



## Role of Non Governmental Organizations In Electoral Reforms in India a Case Study

### KEYWORDS

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#### 1: INTRODUCTION:

Nongovernmental organizations are recent development in public life. These organizations are established for a specified objective. Nongovernmental organizations have direct contact with masses can play very important role in the area of electoral reforms. Election plays very important role in democratic countries. Every democratic country must have a sound electoral body. Constitution of India created various constitutional bodies like Legislature, Executive, and judiciary. The doctrine of locus standi was diluted with emergence of Public Interest Litigation (PIL), where anybody or body can approach before Supreme Court or respective High Courts of respective states for to protect public interest. There are NGOs working for public welfare and approached before higher judiciary for common cause. The Association for Democratic Reforms and Peoples Union for Civil Liberties are nongovernmental organizations which are working for strengthen democracy and protects people's rights in India. John Locke rightly stated that Government must be with the mandate and with consent of the people of the country. There is an urgent need for electoral reforms in India. It is necessary that elections should be conducted in free and fair conditions and there should be an impartial authority to conduct elections as free and fair election is the basic structure of Indian constitution.

#### 2: OBJECTIVES OF STUDY:

- : To observe the role of NGOs in the area of electoral reforms.
- : To analysis the contribution of NGOs for electoral reforms.
- : To acquire knowledge about electoral reforms in India.

#### 3: ORIGIN AND CONCEPT OF NON GOVERNMENTAL ORGANISATIONS:

Government is an authority which is established for welfare of the people. Every governments sanction is people and government shall undertake various schemes for public at large. There are limitations for governmental works and this gap can be effectively bridged by Non Governmental Organizations (herein after called as NGOs). Organized efforts give much more prominent results than individual ones; there are certain institutions which use to contribute in public sphere for betterment of public at large. A non-governmental organization (NGO) is the term commonly used for an organization that is neither a part of a government nor a conventional for business. Term "nongovernmental organization was first time coined in 1945 when United Nations (UN) was created. United States itself an intergovernmental organization, made it possible for certain approved specialized international non-state agencies" These bodies strive for achieving goals set out or serve for particular community, for a class or for public at large, e.g. Human Rights, Women empower-

ment, Child protection, Environment, etc.

NGOs are playing very important role in protection of human rights and civil liberties of individuals. There is plethora of NGOs working under various sectors of human life. These organizations also contribute in electoral reforms for better democracy in India. Some important NGOs working in various fields in India are as follows.

Sr. No	NAME OF NGO	AREA OF WORK
01	Pratham	Education
02	Sammaan	Empowerment of Downtrodden
03	Awaaz	Environment Protection
04	Prerana	Human trafficking
05	Nanhi Kali	Girl child Education
06	CARE International	Hunger and Poverty
07	Association for Democratic Reforms	Governance and Democracy
08	Public Union for Civil Liberties	Human Rights
09	Peoples Union for Democratic Rights	Civil Rights & Civil Liberties
10	Bill and Milinda Gates Foundation	Hunger And Poverty

#### 4: CONSTITUTIONAL PROVISIONS OF ELECTORATION SYSTEM IN INDIA:

Indian constitution is the biggest constitution in the world. It provides various aspects of organs of the government and plethora of other Constitutional machineries like Election Commission of India. Part XV of Indian constitution devoted to the Elections in India to Superintendence, control and direction and control of the preparation of the electoral rolls and also the conducts of elections in India. Article 324 to Article 329 of Indian constitution provides election system in India. Article 324 established the office of the Election Commission of India, which is comprised of Chief Election Commissioner and other election commissioners. It is the duty of Commission to conduct elections through out India. It can prepare voters list of India for general elections. Under respective powers the commission can fix code of conduct for the candidates who are willing to contest the Elections. This code of conduct is mandatory for the candidates and Election commission can take those who will transgress the same appropriate action and it can invalidate the election of candidate.

