inter-alia*, provisions relating to the preparation of electoral rolls. Besides, not all State Election Commissions use 1st January of each calendar year as the qualifying date for eligibility of new voters which is the case with electoral rolls prepared by the ECI. Again, while some State laws provide for preparation of electoral rolls using the electoral rolls prepared by the ECI, in other States the SECs prepare their electoral rolls *de novo*. Thus, in terms of the procedure for preparing electoral rolls for elections to *Panchayati Raj* Institutions and municipalities, no uniform procedure or pattern is available across the country. This is not a satisfactory situation in terms of the time and money spent and the confusion which prevails on account of separate electoral rolls, one for Assembly Constituencies and the *Lok Sabha* and another for the *Panchayati Raj* Institutions and municipalities. There should therefore be no duplication of effort and a single exercise should be enough for preparing electoral rolls covering the lowest to the highest constituency that a voter belongs to. This means that at the level of *gram panchayat*, an eligible voter must have his/her name properly placed on the electoral roll. This would automatically identify the voter to be a part of the electoral roll of the Assembly constituency which contains the particular *panchayat*. Likewise, the voter is automatically identified on the electoral roll of a particular *Lok Sabha* constituency in which both his assembly constituency and *panchayat* are included. In addition, the identity of the voter could easily be linked to his polling station.

Moreover, the use of common electoral rolls in the Union and States/Governorates elections if made inevitable. It will not only put a check on the cases of people finding their names missing in the electoral rolls but it
will also considerably reduce the effort and expenditure involved in making two lists for similar purpose.

Iraq, just like India, is not left behind when it comes to large-scale errors committed in preparation of electoral rolls. Ibrahim Al-Jaafari’s *Islah Party* had accused the Prime Minister Nouri Al-Maliki’s Government of registering 800,000 fabricated names in rural areas and Baghdad so the Government could use their names to vote in favour of Maliki in 2010 Iraqi Parliamentary Elections. The supporters of Ex-Prime Minister Ibrahim al-Jaafari had also argued that the 800,000 names belonged either to the people who were dead or who never existed in the first place, all charged with voting for the Prime Minister and his State of Law Coalition. Similarly, Arab and Turkmen politicians in Iraq had accused the Kurds of stacking voter rolls in their favour. Thus, given that large swings in seats that are won are caused by small swings in voting percentages, and again given that the margins of victory are generally narrow, the need to have accurate electoral rolls becomes all the more critical both in India and Iraq. Besides, it is incumbent to update electoral rolls regularly and not just at election time. It should also be made available whenever required. All data obtained from eligible voters should be posted on the website of the Election Commission and/or publicly displayed at the post offices in each constituency, as well as at the *panchayats* or relevant constituency

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23 In India, the electoral roll is normally revised every year to add the names of those who are not less than eighteen years as on the 1st day of January of that year or have moved in the constituency and to remove the names of those who have died or moved out of the constituency.
headquarters. Besides, CD ROMs should be made available to all political parties or anyone interested, at a reasonable price in order to promote transparency. Further, as corrections take place, the rolls would be updated through addendums on the web and be promptly made available to interested parties. Latest electoral rolls should as well be made available at the polling stations at the time of elections. It can however be noted that due to security reasons especially in Iraq region, utmost care should be taken while supplying copies of electoral rolls to political parties and interested groups. Some militants, terrorists and other evil vested parties may misuse the rolls in order to intimidate registered voters from exercising their right to vote.

Further, the database containing electoral rolls need to be centrally computerized by the ECI and the IECI and each eligible voter assigned a unique bar-coded ID number. The card must have a code that would indicate the holder’s base constituency e.g., the panchayat level or the relevant local constituencies, leading to the next higher level of constituency till the Parliamentary constituency. Any change of address must automatically change all details saved in the card except the unique ID Number. The ID number would be for life and in the long run the best bet against any impersonation. With technology available today this can be easily done. In any case India unlike Iraq is in the forefront of information technology and this is an easy job. The first time exercise may be a large one but subsequently it will fall into routine.

Another controversial issue is as to which authority is empowered to determine whether a person is a citizen or not in order to be included in the electoral roll? In this regard, the Apex Court of India has observed in
Lakshmi Charan Sen\textsuperscript{24} that the Electoral Registration Officer is empowered to take decision on such matter. But later in Lal Bapu Hussain\textsuperscript{25} the Court observed that the question requires a careful scrutiny of evidence since the enquiry is quasi-judicial in character and as such it has to be determined by the Central Government under the Citizenship Act. But a Constitutional Bench of the Supreme Court of India had earlier held in Akbar Khan Alam and Another\textsuperscript{26} that such a question can be determined in a Civil Court. The researcher on this issue suggests that the matter should be put to rest by amending the provisions of the relevant laws that deal with preparation, maintenance and revision of electoral rolls.

