ELECTORAL REFORM: DIMENSIONS AND DETERMINANTS

BY

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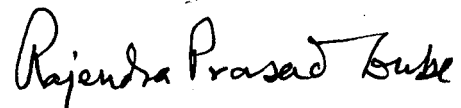
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DECLARATION

This dissertation is submitted in partial fulfilment of the requirements of the degree of Master of Philosophy at the Jawaharlal Nehru University, New Delhi. I certify that no portion of this dissertation has been submitted for the award of any degree or diploma of this or any other University.

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P R E F A C E

We live in an age of speed and the problem of absolescence pervades the world of Modernity. So has been the fate of the present dissertation. Even as I was gatering materials for the research, political events galloped with such wild and erratic speed that the heat which the debate on electoral issue generated seems to have disappeared in the dust-trail of the events leading to the proclamation of a state of Emergency on June 26, 1975. The dissertation may well have to take refuge from politics to history, and hopefully shall find a quiet place in the serene world of academe.

It was Professor Imtiaz Ahmed who sustained me in my efforts through a difficult period of time and nourished my mind to keep going in the direction of my goal. Without his sympathy and understanding, both for the student and the subject, the present exercise would have never been brought to a conclusion. I am grateful to him.

I shall be failing in my duty if I do not acknowledge the environmental inspiration and means of subsistence offered by the Centre for Political Studies, Jawaharlal Nehru University, New Delhi. It was a privilege, indeed.

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C O N T E N T S

INTRODUCTION

In a democratically organised society elections provide
a procedural dynamic for a representational form of polity. The
problems resulting from the issue of Electoral Reforms, therefore,
have larger implications. Elections are not only consequential
in their effect but also legitimise the representative form of
democracy. Thus, there develops a relational equation between
the electoral process and political power and its distribution.
The year 1967 has been described as a watershed in the electoral
history of India. In the 1967 general elections there was a
considerable fall in the number of seats secured by the dominant
Congress Party even though it retained its 40% level of voting
percentage under the simple majority system. The parties of the
opposition, perhaps egged on by the possibility of replacing
Congress Party in Government became critical of the election
procedures including, in some instances, the simple majority
itself. Suspicion and fear that the party in power might use
its dominant and official position to perpetuate its supremacy
may have played a role in the critical postures adopted by the
opposition on the issue of electoral reforms. However, there
is to be observed a consistent reluctance on the part of the
opposition to spell out clearly their demands or have a meaningful
discussions with the government for suitable changes. The reasons
for this ambivalence might be traced, partly to the speculative
nature of politics itself. Perhaps, after 1967, political parties
of the Opposition felt that the power lies within their grasp
within one or two general elections if the voting trend against
Congress continues.

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In 1971, in spite of the historical split of 1969 within
the Congress hopes of opposition were dashed to the ground and
Congress once again regained its brute majority in the Lok Sabha.
Immediately after the 1967 elections, many analysts predicted
that the opposition had no alternative but to take their politics
to the streets. Somehow, after 1972 election to the state legis-
lative assemblies and sweeping tide of Congress victory this
prediction became all the more plausible. Somehow, the electoral
debate got mixed up with the goings on of extra-parliamentary
politics in the country which prevailed in the country from 1973
to June 26, 1975, spearheaded by Jay Prakash Narain Movement.
The opposition parties in the parliament used this issue of
electoral reform more as a parliamentary tactic than as a
debatable issue. The government on its part temporized and
prolonged the debate to a non-conclusion.

The purpose of the present essay is to identify and
comprehend the nature of forces that have brought corruption
or distortion in the electoral system, and to study alternatives
proposed to the simple majority system as well as other changes
and innovations in the electoral system in relation to the general
compulsions and premises of the Indian political system. The
dissertation, like the electoral debate itself is, by and large,
inconclusive, the emphasis being more on comprehending the
various determinants and dimensions of the problem of electoral
reform in India.

In the present essay, in the first Chapter, we have
explored the theme of Electoral Reforms in the context of

Indian experience; in the second Chapter, various modes of representation have been studied with special reference to the PR system in relation to the questions of representation and distribution of power. The third Chapter tries to identify the major patterns of the electoral articulation that have emerged under the present electoral system since 1952 and seeks after the extent to which they respond to the sociological needs and compulsions of our country. The fourth Chapter takes up certain specific issues, basing its frame of reference on the Tarkunde Committee Report.

Instead of the usual conceptual frame-work, I have relied upon processual analysis for an exploration of the theme of Electoral Reforms. I am not sure of my competence in applying this method to the subject. However, I have made my best efforts and wish to quote here Prof. Myron Weiner who comes to my rescue: "Nothing is more fundamental or more difficult for social scientists than explaining how something works or, in current social science terminology, describing a process."

CHAPTER I

ELECTIONS: THE INDIAN EXPERIENCE

In a democratically organized society elections provide a procedural dynamic for a representational form of polity. It is natural, therefore, that the problems concerning elections should, in their implications, reach beyond the question of their being conducted in a proper, free and fair manner. They impinge upon the dimensions of a given political system; they impinge upon the economic system; and in fact, they impinge upon the social structure itself. In so far as elections in India, as in other democracies, offer a legitimate basis for the formation of popular and representative Governments, the procedures and problems connected with them become important to the question of power and its distribution among the contending political parties. And to those who do not enjoy the objective distance from the field of active politics, it is conceivable that the question of electoral reforms becomes the prismatic focus to view the entire spectrum of the processes of society. In order to comprehend and identify the nature and scope of any problem(s) relating to elections, it is necessary that they be understood in the contextual reality of their socio-political environment.

In India the question of electoral reforms has not arisen as a result of academic deliberations or as a result and part of any reformist movement.[1] Though, often, presented in legalistic

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[1] The JP Movement came after 1972 elections, but the idea of electoral reforms was firmly mooted after the experience of 1967 elections.

and moralistic idiom, the problem is and remains political, both in its nature and scope. Its solutions also lie with the men who practise politics and not with those who study the social sciences. The present study, therefore, has to be aware of its limitations - it cannot pretend to answer the questions it raises and the problems it purports to comprehend with any degree of finality. It can, at best, be an exploration of the problem of electoral reforms on the grounds of Indian experience.

The two major foci of the debate on the issue of electoral reforms, ever since it is on, and, which were brought into sharper relief by the Movement led by Jay Prakash Narain, [2] are, namely, the first-past-the-post-ballot system where a "relative majority" which need not be an "absolute majority" of valid votes polled gets a candidate elected; the corrosive role of money power whose corrupting influence pervades the entire electoral process. The first point, in its multi-faceted nature, forms the theme of the second chapter and extends to the third chapter analyzing the erstwhile Indian electoral experience which alone can provide a proper context for examining all the pros and cons of the system in operation as well as of different alternatives suggested to it. The second point which has been far more catchy and evoked

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[2] The movement led by Jay Prakash Narain, for the purposes of present study, is highly important not only because of its mass appeal and its dramatic political significance, but perhaps more because it made the issue of electoral reforms the focal point of a nation-wide debate, sought to identify the major ills of the present system, and putforth specific categories of electoral reforms and proposals. Apart from a detailed examination of various dimensions of the Movement scattered throughout the body of the dissertation, the fourth chapter makes an in-depth study of the proposals of the Report of the Committee appointed by Jay Prakash Narain.

wider interest is discussed in the first chapter as well as in the second part of the fourth chapter which is entirely devoted to it.

The search for purity in politics, which forms a basis for the debate that has raged around the question of electoral reforms, cannot be expected to end with the answer to the problem of clean, free and fair elections. It is, therefore, necessary that a distinction is made between the problem of electoral reforms in so far as they relate to the conduct of elections themselves and the problems that have their source in the malaise that afflict the society itself because it might be a wrong start if we begin with the premise that clean politics would necessarily yield a clean society. A political system is only a sub-system which by and large conforms to the value-patterns of a super-ordinate system, that is, the society itself. Further, in a democracy a political system, in the pursuit of furtherence of its interests and achievement of its goals, uses and even has to use certain dynamic forces generated by the prevailing conditions of the society of which it is a part.

India had its first large scale experience of elections in 1952 based upon Adult Franchise. The climate of social and economic change had already been ushered in. The new environment was shaping up. New forces, social and economic, had started dominating the political scene. Collective instincts and urges, which had remained dormant for centuries, started to manifest themselves more freely and fiercely in a modern and competitive

setting. Mahatma Gandhi had already departed from the scene.

Today, after a span of 25 years or more of transformation, it is perhaps easier for us to identify the dominant forms of such forces as have gone into the making of the social dynamics that permeates the changing structure of Indian society. We would confine ourselves to only such forces as bear a direct relation to the question of electoral reforms. Though precision in matters such as under discussion, can only be hazardous, for the sake of seeking a clearer focus we could possibly reduce the inter-acting complex between society and politics to three main elements: the business world, the under world, and the caste and communal arithmetic. Each one of these is a source of political dynamics and as long as Indian politics operates on an open and competitive basis the forces generated by these three elements cannot be wished away. This also gives us the clue to the dilemma that though the question of electoral reforms has generated much heat there is little light that has resulted from this debate. No major political party is willing to exercise or accept restraint on electioneering and it is instructive to note at this very point that the idea of electoral reforms originated from the reports of the Election Commission which itself is under attack now rather than from any political party or group. The question of electoral reforms gets more and more exacerbated under the impact of frustrations of a tepid and tired Opposition on the one hand and the never ending corridor of power taken for granted by a Ruling party on the other hand. Each party blames the other and yet has a stake in the political

process to continue, more or less with the same ingredients of business corruption, underworld forces, and cast and communal and other demographic compulsions. A parliamentary political system can never hope to be independent or superordinate to the structure of society itself; by its very nature it has to subsist even though it could, in moments of crisis or calamity muster enough force to propel the society in a desired direction — a multi-party political system more so. Unless a political party is able to mobilise its advantages, fair or unfair, it cannot hope to survive. And a political party cannot be compared, in its aims and goals, to a reformist organization or movement. For a political party survival and achievement of power become sole considerations, moralistic and legalistic assumptions receive only a place of secondary importance in its scheme of things. In the given conditions of Indian society each one of the political parties, in order to achieve their aims and goals, make and have to make use of the advantages, mostly unfair, generated by the lopsided socio-economic structure. This in itself need not be a cause for disappointment, much less despair. We are passing through a period of speedy transition and we must perceive the implications and manifestations of the forces at work before we rush to conclusions. The present essay is a minor attempt in this direction.

The 159th issue of the Seminar (November, 1972) in its opening "statement on the main issues involved in Electoral Reforms" puts the problem of the electoral reforms vis-a-vis the multi-party political system squarely:

How can the Swatantra Party expect to win any seat,
~~or~~ far less exercise State-wide or nation-wide influence
without the blessings of big businessmen and backing
of some ruling houses ? Where would the Jan Sangh hope
to make itself felt if the ex-rulers that support it
and the urban business class do not flex their muscles?
The Socialist Party, CPI, CPM have pockets where they
exercise dominant influence; they would be courting
political suicide if they allowed political good manners
to hold them back.[3]

It is not peculiar to India that business world should get
involved with the rising or falling of fortunes of political
parties. It is a universal phenomenon in countries where parlia-
mentary system of representative government is in use. It is
also an obvious fact that the political system surrounded by a
corrupt financial or business world cannot escape getting
corrupted. However, instead of passing judgment on the inter-
actions between the political and the business world, we may
well try to comprehend the process which engulfs them both.
With the expansion and intensification of the power-based
political process and with the expansion of the economic base
of the country in a mixed economy, the possibilities of making
money from money have increased. The capital and the political
parties do not necessarily have common interests. In fact,
their relationship is governed by the principles of bargaining
where self-interest of the contracting parties plays the upper-
most role. While it is an observable fact that black money
which percolates the economic system of the country has been
the major corrupting influence on the politics of the country,

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[3] The Problem, - A statement on the main issues involved in
Electoral Reforms", <u>Seminar</u>, 159 (November, 1972), ed.Romesh
Thapar, p.10.

we cannot say that any political party is responsible for creating the business world as it is. We have already pointed out that a political party cannot ignore a dynamic element existing within the social system of which it is a part. "Business has a dynamic of its own and unless we grapple with the corruption inherent in it, we'll merely waste our efforts."[4]

For a society in a state of flux it could also be a legitimate question to ask: Shall a clean politician be also an effective politician? The Indian society today needs a directional thrust for its re-integration and modernisation to be provided by its political system. Can the moral honesty be a necessary condition for such a political thrust?

The use of the underworld by political parties has been on the increase — goondas, rowdies, undirected youth are deployed on a large scale at the time of elections by all political parties, particularly in urban areas. Again, the underworld is not a creation of any political party. It results from the economic situation and over-crowding in big cities. However, the underworld, like black-money, is a dynamic force. It must move for self-survival. It must seek power and protection for itself and for self-perpetuation. And politics must make use of the dynamic elements and resources at its

[4] Ibid.

disposal, irrespective of the moral questions involved.

The third corrupting element in Indian political system is casteism and communalism. The question at the time of elections is how to score a victory. Caste and communal arithmetic becomes an important strategic factor. In Muslim dominated area only a Muslim candidate has to be put up; in a Jat dominated constituency only a Jat would have the drawing power; in special pockets dominated by a tribe or community a member of that community alone stands the highest chances of getting majority of votes; for example, Bhumihars in Devaria, U.P., Kurmies in Rajgarh, U.P., Gujars in Meerut, and Vishnois in Hissar district of Haryana. No party can ignore the communal and caste considerations absolutely. Even parties with a communal bias have to adopt candidates from communities not on their favoured list just for the sake of victory; for example Jan Sangh putting up a Muslim candidate, and Muslim League putting up a Hindu candidate are variations, not so puzzling to an objective observer, on the same theme. And the process continues beyond the elections for example, the coalition of the Akalis and the Jan Sangh in Punjab, of Congress and Muslim League in Kerala. These illustrations show how helpless a political party can find itself when it comes to grapple with the demographic compulsions of a society with traditional structure. At the same time, we need not accept this factor as a permanent feature of Indian society and so also not of the Indian political system. In fact, all the three factors

enumerated as corrupting influences on the Indian electoral and political systems are either ephemeral or controllable or declining in scope and significance. The relationship between the business world and the political system is protean in its nature; the use of rowdy elements in cities is a controllable social phenomenon; casteism and communalism are bound to decline under the impact of modernising environmental pressures.

