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POLITICAL PARTIES IMPORTANCE IN INDIAN POLITICS-AN OVERVIEW

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ABSTRACT

Political parties perform a number of functions in a political entity. Chief among these functions is that of representation. In modern liberal democratic theory, the electorate votes for people to represent them. Most times the platform for election is provided by political parties. India has a multi-party system, where political parties are classified as national, state or regional level parties. The status of party is accorded by the Election Commission of India, and the same is reviewed occasionally. All parties are registered with the Election Commission. Despite the large number of political parties operating in India, very few are able to make their presence felt at the national level except when it comes to alliances. The natural reason for this is that it takes a long time for any party to evolve from its regional moorings and have its ideology accepted by a large enough segment of the population. The table below lists political parties that boast of a pan-India presence. These have been listed in alphabetical order, and not necessarily in the order of their influence.

Keywords: Political Parties, Electorate Votes, Multi-Party System.

Introduction

Political parties and elections play an important role in the analysis of politics in developing countries, particularly in the analysis of democratization, and specifically the consolidation of democratic political regimes. Among political scientists, the existence of free and fair elections on a regular basis is considered the minimal condition for a democracy (democratic regime) (Dahl 1971; Diamond 1999). A political party is defined as a political group that is officially recognized as being part of the electoral process and who can support (put forth) candidates for elections (free or not) on a regular basis (Sartori 1976). In this way, political parties (party system) and elections are used as a measure of the consolidation of a society's democracy. As an external standard, there is a "two-turnover" criterion (Huntington 1991). By this criterion, a democracy may be considered to be consolidated if a party that takes power in an election at the time of transition to a democracy loses a subsequent election (not necessarily immediately following the first election), and if the subsequent ruling party then loses a later election."From a deeper perspective, it is when elections involve the true competition of political parties based on their proposed policies and platforms, and not the popularity of individual political candidates or voting based on special interests, that consolidation of democracy is advanced (Kitschelt 1995; Mainwaring 1999).

Political parties are an essential concomitant of elections in a representative parliamentary democracy. The quintessential precondition for the success of the Westminster model is a political system of two major parties based on ideological and programmatic orientation. The origin and growth of political parties in India can be traced to the days of her struggle for freedom. The overriding passion with the fighters for India's freedom and the founding fathers of her Constitution was to build a united nation and an integrated society while retaining its rich diversity and pluralism. They expected that an ideologically oriented healthy party system would soon evolve in independent India and that it would contribute to societal integration, nation building and strengthening the edifice of democracy. Unfortunately, this did not happen. The source of many of our troubles during the post independence period has been our failure to evolve a healthy party system based on a just and widely acceptable political-economic national agenda.

Constitution and Law in relation to Political Parties

Although political parties were not mentioned in the Constitution until the fiftysecond constitutional amendment of 1985, the existence of some well-organised political parties was presumed as these were already functioning. The Constitution only guaranteed freedom of association as a fundamental right. Section 29A of the Representation of the People Act, 1951 provides for registration with the Election Commission of associations and bodies of individual citizens of India as political parties. The Tenth Schedule to the Constitution which was added by the Constitution (52nd Amendment) Act, 1985 mentions political parties only for the specific purpose of considering disqualification of a person for membership of either House of Parliament or of the Legislative Assembly or Legislative Council of a State on the ground of defection from his political party. With that exception, even today, there is no law governing the formation, registration, functioning or regulation of political parties.



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The Election Commission accords recognition to political parties as national or state parties in accordance with the norms laid down in the Election Symbols (Reservation and Allotment) Order, 1968. This is for the very limited purpose of allocation of symbols. The number of parties recognised as national parties has been varying from 14 to 4 owing to continuous review of the status based on their performance at the polls.

The Present Scenario

The evolution of party system after independence is a picture of transformation from one-party dominant system to a complex of multi-party system in which strong trends of fragmentation, factionalism and regionalism coupled with the desire to form alliances for seeking a share in power are increasingly occurring. This trend culminated in 'hung' Houses after last few general elections. Another significant development affecting the party system is the emergence of coalition politics.