As per the law, any association or body of individual citizens of India calling itself a political party and intending to avail the benefits under the relevant provisions, shall make an application to the Election Commission for its registration as a political party within thirty days of its formation.\textsuperscript{27} The law cautions the Commission that unless political parties bear true faith and allegiance to the Constitution of India, to the principles of socialism, secularism and democracy, and uphold sovereignty, unity and integrity of India, they shall not be registered.\textsuperscript{28} But principles of socialism and secularism are so abstract that it is very difficult to examine the claim of political parties whether they are in fact really believers and followers of these principles.

It is pathetic to note that over several years, no political party either in India or Iraq has been able to fully observe the basic norms of inner party democracy. The authority in organizational matters has always been from

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\textsuperscript{24} Lakshmi Charan Sen v. AKM Hassan Uzzman and Others, AIR 1985 SC 1233.
\textsuperscript{25} Lal Bapu Hussain v. Electoral Registration Officer and Others, (1995) 3 SCC 100.
\textsuperscript{26} Akbar Khan Alam and Anor v. Union of India and Others, (1962) 1 SCR 779.
\textsuperscript{27} Ss.29(1), (2), (3), (4) and (6), the Representation of People Act, 1951.
\textsuperscript{28} S.29A(7), \textit{ibid}.
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the top to the bottom through successive layers of party structures. Leaders of political parties have not always emerged through a process of democratic elections and promotion from the lower levels to the top even though most political parties especially in India seem to be democratic in appearance. Muscle power has been used especially in Iraq to lead political parties. Instances of strong and competent leaders with support from their States/Governorates have been by-passed in favour of loyalists are common. It is suggested that enforcement of party constitution through legal and judicial action may be necessary. Regular organizational elections should be mandatory. In order to control bossism in parties, it is suggested that there should be proper process of nominating party candidates by a primary election by the party membership. An alternative suggestion especially to Iraq is to authorize each local party unit to have a significant say in nominating the party candidates in that area for legislative offices.

This apart, the number of registered parties should be decreased. This move is necessary because the smaller parties are far more vulnerable to “ideological shifts” and in this era of fractured mandates, hold the bigger parties to ransom for their narrow political gains. The Election Commission should be given powers to de-recognise smaller political parties on the basis of their performance. Another move to achieve this goal would be to increase the minimum number of primary members that are needed to form a political party.

One party claiming to be secular and others blaming it to be communal is a common factor in Indian political arena. However, it is submitted that in case after the registration, a party violates the broad principles of socialism, secularism and democracy, there should be a clear
provision for the cancellation of registration of that political party.\textsuperscript{29} In the absence of such express provision one can bank upon the well settled law that the authority empowered to do a certain act is also, by necessary implication, empowered to rescind such action and cancel or withdraw any order passed by it.

The principle of secrecy of ballot undoubtedly is an essential adjunct of free and fair elections. Once an elector casts his vote, it is his reasonable expectation, that no one should know for whom he has cast his vote. Where such secrecy of voting is not maintained, it would tantamount to the negation of "one person one vote". Consequently, the "single transferable vote" which is the quintessence of universal franchise would lose its meaning and relevance. The age old notion that "voting is a public responsibility and its exercise should be public"\textsuperscript{30} has proved dangerous to the reformists because under this system of 'open vote' poor, subordinate, suppressed and depressed class of voters may be bullied over by money or muscle power of their employers or superiors and the freedom given to voters becomes irrelevant. Moreover, open vote, often, may result in mass violence as ideologies and opinions of public come in clash in the selection of candidates for governance.

In the ultimate analysis, the voter, under the RPA is assured of not getting compelled by any authority to disclose as to for whom he has voted. This acts like a booster for the voter to vote without fear or favour. However, this right is not absolute by nature. It cannot be used for ulterior purposes such as to suppress a wrong from public gaze or to protect a fraud committed in the election process.

\textsuperscript{29} Supra note 5 at 70.
\textsuperscript{30} See, John Stuart Mill, \textit{The Representative Government} Cl.10, passim.
To avoid all sorts of problems associated with the election expenses in India, it is also suggested to introduce public funding of parties in proportion to the amounts they raise openly from identified small-sum private donors. State funding based on a transparent formula might encourage a shift towards broad based, small-sum, grassroots financing of parties. It could also lead to greater membership participation and internal democracy. To promote these ends, it is suggested that public funding be conditional on parties’ adherence to internal democracy, transparency and accountability; otherwise, the existing party leadership can be expected to deploy public funds for their discretionary use.