But the fact remains that political parties operate in a social milieu where forces of corruption and immorality dominate the scene. The operation of the Party System is determined by the kinetic social forces attending upon it. There exists, thus, a tensional nexus between 'social dynamics' and the political dynamo which generates power to be used on behalf of society.

A specific instance to illustrate the context is provided by a comparitive observation of the election scenes of 1971 (Lok Sabha) and 1972 (State Assemblies). In the mid-term poll for the Lok Sabha in March 1971 the factor of probability as to the outcome of the election was very high. Different parties or coalitions were ruling the various states at the time the Lok Sabha was dissolved. By all estimates, money played an unprecedented role in these elections. The business world, not only participated indirectly, diversifying distribution of its funds among the contending political parties, but also directly took part in the electoral battle. Not only the rich men from traditional sectors of society like

ex-rulers of princely states, but even the industrialists sought
to contest the elections. The resort to violence was equally
widespread, indulged in by all parties irrespective of their
labels. The Akalis in Punjab were accused of terrorising the
voters, particularly the Harijans. In Gujarat, strong armed
tactics and vast resources were used and deployed by the
Organization Congress. In Uttar Pradesh the question of
"Ajgar" raised its ugly head. Yet after the elections one
could hardly hear any political party making any noise about
money having been used. Instead, there were frivolous allegations
of some sort of chemical or magic ink having been used by the
Election Commission in consort with the Government of the day
for making a landslide victory for the Congress Party possible.
In 1972, the outcome of elections to State Assemblies was a
foregone conclusion. The probability factor was very low.
The business world was cautious in its strategy for development
and distribution of its resources. It took no vigorous part
in these elections directly and yet immediately after the
elections there was an upsurge of moral indignation against
the "role of money" in the elections. All this gives us an
insight into the matter of electoral reforms and demands made
in this behalf. In 1971, illegitimate money was raised and
used by almost all political parties on a comparative scale.
The election was highly unpredictable and so the business
world invested money widely and copiously in the hope of
advancing its interests. In the same way, coercion was used
against the lower castes and weaker sections by all parties.

No party was free from the guilt complex and silence was the best policy.

In 1972, businessmen and those who had money to spare were not prepared to invest their money equitably among the Opposition and the Congress Party. Not only the business world but also the underworld knew "who their Annadata was going to be." The goondas of Calcutta threw all the weight of their dynamic force in favour of the Congress Party. Even though the total amount of illegitimate money used in the 1972 elections was much less than the amount used in the 1971 elections, this time the noise against money-corruption reached its crescendo. To put it more precisely, in 1971 the distribution of corrupting influences was equitable and proportionate among all parties; in 1972 it was weighted heavily in favour of the Congress Party. In 1972 the results were on the expected lines excepting in West Bengal. So, it was not of much advantage to bring allegations against the ruling party having obtained its majority by foul means.

Not that we wish to discount the importance of morality and moral codes in the functioning of a viable society, but in order to understand the Indian Electoral Experience, the inter-action of social and political systems, compulsive situational factors vis-a-vis political party behaviour, we have to discard the moral angle or perspective to view the electoral scene. For no solution of the problem is possible without a realistic grasp of the problem in its multi-faceted form. The moralistic

idiom prevents such a realistic grasp because political strife and contention is for power and not for moral rectitude. It is worth extending our remarks on this point. In politics if considerations of power are subordinated to the question of moral standards, it is very much a possibility that power slips away from the precincts of political institutions. A parliament without its sense of power becomes an impotent and irrelevant institution incapable of ushering in social change for reform, for providing society justice and economic well-being. The inter-action of Shakti and Shiva seems to be an appropriate symbolism for the generative force and function of politics in a society.

Akin to the moralistic parallax is the legalistic parallax: both deflect our vision from straight and direct viewing of the electoral reforms in its proper political perspective. The demands for legal re-enactments of various portions of the election law seem to be attempts at side-tracking of the real issues involved. We, in India, have suffered from unrealistic laws and regulations in the field of social legislation; however, our preoccupation with unpractical legal enactments remains unabated. Perhaps a society which begins to depart from its established moral and ethical codes naturally inclines towards legal codes with a vengeance. We can see such phenomenon in its more obvious form in such countries as Sweden often described as "middle class paradise" — a society in which moral codes have been

displaced by legal codes to an inexorable extent. Some of
the legal remedies suggested make one wonder how seriously
the law makers themselves take the laws enacted by them,
for example, the law on defection agreed to by the Prime
Minister in 1972 shall be complied with more in its breach
than in its observation.

    ، It might not be amiss here to probe a little further
and find out how the political issue of electoral reforms
came to acquire moralistic and legalistic overtones. It
might not be too early in our discussion to pose the question:
would the question of electoral reforms acquire the degree of
poignancy with increasing intensity between 1972 and 1975,
had the electoral verdicts of 1971 and 1972 not been so
dyslogistic for the Opposition as they really were? Again,
it is not a question of passing judgment on the strategies
and tactics employed by political parties but an attempt at
understanding the political process in a democratic society
by which political issues step out of the political plane and
get mixed up with moral and legal issues.

    The sense of immediacy with which the problem of electoral
reforms was responded to during this period of time helped only
to block our vision to locate the appropriate levels at which
the electoral system within a democratic set up has to be
propped and sustained. The manner in which the issue was
taken to the public almost succeeded in shaking the general

faith of the public in the independence and impartiality of elections.

The question of electoral reforms became <u>epicentric</u> to the political and social rumbling in the Indian society. It became a central issue for the Jay Prakash Movement which had a moral beginning and a political ending. The prevailing mood of frustration and despondency among the people, on account of rising prices, bad economic situation, failure of the Government on such vital fronts as State Trading in foodgrains, near famine conditions in parts of the country and on top of it all an Opposition divided amongst itself even when dwarfed to its Lilliputian size at the hustings resulted in a confused and confusing situation of almost epic proportions. The political issues left the precincts of parliamentary institutions and were brought to the streets. Towards the end of 1974 the break-down of certain key institutional channels of communication between the Government and the Opposition was near total. The Opposition had been left with no alternative but:

(i) to take the political issues to the streets or directly to the people for which they needed to give them a moral form. Purely political issues would not interest the common man. He has to be roused either in his conscience or in the area of his self-interest (economic condition);

(ii) to confront the ruling Party within the constitutional framework by turning the political questions into legalistic

riddles that would rouse the interest of the vocal elements
of the society, including the Fourth Estate and members of
the intelligentsia. The Opposition did achieve its point
in so far as the purpose of a political Opposition is to
oppose the Government. But perhaps it over-reached the
limits and invited retribution both on moral and legal
grouns.

II

Electoral System: Its Main Features

The debate on the issue of electoral reforms between
1972-75 was incessant but no systematic approach emerged from
this long and heated debate. One has to agree with Prof.
Sushil Kumar that "... the reasons advanced in favour of
effecting electoral reforms are generally more negative than
positive."[5] He suggests a three-fold perspective for viewing
the problem in its overall contextual reality. Though the
essay is dated in several respects written as it was in the
context of 1969 elections we could adapt his perspective to
study the Indian Electoral System and its main features.
Article 327 of the Constitution vests in the Parliament all
powers to make laws "with respect to all matters relating to
or in connection with elections." Similar powers have been

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[5]Sushil Kumar, "Need for Change in Electoral System -
why and wherefore" in Subhash C. Kashyap (ed.) Elections
and Electoral Reforms in India, New Delhi, 1971, p.34.

conferred upon the State Legislatures under Article 328 of
the Constitution. No State Legislature has made any electoral
laws excepting the State of Jammu & Kashmir, which has a
separate Representation of People Act under special provision
of the Indian Constitution. A further amendment to this Act
was passed by the J. & K. Assembly on August 6, 1975 with a
view to introducing certain electoral reforms. The main
features of the Indian Electoral System are:

(i) Single member district (territorial division)
plurality system, i.e., one representative is elected from
each territorial constituency on the basis of relative
majority of valid votes polled. The method is also described
as first-past-the-post-method.

(ii) Universal Adult Franchise, i.e., on attaining the
age of legal maturity every Indian citizen is entitled to be
registered as a voter unless disqualified under any specific
provisions of the Constitution or the laws governing the
country. At present the voting age is 21 years.

(iii) "One Man One Vote", the vote being non-transferable.

(iv) Delimitation of parliamentary and Assembly
constituencies in such a way that Assembly constituencies
within a parliamentary constituency form an integral number,
i.e., a particular Assembly constituency must fall within
its parliamentary constituency as a whole.

(v) Open candidacy, i.e., there is no set procedure
for the selection of candidates by political parties, groups,
etc. An individual can contest elections either as an
independent or as a member of a political party. Only
nomination papers have to be filed according to a prescribed
procedure and monetary deposit has to be made as security
at the time of filing the nominations.

(vi) Minimum standards of electoral behaviour are
sought both through legislative action and voluntary agreement;
there is a long list of restrictive provisions regarding the
conduct of election campaigns.

(vii) The elected representative represents his consti-
tuents according to his own judgment, i.e., there is no legal
method by which an elected representative would be restrained,
directed or recalled by his electors.

(viii) Disputes arising out of an election are decided
by High Courts on petitions made to them. The appointment of
a One-man Election Commission having all powers and functions
regarding the direction and control and conduct of elections
to the Parliament and Legislative Assemblies in the States as
also elections to the offices of the President and the Vice-
President.

(ix) Reserved constituencies ensuring representation
for socially and economically depressed sections of Indian
society, officially known as the Scheduled Castes and Scheduled

Tribes. Special provisions have also been made to protect the
Anglo-Indian community's right of representation in legislative
institutions. Without going into a detailed discussion of the
logic and actual functioning of the Indian electoral system,
we may at this point have a brief discussion on the assumptions
behind this system and how far they have been justified through
the experience of elections since 1952.

Apart from its simplicity and its historical association
with the pre-independence India, the simple majority system of
voting has involved and invited large scale participation of
the rural, illiterate, and otherwise socially handicapped
people of India. Naturally, the fathers of the Constitution
who had known the Indian masses directly during the struggle
for Independence must have had some valid reasons to place
their faith in the average rural and illiterate Indian while
giving the Indian electorate the simple majority system. Over
the years the Indian voter has not belied their expectations.
The major issues, both of national and local importance and
interest, have been well-grasped by the Indian rural elector
and he has exercised his franchise not without a degree of
awareness as a responsible citizen of a democratic country.
So far as the system assumes the involvement of electors in
the process of selection of good and popularly acceptable
persons as candidates the voter has not failed the system.
However, the political parties have not always put up candidates,
which would give the voters a choice to judge the individual
merits of the contestants. The electoral system has ensured
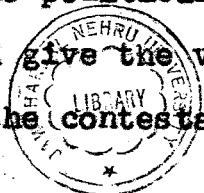
representation to the economically and socially backward and weaker sections of the Indian society and thus has made it possible for the Indian nation to march in the direction of social and economic re-integration. The open competitiveness of the system has been responsible for the politicalisation of the rural and the tribal communities. The electoral system also assumes that contestants and political parties would create conditions for fair, free and honest elections. That this is an ideal never fully reached in any democracy, both the developed and undeveloped variety, makes the present electoral system neither more nor less vulnerable than the electoral systems adopted by other democracies. We will take up the question of certain specific reforms desired to be introduced in the Indian electoral system later in this dissertation. However, the point to be emphasized is that the electoral system has not failed at the popular level; it is by the political parties and the elected representatives both from the Government side and the Opposition side that the electoral system has been exposed to vulnerability and we may well remind ourselves that "it is not only of importance how an electoral system is constituted and what it envisages, but especially what the parties and electors can and will make of it."[6]

[6] G. Van Den Bergh, <u>Unity and Diversity: A Systematic Critical Analysis of All Electoral Systems</u> (London, 1955), p. 10.

III

The Election Commission: Procedural Aspects

Article 324 of the Constitution of India provides for an Election Commission:

(i) responsible for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Parliament and to the legislature of every State and of elections to the offices of the President and the Vice-President.

(ii) 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 and the appointment of the Chief Election Commissioner, and other Election Commissioners shall, subject to the provisions of any law made in that behalf by the Parliament, be made by the President.

(iii) The appointment and removal of the Chief Election Commissioner are like in manner and grounds as applicable to a judge of the Supreme Court.

Between 1969 and 1975 the office of the Chief Election Commissioner has been assailed by those who seek to reform the prevailing Indian electoral system. To a student of the political system, it would be interesting to note that the first directions on the issue of electoral reforms are to be found in the reports of the Election Commission itself. The

Election Commission issues, at the end of each General
Election, a two-part Comprehensive Report offering narrative
or reflective commentary on the experience of elections and
statistical descriptions relating to the performance of
individuals and parties, malpractices indulged in, law and
order situations encountered, administrative and other
difficulties experienced by the Election Commission all
through the electoral process. These reports offer source
material on diverse problems relating to the electoral process
and the electoral system in India. Since the Election
Commission is directly involved in intense periods of pre-
election as well as post-election activity from time to time,
it is faced with a changing circumstance each time it conducts
elections. Therefore, though it is a quasi-judicial body,
in its role and function it is very different from other
bureaucratic, pattern-maintenance institutions. This fact
will be clear from the study of the Commission's successive
reports because sometimes the Election Commission has found
it necessary to controvert or altogether withdraw a recommen-
dation which it had earlier made vehemently.

Several changes in the structure and functioning of
the electoral machinery and the laws governing the conduct
of elections have resulted from the recommendations of the
Election Commission. While it shall not be either necessary
or possible within the scope of the present discussion to
make a comprehensive study of the Commission's reports, it
shall be both useful and instructive for our purpose to have

an elementary acquaintance with the Commission's delibera-
tions with regard to the conduct of elections and the
question of electoral reforms. The recommendations made
by the Commission in the first four reports could be grouped
together in the following categories for convenience:

    (i)   Electoral Machinery
    (ii) Preparation and revision of electoral rolls
  (iii) Various stages of an election campaign
    (iv) Multiplicity of candidates
    (v)   Elections and Public Servants
    (vi) Conveyance for voters
   (vii) Election expenses and accounts
  (viii) Election Petitions
    (ix) Advisory Role of the Election Commission
    (x)   Broadcasting facilities for political parties
    (xi) The need for the evolution and observance of a
         code to conduct for electioneering purposes.[7]

It is natural that the emphasis in these reports is
on the administrative aspect of the electoral process. But
in its functioning the Commission is directly involved with
political parties and political institutions and individuals
and, therefore, to the innovations of policy and procedure
resulting from the Commission's experience have a direct
bearing on the problems of political significance.

