# REGULATION OF INTRA-POLITICAL PARTY DEMOCRACY FOR ELECTORAL REFORMS IN INDIA: A STUDY OF EMERGING PROBLEMS AND ISSUES

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The aim of the research paper is to examine the status of intra-party democracy in the political parties of India and, if required, develop a regulatory framework about how political parties can be made more democratic, inclusive and egalitarian. The research also expands its study on the effect of such inclusiveness in political parties on electoral reforms in India. If democracy and accountability constitute the core of our constitutional system, the same concepts must also apply to and bind the political parties which are integral to parliamentary democracy. It is the political parties that form the government, man the Parliament and run the governance of the country. It is, therefore, necessary to introduce internal democracy, financial transparency and accountability in the working of the political parties. A political party which does not respect democratic principles in its internal working cannot be exposed to respect those principles in the governance of the country. It can not be dictatorship internally and democratic in its function outside. Irrespective of the many ways in which intra-party democracy can be institutionalized, some fundamental questions remain: to what extent, how and in which aspects of party life can members practically control what their party does. This study focuses on two observable parameters to assess the institutionalization of intra party democracy: the nomination of candidates for contesting elections and the election of leadership and office bearers.

## RESEARCH CONTEXT

Political Parties are the pivots of democratic forms of government. In his seminal work, Party Government, Elmer Eric Schattschneider concluded: "Parties are not merely appendages of government; they are the centre of it and play a determinative and creative role in it" (Scattschneider, 1942). Political scientists have since then continued to identify parties as keyinstitutions in a representative democracy, highlighting their roles in the integration of citizens, recruitment of candidates, providing linkages between government and civil society, formulation of public policy, the organisation of legislatures and the structuring of election campaigns (Cross and Katz, 2013). Political parties are also different from other social and political organisations by virtue of their fundamental role of striving for public office (Sartori, 1976). The political party is the one agency that can claim to have as its very raison d'être, the creation of an entire linkage chain, a chain of connections that runs from the voters through the candidates and the electoral process to the officials of government (Lawson and Merkl, 1988).

Given the important functions that parties play in a democracy, concerns have been raised about the ways in which they discharge these functions. If democracy cannot flourish in a country without political parties, the inevitable question arises if parties themselves are internally democratic with respect to their own decision-making practices and distributions of authority and influence (Cross and Katz, 2013). It is crucial to conduct research on intra-party democracy for three main reasons. First, implementation of intra-party democracy has the potential to promote a 'virtuous circle' linking ordinary citizens to government, benefiting the parties that adopt it and more generally contributing to the stability and legitimacy of the democracies in which these parties compete for power (Scarrow, 2005). Second, it plays an important role in bringing in competition, participation and representation inside the party. Democracy within parties helps party members to hold leaders accountable and engage in policy decision processes meaningfully. Third, in recent decades, there has been an apparent decline in party membership, to which significant academic attention has been paid. This decline reflects citizen dissatisfaction with the parties that are seen as overly hierarchical and not providing their members opportunities to influence decision-making. Implementation of intra-party democracy by parties can also help them combat declining membership and provide incentives to members (Cross and Katz, 2013).

India has a unique heterogeneous and fragmented economic, social and political milieu. It is the largest representative democracy in the world where voters directly elect 543 Members of Parliament (MP), who represent them in the Lok Sabha, or the Lower House of Parliament, and act as the crucial link between the electorate and the government.

Any Indian citizen can contest elections provided he/she fulfils the basic criteria set by the Constitution of India. Allegiance to a political party is not mandatory; thousands of candidates contest elections as "independents". However, figures show that independent candidates rarely win parliamentary elections and party nomination is critical for a candidate's success. Each candidate contests from a particular constituency (a geographical area set by statutory provisions) and

in case he/she wins, represents the constituency in Parliament. Political parties have become closed autocratic and dynastic structures; there are huge entry barriers for the common man, there is poor representation of women in Indian politics, there isincreasing fragmentation of parties, and there is growing criminalisation and abuse of financial power in elections. To an extent, the roots of these problems can be traced to the lack of intra-party democracy in Indian political parties (Mehta, 2001).