Raising the current limits on corporate political contributions might also enable more transparent funding. Such a move would allow more legal money into the political system. Already some corporate houses, e.g., the Tata group, have taken the lead by establishing electoral trusts in accordance with the law in India. The Tata group’s electoral trust allocates half of its contribution to parties on the basis of their strength in the current Lok Sabha, subject to a minimum of 17 seats, and distributes the rest to parties according to their strength in the newly elected Lok Sabha. Furthermore, no donation/contribution from any industrial house/businessman towards any party fund should be permitted.

In normal circumstances reservation or special treatment amounts to discrimination. Tragically, different sections of society both in India and Iraq do not enjoy the same social and economic status, therefore, reservations have been provided in the respective Constitutions. The historical legacy of exploitation of dalits, for instance, has been accepted by the founders of the Constitution of India and corrective steps have been
taken to protect them through the law and practice of Indian Politics. In contesting the election, reservations have been introduced in the Constitution to make the equality clause more effective. Reservation, thus, ensures that at least minimum number of persons belonging to depressed class would get elected. This does not mean that persons from reserved category or caste cannot contest election in unreserved constituency. On this point the Supreme Court in V. V. Giri’s Case has observed:

When there is a double member constituency, if a candidate has failed to make a declaration that he belongs to the reserved category, the omission disqualifies him from contesting the reserved seat but he does not forfeit his right to contest general seat and if he has secured highest votes amongst the candidates left out in the field, he can be declared to have been elected on the general seat.

The laws governing elections in Iraq constitutionally aim to achieve a percentage of women representation not less than one-quarter of the Council of Representatives members. It is worth mentioning that the Constitution of Iraq right from its inception has aimed at providing at least 25% reservation for women. But, in India, the land where women have been worshiped as god incarnate even after six decades of being independent and following democratic principles, they are being compelled to struggle to get 33% reservation in the Lok Sabha and State Assembly seats which they have failed to achieve for the reasons best known to the male dominated law

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32 V. V. Giri v. D. Suri Dora, AIR 1959 SC. 1318.
33 Art.47, the Constitution of Iraq, 2005.
making bodies till date.\textsuperscript{35} Thus, since 1996 attempts are being made for providing reservation of seats for women in the Parliament and presently, \textit{Women Reservation Bill} providing 33\% reservation in the \textit{Lok Sabha} and State Assembly seats is pending before the Indian Parliament\textsuperscript{36} and a lot of debate is going on, on it.

Through its Constitution, Iraq joined the growing list of nations placing high importance on women’s representation in political office, by providing that the electoral law must aim to achieve the goal that at least 25 per cent of women hold legislative seats. This inclusion of women’s leadership in the new Iraq is a significant step taken at a critical time as strong representation of women in leadership roles will have important consequences for the public policy agenda, for the articulation of women’s interests, for good governance, as well as for the democratic legitimacy of legislative bodies.\textsuperscript{37} This step of gender equation need to be applauded but there is still scope for enhancing the percentage of women in Parliament as they comprise of half of the population of Iraq. In the considered opinion of the researcher, there should be not less than 50\% of the seats reserved for women till they out number their male counterparts in political career in both the countries in view of the fact that both India and Iraq have almost half of their population comprising of women.

This apart, there are other neglected minority communities like for \textit{e.g.}, Assyrian Christian, Yazidis, Shabaks, Kurds, and Jews who require

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\textsuperscript{36} \textit{Ibid.}

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special treatment in the Parliament. Therefore, reservation of seats should be worked out for protecting the political interests of these minorities which is one of the Preambular precepts adopted by Iraq through its new Constitution.

The Architects of the Indian Constitution entrusted the “superintendence, direction and conduct” of elections to an independent body appointed by the President and termed it as the “Election Commission”. After an extensive debate, Part XV was inserted to the Constitution which exclusively deals with elections and the composition, powers, functions, etc., of the Election Commission. Iraq also in its Constitution has made provisions for the appointment of the Independent Electoral High Commission. However, there is need for insertion of the provisions similar to that of Part XV of the Indian Constitution into the Iraqi Constitution after making necessary changes to suit the Iraqi requirements.