As early as in its second report the Commission had
recommended that the Chief Electoral Officer be given an
adequate and appropriate Secretariat status in the State
Governments and had expressed concern at the frequency of

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[7] These categories have been classified by Prof. J.P.Sharma
in his essay "Election Commission Reports: A Content
Analysis" in _Elections and Electoral Reforms in India_,
p.157.

transfers which the Chief Electoral Officers were subjected to, making the discharge of their electoral duties discontinuous, if not disjointed. That the Government has been responsive to the suggestions made by the Election Commission is clear from the fact that by the time the Commission wrote its fourth report its earlier recommendations had been accepted. In the same way, after the 1969 mid-term General Elections, the Commission had suggested that the Returning Officer should not be the employee of local authorities but a member of permanent cadre in Government service. The Commission thus has had a vigilant view about the conduct of elections in a fair and free manner; for example, it has suggested an insertion after section 24 of the Representation of the Peoples Act, 1951, banning the transfer of District Election Officers and Returning Officers while an election was in prospect.

The Commission has also made suggestions and devised ways for the preparation and maintenance of electoral rolls which has resulted in economy and greater efficiency and uniformity in maintaining electoral records for the purpose of local, State, and Parliamentary elections. The Commission also sought wider discretionary powers enabling it to order a summary revision of the electoral rolls for the local authorities' constituencies whenever necessary. The Commission has also made suggestions affecting sections 22 and 23 of (The) Representations of the People Act, 1951, relating to correction of entries which make it possible to hold a General Election within 35 to 45 days from the date of dissolution of the House

of People or State Legislative Assembly or in case of bye-
elections.

One of the most important areas which has come within
the purview of the Commission for making recommendations,
relates to the various aspects of electioneering. Such
procedural matters as the issue of a notification, calling
upon to constituencies to elect a member, filing of nominations,
scrutiny of nominations, withdrawal of candidates from the
contest, the election campaign, polling and counting of votes,
declaration of results etc. have been deliberated upon by the
Commission and recommendations with a view to reforming
procedures have been advanced. It has also recommended
reduction in the number of days allowed for election campaigning
to fifteen which might help reduce the contesting candidate's
expenses.

In its first two reports, the Commission made recommen-
dations regarding issuing of identity cards to all voters, a
suggestion which it withdrew later on on grounds of impracti-
cability. In the same way the Commission has not been unaware
of the corrupt practices of coercion and intimidation of voters
and in 1969 it suggested that they ought to be declared electoral
offences. Specific changes in sections 125 and 126 in this
behalf were made with a view to control, minimise or obliterate
the evils of violence, intimidation and coercion on a large
scale. With a view to enabling large numbers of electors to
exercise their franchise, the Commission also recommended that

employers be obliged to allow their employees leave of absence for not less than three hours on the election day. Restrictions on sale and distribution of intoxicating liquors or strong drinks at hotels, taverns, dhabas and other eating places, public or private, twenty four hours before the polling, have also been proposed by the Commission.

The voting age has been a much debated issue in recent years. In its earlier reports, the Commission took a legalistic view in this regard and employment of minors below the age of 18 for electioneering and political campaigning by contestants was, according to the Commission, a breach of law. However, the Commission, perhaps influenced by the changing concepts of individual minority and majority, has commented on this problem with a changed emphasis. It has expressed the view that it might not be possible to ban participation of persons below 18 years by legislation.

Multiplicity of candidates and entering into the election combat of non-serious contestants has remained a nagging problem and has made the Indian electoral system vulnerable to criticism. The Commission has suggested that a candidate should be required to poll one-fifth of the valid votes instead of one-sixth for his being entitled to a refund of the security deposit made by him and also the amount of security deposit be increased. In this context the Commission also considered the possibility of the single transferable vote system instead of the non-transferable vote system, but in the

present circumstances, adoption of this system might increase problems instead of solving them. In the same way, participation by a large number of Independents has been viewed unfavourably by the Commission. In most cases persons with minor pockets of influence on the basis of caste, community, or some other grounds, seek nominations either to withdraw for a consideration or contest the election more to defeat a particular rival than to win. There has not been found any definite solution to the problem because participation by individuals as non-party candidates is a basic feature of the Indian electoral system and a ban on independent contesting might have larger implications, both of theoretical and practical nature. Allied to this problem is the problem of a candidate contesting from more than one constituency and sometimes winning the elections from more than one constituency. This causes immediate vacancy after the elections, results into avoidable public expense and could prove an obstruction to the post-election political process. The Commission has made a modest proposal that no person shall be nominated as a candidate for election from more than two constituencies.

Participation of public servants in electioneering is a legal offence. However, the law in this respect has to be tightened and the Commission in its recommendations had proposed that activities by Government employees should be stopped and be made offences punishable with imprisonment and fine. Recent amendments to Jammu & Kashmir People's Representation Act seem to have taken cognizance of the Commission's recommendations.

In the same way, conveyance of voters on the election day causes problems and contravenes the election law. The Commission has recommended that the vehicles on the polling day should not be allowed to ply in the polling area without permit and police be given powers to stop any vehicle for inspection. The driving licences of vehicles found guilty of this malpractice should be cancelled.

Election expenses and accounts cause the most baffling problem and their scope is not confined to the question of law. Going through the various reports of the Commission, one would find how helpless it has been in tackling this problem. Its recommendations in this matter have varied from the harsh penalty of denial of registration as a voter to a defaulter to the liberalising of the limit of expenditure to a higher figure. Since money is the most easily identifiable source of corruption and most widely indulged in and, like power itself, tends to be present in one place and absent in another, the problem of expenses and accounts by political individuals and parties has become a source of heated debate. No one has come up with any perfect solution to the problem and judging from the tenor and trend of the debate, it seems that no political party is really interested in thrashing this problem out to a final round.

With the increase in communications facilities such as broadcasting and telecasting, their use for political campaigning has become a disputed issue. The Election

Commission, even prior to the General Elections of 1952, had
taken note of the problems arising from this source. In its
third report the Commission commented upon the desirability
of political parties with recognised standing coming to an
agreement on the question of allocation of broadcasting time
for electioneering purposes. As it is, broadcasting and
telecasting are very much in the hands of the Government which
appears to guard this unequal privilege rather jealously and
not much headway has been made regarding this matter.

It is interesting to note that with the process of
political development in the country, the relationship between
the Election Commission and political parties has become more
and more lively. It is no longer an anonymous, bureaucratic
administrative machine enjoying a sense of superior aloofness
and condescending distance. In a country where politicalisation
of the masses is taking place at a vast scale, this need not
cause undue surprise. What is heartening to note is the fact
that again it was the Election Commission itself who was the
first to become aware of its limitations as a functional
institution without reaching out to those directly involved in
the political process. As early as February 1960, in Kerala
and in December 1966 in Madras, the Commission sought the
cooperation of organised political parties in developing a
code of conduct for a fair and free poll. Though the Commission
has not achieved full success in this behalf, its willingness
to come out of the hide bound closed system of the I.C.S. brand
is an indication that ultimately the pressures of democratisation
shall prevail in this country.

Once the process of mutual recognition had begun
it was natural that the Commission got more and more involved
in public controversies. A prominent occasion for this was
provided by the post-1971 election situation. The Commission
was bitterly accused of collusion with the Government of the
day and the controversy hit the susceptibilities of the Chief
Election Commissioner, who, both in his reports and through
writings in other publications, was forced to defend himself.
Some of the innovations introduced at the time of 1971 elections
have become major issues with the Opposition parties, for
example, mixing of ballot papers from different polling stations
before counting and introduction of ballot papers with counter-
foils. We will not discuss these innovations here as they
would figure in our consideration of the Tarkunde Report in
the later part of this dissertation. Suffice to end our
section on the Election Commission on a literary note:

> Good name in man--and woman--dear My lord,
> Is the immediate jewel of their souls.
> Who steals my purse steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name
> Robs me of that which not enriches him
> and makes me poor indeed.

> —Iago to Othello in Shakespeare's
> Othello, Act III, Scene III.

The above speech from Iago, the villain of Shakespeare's
Othello was quoted by the Commission in an effort to defend its
reputation.[8] The Chapter XIII of the Report which begins with
this speech from Iago, is entitled Unreason in Election Politics.

8
Report on the Fifth General Elections in India, 1971-72:
Narrative and Reflective Part, I (New Delhi, 1973), p.207.

No further comment is needed on the increasing inter-action between the Indian Electoral System, Indian political system and, the growing intimacy between the Election Commission and the Political Parties in India.

CHAPTER II

FORMS OF REPRESENTATION AND DISTRIBUTION
OF POWER

In a parliamentary democracy, the electoral process is consequential in producing, not only representative legislatures but also popular Governments. The question of representation thus gets directly related to the question of power and its distribution among political and socially viable forces within the society. Increasingly, it is the political parties who seek power on the basis of their representative character and representative base in the population. There is no doubt that in the final analysis, for a political party it becomes a battle to win the highest number of seats in order to capture power. The bearing which an electoral system has on its corresponding political system, thus, is significant. Whatever the ideology of the party, whatever be its pious ideals, the elections have to be fought as a battle -- fair and foul being philosophic absurdities for the duration the battle lasts. That is why wise men and philosophers have sought perfect models for the electoral system; they have not succeeded in providing the ultimate model yet. The process, however, continues making us realise its irreversibility as well as increasing complexity--a far cry from the days of "market place"

democracy of Athens. As Carl J. Friedrich says: "In modern countries the public cannot, of course, foregather in the market place, like the Athenian citizens of old. Hence the only possible method of securing adequate controls is some scheme by which a small selected group of citizens acts for the whole body. Such action is representative."[1]

The working of the causal relationship between the electoral process and the representative action in modern polity, both in its formal and procedural aspects, has attracted the attention of both the politicians and the political scientists. According to Dr. J.D. Sethi an efficient electoral system has three important functions:

> The first and primary function is to create truly representative bodies that are constitutionally provided for. The second function is to provide a representative government whose job is not only to represent but also to govern and govern effectively and responsibly. Third, with the growth of a mass democracy and multiplicity of interests and groups, the electoral system must be so devised as to give the ordinary voter clear-cut and fair choices to let him make rational decision. The lower the level of education and political consciousness among voters, the more simplified should be the choices and procedures.[2]

In so far as the third feature a la Sethi is concerned with the inter-action between the electoral process and the political process, it assumes that the political consciousness and education have a necessary connection inter se. The

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[1] C.J. Friedrich, Constitutional Government Democracy (Delhi, 1966), p.259.

[2] J.D. Sethi, "Towards a New Electoral Law" in Elections and Electoral Reforms in India, p.42.

origins, the history and development of democracy do not bear
this out. In our own experience in India, the question of
voters' choice has been more or less settled itself as the
election results from 1952 to 1976 clearly show. The patterns
of elective response do not have the neat arrangements
political analysts would wish to have. But the pattern of
elective response in a largely illiterate India compares well
with the elective response-patterns in literate countries
such as Britain or Australia. Perhaps it would be demanding
too much from an electoral system that it also educates the
voters in matters of their political preferences. We also
cannot go along with Dr. Sethi(s observation that "the framers
of the Indian Constitution, in their preoccupation (sie) with
the creation of institutions of an elaborate formal structure,
did not pay enough attention to the nature of political
practices and methods that were to emerge from traditionalism,
social and economic backwardness and exploitation that were
built into the system. They did not show any profound interest
and spent relatively small time in dilating upon the suitability
of the electoral system except for providing a number of don'ts
for both the elected and the electorate."[3] This profound
observation by Dr. Sethi seems to have missed the fact that
the framers of the Constitution were no novices in the arts
and crafts of politics. Some of them had spent a life time
in leading the Indian masses not only to freedom but also to

3
Ibid., p.43

a stage of political awareness which would give shape and form to their democratic urges.

A.H. Birch comes closer to the point when he points out that the "electoral systems are not self-justifying: their function is to afford a means of appointing representatives."[4] This in no way minimises the importance and significance of the electoral system as Birch again points out, in the same context, that "representation by election has come to be regarded as the most important form of representation, and indeed as the only proper basis of a political freedom."[5] There is a general, if not universal, consensus in modern democratic theory that representativeness is a necessary and essential condition for the institutionalisation of democracy. However, the forms and methods that will ensure true, correct or perfect representation have remained debatable. In the history of political ideas the romanticist J.J. Rousseau, the utilitarian John Stuart Mill, the constitutionalist Walter Bagehot joined in the debate on forms of representation in democracies. Rousseau believed that the "general will" of the people is sovereign and hence cannot be represented. The concern of Mill with representation by vote was typically utilitarian. His preference and plea for proportional representation (PR) results from his concept of utility and the proportional representation is a more perfect system of voting choice because no vote goes waste in this procedure. Walter Bagehot, on the other hand, opposed Mill's contention on the grounds that such a method of representation would produce governments with reduced capacity for action.

[4] A.H.Birch, Representative and Responsible Government(London, 1964), p. 17.   [5] Ibid.

The articulation of the voters' preferences resulting in a formal representative structure relatable to the socio-graphic structure of a country has been equally a matter of debate as well as action in the field of practical politics. Different countries have adopted different systems and forms of representation. In most cases these various systems have resulted from the actual experience of the countries concerned. In many cases the slow process of democratisation has been accompanied by changes, alterations, and reforms in the electoral system. The well known Reforms of 1832 in England and the various changes in the Electoral Law in Sweden from 1809 to 1971 are examples of the slow evolutionary inter-action between the social reality and the electoral process in these countries. In most cases wherever changes or reforms in electoral law have been instituted, the primary motivating factor has been the contention for power by various groups who got politically organised and stabilised during the process of democratisation. Though it shall be individious and not so instructive either for us to make a distinction between power and representation in the present context, it accords with the historical reality to note that it is the distribution of power rather than parity in representation which has been mainly responsible for electoral changes in a given country. As Mr. Douglas W. Rae points out that the "electoral laws are those which govern the process by which electoral preferences are articulated as votes and by which these votes are translated into distribution of governmental authority (typically parliament

seats) among the competing political parties."[6] How best
electoral preferences are articulated ? How freely they are
articulated? How are electoral preferences to be ascertained?
These questions cannot be examined exactly and accurately on a
scientific or statistical basis alone. The entire gamut of
collective human, associative complex, both in its dormant
and active forms, is at the back of the political experience
of a society. Perhaps this is what makes politics more
interesting and involving and that is why politicians do not
seek perfect solutions to problems. The relation between
temporality and political response is limited to a span of a
few years. The politician must solve the problems of his own
time and naturally he has to believe that what is good for
his own time shall remain good for ever even though it is
contrary to the facts of history. It is important to understand
the psychology of politics in order to have a glimpse or insight
into the process by which issues,such as the electoral reforms
or changes come to acquire historical nodality. The politician's
concern basically remains for power; he has to interpret his
motive in terms of representativeness to his people; the
question of power and the question of representation get
inextricably linked. If this process were to remain in an
amorphous or passionate form alone, we would perhaps see a

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[6]
    D.W. Rae, The Political Consequences of Electoral Laws
    (New Haven, 1967), p.14.

ravishing fulfilment of political reality. But the collective
passions and responses have to be whittled down; collective
urges and ideas have to be given formal shapes and structures;
the laws have to be framed and procedures adopted. Like other
aspects of the political experience, the history of the electoral
reforms in various democracies of the world is nothing more than
a temporal response to the pressures of political reality in
which claims and contentions for power by organised groups and
dominant parties have played a major role. Why different countries,
one in basic concepts of democracy, should have opted for different
forms of representation? Obviously, the sociographic reality
differs from country to country and the question of represen-
tation has to be decided according to the contours, composition,
and complexion of its sociographic reality. Most countries
believe that they have the best system of representation but
they are prepared to change these systems any time their political
circumstances demand. We are labouring this point of direct
correspondence between sociographic reality and political problems,
such as electoral representation, because changes in electoral

laws and the formal structure of an electoral system is decided
by the considerations of power distribution at a given point in
time. These considerations shall find actual translation in
action only to the extent the contending parties or groups are
able to generate force in the demographic or sociographic
components who accept their representative instrumentality over
them.