In recent years, there has been sharp increase in political mobilization of the electorate on the basis of social cleavages based on ascriptive identities, in particular of religion and caste. Casteism, communalism and personality domination have been the main planks around which the fragmentation of political parties has taken place. Political parties have invariably exploited these sentiments for gaining support of the voters. These developments have necessitated a need for a review of the working of the political parties and their role and performance in the scheme of Indian polity and Constitution.

Identifying the Problem Areas

Having regard to the prevailing political scenario in the country and the hard fact that no electoral reforms can be effective without reforms in the political party system, the Commission identified the following as some of the areas of immediate concern:

- Institutionalization of political parties - need for a comprehensive legislation to regulate party activities, criteria for registration as a national or State party - derecognition of parties.
- Structural and organizational reforms - party organizations - National, State and local levels - inner party democracy - regular party elections, recruitment of party cadres, socialization, development and training, research, thinking and policy planning activities of the party.
- Problems of party funding - need for a legislation to regulate party funds - distribution and spending of party funds during non-election and election times.
- Maintenance of regular accounts by the political parties - auditing and publishing - making audited accounts available for open inspection.
- To what extent and in what way party system could be reformed so as to pave the way for the establishment of stable governments based on the concept of two party system or dual party alliance system.
- Steps to check criminalisation of political parties.
- Party system and governance – Mechanisms to make parties viable instruments of good governance?

Law for Political Parties

The Commission recommends that there should be a comprehensive legislation [may be named as the Political Parties (Registration and Regulation) Act], regulating the registration and functioning of political parties or alliances of parties in India

The proposed legislation should provide for compulsory registration for every political party or pre-poll alliance. It should lay down conditions for the constitution of a political party or alliance and for registration, recognition and de-registration and derecognition.

The Commission recommends that every political party or alliance should, in its Memoranda of Association, Rules and Regulations provide for its doors being open to all citizens irrespective of any distinctions of caste, community or the like. It should swear allegiance to the provisions of the Constitution and to the sovereignty and integrity of the nation, regular elections at an interval of three years at its various levels of the party, reservation/representation of at least 30 percent of its organizational positions at various levels and the same percentage of party tickets for parliamentary and State legislature seats to women. Failure to do so should invite the penalty of the party losing recognition.

The law should make it compulsory for the parties to maintain accounts of the receipt of funds and expenditure in a systematic and regular way. The form of accounts of receipt and expenditure and declaration about the sources of funds may be prescribed by an independent body of Accounts & Audit experts, created under the proposed Act. The accounts should also be



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compulsorily audited by the same independent body, created under the legislation which should also prepare a report on the financial status of the political party which along with the audited accounts should be open and available to public for study and inspection.

The Commission recommends the enactment of an appropriate provision making it compulsory for the political parties requiring their candidates to declare their assets and liabilities at the time of filing their nomination before the returning officers for election to any office at any level of government.

The authority for registration, de-registration, recognition and derecognition of parties and for appointing the body of auditors should be the Election Commission whose decisions should be final subject to review by the Supreme Court on points of law.

Recognition of Parties

It is a desirable objective to promote progressive polarisation of political ideologies and to reduce less serious political activity. The process of recognition of political parties by the Election Commission is an important and effective tool in this task. While proliferation of smaller political parties add to political confusion, at the same time the Commission is aware that „political parties, with all their well-known human and structural shortcomings, are the only devices (that can) generate countervailing collective power on behalf of the many individually powerless against the relatively few who are individually – or organizationally – powerful“. The approach, therefore, needs to balance considerations of stability on the one hand and the need to reflect the aspirations of a plural society, on the other.

At present, for the allotment of an exclusive symbol, State Parties need 6% of the votes polled plus 2 members in the Legislative Assembly. The alternative criteria for recognition is at least 3% of the seats in the Lower House. At the national level such a recognition would require 6% of the votes polled in at least 4 States plus 4 members in the Lok Sabha, or alternatively at least 2% of membership of the Lok Sabha drawn from at least 3 States.