Article 324(2) of the Constitution of India provides that the Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix. The appointment of these executives shall be made by the President subject to the provisions of any law made in this behalf by Parliament. Further, clause (3) of Article 324 makes it clear that when any other Election Commissioner is appointed by the President, the Chief Election Commissioner shall act as the Chairman of the Election Commission. Furthermore, the President is also empowered to appoint Regional Commissioners, after consultation with the Election Commission,

if he may consider necessary\textsuperscript{40} to assist the Election Commissioner in the performance of Commission’s functions set-out in clause(1) of Article 324. While the Election Commissioners are members of the Election Commission, the Regional Commissioners are not its members. The Regional Commissioners have never been appointed even once since the inception of this provision.\textsuperscript{41} Hence, it is time to think of scraping this provision from the Constitution. There is no necessity to make provision for the appointment of the Regional Commissioners in Iraqi Constitution as well.

Experience has established that often, clash of egos plays the spoilsport in ensuring the smooth functioning of the multi-member body like the Election Commission of India. No doubt, it is the Constitutional compulsion imposed upon all concerned not to get into such petty things but to strive hard to carry on the affairs of the commission by preferably unanimous, if not possible, by taking majority decisions. It is a stark reality that howsoever one is careful, sometimes due to the clash of egos, even taking a majority decision becomes difficult forget about arriving at the much hailed unanimity as it has happened in the case of Mr. T. N. Seshan, the former Chief Election Commissioner and the other two commissioners Mr. M. S. Gill and Mr. G. V. G. Krishna Murthy in India in 1994.\textsuperscript{42} In such a situation, the Constitutional body becomes unworkable. So, there is a need for suitably amending Article 324 and to do away with the distinction between the Chief and other Election Commissioners as regards their removability from service. Multi-member Election Commission is the order of the day to conduct elections in India, however, the number of the Election

\textsuperscript{40} Art. 324 (4), the \textit{Constitution of India}, 1950.
\textsuperscript{41} \textit{Supra} note 5 at 66.
Commissioners to be so appointed should be restricted based on the amount of work to be done.

There seems to be some weight in the point raised against multi-member Commission causing delay in decision making process. Because at the time of elections, quick decisions have to be taken on ticklish issues and multi-member Commission, it is rightly apprehended, may not act quickly. But, this is one side of the coin. The other side needs to be viewed in the height of the functioning of a Cabinet or a Public Service Commission. If a Cabinet with 40 to 50 members can take quick decisions or a multi-member Public Service Commission can sort out any internal difference without any undue delay, why can't a multi-member Election Commission, consisting of men of great caliber, function cohesively and settle controversial issues through quick discussions. Moreover, the ever increasing workload also justifies the case for multi-member Commission.

Further, in view of the doubt raised in the Constituent Assembly regarding undue political influence on the exercise of the President’s power to appoint the Chief and other Election Commissioners on the advice of the Cabinet, it is suggested that a High Level Selection Committee comprising of, inter alia the Chief Justice of India and the Leader of the Opposition in the Parliament ought to be constituted so that the President may have consultation with it before he proceeds to make such appointments. In case of a tie while deciding on a particular name to be suggested for consideration by the President to be taken on Election Commission, the President’s writ should run. Iraq may also give a serious thought on this issue as well.

43 Id., at 43.
44 Ibid.
45 Ibid.
46 Art.74, supra note 40.
Regarding taking disciplinary actions against the public servants who violate their election duty, the Central Government and the Election Commission in India are at loggerheads. On this issue the stand of the Government has consistently been that the Election Commission does not have exclusive disciplinary jurisdiction over officials deputed for election work. But, if there is any misconduct on the part of Government officers during the period of their deemed deputation, it is open to the Commission to report to the concerned Government about the same. If any such complaint is lodged then it is a reasonable expectation that the Commission ought to be assured of prompt action against such delinquent employee under the law. But, in fact despite of reporting of several such cases there is reluctance on the part of the concerned Governments to take action against such staff.\textsuperscript{47} The word "discipline" under Sections 13 and 28A of RPA-I and II respectively requires a judicial interpretation to avoid the existing confrontation between Government and the Commission. However, it is better to leave the power to the Government to discipline the erring officials in this regard because such cases take considerably longer time but the jurisdiction of the Commission over the staff on election duty ceases after the elections are over. Any action of the Election Commission against such officials may be crippled due to this reason. One would agree that "the Constitution [of India] demands consultation and not confrontation. [I]t is expected that the constitutional authorities would act in the spirit of co-operation and not bring about a crisis situation by [adopting] any confrontationist approach"\textsuperscript{48} on the present issue. There should therefore be smooth co-operation between the Government and the Election Commission.