In Lok Sabha 2004 elections, 20 per cent of the MPs elected boasted of at least one direct family connection in politics; this figure rose to 29 per cent in Lok Sabha 2009 elections (Vaishnav, 2014). Patrick French in his book India: A Portrait has presented an extensive analysis of dynastic politics in India. All MPs below 30 years of age in the Lok Sabha 2009 were from political families. Additionally, all 11 Congress MPs below the age of 35 years were hereditary MPs (French, 2013). In the run up to Lok Sabha 2014 elections, dynasty was again at the forefront with senior party leaders fielding their sons, daughters and nephews as the succession plans for "family" constituencies were being put in place. To illustrate, P. Chidambaram's son Karti P. Chidambaram was the obvious choice for Sivaganga constituency. Jayant Sinha, Yashwant Sinha's son, contested from his constituency in Hazaribagh on a BJP ticket and Geetha Shivarajakumar, daughter of the late S Banagarappa, contested on a JD(S) ticket in Shimoga, Karnataka. The son of Chhattisgarh's Chief Minister, Raman Singh, contested on a BJP ticket from Rajnandgaon; Chirag Paswan, son of LJP party's Ram Vilas Paswan, contested from Jamui, Bihar and Sushmita Dev, daughter of the late Santosh Mohan Dev, seven times Member of Parliament, contested from Silchar, Assam. There are many more examples like these all over India involving all political parties.

Recently a news item titled 'RJD serves show-cause notice on Pappu Yadav' appeared in 'The Hindu' on 23-04-2015. Quoting the controversial statement made by RJD chief from the news item "Pappu Yadav is not my son. In Indian culture, only a son succeeds his father. After me, my son will succeed me in the RJD instead of Pappu Yadav. If anyone has a problem with this idea, he or she is free to leave the party". The aforementioned statement by a senior leader is evident in itself about the state of affairs in the political parties in India.

The lanes that lead to the selection of political class has been captured by some families which results in entry barriers for a common man to enter into politics. There is a huge initial advantage for those who come within the dynasties. This initial advantage is not guarantee of victory in the elections but absence of it is a guarantee of defeat. The spirit of democracy will hold true to its aspirations of political equality enshrined in the preamble to the Indian Constitution only if a son or daughter of a farmer in village competes in elections with the son or daughter of a leader with the same initial advantage and the result decided by their talent. This country is being deprived of political talent because of these dynasties and money bags which capture a huge initial advantage which is almost impossible to circumvent.

Women's political participation in India since the first Lok Sabha elections in 1951 has increased only very gradually. This can be attributed in part to the reluctance of political parties to nominate higher numbers of women to contest elections. In the 2014 Lok Sabha elections, out of8,251 candidates, 668 were women. In the 2009 elections, of the 8,070 contesting candidates, only 556 were women. The figure was still lower in 2004 with only 355 in the fray. It may seem that the number of women candidates increased between 2004 and 2009 but the overall proportion of women candidates remained almost the same, as the total number of candidates in 2009 elections was also larger than in the 2004 elections. Furthermore, the proportion of women running as independent candidates increased to 37 per cent in 2009 as compared to 33 per cent in 2004. This meant that the number of women candidates who were nominated by political parties in 2009 actually declined from 67 per cent in 2004 to 63 per cent in 2009 (Spary, 2014). As was the case in 2004, none of the women independent candidates won elections in 2009. Fragmentation of the parties and multi-party governments has been on rise in India in the past few decades. Since 1996, India has had among the world's largest multiparty coalition governments comprising seven to 12 parties, not counting alliances with parties that provide only external support both before and after elections. There has been a proliferation of candidates and parties in elections. Since 1969, the INC has had five major splits further creating numerous parties. The INC, one of the two biggest parties in India, has vested its top leadership within one family for most part of the six decades since Independence. The Janata Party, into which the Jan Sangh, the forerunner of the BJP, was merged, has spawned over the years two dozen different parties (Research Foundation for Governance in India, 2010). A slew of them are now State-level parties where, again, the top leadership has remained with a single family.

The number of national parties (with a significant presence in 4 or more States) has actually declined from eight to six between 1989 and 2004, while the number of State parties5 leapt from 20 to 36 and the number of registered parties doubled from 85 to 173 (Sridharan, 2009). From 2004 to 2014, the number of national parties remained static at six, the number of

State parties increased to 55 and there are now 1,593 registered parties in India (ECI, 2014). In the Lok Sabha 2009 election, 392 registered political parties contested for 543 seats. On an average, there were 14 candidates contesting per Lok Sabha seat in 2009 (Sastry, 2013). In the Lok Sabha 2014 elections, 464 registered parties contested and, on an average, there were 15 candidates contesting per Lok Sabha seat (Election Commission of India , 2014).