#### 5: OBJECT OF ELECTION REFORMS:

The elections are conducted to choose representatives for the governance of the country, in the democratic country like India where we adopted the democratic form of the government and our constitution is federal in nature, where central and state level government has to play a

very important role for the progress and development of the country. To achieve the goals set by constitution it requires highly qualified and visionary leadership and the elections should be conducted without and pressure or burden on the citizens of the country. In India there is an independent and impartial constitutional mechanism to deal with elections but it is observed that there is great need to reform the present electoral scenario. In the country like India where literacy rate is so low i.e. 74% according to the Census 2011, the citizens are unaware about their Rights, Right to vote is a constitutional right granted by the Art.326 of Indian Constitution. The present election mechanism is drafted in 1940s and there is a drastic change in the Socio-political situation in India. India is the largest democracy of the world and it is shameful matter for India the candidates who use to contest election by fraud, Misrepresentation, booth capturing and mal-administration. No doubt that Election commission Of India is trying to reforms the election system but there is a great space for the reformation. It open secret in India that all the elections are conducted on the basis of money and muscle power this is the reality of Present Election system in India.

#### **6: ELECTROL REFORMS AND NON GOVERNMENTAL ORGANIZATIONS:**

Supreme Court of India is the watchdog of Indian constitution apart from its original jurisdiction Supreme Court was allotted with extra power of Judicial Review of Administrative action, Legislative Action, and judicial review of Judicial Actions itself. Article 32 of Indian constitution empowers Supreme Court to enforce the rights granted under part III of constitution, Supreme Court have the power to issue directions or orders or writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari which may be appropriate for the enforcement of the fundamental rights. Under the power of judicial review Supreme Court shall maintain balance among various constitutional bodies it shall respect the jurisdictions of other bodies. Many persons are approaching to the Supreme Court for justice; under various petitions Supreme Court directed election commission of India for various reforms, the role played by judiciary is vary important we will discuss this role in detail right from the commencement of Indian Constitution

NGOs are playing sin qua none role in the progress and development of the nation, NGOs are guardian of rights of Indians. Whether an organ of a state or any constitutional body is functioning as per the mandate of Indian constitution? NGOs find loopholes and can give suggestions for better working of institutions. There are number of decisions are taken by government on the findings of various NGOs. Election commission of India is constitutional body to conduct elections throughout India and research and development electoral area is part and parcel function of it. Still there are NGOs striving to bring reforms for free and fair elections in India.

#### **7: ASSOCIATION FOR DEMOCRATIC REFORMS:**

This is an NGO established by Professors of Indian Institute of Management, Ahmedabad for better democracy and transparent governance in India. This contributed much in electoral reforms in India. This NGO was established in 1999 to achieve true democratic principles for Indians. The principle mission this NGO is improves governance and strengthens democracy by continuous work in the area of Electoral reforms and Political reforms. The ambit and scope of work in this field is enormous, Hence,

ADR has chosen to concentrate its efforts in the following areas pertaining to the political system of the country:

- Corruption and criminalization in the political process.
- Empowerment of electorate through greater dissemination of information relating to the parties for better and informed choice.
- Need for greater accountability of political parties.
- Need for inner-party democracy and transparency in party functioning.

#### **8: PEOPLES UNION FOR CIVIL LIBERTI (PUCL):**

**Union of India V. Association for Democratic Reform (2002) 5 SCC 294 AIR 2002 SC 2112**

**Union of India V. Peoples Union for Civil Liberties (PUCL)**

The above mentioned NGOs filed Public Interest Litigation (PIL) by Association for Democratic Reforms and Peoples Union for Civil Liberties for disclosure of criminal cases or criminal background of candidates contesting elections in India. India adopted parliamentary for of governance under which we use to elect our representatives for making laws and policy decisions. Citizens must know the background of candidates. It will helpful to strengthen democracy in India, but under Representation of peoples Act, 1951, there were no provisions which made mandatory to disclose criminal background, educational qualification, financial status etc. two NGOs filed PIL for the same. In a landmark judgment apex court of India delivered a landmark judgment and directed ECI for necessary changes. This resulted electoral reforms in India. The election commission of India was directed to obtain information on affidavit by issuing necessary order in exercise of its power under Article 324 of the constitution of India from each candidates contesting election to parliament or state legislature as a necessary part of his nomination paper. Following are important guidelines issued by apex court of India to reform in electoral process in India.

#### **A) Criminal Background of Candidate:**

Whether the candidates is convicted / acquitted / charged of any criminal offence in the past – if any, whether he is punished with imprisonment or fine?

Under this guideline Supreme Court of India directed to receive the information about the candidates criminal background the candidate have to furnish the said information on affidavit at the time of file form for election. This information is for public purpose, so that the citizens of the country can choose better representative for their constituency. If candidate is having criminal background then citizens can decide the fate of candidate.