II

Dr. G. Van Den Bergh enumerates,[7] besides the simple
majority system, four different modes of voting:

    A. Majority Systems (Block Votes)
    B. Limited and Accumulative Vote
    C. Personal Systems of Proportional Representation
    D. List Systems

For the purpose of the present study it shall not be of
much use to dilate abstractly over these various systems of
voting. Dr. Van Den Bergh has presented an abstract analysis
of the various methods of representation in the European context.
He deems the simple majority system as peculiar to Anglo-Saxon
countries while the PR system, a definite improvement according
to him, a special feature of the democratised European nations.

We might find a brief discussion of the more significant
features of the electoral systems actually operating in various
democracies of the world of help in understanding the problem
of electoral reforms vis a vis the sociographic context. However,
we can only hope to slightly touch upon this topic. A full
discussion of this subject would call for an extensive compre-
hension of the sociographic context of these different societies
for which the present study has no tools at its disposal. In

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[7]
Unity in Diversity, Pp.3-14.

these passing references to various forms of representation
practised by different countries of the world, we shall follow
a reductive procedure for our observations, i.e., we shall
point out from the experience of other countries evidence
in support of the general historical truth, "there is no
electoral system which would be the best for every country."[8]
The pith of electoral substance is summed up here. Dr. Van
Den Bergh further explains correctly, "that the electors in
the various countries will differ in their appreciation of
the importance of the mental qualities and the character of
the individual candidates side by side with and as opposed
to the strength of principles: this point is decisive for
the choice of Personal, List or Intermediate systems."[9]
Dr. Van Bergh, an incisive analyst and theoretition of
electoral systems, lays more emphasis on "Representation"
than on the "Distribution of Power" in his book. This might
be so because he is speaking from the Dutch point of view.
Holland is a densely populated country, very small in size
and has a highly stabilised social system. Naturally in such
a social system, the surface tension caused by sociographic
forces is minimal.

Right at this point, we should also make a reference
to the German and French sociographies because somewhere
in this study we would observe that the dominance of economic

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[8] Ibid., p.46

[9] Ibid.

elements and considerations induces stability in a political system. It is interesting that S.M. Lipset, though placing France and Germany high on the index of modernisation, has classified them as unstable democracies. Perhaps we could also add Italy to the list. Mere modernisation does not lead to stabilisation of a political system. A balance between economic development and socio-cultural response is one of the decisive factors in the process of political stabilisation. Both France and Germany have the psychology of a defeated and humiliated nation governed by prides and prejudices of heroic proportions. Any political system they build must, of psychic necessity, have a European rather than only a French or German dimension.

Whatever the system of representation adopted by a country, it can only be as good as its political system, e.g., Australia practises the "Hare-Clark system" of Proportional Representation and its economy has been on the upsurge. It has a small population composed of immigrants. That is why it is keen "to provide a place for small parties or independents who tend to be squeezed out under other systems." But it also tends to reflect faithfully a very evenly divided electoral opinion, such as is common in Australia, and so produced a rather unstable House. Tasmania was bothered for several years by a Lower House in which each of the two parties in that State, Labour and Liberal--Country never having obtained a foothold--

had equal number of representatives."[10] Also on the question
of compulsory voting, we may quote again from the same Report:
"The moral for Australians is that in the last resort their
parliaments, in spite of excellence of the electoral system,
can be no better than the party system, and the position as
to popular participation in party affairs is far from satis-
factory. Some think it is likely to remain unsatisfactory
unless compulsory voting is abolished, because so long as
compulsory voting continues the parties are absolved from
the necessity of bringing voters to the polls."[11] It is
interesting to observe that in India we have advocates for
compulsory voting. Also at the time of the 21st Commonwealth
Parliamentary Conference held in New Delhi between October-
November, 1975, Australia had faced a major political crisis
because of the untenable distribution of power in the
Australian Parliament among different Parties elected on the
basis of PR.

Thus, improvements or innovations in the electoral system
alone cannot solve the problems connected with popular repre-
sentation and distribution of power in a given country. Nor
can we find any electoral system which does not have its
critics. For example, Ireland, again a small country with

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[10]
    "Report of the High Commission of Australia, New Delhi,"
in Election and Electoral Reform in India, p.178.

[11]
    Ibid., p.183.

a fairly high degree of demographic uniformity, practises a
rigorous form of PR to elect its representatives. One would
expect that in such an homogeneous democratic polity PR would
face no challenge. However, on November 12, 1958, no less
a person than Mr. de. Valera, the then Irish Prime Minister,
introduced a Bill to amend the Constitution of the Irish
Republic for abolishing the PR system and substituting for
it the English method of Spot Voting with plurality counting.
The Bill was passed by the Lower House by 74 votes to 55,
but was rejected by the Senate by 29 votes to 28. However,
this change in the electoral system was rejected by the
Irish people by a referendum in which the voting was 453,319
in favour and 486,989 against, i.e., by a majority of 33,670.
These figures of voting both in the Parliament and at the popular
level only go to show that the more fundamental a political
issue, the more evenly divided the public opinion.

We cannot afford to make the error of imitating or
emulating the electoral system of another country. Even
when faced by apparently the same problem, the methods adopted
by one country cannot be applied by another country for solving
its own electoral problem. For example, in India we constantly
hear criticism of the Congress Party winning disproportionately
high number of seats in comparison with its voting strength
of 40 per cent at the polls. The lesson of France in this
behalf is interesting. In the first Parliament elected in
1958, under the new Constitution, "Fifty Deputies represented
nearly seven million electors who had voted for Socialist and

Communist candidates, while 3½ million electors who voted for
the new Republic (U.N.R., de Gaullists) were represented by
over 200 Deputies. This was not as much the fault of the system
as of the atmosphere of crisis in which the dominant issue was
that of confidence in de Gaulle, a confidence shared by over-
whelming majority of the candidates."[12]

We would not extend our discussion of electoral systems
practised by other countries but since we are on this subject
we could dwell briefly on the German and Swedish electoral
systems. The Swedish model is significant for our purpose
because it has a neat historical pattern of development and
perhaps it is unique in its constant and continuous effort at
reforming its electoral laws, each time giving it a greater
sense of strength and stability. Also perhaps no other electoral
system in the world has such direct equation between its mode of
representation and its demographic and sociographic structures.
The German electoral system assumes importance for us because
of its Mixed List System which is often cited as a suitable
replacement for India's plurality system of voting. Yet both
the Swedish and the German systems offer support to our basic
assumption that primarily considerations of power in the context
of sociographic forces at a given point in history play a major
role for the renovation of an existing electoral system.

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[12]
  I. Narain and H.A.S. Jafari, "Electoral Systems in Democratic
  and Totalitarian States" in Elections and Electoral Reforms in
  India, p.106.

Proportional Representation was introduced in Sweden
as a consequence of the electoral reforms of 1906-1909. "Since
then, discussion of the electoral system has been primarily
concerned with the shaping of the Proportional System. A change
to majority elections has had, and still has, its advocates but
it does not constitute a realistic alternative."[13] As a result
of another electoral reform in 1952, a modified version of the
Lague Method was adopted to ensure further improvement in the
working of the PR system. It is interesting to quote once
again from the same Report on the attitude of the contending
political parties on the question of distribution of power and
representation in Sweden: "The electoral debate has primarily
centred around two opposing points of view. The four small
parties have worked towards bringing about an improved propor-
tionately. The senior democrats, on the other hand, have long
maintained that the electoral system ought to facilitate the
formation of a majority and warned against a too far-reaching
proportionality which would jeopardize the strength of the
national government."[14] Again, reforms introduced in January,
1971 in Sweden offer us a point of comparison for our own
electoral debate. One of the features of the 1971 Constitutional
Reforms in Sweden is that parliamentary elections will be held
simultaneously with the elections to the local Government bodies.

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[13]
"Report of the Swedish Embassy, New Delhi" in Elections and
Electoral Reforms in India, p.225.

[14]
Ibid., p.226.

Till 1971, delinking and linking of elections to the State
Assemblies and the Parliament was a much debated issue in
India.

Much has been made of the Mixed List System followed
by the Federal Republic of Germany, a scheme of voting approved
by the Allied Military Governors on June 15, 1949. It is a
combination of proportional representation and single member
election constituencies. Each voter has two votes, one with
which to show his preference for a candidate and the second
he casts for the party list. The strength of the Federal
Parliament in Germany is 578 members. To an Indian who has
a natural penchant for "mixed things," the German Mixed List
System should hold a natural fascination. But it may be noted
here that the German system itself has critics in its own country.
The matter had become serious enough to have been referred to a
Committee which after some deliberation recommended its conti-
nuation.

We have discussed the various electoral systems of
different democratic countries, not with a view to pass judgment
or to test one of them in terms of another, but only to widen
our horizon of discussion. The various references made fail to
settle the issue of superiority or comparative perfection between
the principle of proportionality and the principle of plurality
as a basis for electoral voting. The criteria for evolution of
an electoral system have to be sought not in a mathematical
principles but within the processes of a society in its historical

context. The complex problem of possible criteria for an electoral system and its efficacy and relevance in their Indian context shall be the subject of our next chapter.

CHAPTER III

THE ELECTORAL ARTICULATION: TRENDS AND PATTERNS OF RESPONSE

We have adopted the method of processual analysis, at least at a rudimentary level, for the purpose of present study. We have avoided application of abstract principles and concepts in order to comprehend the nature and implications of problems related to our electoral system and the electoral process. In this Chapter it shall be our concern to identify the major trends emerging from the electoral process since the 1952 elections and see how far they respond to the sociographic needs and compulsions of our country.

The Indian electoral system is an extension of the provisions for elections under the Government of India Acts of 1919 and 1935 during the British Rule. The elections under these Acts offered limited suffrage to the elitist segments of Indian society on the basis of property and other qualifications. The exercise of Universal Adult Suffrage is a gigantic development in the post-Independence India. It makes India the largest democracy in terms of population and the parliamentary form of Government. The social minorities like the Scheduled Castes and Scheduled Tribes, the economically and socially depressed demographic elements of our society were given protective treatment by way of reservation of constituencies proportionate to their numerical strength in the total population. A trend of social change and social re-integration of the Indian society was a built-in-feature of the election law. Though

separate electoral districts were reserved for the depressed and weaker sections of the Indian society, the electorate was, as a result of political deliberation and not a mere social concession, kept joint and common to ensure unity among the local community as well as at the national level.

We need not discard or debunk the Indian electoral system based upon the principle of plurality vote just because it has a British origin, particularly at this point in time, when we have the experience of five or more General Elections and the concomitant political process to offer us the advantages of hind-sight. Dr. Rajni Kothari, in his highly perceptive book, Politics in India, makes an apt observation: "The deliberate injection of incongruence in a society's arrangement of human affairs by the gradual introduction and adoption of alien forms of Government introduces unprecedented stimuli and responses and brings forth new levels of awareness and new identifications. These also produce, with the passage of time, criteria of governmental performance which often threaten the balance and stability of the established order. Since the actual course of development contains elements from both the traditional and the modern sectors, there seems to be no pre-ordained path along which constitutional Government must, of necessity, move."[1] An examination of a new polity and its ingredients and various processes in an economically developing and culturally complex

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[1] R. Kothari, Politics in India (New Delhi, 1970), p. 14.

society such as India is not an easy task. The difficulty is further increased by the pressures of transition and environmental change. Any conclusions, in this behalf, would remain only tentative. We should, therefore, focus our attention to gain a few insights about the operations of our electoral system and the process of electoral articulation since 1952.

Today in the year 1976, though only 24 years away from the First General Elections, we might find it hard to fully appreciate the atmosphere of anxiety, suspense and uncertainty that prevailed when the decision to hold the first General Elections was taken. It was a major shift. The British Indian electorate was confined to urban or urbanised elite. Nobody knew for sure how the rural, illiterate masses would respond. By critical observers this vast democratic spectacle was called "a leap in the dark"--173 million voters spread over 196,000 polling booths were to articulate their preferences for 192 political parties and over 17,000 candidates for 3,700 legislative seats. The enthusiastic and orderly response of the rural masses, "confounded all those skeptics who thought the introduction of adult franchise was too risky an experiment."[2]

Again, today when we make repetitious observations about Congress Party's continued dominance through all the elections so far, we are likely to forget the challenge of extremist

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[2] *The Times of India*, February 6, 1952, as quoted by R. Kothari, *Politics in India*, p.170.

parties and other disruptive elements inherited as a legacy
of the partition of India in 1947. Insignificantly small
parties and Independents largely drawn from the rich princely
and propertied class were able to amass as much as 32 per cent
of the total valid votes polled as opposed to 44.99 per cent
votes polled by the Indian National Congress, the most well-
organised political party on an all India basis. The decline
in voting percentage of small parties from 16.28 in 1952 to
7.61 in 1967 is an index of the greater politicalisation of
the Indian masses in terms of party politics. In the same way
the votes polled by the Independents point in the same direction.
The phenomenon of independence has been much ridiculed by the
political scientists and perhaps they have a point there. But
for the Indian voter, the Independent candidate becomes important
for local considerations as well as for expressing their
preference for a "good" candidate when the political parties
fail to put up desirable candidates. The inordinate proportion
of vote drawn by Independents may be a waste from the point of
view of political and representative considerations but it
offers an index to the social and moral value relied upon by
an average Indian voter, particularly in the rural areas,while
articulating his electoral choice.[3]

In the first two elections, i.e., in 1952 and 1957, we
find that the electoral competition allowed some parochial and

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[3]
    See Table I taken from Elections and Electoral Reforms in
India, p.129.

sectarian or communal parties securing some success and winning seats in the Lok Sabha. However, by 1967 these organised communal and sectarian groups found no scope in the electoral articulation. The Hindu Mahasabha, which had created a vocal platform for itself in the pre-Independence India and had some able leaders to guide its course, had to face a total electoral eclipse by 1967. In the same way, Ram Rajya Parishad proved to be a minor flash across the political horizon. The Scheduled Caste Federation, which appealed to the sectarian sentiment of at least 20 per cent of the total population of India, met with the same fate.