\textsuperscript{47} \textit{Supra} note 42 at 60-63.
\textsuperscript{48} \textit{The Hindustan Times (New Delhi)}, August 6, 1993, p.1.
Another disturbing issue is with regards to the right to contest elections even if a person is behind bars. Persons behind bars are generally not allowed to vote, but it is interesting to note that they can contest elections except in cases where they are convicted for special offences mentioned in the RPA-II.\textsuperscript{49} This position of law has further been reaffirmed by various High Courts in India and the Calcutta High Court’s decision in \textit{Devrajan Mukhopadhyaya’s Case}\textsuperscript{50} is more disturbing on this count.\textsuperscript{51} Hence, this anomaly of law, as it is pleaded, needs rectification at the earliest to ensure sanctity of elections and more importantly, election of candidates without criminal records to the legislative bodies. Iraqi electoral law on this issue is silent. It is therefore incumbent for legislative bodies in Iraq to amend the existing electoral laws to incorporate provisions that will bar any candidate behind bars from contesting elections. The Government of India and Iraq also need to pass a law barring people with criminal records or those who have been charge-sheeted, found guilty and punished from contesting elections for the rest of their life.

One more feature of Indian election system that needs to be looked into is that a candidate for election to \textit{Lok Sabha} may contest not only from any Parliamentary constituency of any State in India but also for more than one constituency at a stretch. If he wins all the seats contested by him then, he has to choose one and resign from others. This results in inevitable by-election and extra expenditure that causes loss to the exchequer. There is an urgent need to amend suitably the RPA-II so that no candidate can contest election to the Legislatures for more than one seat, as has been

\textsuperscript{49} S. 8. read with S.11-A, the \textit{Representation of People Act}, 1950.
\textsuperscript{50} \textit{Devrajan Mukhopadhyaya v. Manik Chandra Mandal}, AIR 1998 Cal. 244.
\textsuperscript{51} \textit{Supra} note 5 at 50.
recommended by the Election Commission of India in its Second Annual Report submitted way back in 1984.\textsuperscript{52}

Any democracy ought to, \textit{inter alia}, prove itself on the touch stone of Bentham’s Theory of Utilitarianism - “greatest happiness of the greatest number”. For this, governance needs to be all inclusive providing more scope for maximum citizenry to participate. In the last sixty plus years of democratic rule in India, some of the constituencies have been electing same persons to represent in the Parliament/State Legislatures. This tendency provides little scope for others to represent. Therefore, it is suggested that candidates who have won elections for more than two times either for State or Center should be barred from further contesting in such elections. After passing the law, both the Governments should ensure that it is implemented in the letter and spirit.

This apart, according to the \textit{Representation of People (Amendment) Act}, 1996, candidates contesting elections in India are mandated to make a security deposit of:

- ten thousand rupees for the election to the House of People\textsuperscript{53};
- five thousand rupees for election to the Council of States\textsuperscript{54};
- five thousand rupees for election to a State Legislative Assembly or State Legislative Council\textsuperscript{55}.

If however, the candidate belongs to a scheduled caste or scheduled tribe, the amount of the security deposit to be made by him/her is half of the laid down irrespective of whether he is contesting elections from a general

\textsuperscript{52} Id., at 57.
\textsuperscript{53} S.34(1)(a), \textit{supra} note 27.
\textsuperscript{54} S.39(2)(a) read with S.34(1)(b), \textit{ibid.}
\textsuperscript{55} Ss.34(1)(b) and 39(2), \textit{ibid. See also}, Universal’s \textit{Election Laws} 61, (New Delhi: Universal Law Publishing Co. Pvt. Ltd., 2012).
constituency or reserved constituency.\textsuperscript{56} Besides, only one security deposit is mandated to be made by a candidate even if he has filed more than one nomination paper in the same constituency\textsuperscript{57} but in cases where a candidate contests elections from more than one constituency, he is required to deposit in each such constituency.\textsuperscript{58} The researcher however is of the opinion that the set amount is too less to discourage frivolous candidates given that most candidates who contest elections are wealthy individuals. Therefore, Sections 34(1), 39(2)(a) should be amended to increase the amount so as to serve the purpose intended. This move is necessary to put a check on the number of non-serious candidates contesting Union and State Assemblies/Governorates elections.

In Iraq open list system is followed wherein political parties, associations and independent candidates are able to register as political entities with the IECI to contest in the election by collecting up to 500 signatures and if they are independent candidates then, in addition, ought to deposit 2.5 million Iraqi Dinars and the amount would increase to 7.5 million Iraqi Dinars if they form a group.\textsuperscript{59} In the considered opinion of the researcher, the amount to be deposited ought to be doubled so that only serious candidates will venture to contest elections.