What has led to this fragmentation of parties? In addition to the natural tendency of fragmentation in a highly heterogeneous federal Indian polity, the presence of dynastic parties6 and the absence of intra-party democracy in them is one of the key contributors to the fragmentation. In a dynastic party, the key decisions of party strategy and election nominations tend to be excessively centralised. Internal elections are essentially a stage-managed affair across the spectrum where new leaders are simply nominated. Such party organisations are not able to provide career development and advancement opportunities to party members, therefore, negatively affecting their decision to stay within the organisation. Party members are more likely to remain loyal to a party in which career advancement is more predictable (Chhibber, Jensenius and Suryanarayan, 2012). This absence of intra-party democracy means that there are no career incentives for new entrants to politics or no transparent mechanisms for newly mobilised socialgroups to make their way up the existing party hierarchies. Hence, such entrants and groups, and dissenting factions have strong incentives to form their own parties or defect to other parties (Sridharan, 2009).

The control over the ticket distribution process by the top leadership of the party has led to unprecedented participation of candidates with criminal records and high asset value in the elections. By virtue of money and muscle power, such candidates become winnable candidates and political parties are not shy about giving tickets to them. There were 162 (30 per cent) MPs in Lok Sabha 2009 with criminal cases pending against them. The number rose to 185 MPs in Lok Sabha 2014. Data show that candidates with criminal charges actually have a greater chance of winning elections. On an average, 12 per cent of candidates with a 'clean' record were victorious as against, 23 per cent of candidates with a criminal record. Analysis for nearly every party shows that a greater percentage of those with a serious criminal record are able to win compared with those without any record (Sastry, 2013; Vaishnav, 2014). What makes candidates with criminal records winnable? Due to the absence of intra-party democracy and mechanisms in ticket distribution, those who have control over money and muscle power become favoured candidates. This is clearly shown by the data from Lok Sabha 2004 and 2009, where the poorest 20 per cent of candidates, in terms of their declared financial assets, had a 1 per cent chance of winning parliamentary elections. The richest quintile, in contrast, had a greater than 25 per cent chance (Vaishnav, 2014).

Though there have been some efforts from Indian National Congress to incorporate intra-party democracy measures in its functioning. Elections organised for the Indian Youth Congress and the experiment conducted for primaries for Lok Sabha 2014 elections are illustrations of this. There may be many plausible explanations for this, but one that emerges strongly is that the INC is trying hard to shake the label of a dynastic party attached to it (Deccan Chronicle 24-04-2014).The result of the efforts is yet to be seen. Internal elections held in parties for various posts are an important indicator of intra-party democracy. Not much attention has, however, been paid to this aspect of political party functioning. An analysis by Ashok Chousalkar in 1997 is the most recent study for party elections held in the INC, the Janata Dal and the Republican Party of India. In the elections studied by him, the election to the post of party president in the INC was held after almost 46 years (Chousalkar, 1997).

The requirement to conduct internal elections in the party stems from the Representation of the People Act (RPA), 1951. The RPA was amended in 1989 to include Section 29, which deals with the provisions for registration of political parties with the ECI. Section 29 (A) (9) dealing with the internal elections states, "after an association or body has been registered as a political party as aforesaid, any change in its name, head office, office-bearers, address or in any other material matters shall be communicated to the Commission without delay."
Even though the information is to be sent after conducting elections (the time for which is specified according to respective constitutions of the parties), parties routinely fail in sending the updated information to the ECI. There have been instances where the ECI had sent reminders to parties to send updated information on elections.

ntra-party democracy processes need to ensure socially inclusive processes of candidate nomination for women, ethnic minorities, and other under-represented sections of society. Unfortunately, in the wake of absence of regulations pertaining to candidate nomination and internal elections, parties in themselves have found no motivation to implement inclusive and decentralised measures. To ensure adequate representation and participation in political arena to all sections of society, it may be a good time to evaluate the

introduction of a comprehensive law to regulate basic functioning of political parties. The need for a law to regulate parties has also been felt with regards to other aspects of their functioning, like raising finances and election expenditure and building transparency and accountability in their functioning.

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