#### **B) Criminal charges against Candidate:**

1. Prior to six months of filling of nomination whether the candidates is accused in any pending case of any offence punishable with imprisonment for two year or more, and in which charged is framed or cognizance is taken by the court of law, if so details thereof.

Under this guideline Supreme Court of India directed to the Election commission of India for securing the information about criminal charges against candidate so that such persons can be stopped from entering in the arena of politics. It is the right of Citizens to know about the background of the candidate, whether any court punished him? It is a great help for keeping political arena as clean and healthy for protection of democratic values.

**C) Financial position of Candidate:**

The assets (immovable, movable, bank balance etc) of candidate and of his/her spouse and that of dependents.

It is observed that politicians become richer after winning the election, it is matter of great threat for existence of democracy. There should be check and balance on the financial position of the candidate; does it mean that candidate shall not acquire property? No they can, but with proportionate to their Official income. Supreme Court laid down the guideline to election commission, for mandatory disclosure of financial status contesting candidates. It is proved as great electoral reform under Indian scenario.

**D) Financial liabilities of candidate:**

2. Liabilities if any particularly whether there are any over dues of any public financial institution or government dues.

The supreme court of India laid down the guideline that at the time of filling nomination form for contesting election, Supreme Court made it mandatory to provide on affidavit the financial liabilities of candidate. Very such person shall produce no dues certificate from local governing bodies at the time of filling nomination for electrons.

**E) Educational Background of candidate**

The leadership of nation must be visionary, it determine the fate, progress, and development of the Nation. But there are no provisions in Indian constitution about educational qualification. Now it is mandatory to all candidates furnish information about their educational background. So that citizens can choose highly qualified representatives for the National administration.

This change in electoral process in India is undergone due the active role played by NGOs named Association for Democratic reforms and Peoples Union for Civil Liberties.

The Hon'ble supreme court of India laid down important guidelines in the case of *Union of India V. Association for Democratic Reform* the guidelines played sin qua none in the democratic country like India where most of people are unaware about their rights. These guidelines are implemented by the election commission of India for conducting general election throughout India and it is a one of the essential characteristic for free and fair elections in India. The election commission should hold procedural integrity and peaceful electrons to be an inviolable norm. The violation of this norm should result in countermanding the election because the integrity of the electoral process cannot be compromised at any cost. Still it observed that much candidate use to file false or misleading information about their criminal financial, and educational background, so it is time to take strict action against those candidates and to encourage the citizens of India and to bring drastic changes in the field of elections to mention real democratic values constant.

**9: Conclusion:**

It is necessary to have somebody or buddy who will work for the betterment of societal needs and aspirations. NGOs has bridged the gap become the *maseha* of millions. The Association for Democratic Reforms and Peoples union for civil liberties has contributed lot by filling Public Interest litigation before Supreme Court of India. The apex court also rectified the electoral reforms. The right to know was held as fundamental right of citizen. "Elections become the game of scoundrels" up to certain extent this statement is true. If we observer today's political situation with keen observance criminality is increasing day by day, elections are won on the basis of muscle and money power, citizens of India are helpless. Nongovernmental organizations are the only ray of hope to the citizens of this country, and the role, which was caste upon NGOs, is fulfilled by it. Hon'ble Supreme Court of India issued detail guidelines for election reforms in India due to a vigilant activity of two NGOs.

**REFERENCE**

Dr. S. N. Dhyani "Fundamentals of Jurisprudence" Central Law Agency Allhabad 3rd Edition 2004 P 89 | Dr. J. N. Pandey "Constitutional Law of India" Central Law Agency, Allhabad. 44th Edition 2007 p 734 | [http://e.m.wikipedia.org/wiki/Non-govermenantal\\_organization](http://e.m.wikipedia.org/wiki/Non-govermenantal_organization) | P.M. Bakshi "The Constitution of India " Universal Law Publication, 6th Edition 2004, P 274 | *ibid* | M.P. Jain "Indian Constitutional Law" Lexis Nexis Butterworths Wadhwa Nagpur Reprint 2012 | [www.wikipedia.org](http://www.wikipedia.org) | *supra* | *supra* | Durga Das Basu "Introduction to the Constitution" | <http://adrindia.org> | [www.manupatra.org](http://www.manupatra.org) | 2nd may 2002 in Civil appeal No 7178 of 2001: | "Politics and Democracy – electoral reforms" Amicus Books The Icfai University Press Edited by K Prasanna Ranni