Generally, the Code of Conduct is a residuary measure sought to regulate the general conduct of political parties, candidates, election meetings, processions, conduct of all concerned on the polling day, entry into the polling booths, instructions to party in power so that the electorate may not be influenced by misuse of governmental power, official

\textsuperscript{56} S.34(1), \textit{ibid.}
\textsuperscript{57} Proviso to S.34(1), \textit{ibid.}
\textsuperscript{58} \textit{Ibid.}
machinery, public money and property. Although the term "corrupt practices" is defined under RPA-II, it is impossible to cover all activities which may cause hindrance in smooth conduct of elections within its fold. Therefore, after consultation with representatives of political parties the Election Commission of India has formulated the Model Code of Conduct the publication of which may provide an opportunity to all concerned to understand the nature of activities prohibited by the Commission. In view of the last concluded elections for fifteenth Lok Sabha, the fundamental question as to the violation of the Code of Conduct whether would invite any legal sanction has opened the Pandora’s box.

Many recommendations have been made by the Election Commission of India like for e.g., adding specific provision to RPA-II preventing the use of temples, Churches or other places of worship as forums for election purposes and prescribing suitable penalty for default. But till date they have, ironically, fallen on deaf ears in India. However, the Election Commission in its honest efforts to ensure free and fair elections had directed for banning sale of liquor during elections way back in 1991 and for the disappointment of the concerned the Bombay High Court granted stay to the impugned order on the ground that Article 324 does not enable the Election Commission to override any of the legislation or rules having force of law in any of the States. But, against similar ban order in Karnataka the Division Bench of the High Court held that such direction can be issued by the Election Commission and what precautionary measures are to be taken for ensuring

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61 S. 123, supra note 27.
free and fair elections are matters which should be left to the discretion of the Election Commission.  

In Iraq certain half-hearted attempts have been made by adopting regulations banning use of religious places by the contesting candidates for election purposes. However, implementation of these regulations is highly debated in the past elections. Therefore, it is suggested to provide a legislative framework under the election laws banning use of religious places both by the contesting candidates and the mechanism involved in conducting elections.

Rigid interpretation of the Model Code, it is alleged, has robbed the elections of its fun and charm. Earlier, elections in India used to be noisy and colorful, with flags and festoons adorning the streets, loudspeakers blaring out songs and leader making speeches on everything under the sun. Now elections are getting quitter and elitist, with the man on the street being denied a sense of participation. According to Anand Gadgil, spokesperson for the Congress in Maharashtra, “[p]osters and banners should be allowed on condition that the candidate will have to remove them after the elections [as] total ban is nothing less than an attempt to curb a politician’s freedom of speech”. The existence of the Model Code of Conduct in India is thus merely a gentleman’s agreement between the Election Commission and the political parties. It has merely a moral sanction and morality, it is aptly said, has no takers these days. In India, the Election Commission, however, has amended the Election Symbols Order in 1994 and inserted para 16A which has clothed the Commission with the power to suspend or withdraw the recognition of a Political Party if it did not adhere to the Model Code of

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Conduct or failed to follow or carry out directions and instructions of the Commission. Model Code of Conduct is implemented at the mercy of morals of all concerned in the process. Ironically, at present, morals not only in India but also in Iraq in democratic elections are at nadir. Iraq being a nascent democracy has more onerous responsibility to come out with all inclusive Model Code of Conduct at the earliest taking into account the exigencies of the upcoming elections. There is a felt need for *Constitutional sanction and statutory framework* to be given to the Model Code of Conduct which ought to be drafted incorporating all the required details to be followed in elections to maintain the sanctity of democracy in both countries. Iraq specially can learn much from the Indian laws and practices on this issue.

Mounting election expenses is one of the most critical problems facing the Indian and Iraqi electoral system. The campaign expenditure by candidates over the last few elections is inconceivable. Contesting elections is becoming a costly affair which not only keeps many good candidates out but also creates a high degree of compulsion for corruption in the political arena. Most election expenditure is illegitimate and is incurred in buying votes, hiring hoodlums or bribing officials. This has progressively polluted the entire electoral system.

Generally, the sources of some of the election funds are believed to be unaccounted criminal money in return for protection, unaccounted funds from business groups who expect a high return on this investment, kickbacks or commissions on contracts, etc. Even though the Supreme Court

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65 It can be noted that one rupee election expenditure normally entails at least a five-fold return to the politician. Thus, to share five rupees with the political class, the rent-seeking bureaucracy has to recover about Rs.50. In order to extort Rs.50 from the public, there should be delay, inefficiency, harassment, humiliation and indignity worth Rs.500 heaped on the innocent citizens.
has laid on the candidate the onus to prove that the extra expenditure was not from his funds and even though Parliament in 2003 amended Explanation 1 of Section 77(1) of the RPA-II by reintroducing outside spending by parties and independent supporters into the expenditure ceiling of a candidate, the amendment has however, left some loopholes for party and independent supporter spending. The amendment specifically, exempts travel costs for a recognized national party’s top forty leaders (and a registered State party’s top twenty leaders) to a candidate’s constituency during an election campaign. These costs are not counted as part of a candidate’s expenditure. Another key loophole is that party spending and party supporters’ spending on propagating the party’s program does not count as candidate spending and therefore remains unlimited, so long as it does not favor any particular candidate. This anomaly therefore should be looked into specially in case of India.