TABLE I

VOTER PREFERENCES BY PARTIES--1952 to 1967 GENERAL ELECTIONS
(Elections to Union Parliament)

INDIA

Parties	1952 Votes	1952 Per cent Votes	1957 Votes	1957 Per cent Votes	1962 Votes	1962 Per cent Votes	1967 Votes	1967 Per cent Votes
Indian National Congress	47,679,325	44.99	57,579,593	47.78	51,509,084	44.72	59,402,754	40.72
Communists	3,484,401	3.29	10,754,075	8.92	11,450,048	9.94	13,704,918	9.40
Bhartiya Jan Sangh	3,247,147	3.06	7,149,834	5.93	7,415,170	6.44	13,715,931	9.40
Swatantra Party	--	--	--	--	9,085,252	7.89	12,659,540	8.68
Socialists	17,376,327	16.40	12,542,666	10.41	10,947,742	9.51	11,628,114	7.97
Republican Party of India	102,101	0.10	--	--	3,255,985	2.83	3,607,711	2.47
Other Parties	17,254,484	16.28	9,160,069	7.60	8,755,807	7.60	11,096,342	7.61
Independents	16,832,312	15.88	23,327,688	19.36	12,749,813	11.07	20,051,200	13.75
Total :	105,976,097	100.00	120,513,915	100.00	115,168,890	100.00	145,866,510	100.00

Source: As for Table I. ELECTIONS AND ELECTORAL REFORMS IN INDIA, p.129

Table II [4] graphically records the _integrative thrust_ from
sectarian to secular politics in India.

As this trend continued and the electoral articulation
on question of sectarianism became clear, some political
parties found it necessary to change their policy of selecting
candidates on an exclusive basis. Thus, the Republican Party
of India put up Muslim candidates in Uttar Pradesh in 1967
elections and the Jan Sangh also selected Muslims for some
strategic contests. The observation of Myron Weiner and
Rajni Kothari on this point is a tribute to the illiterate
mass of Indian voters: "... it is striking that voters have
changed their party from one election to another and in doing
so they have often changed their primary loyalty." [5]

The one "party dominance," the return to power of
Indian National Congress repeatedly since 1952 on a nation-
wide basis has been the subject of comment and criticism
both from the theorists and the practitioners of politics.
Excepting in 1967 elections, the Congress Party has held
more than 70 per cent seats in the Lok Sabha and maintained
its voting strength of above 40 per cent throughout. However,
it cannot be said that in the federal structure of Indian
polity the Congress has held a _monopoly of power_. In the very

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[4] Ibid., p. 130

[5] M. Weiner and R. Kothari (ed.), _Indian Voting Behaviour_
(Calcutta, 1965), p. 8.

TABLE II

PER CENT VOTES SECURED AND SEATS WON IN LOK SABHA

Parties	Elections			
	1952	1957	1962	1967
Hindu Maha Sabha				
(a) Seats	4	1	1	--
(b) % Votes	0.95	0.86	0.65	--
Scheduled Caste Federation				
(a)　　Seats	2	6	--	--
(b)　　% Votes	2.38	1.69	--	--
Ram Rajya Parishad				
(a)　　Seats	3	--	2	--
(b)　　% Votes	1.97	0.38	0.60	--

first General Elections it lost the battle for majority in
Madras (now Tamil Nadu), Pepsu, Orissa, and Travancore Kochin
and just escaped being trounced in Rajasthan. It had to come
to terms with such parties as the PSP and tolerated a minority
Government by the PSP in Travancore Kochin.

The linguistic reorganisation of the States in 1956, even
though it had come in the wake of agitations and large scale
demonstrations in different States of the Indian Union and as
a challenge to the Congress Government at the Centre, proved a
boon for the Congress. That the Congress strengthened its
position throughout the country is reflected in the election
results of 1957. But true to the previous pattern the Indian
voter did not allow the Congress to hold monopoly of power in
the Federal System. In Orissa Congress was forced to enter
into a coalition with its principal opponent, the Gantantra
Parishad, a highly localised political party. In Kerala it
lost to the Communists. It had to forge a pre-election alliance
with the PSP and the Muslim League in order to defeat the CPI
in the 1960 State elections. This process has continued and,
excepting for a very brief spells in 1952-53 and 1963-64, the
Congress has not held the monopolistic sway over all the States
of India, even though its overwhelming majority at the Centre
has remained unchallenged.

The year 1967 is significant for the history of elections
in India. By harried critics of the Indian scene the 1967
General Election was described as a "turning point" in Indian

politics. However, some perceptive critics, such as Dr. Rajni
Kothari, could, even at that point, perceive and foresee the
untenability of the over-simplification that the Congress Party
from 1967 onwards would be reduced to the size of any other
contending party. However, we cannot discount the importance
of the year 1967 from the point of view of competitive politics.
In terms of seats, the Congress could get only 54.62 per cent
as against its high performance of 75.10 per cent in 1957. In
spite of the split in 1969, the Congress gave a repeat performance
of its earlier days in 1971. The continuance and dominance of
the Indian National Congress on the political scene is, to some
critics and observers, a baffling phenomenon. It has confounded
such critics as Maurice Duverger, a votary of the PR system over
the plurality system. Most foreign critics, including Myron
Weiner and even the celebrated Gunnar Myrdal, have shown an
amazing lack of perception about party politics and the role of
the political parties, in particular, the role of the Congress
Party, in India. Again, we have to depend upon Dr. Rajni
Kothari for a more perceptive comprehension of the role of
Congress as a political party. (He calls it "a socialising
agency and norm-setter for all over factions and parties rather
than just a dominant party in any mechanistic sense as found
in the analysis of Maurice Duverger and others."[6] He also draws
attention to the phenomenon of intra-party competition and
dissidence within the Congress party which he considers as

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[6]
Politics in India, p. 176.

important as the competition from outside and, of course, the
two are inter-twined. The electoral articulation of 1967
intensified efforts at polarisation, the main theme of which
was anti-Congressism and anti-governmentism. Naturally, the
process of polarisation could not bring cohesion among the
opposition parties based as it was on a negative principle
of self-identification. In fact, greater burden was thrust
upon the Congress in its role of dominance, both in the
administrative and the political systems.

While we are discussing polarisation in Indian politics,
we may well digress to the much talked about theme of two-
party system. The obsession with two-party system is pervasive
among critics as well as politicians.) Again, we should not
escape from the realities of a particular polity: we can only
hope to gain some practical insights only by looking into the
political process out of which the polity is shaped. Most
South Asian countries have pluralistic societies, some of
them with polyglot populations. (India is a multi-lingual,
multi-cultural political entity. The theme of India's
diversity is a much pronounced topic and so we shall not
linger upon it here. In the same way, the Indian society
is so structured that its segments are innumerable. Some of
these sub-systems of caste, tribe, and community have remained
frozen for centuries. As the process of modernisation enlarges
its confines, a sort of melting pot phenomenon results. The
Indian political system has to provide a directive thrust
in this process of integration and modernisation; the challenge

of adaptation and collaboration at the community level as well as at the national level have to be met. This is necessary not because of any ideology or as a matter of national pride; it is necessary because modern man can no longer divorce his environment. Because of the technological applications the environment becomes more and more artificial and man-made. A traditional society suddenly finds itself in possession and in knowledge of the tools of modernisation and social change without being culturally, attitudinally prepared to use these tools. This is where the role of politics comes in, as Dr. Kothari puts it well in the opening Chapter of his book, Politics in India: "If 'modernisation' is the central tendency of our times, it is 'politicization' that provides its driving force. It is a force, moreover, that man has not yet learnt to master, in part because he is still a prisoner of outdated perception."[7]

Much of the debate around the theme of two-party system appears to be aperceptive. A society like India where the frozen traditional structures are getting thawed under the impact of modernising influences, competitive politics has definitely helped generate the melting pot process. A society where myriads of separate and disparate interests pull and push in diverse directions to win short distance races, an open and consensual polity is left with only one course: open

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[7] Ibid., p.1.

up the competition to its maximum limits so that the largest
national interests, by force of their increasing weight and
cohesion, shall eventually prevail. And it might not be so
slow a process in the long run. The other way is by suppression.
However, the first method is definitely more abiding. When you
suppress, you do not entirely reshape a particular interest or
group; in competition they dissolve andfuse in a natural and
willing manner into larger and larger streams.

The non-emergence of the two-party system is not to be
lamented. For political parties who seek polarisation as a
weapon for overthrowing the hegemonical Congress Party from
power, it may be a justified pursuit. It may also be a healthy
and wholesome development for the Indian society. But so far
as the process of political mobilisation on the basis of opposing
pulls is concerned, the Congress itself has offered scope to both
individuals and group interests. Before Independence, the Indian
National Congress was, in fact, itself a multi-party system where
the leftists and the rightists and the centrists all had not only
platforms but also separate constitutions. Sardar Patel, the
organisation man, stopped this in 1948. However, the Congress
remains a cohesive political force made of diversive political
pressures. As late as 1972, we see the Socialist Forum and the
Nehru Study Forum clashing with each other openly, though both
avowing loyalty to their leader and their party. These two
forums were composed mainly of the Congress Members of the
Parliament. But this phenomenon of Congress segments pulling
against each other and yet pushing the Congress Party forward

at the time of elections is a process to be observed right
down to the primary level of the Congress base in villages,
in blocks, in _galies_ and _mohallas_ even. The Congress represents
and reflects almost all shades of opinions and interests and
the policy of anti-Congressism alone cannot ensure viability
to the opposition. In such an atmosphere, the question of the
two-party system fails to make a practical proposition for
Indian polity in its present phase.

Dr. G. Van Den Bergh, an advocate of the PR system, even
though a self-admitted combatant against political liberalism,
has this to say about the two-party system:

> The two-party system : Can a division of a nation
> into only two trains of thought, black and white,
> ever be in keeping with reality ? Any ideological
> division into two is at variance with human nature.
> My deceased colleague and beloved friend Willen
> Adriaan Bonger, who was a sociologist of international
> repute, used to say: "The number of political parties
> is determined by nature itself; it is _five_. There will
> always be conservatives and progressives, with an
> intermediate group: that makes three. Further more,
> there will always be extrmists on both sides: that
> makes five." My friend Bonger was a wise man and the
> thoughts hidden in the above statement in any case far
> surpass in depth and breadth of vision the usual   8
> "profundities" of the defenders of the two-party system.

Instead of lingering on this theme of two-party system
which appears to have only an obtuse relevance at this stage
of Indian electoral and political processes, we may well direct

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 Unity in Diversity, p.45.

our attention to another important aspect, in some ways the
most important aspect of a polity, i.e., the Government under
the present party system. The stability of the Government
has been a nagging problem in many democracies of the world.
France and Italy are examples of political and governmental
instability. A departure from parliamentary democracy to the
Presidential form of Government has its historical roots, at
least partly, in this problem. The governmental stability is
a built-in feature of the Presidential form of Government where
executive authority is concentrated in the hands of the head
of State who also is the Chief Executive of the nation. In
parliamentary democracy, the Government or the Executive
responsible for national policy is formed from amongst the
elected representatives to the legislature. In practice,
it is the majority party or a coalition of groups enjoying the
confidence of the majority of members of a legislature House
who form the Government and stay in power as long as they
continue to have numerical supremacy. The game of numbers
at times plays havoc with the system of Government. France
had to opt for a compromise between the Presidential and the
Parliamentary form. In many countries of Africa the Parliamentary
democracy gave way to the Presidential form. Political pundits
have predicted a similar fate for India also. We shall leave
the future fate of India to the futurologists. And, instead,
briefly focus our attention on the durability of the governmental
system through the last generation since the first elections of
1952.

In the Indian political system, the Government plays
the central role. It is an axel round which revolves the
wheel of political action. The party-in-power penetrates to
sub-levels of the polity and society through Government
agencies. Patronage, distribution of privilege and resources
among the individuals, groups, communities, geo-cultural areas
give the Government a powerful handle for political mobilisation.
The Opposition and the dissident factions within the governing party
also aim at acquisition of this resource structure. The
bureaucratic routine administration, thus, is responsible for
a large part of the political system and periods of instability
within the party do not always succeed in endangering the
day-to-day functioning of this system. Since the administrative
structure is older than the political system, its anonymous
but all pervasive role has been a dominant feature of the
Indian democracy. The Congress when it assumed power at the
centre, at once sensed the power of the Indian administrative
system. The Indian Civil Service, only a day earlier, at the
beck and call of a foreign imperialist paramount power, was
suddenly sworn in as a corps de-spirit to serve the cause of
Indian nationalism. Special provisions were instituted in
the Constitution itself to safeguard the privileges of the
Indian Civil Service. This again shows the Congress Party's
instinctive rejection of abrupt transition. In some ways,
the vast achievements of the Indian National Congress and
major experiments on the economic and social front appear
dull in comparison to other models of change because of this

cooperative or consensual instead of the conflictual posture
in spite of its having power and the following among the masses
for major departures in national policy. This has not been a
conscious process but a part of political habit developed
through its historical experience of combining diverse and
even dissident smaller groups to mount a common platform and
stage united political action full of inner contradictions.
It is natural, therefore, for critics and observers to feel
confounded by the shaping element of the Congress, by itself
a highly amorphous political organisation.