The Commission recommends that the Election Commission should progressively increase the threshold criterion for eligibility for recognition so that the proliferation of smaller political parties is discouraged. Only parties or a pre-poll alliance of political parties registered as national parties or alliances with the Election Commission be allotted a common symbol to contest elections for the Lok Sabha. State parties may be allotted symbols to contest elections for State Legislatures and the Council of States (Rajya Sabha).

Rules and Regulations

The rules and by-laws of the parties seeking registration should include provisions for:

- a) a declaration of adherence to democratic values and norms of the Constitution in their inner party organizations,
- b) a declaration to shun violence for political gains,
- c) a declaration not to resort to casteism and communalism for political mobilisation, but to adhere to the principles of secularism in the achievement of their objectives,
- d) a provision for party conventions to nominate and select candidates for political offices at the grass root and State levels,
- e) a code of conduct (which each political party should evolve for itself),
- f) some institutional mechanism for planning, thinking and research on crucial socio-economic issues facing the nation and educational cells for socializing their party cadres and preparing them for responsibilities of governance,
- g) Implementation of legal provisions regarding representation to women and weaker sections of society in party offices and in candidacy for elections to Houses of Legislatures.

Needs for Stability

In a situation where no single political party or pre-poll alliance of parties succeeds in securing a clear majority in the Lok Sabha after elections, instead of involving the highest office of the President in the controversies of finding out who could command the confidence of the House, it would be best to leave it to the House itself to determine majority support to a leader. It would remove uncertainty and also obviate the need for the President asking his appointee as Prime Minister to seek a vote of confidence within certain number of days.

The Commission, therefore, recommends that in a situation where no single political party or pre-poll alliance of parties succeeds in securing a clear majority in the Lok Sabha after elections, the Rules of Procedure in Lok Sabha may provide for the election of the Leader of the House by the Lok Sabha along with the election of the Speaker and in the like manner. The Leader may



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then be appointed as the Prime Minister. The same procedure may be followed for the office of the Chief Minister in the State concerned.

The Commission further recommends an amendment in the Rules of Procedure for adoption of a system of constructive vote of no confidence. For a motion of no confidence to be brought out against a government at least 20% of the total number of members of the House should give notice. Also, the motion should be accompanied by a proposal of alternative Leader to be voted simultaneously.

Scourge of Criminalisation

The Commission recommends that the proposed law on political parties should provide that no political party should sponsor or provide ticket to a candidate for contesting elections if he was convicted by any court for any criminal offence or if the courts have framed criminal charges against him. The law should specifically provide that if any party violates this provision, the candidate involved should be liable to be disqualified and the party deregistered and derecognised forthwith.

Funding Political Parties

The problem of political funding is a complex one and there are no panaceas. Political parties need hefty contributions from companies and from other less desirable sources. The greater the contribution, the greater the risk of dependence, corruption and lack of probity in public life. The demand for transparency must be conceived as a democratic value in itself, a tool designed to avoid any wrongful influences of money in politics. If laws are intended to be effective with regard to transparency, they should be general in nature and enforced with respect to everyone, and not just political parties or candidates, but also to the donors as well. Otherwise, alternate or indirect ways to evade control will be devised. In fact, while it is essential to strengthen regulation and the mechanisms and capabilities of supervision and controlling entities, all these only addresses part of the problem. Quite often, funding and commitments do not reach the parties, but rather go directly to the candidate and his/her inner circle of supporters. This is truer today in the context of the image and credibility crisis that party organisations have been undergoing, and the emergence of regional leaders due to the regionalisation process. This usually tends to make transactions between donors and beneficiaries become even more secretive. Hence, the senior leaders or party members may often not be aware of private contributions (many of them dubious in origin and in quite large sums). Consequently, any proposals for reforms concerning political funding should revolve, among other things, around the following four main objectives:

- (i) reducing the influence of money by diminishing its impact (by shortening campaigns, establishing ceilings on expenditure and limiting individual contributions);
- (ii) improving the use of money by investing it on more productive activities for the sake of democracy, and not just squandering it on propaganda and negative campaigns;
- (iii) stopping, or at least curtailing, as much as possible, current levels of influence peddling and political corruption; and
- (iv) Strengthening public disclosure and transparency mechanisms with respect to both the origin and the use of funds.