Iraq being an amateur democracy, its Parliament has not passed effective laws to regulate election expenses and more so laws that will curb funding of elections by use of money obtained through criminal activities. The researcher therefore, considers it necessary for the legislative body to move with speed and enact laws for the same.

The other suggestion in this regard is that political parties as well as individual candidates should be subject to a proper audit of the amounts they receive and spend. At the end of the election each candidate should submit an audited statement of receipts and expenses, head-wise. Any violation or misreporting should be dealt with strongly. These should be fearlessly implemented by the concerned authorities.

The Indrajit Gupta Committee on State funding of elections portrays a third set of suggestions. According to the committee, there should be at least
a partial though non-cash State funding of elections. Theoretically, at least, it means that the candidates and parties have to spend less for campaigning with the State taking care of some aspects. The researcher suggests that the question of State funding should be advocated in order to encourage the disadvantaged in the society to contest elections.

Basically, individuals should be transparent in election expenses instead of looking at creating more rules and regulations for monitoring electoral expenses. Transparency may be maintained by way of indicating sources of finance as well as how the funds have been spent. This apart, there should be some additional reasonable restrictions on the following:

- use of on television/radio/newspaper advertisements;
- Wall writings;
- Display of cut-outs, hoardings and banners;
- Use of more than a specified number of vehicles for election campaign and for processions, etc.

In India, the Election Commission is empowered to depute some Government staff to carry out election duties. This has caused considerable pain to most Government organs since staff deployed to carry out election related duties leaves behind a heavy work load for the already stretched staff. In this context, it is proposed that the laws be amended to allow the Election Commission to employ staff on contract basis to avoid disturbing other Government organs like Universities, Schools, Municipal Corporations, etc. This will also create jobs for the unemployed educated youth languishing at home.

Simultaneous elections for Union and State legislatures/Governorates are the call of the day both in India and Iraq. Currently three to four States in India, for instance, go for elections every year. This undermines the working
of the Union Government as the regime in power cannot take tough
decisions due to the fear of a backlash in the next round of Assembly
election. Hence simultaneous elections will not only ensure that
Governments at the Centre and the States/Governorates carry out their
responsibilities in a smooth manner but also curtail unnecessary election
expenditure. The arrangement of simultaneous elections can be extended to
the elections for the Municipal Corporations and other Panchayati Raj
institutions as well. Iraq should also club both Federal and Governorate
elections and conduct at the same time.

It is high time to have a fixed tenure of elected legislative bodies with
no-confidence motion followed by a confidence motion. This is another
move that will curtail the unnecessary election expenditure and at the same
time ensure stable Governments at the centre and in the States/Governorates.
In case none of the parties or coalition is able to form a Government on its
own, the members of the house should together elect an executive head
among themselves and form a cabinet that has representation from members
of all political parties on the basis of the number of seats they have secured
in the elections.

To ensure free and fair elections, the Election Commission, especially
in India, holds elections in phases so that the available security staff is
effectively deployed. Publishing the result of opinion poll on the earlier
phases will have an impact on the voting pattern in the subsequent phases.
Similarly, the opinion polls that are conducted before the election also
influence the voting pattern of the remaining parts where elections are to be
conducted. Hence, there is a need to put a ban on the publication of the
results of the exit/opinion polls conducted by various media agencies till all
the phases of elections are over.
The media has also been accused of being used as proxies in the battle between rival political groups, in the process sowing divisiveness rather than consensus, hate speech instead of sober debate, and suspicion rather than social trust. In these cases, the media has become anti-democratic, contributing to cynicism about Government and democratic decay. As a result, the public has lost confidence in the media and in democratic institutions in general. As such, to avoid the problems associated with irresponsible media reporting, it is important to have mechanisms to redress the danger through the strengthening of State institutions and democratic structures whilst empowering the masses through public awareness campaign on the terrifying side of violence. Besides, there is a need to have uniform regulations and guidelines for public and private as well as print and electronic media to ensure a level playing field for all parties and candidates during campaigning. A single initiative or measure cannot improve the situation. A combination of efforts is required to install a system of “checks and balances”. This includes self regulation by the media itself and guidelines from professional bodies such as academics, independent researchers, civil society groups and regulatory agencies like the Press Council of India, the Information Commission, the Election Commission and the Telecom Regulatory Authorities. Iraq needs to heavily rely upon Indian laws on these issues.