The Indian political system at governmental level
does not have any built-in arrangement of checks and balances.
However, the Government in India through the last five general
elections has shown amazing staying power and capacity for
stability in the periods of near-crisis situations and Prime
Ministerial successions. To an extent this is traceable to
the Congress Party's capacity to yield as well as retaliate
on a pragmatic basis in the moments of challenge to its
survival. The climate prior to the reorganisation of States
(in 1956), the ignominy of the Chinese confrontation (in 1962),
wars with Pakistan in 1965 and 1972, near-famine conditions
in parts of the western India in 1972-73, and now oppositional
convulsions resulting into the declaration of Emergency (1975)
are some of the main and easily discernible aspects of the
critical pattern of challenge and response by the Congress
for not only its own survival as a political force, but also
for the maintenance of governmental stability at any cost.

The foreign press has been equally confounded by the smooth
transitions at the time of Prime Ministerial succession. The
diminutive Lal Bahadur Shastri's stepping into the over-sized
political shoes of the Asian Giant, Jawahar Lal Nehru, answered
the question: Who after Nehru? with a benumbing anti-climax.
The amazing capacity of Mrs. Gandhi to stay on in power in the
face of one crisis after another is another example.

If we observe the process by which the Governmental
stability has remained an assured feature of the Indian
political system since 1952, we would see that it is because
the Congress gave overwhelming and significant role to the
Government and politics in the development of society; it
has made the power of central authority the chief condition
of national survival and resurgence and, to an extent, it has
made legitimacy of the Government a principal issue in the
politics of India.[9]   The major responses of the local political
élites and the electoral articulation, both in terms of confir-
mation and rejection, have had increasing tendency to accept
the symbol and myths of the Government. This has also made
Congress Party, as the only party in India to have acquired a
sort of party mystique.

These observations lead us to believe that in the
context of Indian polity and in its practical application

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[9] For general contours of the foregoing discussion
please see Rajni Kothari, Politics in India, pp.165-171.

the question of representation cannot be limited to the procedure of voting. In a Federal system, such as India, which has to satisfy the geo-cultural pressures of regionalism, which has to manoeuvre the State-craft without offending, if not fully satisfying the pulls of minorities, and which has to give a definite, directive upward thrust to the economically and socially depressed classes as a major national goal, the consequences of an electoral process must direct themselves to the problem of effective governing and administefing in stead of only the question of representation of diverse political interests on the basis of mathematical proportionality.

The competitive and open electoral system and the demographic compulsions of the Indian social structure have given rise to a political system which operates within the confine of a consensual polity intolerant to extremes of conflict. It has not achieved political stabiäisation in the sense that the ratio between the traditional or cultural factor and the modernising factor has not yet become viable. But it has opened up the possibilities of social change and reintegration of society responsive to the strategies of modernisation. Any drastic alterations in the electoral system at this stage might hinder this healthy flow towards socio-economic reintegration brought about by the driving force of politics into a dulling, if not deadening status quo. Anyway, the governmental and administrative aspects of power, for sometime more, till we reach a stage of political stabili-

sation, would need to be given priority over the question
of representation alone in any form of electoral law that
we may wish to adopt or adapt for this country.

CHAPTER IV

ELECTORAL REFORMS: SOME SPECIFIC ISSUES

The debate on Electoral Reforms has been raging for
almost a decade now. It has not, however, crystalised into
any specific set of proposals that could generate an atmosphere
of consensus among diverse political parties and other parti-
cipants. In fact, in the later part of 1974 and early part
of 1975, the question of electoral reforms became part of an
agitational movement led by Mr. Jay Prakash Narayan. The
opposition parties hedged around certain issues and made the
electoral reforms a part of their tactical manoeuvrability.
Perhaps, the opposition parties have not been able to properly
sift and weigh the issue of electoral reforms in accordance
with a scale that would satisfy their political interests
without upsetting the national objectives.

The major points of view to be considered in the
present Chapter are those of the non-CPI and the CPI Opposition,
a group called the Citizens for Democracy, and the Election
Commission. The Congress Party has not taken any enthusiastic
part in this debate. Being the party-in-power, its main strategy
has been to tone down the pitch of the controversy surrounding
certain issues, make formal gestures in Parliament more with
a view to prolong and diversify discussion on this topic
than to arrive at any definite solutions.

We shall make the <u>Report of the Committee on Electoral Reforms Appointed by Mr. Jay Prakash Narayan on Behalf of the Citizens for Democracy, February 1975</u>* as a starting point as well as a frame of reference for the discussion that follows. We will not pass any judgment on the merits and demerits of the Committee's Report which has come to be known as the Tarkunde Report. For our purpose, the Report is useful because it puts forth specific categories of electoral reforms and has tried to bring specific gravity to the debate. The terms of reference of the Committee were:

(a)   to study the present system and law of elections to the Union and the State Legislatures with particular reference to

1. the use of money power in elections;

2. the misuse of official authority and machinery;

3. other forms of corrupt practice;

4. the disparity between the popular vote secured and the number of seats obtained under the present system of election;

5. defects in the existing Electoral Law and administrative machinery;

6. delay in the disposal of election petitions; and

(b)   to recommend appropriate measures of reform to secure free and fair elections so as to reflect accurately the popular will.

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*Henceforth this report will be referred to as Tarkunde Report.

I

The Use and Misuse of Administrative Machinery

Under this heading the Tarkunde Committee Report has
discussed and recommended alterations and changes in the
Electoral Law relating to the composition of the Election
Commission, bye elections, misuse of Government power and
official machinery, certain categories of corrupt practices,
and the use of radio and television for political publicity
and propaganda. The Committee recommends that the members of the
Election Commission should be appointed by the President on
the advice of a Committee consisting of the Prime Minister,
the leader of the Opposition or a member of Parliament elected
by the Opposition in the Lok Sabha, and the Chief Justice of
India; that the number of Election Commissioners ought to be
increased from one to three; that the post of the Chief Election
Commissioner should not be filled by a retiring Government
Official. The recommendation regarding enlarging the Election
Commission has been endorsed by the non-CPI Opposition in a
memorandum submitted to the government on April 22, 1975.[1] The
non-CPI Opposition endorsing the Tarkunde Committee view further
adds that bar be put on the retiring members of the Election
Commission from accepting any government or quasi-government
or public undertaking position. The CPI Opposition Party
prefers a three-member Election Commission.[2]

[1] The Hindustan Times, April 23, 1975.

[2] Proposals of the Communist Party of India For Electoral Reforms:
Adopted by the National Council of the Communist Party of India,
New Delhi, 1-5 April, 1975 (New Delhi, 1975).

The CPI without discussing the merits or demirits of the
proposition regarding enlargement of the Election Commission,
in its official document, has proposed a three-member Election
Commission. On the appointment of the Chief Election Commi-
ssioner, the CPI proposes a mode slightly different from the
one preferred by the Tarkunde Committee and the non-CPI. It
makes the role of the Parliament more direct in the matter of
selection of a Chief Election Commissioner. Instead of the
Parliament being represented by the Prime Minister and the
Opposition Leader the CPI wants that the two-third of the
total members present at the time of voting must endorse the
name(s) proposed for appointment to the Election Commission.
The CPI endorses the Tarkunde Committee view with a greater
emphasis to put bar on former civil servants being appointed
as Election Commissioner.

The Election Commission has not made its views on this
subject officially known. However, the former Chief Election
Commissioner, Shri S.P. Sen Verma, who was responsible for
writing the 1971 General Elections Report, has dealt with the
issue in his writings at different places. One of his essays, [3]
offers comments on certain specific points keeping in view the
proposals made by the Tarkunde Committee. Mr. Sen Verma's
views, though not to be regarded as the official opinion of the
Election Commission, may be considered as an expression of

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[3] "Election and Electoral Reforms, "The Constitution and the
Parliament in India, (ed.) S.L. Shakdher (New Delhi, 1976),
pp.649-668.

the Election Commission's practical experience through the
on-going electoral process and administrative problems
encountered till 1971. Mr. Sen Verma feels that a multi-
member Election Commission will have serious administrative
disadvantages compared to the operational effectiveness of
the one-member Election Commission. He bases this opinion
on his own personal experience. According to him, during
the election period, the election administrative machinery
has to move under intense pressures and the election personnel
facing some tricky problems in the remotest places in the
country have to be given administrative instructions from
the highest election authority. He gives the instance of
his having been awakened at odd hours in the night "to give
my advice, opinion or decision then and there to the caller
who was holding the receiver on the other side. Now if there
be a multi-member Commission, then to give any opinion, advice
or decision on the trunk telephone will be simply impossible
because to decide the matter raised on the trunk telephone,
it will have to be placed before the entire Commission."[4]
His answer to the proposed change in the mode and manner of
appointment of the Chief Election Commissioner appears to be
less convincing. He bases his opinion, on this question, not
on actual experience but on the strength of precedence. He
says, "...why the present system should be changed when there

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[4] Ibid., p.652

is no proposal to change the mode and manner of appointment
of any other constitutional authority, such as the judges
of the Supreme Court and the High Courts, the Comptroller
& Auditor General, etc."[5]   This is rather a weak thread of
reasoning.   These various institutions are not comparable
in their essential forms and functioning; if serious problems
were to arise with the functioning of the Supreme Court and
the Auditor General etc., the question of changing their forms
and mode of appointment shall no longer remain sacrosanct,
given the compulsions of a democratic system we have in our
country.

The Tarkunde Committee Report also proposes that each
State should have a State Commissioner.   The concern here is
a greater vigilance and efficiency in the periodic revision
of rolls and maintenance of election records.   The Election
Commission has also been emphasising a greater administrative
grip at the state level in the matter of electoral records
and revision of electoral rolls.   The CPI wants a quarterly
revision of voters' list.   The non-CPI Opposition does not
have any strong views on this question.   The matter is more
procedural and administrative in nature than political, perhaps.
And it is natural that the Commission has been more concerned
with this aspect and, as earlier pointed out in the First
Chapter, it has made reasonable recommendations from time to
time, some of which have been accepted.

5
Ibid.

The most significant point with regard to the misuse of administrative machinery, raised by the Tarkunde Committee, is in regard to bye-elections. In some cases, bye-elections have been postponed for an inordinate period of two years. The Opposition Parties naturally feel strongly about it and the non-CPI Opposition has gone a step further than the Tarkunde Committee's recommendation of a six-month statutory limit for holding a bye-election. The non-CPI Opposition proposes that if a further postponement is at all needed it must be done with the consent of a two-third majority in the Parliament. Bye-elections, in a simple majority electoral system, play no insignificant a role. They are indices to the changing public opinion and it is a natural temptation on the part of the Government to avoid a bye-election if it does not feel sure of its popularity. Since such a temptation is too tempting to overcome by the party in power, the proposal to introduce a six-month statutory limit is not without reason. However, the non-CPI's insistence on taking away the executive privilege from the Government in regard to postponement of elections excepting for reasons of hostilities, is not in keeping with the demands that often press upon a political system as a result of unpredictable situations. A Government should not face impediments in the exercise of its powers to control a law and order situation or any other disruptive condition which might tell upon the system as a whole. It is in these situations that a Government cannot be judged by its motives alone. A Government action which strengthens stability and order, in a democratic and federalist democracy, acquires a

natural legitimacy. We cannot obstruct a Government decision in such situations, just because it happens to favour the party in power at the cost of the parties in Opposition. The more reliable test is whether the Government action accords well with the imperatives of national objectives.

Under the heading Misuse of Government power and official machinery, the Tarkunde Committee Report lists ten points to specify and deal with the various aspects of this problem. "In most democratic countries the party in power is known to announce concessions and public projects in order to gain electoral advantage. The social credit party in the province of British Columbia in Canada invariably resorted to a device which, according to observers, made a great psychological impact on the demos of British Columbia known for their peculiar views on currency: the social credit party used to return nominal sums of money to all the tax-payers, a kind of monetary apology, for having over-taxed the people. Similar examples are not lacking in countries such as the U.S.A., the U.K., and Australia. The party in power has not only the privilege of announcing elections when it finds the conditions propitious but also tries to create propitious conditions by spending large sums of money on public projects withheld, at times purposely till the election time. In India, sudden spurts in road construction, digging of wells, and undertaking of other public projects has generated both cynicism and a sense of expectancy about the cyclic return of the elctions. The people or the electorate look to the election time as godsend, just as the farmer looks

to the sky for seasonal rains. This kind of misuse of
Government power has become more or less a convention in
most democracies. Perhaps the misuse of privilege is a
built-in feature of the definition of privilege.

Both on the grounds of morality and reason this misuses
of Government power is objectionable. However, the remedies
sought to correct this atiitude of the party in power again
present tricky problems. The Tarkunde Committee Report
suggests that the Government should assume a caretaker role
immediately after the announcement of the dissolution of the
Parliament or the Legislative Assembly. During this period
the caretaker Government should not initiate and announce new
policies, new projects, or grant allowances, or loans, or salary
increases and it should also not hold functions attended by the
Ministers and their deputies. ll

We live in an age of speed and events happen at times
abruptly without any prior premonition or warning. Any
Government denied of legitimacy in the use of power even for
a brief spell will face the possibility of endangering the
national interests. That is why, in most countries the misuse
of this privilege by the party in power is subjected to
periodic heated discussions but soon forgotten as a part of
the political game. In India this question has been played
up in high key by the Opposition. The reason may perhaps be
that such a condemnation of wrong tactic used by government
would appeal to the sense of morality of an average voter.
However, the party in power, if it has the privilege of trying

to win popularity by offering large public concessions or
announcing popular policies, it also has a distinct psycholo-
gical handicap. It has been the experience in most democracies
that the failures and faults of the Government are more easily
discerned and have a tendency of getting enlarged in size and
volume in the public eye. If the misuse of Government power
and official machinery alone could be a decisive factor we
would not see power alternating between the major parties in
democratic countries. / Other nine clauses under this heading
in the Tarkunde Report are extensions of the basic first clause
and include such matters as restrictions on ministerial travel,
on the use of radio and television by Ministers and Government,
restrictions on Government advertising its achievements,
transfer of officials at election time, suitable and exemplary
punishment for violation by officers of the relevant sections
of the Representation of People Act, 1951, prohibition on use
of Government vehicles, enhanced powers for the Election
Commissioner to handle violation of rules regarding use of
vehicles, ban on the individuals and political parties giving
donation to public institutions during the election period and
all such provisions to be applied in the case of bye-elections
as well. The CPI Opposition document has not dealt extensively
with this issue. Agreeing with the Tarkunde recommendations on
announcement of projects and other misuse of privilege regarding
advertising Government achievements, it totally ignores the
question of donations by the individuals and parties to public
institutions. It seems political parties prefer to keep silent
or become vague on a point, howsoever pressing its moral

corollaries, if it puts them at a political disadvantage.