At present, different Acts regulate the flow of funds to political parties both from internal as well as external sources. The Commission recommends that a comprehensive legislation providing for regulation of contributions to the political parties and towards election expenses should be enacted by consolidating such laws. The new law should aim at bringing transparency into political funding. It should permit corporate donations within higher prescribed limits and keep them transparent. It should make all legal and transparent donations upto a specified limit tax exempt and treat this tax loss to the state as its contribution to state funding of elections. For example, tax exemptions could be limited to say Rs.25, 000 for individuals and Rs.10, 00,000 for companies provided that the contributions are made to party funds and not to individuals. In the case of corporate contributions, the Board of Directors may approve up to say Rs.10, 00,000 and anything over this amount may be approved by the shareholders. Political funding should be a separate head in the accounts and annual reports of the company. This will ensure transparency. This will be in addition to the existing conditions laid down in the Companies Act, 1956 for making donations to political parties.

The law should contain provisions for making both donors and donees of political funds accountable. The Government should encourage the corporate bodies and agencies to establish an electoral trust which should be able to finance political parties on an equitable basis at the time of elections.

Audited political party accounts like the accounts of a public limited company should be published yearly with full disclosures under predetermined account heads.



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Election Returns

The proposed law should provide for immediate de-recognition of the party and enforcement of penalties for filing false or incorrect election returns.

Educational Training and Developmental Activities

Political parties should in their rules and regulations provide for establishing some institutional mechanism for planning, thinking and research on crucial socioeconomic issues facing the nation and educational cells for socializing their party cadres and preparing them for responsibilities of governance.

Leadership Conventions

Parties should seriously consider adopting the leadership convention system. This would have the advantage first, of making the leadership election process more open, democratic and federal. Second, the people will know in advance of the prospective Prime ministerial candidates. Third, it would introduce a nationally aggregative mechanism in major parties and curb the tendency of regionalisation and fragmentation. If the national convention is found too expensive, a series of staggered State conventions may be held by major parties with their respective slates of candidates (common for all the States in one party). This will go a long way in making parties aggregative and thus more functional in a parliamentary federal system of governance.

Conclusion

Political parties in India have played a crucial role in nation building. Indian National Congress, the grand old party, played leading role in the freedom movement. While negotiating the terms of freedom with the colonial master, Indian political parties were actively busy in drafting the future road map of India by initiating drafting of the constitution. In post-independence era, responsibility to carry out nation building and sustaining democracy was effectively performed by parties, particularly by the Indian National Congress. Many scholar credited INC and Nehru for inculcating democratic values among Indian masses in initial years of its independence. While upholding the notion of inclusive democracy, INC has made seminal contributions to India's unity, integrity, secular polity and democratic federalism. Peaceful and periodic replacement of governments: Both the executive branch and the legislative branch of the government are run by the representatives of the political parties who have been elected through the elections. Through the electoral process, the people of India choose which representative and which political party should run the government. Political parties effectively perform this role since independence by contesting elections, forming governments and respecting the principles of parliamentary democracy in case of no confidence or in cases when no party achieves majority. Only at one occasion, party in power set this principle aside during 1975-77 (national emergency imposed) by PM Indira Gandhi. However, this stands as exception. The pressure from united opposition parties in form of Janata Party brought democracy back. In elections, if no party gains majority in the lower house, governments are formed through negotiating coalitions. As with any other democracy, Indian political parties represent different sections and classes of Indian population such as Dalit, Tribal, linguistic groups, regional groups, minority religious groups etc. Many Indian political parties are based on these identities, such as Samajwadi party, Bahujan Samaj party, Akali Dal, Asom Gana Parishad, DMK, AIDMK, Indian Muslim League etc. These parties promote and protect interest of marginalised sections of society; thus, benefits of democracy reach out to the most vulnerable sections of society. Since independence, opposition parties have kept the governments in check effectively. Even during the era of single party dominance of Congress, opposition parties actively criticised governmental policies. At that time opposition parties were not able to provide effective alternative to ruling party, they acted as parties of pressure keeping the government in check. Later, role of opposition only grew in Indian politics.

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