Educated citizenry is also one of the major components that help in promoting democratic values including conduct of free and fair elections. Hence, education is considered as a fundamental but not the only factor in the progress of society and is being conferred as a fundamental right by the
State both under the Indian and Iraqi Constitutions. As a corollary, primary education is mandatory through which the State guarantees to eradicate illiteracy in India. Free education is a right for all Iraqis at all stages and for all Indians at primary levels. Faithful implementation of these schemes of free education would prove vital in the election of suitable candidates during elections to legislative bodies both in India and Iraq.

The minimum academic qualification for stepping into politics should be looked into and be fixed. Eligibility criteria should be set and a person should be allowed to enter politics only after proper character verification.

Electoral reform is a continuous process based on the experience gained through previously conducted elections in any country. Experience therefore, it is aptly said, being a greatest master cautions all concerned about the dos and don’ts to be followed while effecting electoral reforms for the conduct of free and fair elections. To be on the path of perfection in respect of the electoral process, any country needs a solid foundational base laid in the Constitution supported by self-contained purposive legislations and well equipped organ for their judicial interpretation with integrity and impartiality ultimately coupled with efficient and effective implementation mechanism. On this count, much is expected to be done both in India and Iraq. In India there is a plethora of legislations covering different aspects of elections. However, there is need to further research over and find out whether there can be a single Electoral Code in the form of a law that subsumes every aspect involved in the process of elections. Even Iraq being a nascent democracy ought to consider this issue seriously.

66 Art.21A, supra note 40 and Art 34 (1), supra note 33.
67 Ibid.
68 Art.34 (2), supra note 33.
69 Art.21A, supra note 40 and Chapter 2, the Right of Children to Free and Compulsory Education Act, 2009.
The conclusions drawn and the suggestions made in the present research if considered while revamping the laws governing elections as per the requirements of the society would help both India and Iraq to achieve their respective Constitutional commitments as successful democracies having periodic free and fair elections conducted to their credit which would be a fitting feather in their caps.

8.1 RESEARCHER’S CONTRIBUTIONS:

The present research revolving around a comparative study of electoral laws of India and Iraq is a novel attempt made by the researcher in India, till date. The conclusions drawn based on which suggestions made by the researcher in the present work on various aspects relating to free and fair democratic elections will have long lasting and far reaching impact upon all concerned.

The suggestion of converting voting right into a Constitutional duty upon the citizenry, in both the countries would help in addressing the problem of dwindling voter turnout during elections.

Further, in the light of declining moral values resulting in blatant violation of Model Code of Conduct, the suggestion for providing Constitutional sanction and legislative framework resulting in enacting of all inclusive Code of Conduct for all concerned in the election process will be a great contribution worth mentioning.

Furthermore, the researcher suggestion for equipping the voters with not only right to reject the contestants but also right to recall elected representatives both in India and Iraq would help in inspiring the contesting candidates to have an impeccable image in the public gaze and to serve public with transparency and human heart which is most needed in today’s democratic world.
The researcher’s suggestion to restrict candidates from contesting in more than one constituency at a stretch will spare all concerned from the burden of by-election and extra expenditure that causes loss to the exchequer. Further, the suggestion barring candidates the candidates who have won elections for more than two times either for State or Center from further contesting in such elections will facilitate new aspirants to get into governance.

The researcher’s suggestion for composition of a High level selection committee comprising of, *inter alia*, the Chief Justice of India, the leader of the opposition in the Parliament, three members each from the ruling Government and the opposition for consultation by the President before he proceeds to make appointments of Election Commissioners, will be of great import.

Apart from the above, the innumerable modifications into the existing electoral laws of both democracies suggested throughout the Thesis if worked out by the lawmakers will, for sure, contribute enormously in bringing a sea change having positive impact on all concerned.

### 8.2 AREAS FOR FURTHER RESEARCH:

- *Panchayat* system successfully rooted into Indian grassroots politics, whether suits Iraq can be researched over.
- Drafting of all inclusive Code of Conduct for both democracies may also be tried for further research.
- Laws governing media and elections can also be a fertile area for further research.
- Exclusive research on anti-defection laws for Iraq and India also has scope for further research.
• Formation of Coalition Governments: Their impact on GDP of the country may also be given a serious thought for further research.
• Election funding through contributions of corporate world and its impact on policy making in India and Iraq is yet another area where further research is required.

The issues enlisted above were not robbed within the scope of the present research undertaken they are therefore suggested for future researchers’ consideration.