In the same chapter, the Tarkunde Committee Report discusses various cases of election petitions decided by the Supreme Court and quotes from famous Ghasiram vs. Dal Singh & others (All India Reporter, 1968, Supreme Court, p.1191): "the dividing line between an evil practice and a corrupt practice is a very thin one. It should be understood that energy to do public good should be used not on the eve of elections but much earlier and that even slight evidence might change this evil practice into a corrupt practice. Payments from discretionary grounds on the eve of elections should be avoided." The non-CPI has made a big issue out of this and it wants the evil practices to be designated as corrupt practices. The question of corrupt practices as interpreted by the judicial courts has led to one of the most convulsive developments in the Indian political system. The election petition preferred by Shri Raj Narain against Shrimati Indira Gandhi and acceptance of his appeal against her by the Allahabad High Court has led not only to changes in the legislation but amendments to the Constitution itself. Not only that, the declaration of a state of Emergency arising out of the circum-stances of the appeal and judgment brought the entire political and democratic process to a halt.

While it is not within the scope and competence of this dissertation to comment upon the situation and issues of larger importance resulting from this unpredictable political development it dramatically and stunningly proves the point we have been

making throughout our present exercise--a political system in
a consensual democratic polity is a highly sensitive system.
It cannot bear extremes and abrupt and too sharp distontinui-
ties in an open polity based upon parliamentary democracy.
The system of checks and balances is mainly provided by a
mode of inter-action among political parties. The system is
flexible to accommodate diverse points of view. The system
is sufficiently equipped with cushions to absorb political
tensions and shocks. It accepts the assumption of conflict
as a basis for political action but the Indian democratic
system, as it operated till June 26, 1975, was geared to
achieve reconciliation and resolution of conflicts. It did
not assume or equip itself for situations where conflict would
transform itself into total confrontation. In a free and
self-governing country, in a multi-party democracy, in a
country where unity is the objective and diversity the
reality, the politics of confrontation dismantles the very
props of the system. It augers ill for the people who have
become used to a democratic way of life.

The next topic discussed under this Chapter by the
Tarkunde Report is in regard to the use of radio and tele-
vision facilities for political publicity and propaganda.
The mass media and means of communications play a major role
in keeping the leaders and parties in touch with the masses.
Both the totalitarian and the democratic countries have been
alive to the potential and possibilities of mass media for
political propaganda and have used them to generate popular
support and strength to back up the policies of Government

and political parties. It is part of a common pattern to be observed all over the world that the Indian Government has kept the All India Radio and Television under its direct control. Excepting in the United States of America, all democracies have either a direct control over the radio and television or have a Government-operated broadcasting and telecasting organisation far superior in organisational strength and broadcasting facilities than a private competing system. The Tarkunde Report briefly discusses the facilities available to political parties on an equitable proportional basis in England and wants that a similar practice should be introduced in India also. It also wants restrictions on Government for exaggerated political claims and, what it calls "tendentious broadcasts" on the AIR and television. A watchdog Committee to supervise the use of broadcasting facilities during the election period is also recommended. We may remind ourselves, at this point, that the Election Commission also raised this question as early as 1952. The Government itself has been occupied with the idea of re-structuring the administrative and organisational aspects of radio broadcasting and television. The Chanda Committee recommended a corporate structure for radio and television in India so that it would have greater freedom both in the area of programming and administration. The political parties have also insisted on this arrangement. The Election Commission claims to have failed in its efforts for bringing the various political parties round to devise a formula by which they could take advantage of broadcasting facilities. It says it had to

give up its initiative in this regard after it found the
political parties unresponsive as late as August 1971.[6]
The Tarkunde Report makes it a pre-condition for broadcasting
and television to come under a corporate administration
independent of the Ministry of Broadcasting before a fair
arrangement for allocation of time to political parties
could be arrived at. The non-CPI Opposition endorses the
views of the Tarkunde Committee, both on corporate structure
as recommended by the Chanda Committee as well as appointment
of advisory committees for supervision and allocation of
equal time to political parties. However, they have used the
word "equal" without spelling out its clear meaning because
in this matter the meaning of "equal" is understood as
equitable, that is, time allocated is proportionate to the
strength of a party as reflected in its voter aggregate in
the preceding elections. The CPI also demands broadcasting
time "according to agreed norms."

Evasive attitude of the Government on this issue is
not fully explicable to a student of democratic development
in India. It accords ill with the aims of modernisation that
modern methods and means are not made available for a varied
exposure of ideas and expansion of the area of democratic
awareness among the masses.

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[6] Report on the Fifth General Elections in India, 1921-72: Narrative and Reflective Part.I (New Delhi, 1973) p.58.

II

Money Power in Election

In Chapter III of the Tarkunde Report, the Tarkunde
Committee discusses the question of the role of money power
in elections. It describes it as "a major malady". It takes
note of the increased demands made on the individual candidates
contesting for the Lok Sabha and the Assembly elections in
view of rising prices since 1967 and finds the limits on
expenditure fixed by law as inadequate to meet these
demands. To quote from the Committee's Report:

> The steep rise in election expenses, particularly
> by the Congress Party which has access by reason
> of its power of patronage to business finance, is
> the result of a deliberate preference in favour
> of money power as a major instrument for winning
> elections.[7]

The Committee finds that the "highly unequal access to company
finance or black-money" is an impediment to fair elections.
"The blatant exercise of money power," according to the
Tarkunde Report, "has also deeply eroded the faith of the
voters in the belief that the people's will has been fairly
recorded in recent elections."[8]

The Committee wants "very determined measures for the
audit of both party and individual expenditure" for restoring

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[7] Tarkunde Report, op.cit., p.12.

[8] Ibid.

"faith and a measure of impartiality in the whole electoral process." The Committee goes on discussing this problem in the context of the Supreme Court's judgment in Mr. Kanwar Lal Gupta's case, according to which the expenditure incurred by a political party on behalf of a candidate has an implicit authorisation from the candidate and as such "he cannot escape the rigour of the ceiling by saying that he has not incurred the expenditure, but his political party has done so." The Committee's recommendations for curbing unfair use of money for political purposes are:

> (i) All recognised political parties should be required by law to keep full and accurate accounts, including their sources of income and details of expenditure. The accounts should be audited by the Chartered Accountants nominated by the Election Commission and should be open to public inspection on moderate charges. Keeping of false account should make the office bearers of the Party punishable of a cognizable offence;

> (ii) In every constituency all the amount spent for the furtherance, directly or indirectly, of the prospects of a candidate in an election shall be disbursed through his election agent. These should include amounts spent by the candidate's political party or an organisation or person supporting him. All contracts whereby election expenses are incurred, shall, in every case, be entered into by the candidate himself or by his election agent, and by nobody else. The provisions of section 60-63 of the (British) Representation of People Act, 1949 should be referred to in this connection.[9]

In its official reports of 1971-72 General Elections the Election Commission also notes the inadequacy of the

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[9] Ibid., p. 14.

ceiling on election expenses and finds the ceilings unrealistic.
However, its recommendations do not go as far as the implications
of the Supreme Court judgment on the Amar Nath Chawla case
where the distinction between authorised and unauthorised
financial participation by a political party and its candidate
was altogether done away with. The Commission only insists
that the parties ought to be required to make their accounts
of election expenses public. In an article, "Elections and
Electoral Reforms," S.P. Sen Verma further elaborates on this
question of combined account of individual and party election
expenses. He finds that any law which required a candidate
to keep an account of the expenses incurred by the party in
his election shall make it "...well-nigh impossible for a
candidate to keep either by himself or his election agent
separate and correct account of all expenditure incurred or
authorized by the candidate or his election agent."[10] So the
retired Chief Election Commissioner goes on to say, "with all
respect to the Supreme Court the view cannot but be held to
be wrong."[11] The non-CPI Opposition is in agreement with the
Supreme Court judgment and in its memorandum, as reported in
the newspapers, has called for inclusion of party expenditure
in the renderable account by the candidate. The recommendations

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[10] The Constitution and the Parliament in India, p.658.

[11] Ibid.,

of the CPI Opposition as contained in its memorandum does not
take into account the difficulties that might arise, as
pointed out by Sen Verma, in keeping a _separate_ and _correct_
account of the individual and party election expenses.
According to its recommendations, all expenses incurred on
behalf of the candidate by friends, organisations and associa-
tions should be accountable. Further, the expenses incurred
by the political party of the candidate should also be accountable
by the candidate in so far as such expenses are directly connected
with the election prospects of the candidate or "can be otherwise
identified with his election alone."[12] The Government reaction
to the Supreme Court judgment in the Amar Nath Chawla vs. Kanwar
Lal Gupta case was swift and sharp. By a Presidential decree
the effect of the judgment was nullified as far as the election
petitions pending in the courts were concerned. The latest
development in this respect is that the disqualification bar
imposed upon Shri Amar Nath Chawla by the Supreme Court judgment
has been removed by a Presidential Order, a Government action
which speaks for itself.

The most significant recommendation of the Tarkunde
Committee in this Chapter is perhaps the one regarding auditing
of accounts of political parties by Chartered Accountants
nominated by the Election Commission. All the political parties

[12] _Communist Party of India Document on Electoral Reforms_,
p.12.

have either rejected this proposal or have been silent and evasive about it. None of these parties have advanced any arguments while adopting this position excepting that the non-CPI Opposition has expressed apprehension that the finances might shy away from political contributions to Opposition parties because of fear of vindictiveness on the part of Government. It would be appropriate to point out here that all the non-CPI Opposition view points quoted in this disser-tation are based upon the news-items from the national dailies. In spite of best efforts, the non-CPI Opposition document on electoral reforms could not be obtained.

The other questions discussed by the Tarkunde Report under this Chapter are, "Facilities at Public Expense," "Ceiling on Election Expenses," "Deposits," "Income-tax Exemptions," and "Corporate Donations." In many democratic countries, there is an increasing trend for State's financial participation in elections. In some countries the State's financial participation has not been occasioned because of the problem of electoral corruption but as a realisation of the increasing responsibilities of a democratic state to support to make more viable the electoral system which is the very basis of the representative democracy. In India, this question has been tied up with the issue of electoral corruption and it is interesting that the various political parties have adopted varying attitude on this proposal, first advanced by the Election Commission. The CPI has accepted this proposal while, from the newspaper reports, it would appear that the

non-CPI Opposition are silent about it. The expenses to be
borne by the Government are minimal and include such items
as printing and delivery of postcards, electoral literature
posted by a candidate to his constituents free of charge,
the availability of school-rooms and meeting halls at nominal
rents and twelve copies of electoral rolls. These expenses
according to Government calculation would amount to fifteen
per cent of the present ceiling in the case of Lok Sabha
constituencies payable to those who do not lose their deposits.
In a poor country, even a symbolic financial participation by
the State in elections should not fail to have a salutary effect
on the electoral process. The role of money in politics cannot
be confined to the context of political corruption and electoral
reforms. It has the dimensions of a determinant in the Indian
political system and we shall spend some time to discuss this
important factor a little later in this Chapter.

The Tarkunde Report suggests that the ceiling on election
expense should be doubled from the present scale both in the
case of Lok Sabha and Assembly elections. The Report also
recommends that the party expenses be included in the candidate's
return. The CPI feels that the present ceilings are adequate.
The non-CPI, as reported in the newspapers, suggest that
"expenditure by the parties should be omitted while computing
ceiling for individual candidate."[13]   The Election Commission

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[13] The Hindustan Times, April 23, 1975.

has taken note of the inadequacy of the present prescribed
ceilings and asked the Government and the Parliament to consider
the issue of raising the ceiling to a reasonable and realistic
level.

A reading of the various view points expressed by the
Opposition and the Government would show that this proposition
has not received any deep consideration and no firm conclusions
have been arrived at. The non-CPI Opposition have been ambivalent.
The reasons for this ambivalence have again to be sought in the
political process in which money plays a significant part, not
only as a corrupting influence but as a dynamic political factor
representative of a group interest. Perhaps, it is easier for
the CPI to take a firm stand against increase in ceilings
because it goes well with both its ideological stand and
organisational structure. It does not depend upon financial
sources generated by the Indigenous Capital. But other parties
who are weaker in organisation as well as in financial resources
compared to the Congress Party cannot opt for any choice that
would in any way reduce their capability to raise finances or
make it difficult to explore possibilities of increasing their
liaison with business interest in their competition with the
party in power.

The Tarkunde Report suggests increase in security-deposits
from the candidates from Rs.500/- to Rs.2,000/- for Parliamentary
elections and from Rs.250/- to Rs.1,000/- for Assembly or Council
elections. The Commission has been occupied with the problem

of too many independents and other candidates who enter the election arena, not so much to win themselves but to defeat their rivals. Sometimes these "negative" candidates strike bargains with other prospective winner and thus corrupt the electoral process. A higher monetary deposit, the Tarkunde Committee seems to think, would reduce their number. The Election Commission has also been occupied with this problem and made similar proposals in various reports. No express or clear view has emerged from the documents of other political parties on this issue. The Tarkunde Report also recommends income-tax exemptions for donations to a political party or for a political purpose to the tune of Rs.1,000/- per year. Other parties are silent about this proposal also.

The last item of discussion in the Tarkunde Report is the controversial matter of "corporate donations" to political parties. Though the matter has occasioned heated debates, both within the Parliament and outside, political parties do not seem to have studied this problem with any degree of understanding of the deeper implications of this problem in the context of the Indian political system. The non-CPI Opposition have chosen to be silent on this issue. The CPI has, of course, taken the predictable stand against company donations and repeated its vehement views on the subject in the form of the suggestion that circumvention of the law banning company donations should be made a cognizable offence.

In order to bring the discussion on money power in consonance with the exploratory strains of this exercise we have

to delve a little deeper. The purpose of this dissertation
has been to gain a few insights into the process by which
certain forces have come to acquire political roles in the
shaping of the Indian political scene as we observe upto June
26, 1975, the date which marks a definite break in the phase
of consensual politics that emerged after August 15, 1947 in
Free India. Money, in the political context, has been treated
by most political parties as an interfering factor originating
from a non-political source. Its use and its condemnation by
almost every party excepting the Swatantra Party results from
an ambivalent attitude. The business interest in India has been
treated like a "familiar stranger" to the Indian political system
while the fact is that The Indian Business has always operated
as an interest group ever since a beginning in the inter-
relationship and interaction between the British Government
and the Indian community was made. In fact, The Indian Business
is a major interest group whose peculiarity has been to advance
and perfect the tools of the "politics of influence."

Dr. Stanley Kochanek has made a detailed study of
Business and Politics in India in his book of the same title.[14]
While we do not accept all the assumptions behind Dr. Kochanek's
book, we have to agree that "the complex dynamic relationships
which determine the nature and behaviour of a single interest
group in its political setting"[15] result from certain factors

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[14] Staneby A. Kochanek, *Business and Politics in India*
(Berkley, 1974).

[15] "Preface," *Business and Politics in India*, P.xiii.

such as "the political culture, the level of modernisation of
the society, the structure of decision-making and the exigencies
of the public policy."[16]   Before we proceed further, a relevant
question to ask is: Why business group has not been treated by
political parties as an interest group which has been in operation
much earlier than some of these parties ? The reason seems to be
that in the Indian political setting "Business" is highly suspect
both for traditional and ideological reasons. Traditionally, a
low status has been accorded to Business in the Hindu Society.
Ideologically, Business does not fit into the political ideas
of Socialism, Marxism, and Gandhism, all of which condemn the
profit-motive in human social activity. We cannot go into a
detailed exploration of the ways and means by which the Business
interest has been operating in the Indian political system before
and after the Independence. However, we shall try to look into
certain aspects of the operations of the business group in
relation to the electoral process and how it has been maintaining
its viable position in the Indian political system.

Before Independence, it is worth noting that Business
had found scope for direct participation in politics, enough
to safeguard and advance its interests under the British
Government. In fact, the Britishers grasped the significance
of the increasing role of Business in the system of divisions
they devised for ruling India. Therefore, they gave protected

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[16]
Ibid., p.xi.

representation to the business interests in the political
system and their representation in the Vice Roy's Executive
Council was assured. However, the shrewdness and cleverness
that go with the mentality of the business community kept the
Indian Business fully alive to the winds of change and the
rising tide of nationalism in India. Many business houses
showed dexterous expertise in developing a dual system of
liaison, both with the British Government and the Indian
National Congress. The Indian Business also showed capacity
for readjustment and penetrative influence once it was denied
protected representation and direct representation.

In the post-Independence India, the first problem of
Business as an interest group was to maintain its existence.
This was assured by the consensual politics initiated by Pandit
Jawaharlal Nehru who made compromises with the various elements
of the Indian political system left as vestiges by the British.
A compromise with the business interest was nothing when compared
with the honourable and privileged place accorded to the "heaven
born" Indian Civil Service which onee had been described as having
nothing Indian, nothing Civil, and nothing of Service about it.
Pandit Nehru's ideas of socialism held no fear to the business
community after the postulate of "mixed economy" was enunciated.
The business was now put on its course to make further advances
to ensure participation in the political process. In the initial
stages, it was satisfied to operate as an "influence group" and
found easy access to top leadership and top bureaucrats in the

Government. It did not even feel the need of direct partici-
pation because it had found access to the inner sanctums of
the Indian political system where even the direct representatives
of the people found the entry difficult, if not impossible. The
Business some how could enter the confidential chambers from
side doors or even from ventilators. It would seem, the system
of licence introduced by the Government made this liaison
between business and political system an exciting and expanding
field of operation. After having steadied itself in its
relationship with the ruling party the Business felt encouraged
to seek even direct participation.

Business, as a factor in the electoral process, "tends
to control substantial economic power rather than large blocs
of votes, and so one of the most potent sources of support
business is able to provide is the financing of political
parties and candidates."[17] However, the major strategy of the
organised business in India has been to work for its goals
indirectly through the Government, sometimes by applying
pressure and more often relying upon pursuation. The reasons
for the Business not seeking direct electoral participation are
diverse. However, two of them need to be noted here: The one
is the widespread belief or tenet accepted by the captains of
finance and industry that business and politics do not mix and
that business in itself is a whole-time activity as important
as politics; that business itself generates power which if used
prudentially can prove and maintain its supremacy over those who

[17] Ibid., p.214.

wield political power. The second reason is peculiar to the
Indian political climate. In a country where 90 per cent of
the population subsists on a level below the poverty line
business cannot hope to strike a popular note in the democracy
where vote preferences are articulated on the basis of Adult
Franchise. With the shift in the Indian politics in 1967 as
reflected in the elections of that year and earlier more
uncertainly by the trends in the political atmosphere after
the death of Pandit Nehru, the Business was once again faced
with the question of redefining its strategy. It found that a
more propitious time now existed for attempts at direct parti-
cipation and, both in 1967 and more so in 1971, the Business
participated in the elections and received crushing defeat at
the hands of the Indian National Congress, just as any other
political group.

The political operations of business finance have to be
understood in the context of the business as an interest group
having a definite stake in the shifts and slants of the changing
Indian polity. Like any other group, it shall strive to survive
and make its power more potent. Without a party of its own and
lacking in an organised body of representatives to speak on its
behalf in the Parliament, the Indian Business would largely depend
upon the ruling party. To keep its operations anonymously
devious, it might find it necessary to satisfy the financial
hunger of other political parties. That is why at the election
time we find that the Indian business deploys a two-fold strategy:
it pours finances into the political party coffers according to

their size and strength; and it supports the individual candi-
dates whom it expects to advance its interests in the Parliament
and other legislative bodies. However, the practice has become
so common that the individual candidate does not feel any
obligation towards its source of finance which is more in the
nature of a bargain than an investment by the Business and
the same is true of its dealings with the political parties.
In this way, a new dimension is added to the question of
electoral corruption. Though we have no definite way of
ascertaining how far the representatives elected with the
support of High Finance are willing to advance the interests
of High Finance in the post-electoral process. This situation
applies to both under-hand financial dealings between Business
and political parties as well as to manifest participation as
shown by The Economic Times study. Significantly, the two
biggest houses, the Tatas and the Birlas, together accounted
for thirty four per cent of the total contributed by 126 major
companies. Both the Tatas and the Birlas gave money to the
Congress Party though the Tatas were more generous to the
Swatantra Party. The reason for the Tatas' generosity towards
the Swatantra may be the Tatas advocacy of direct political
participation as opposed to G.D. Birlas view of continued
liaison with the Congress Party. In the year 1971 this became
more obvious when Naval Tata contested for elections and
received a crushing defeat in the biggest commercial centre
of India, Bombay.

It would be interesting to watch what newways the Business is able to find for its operations and how it would deploy its money power in advancing its interests within the Indian political system. Surely, this question goes far beyond the issue of electoral reforms, though it has arisen out of this issue.

CONCLUSION

The direction of our dissertation has been towards
exploration rather than towards a conclusion. Such an approach,
based upon an attempt on processual analysis, would, one should
think, preclude conclusive comments on the problem explored. The
present Chapter entitled Conclusion, therefore, has to be a
conventional adjunct rather than an essential part of the exercise
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attempted in the last three Chapters. However, our processual
approach to the problem of Electoral Reforms has led us to certain
insights into the functioning of the Indian political system as
viewed through the referencial frame of Electoral Reforms, which
we offer here by way of further observations. Needless to say,
these observations are applicable to Indian Political System as
it operated till June 26, 1975.

Each successive election has broadened the base of
consensual polity, painstakingly initiated by the late Jawaharlal
Nehru and his contemporaries. The electoral process has extended
the implications and remifications of this consensual polity,
from a system of beliefs and principles to the hard realities,
such as demographic compulsions, regional factors and pressures
of other interest groups. The electoral process has made the
democratic Indian political system at the same time more sensitive
to political conflicts.

The Indian political system subsumes conflict of interests
as a legitimate basis for political action. It provides sufficien
scope for the articulation of these conflicts through the electora

process, through the institutions of parliamentary democracy, through the press and other means by which human speech finds expression. At the same time, the Indian political system assumes that political conflicts resulting from diverse interests and multiple points of view shall find their democratic resolution. The system has become, however, too sensitive to allow political conflicts to sharpen their edge against its surface, woven as it is out of delicate and diverse strings.

The Majority System under which elections have been held has not exhausted its relevance. Besides giving stability and resilience to the Indian political system, it has served well the objectives of the Indian society in as much as it has been catalytic in speeding up the defreezing of India's frozen traditional social structures, such as the caste and community systems. In spite of the wastefulness of human resources and errant behaviour of political parties and individuals, the Indian political system, as evolved through the electoral process, has made the role of politics highly relevant and significant to the Indian Society. It has helped India use politics as a "driving force" for achieving the goal of re-integration of society. The proportional Representation or the PR System will have the effect of stopping the process of social defreezing at an inchoate and premature stage, if introduced at this time. The PR emphasises the importance of equitable representation while the majority system emphasises the importance of directive power. The PR is not likely to serve the purpose in a democracy such as India where the State has yet to broaden its base commensurate with

the dimensions of society, some of which are likely to remain
latent for some time.

Among the significant questions thrown up by the debate
on Electoral Reforms are the State's financial participation in
elections and the role of money. As the society gets more
organised, politics also becomes more systematised and financial
participation by the State in elections serves more than the
purpose of meeting the expenses for elections. It marks the
emergence of a new relationship between the State and the Society.
It frees the individuals and the political groups from the clutches
of high or low finance in the same manner as the banking system
literates a village farmer (debtor) from the clutches of a Sahukar.
As such, the State's financial participation would have a healthy
effect on the Indian politics. Money has been played up as a
corrupting influence on the electoral process without being
understood as an instrument by which the Indian Business has
sought to penetrate the Indian political system. Its role is
not confined in scope to the area of electoral corruption and,
as such, calls for closer scrutiny. However, the political
parties seem to ignore the presence of the Business as a viable
interest group capable of effecting the directions of the Indian
politics through its politics of infl uence.

Our glimpses of the Indian political process also reveal
that the question of Electoral Reforms has been used by the
Opposition as a manoeuvering tactic to rouse a sense of moral
indignation against the ruling party. And the ruling party has

sought to dissipate this question. The soundness or unsoundness of the proposals putforth by the Opposition is not of essence. We have been only led to believe that the Opposition did not feel adequately impelled, to arrive at any definite conclusion as to the efficacy of the changes suggested by them, nor did it adopt an effective way to get through these proposals on to a legislative stage. Taking into consideration the competitive nature of the Indian politics as advanced by the electoral process, we may well assume that the Opposition also finds the election system not altogether contrary to the basic needs of the country, or to their own objectives.

The Indian society is passing through a process of rapid change and the politics of the country has to provide the driving force for the process of socio-economic change in which the state has to play a major role. By introducing such changes as might lead to the freezing of the system at this stage, the Opposition might loose the ground for an active role in this process, even before it manages to make the Congress Party loose its supremacy through the electoral process.

APPENDIX I

We have purposely missed three Chapters of the Tarkunde
Report in our main discussion. These are entitled, "Alternative
Systems of Representation," "Voting Rights and Election Procedure,"
and "Disposal of Election Disputes." As far as the Alternative
Systems of Representation is concerned, we have discussed in
detail this question in the Chapters I and II. The Tarkunde
Committee Report has briefly discussed a few of the modes of
representation but it has not made any final proposal for the
acceptance of any of these modes for the Indian electoral system.
In fact, the Committee "is of the view that these various
suggestions outlined above would require to be spelt out
carefully and in detail, bearing in mind all their implications."

Chapter IV of the Tarkunde Report discusses, under the
main title "Voting Rights and Election Procedure," such aspects
of this problem as the age of voting, electoral rolls, countering
coercion, signature on counterfoils, polling boxes, transport
of boxes, prompt counting of votes, counting votes booth-wise,
voters' voluntary action, and institution of an election council.
We do not regard these procedural details basic to the question
of electoral reforms. They are more in nature of administrative
measures than basic principles or principal forces that go in to
make an electoral system. For example, an objection has been
raised against the practice of signing counterfoils. The Tarkunde
Committee feels that this innovation exploits the ignorant voters
and increases the element of intimidation. So also, the new

system of mixing votes before counting at a central place has been objected to. These measures were taken against a genuine background of harassment of the Harijans and weaker sections of society and, if it has resulted into some doubts, the only test for continuing or discontinuing of these operational innovations is whether a continuance would be more democratic, in so far as it prevents intimidation of the weaker sections that constitute almost thirty per cent of our population.

As for the age of voting, in many democratic countries it has been reduced to eighteen. In India, the view advanced by those in favour of this change is that a person who attains the age of eighteen today is much more conscious and politically aware than his illiterate grandfather. On this ground, the person reaching the age of eighteen should be given voting right. The proposal is acceptable to most parties, including the ruling Congress Party. However, the latest position in this regard is that the Government has sought permission to withdraw its assurance to the Parliament on reducing voting age because it would involve revision of the electoral rolls for a possible inclusion of about 35 million more voters.

APPENDIX II

We may also briefly note our observations on the question of _recall_ as it has agitated the minds of people who have participated in the debate on electoral reforms. Our constituencies are based upon the territorial concept of community division. The basic question is whether a representative elected from a constituency goes to the house as a delegate, deputy, or agent of his constituency only, or is he also a representative on behalf of the entire Province and the Nation? The concept of single citizenship would make it necessary that the two representations are inseparable. Then if a procedure for recall has at all to be accepted, we will be faced with the situation whether a single constituency has the right to act on behalf of the entire nation. Besides this philosophical question, the practical difficulties of recall are manifold under the simple majority system. For example, a defeated candidate, as is shown by the large number of election petitions most of which are rejected by the courts, will have a natural tendency to work for the unseating of his winning rival and use all political weapons in his arsenal which would vitiate the entire political climate and will seriously damage the operations of representative democracy in India.

The last part of the Tarkunde Report discusses the legalistic aspects of elections, and election petitions. It shall be prudent on our part to plead ignorance on matters of jurisprudence.

APPENDIX III

Splits in the parties and defections are feature of simple -
majority system. We have in England the example of Winston
Churchill crossing the floor twice. In India, defection became
a common feature after 1967 in various States where loosely
federated parties succeeded in forming Governments temporarily.
The split in the Indian National Congress was historic in its
dimensions. Defections or crossing the floor raises the questions
of principles and political corruption, at times, inseperable from
each other. Politics is an area of activity where moral considera-
tions receive the worst poundings. Therefore, while judging the
issue of defections it would be better to study the effects of
such an action from its motives. In so far as defections bring
instability to administration, they have to be condemned. But at
times, defections may open up new directions in politics at the
national level. The jolt given to the Congress by defections in
the post-1967 election period certainly made the Indian National
Congress redefine its objectives and strategies. The split in the
Congress also helped advance this process. As long as the politics
in India does not register a shift from the purely political
arranging of interests to economic forces and programmes and the
individualistic role of an elected representative remains uppermost
in the scheme of things, defections can not acquire the legitimacy
usually assigned to them in older democracies. We can not offer

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