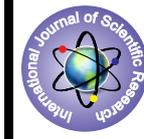


Political Party Reforms In India: Some Issues



Political Science

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ABSTRACT

The framers of India's Constitution opted for the Westminster model of parliamentary democracy, the most difficult form of democracy practiced anywhere in the world in the last two centuries, to ensure continuing accountability of the government to the people through Parliament/ legislatures. Since there can be no healthy parliamentary system of democracy without a healthy political party system, radical reform in the functioning of political parties is a most urgent requirement, argues the author. Stricter registration criteria to check the proliferation of political parties, representation in the council of ministers based on the number of seats won by a political party in coalition governments, inner party democracy to do away with the nomination culture and dynastic rule, and above all political morality, form the author's agenda for reform of political parties in India. Political party reforms are critical in the context of electoral reforms and need to be addressed urgently.

Introduction:

Article 29A (1) and (2) of the Representation of People Act (RPA), 1951 makes it mandatory for any association or body of individuals of India calling itself a political party to make an application to the ECI for registration as a political party, within 30 days following the date of its formation. Article 29A (5) requires that the application be accompanied by a copy of the memorandum or rules and regulations of the association or body, wherein the association or body shall affirm true faith and allegiance to the Constitution of India. Further, sub-section (7) of Section 29A adds stringency to the above provision by stating that no association or body shall be registered as a political party under this section unless the memorandum or rules and regulations of such association or body conforms to these provisions, that is, the provisions of sub-section (5) of Section 29A. The Election Commission's decision in this matter is final.

As regards accountability related to reporting on the regular functioning, expenditure and income of registered political parties, there are certain provisions already present that empower the ECI. First is Section 29C of the RPA that compulsorily directs all registered political parties to submit an annual report to the ECI on all contributions in excess of Rs 20,000, without which no political party is eligible for any tax relief provided to political parties under the RPA.

Significance of Acts

Public Interest Foundation (PIF), an NGO, sought information under the RTI Act to find out the status of compliance with various mandatory provisions under the jurisdiction of the ECI. On the compliance status under Section 29(c) of the RPA regarding submission of annual reports to the ECI of all contributions in excess of Rs 20,000, PIF received a reply from the ECI that, till now, only 98 registered political parties out of a total of 1,196 registered political parties have submitted annual reports regarding contributions above Rs 20,000. Compliance therefore is a mere 8%. Further, the ECI has not recommended any action to the income tax department against the defaulting political parties; only copies of contribution reports received from the political parties have been referred to the income tax department. Perhaps the ECI could have educated the general public in this regard so as to enable them to make an informed choice whilst casting their votes during elections. Through another RTI application, PIF sought information specifically on compliance with the mandatory guidelines issued by the ECI under Article VIII of Rule 3(i) and Rule 3(xix) of the Guidelines and Application Format for Registration of Political Parties under Section 29A of the Representation of the People Act, 1951 which calls for the mandatory requirement of submission of annual audited financial statements by all registered political parties within six months of the end of each financial year.

Role of Law

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the state lokayukta held him responsible for corrupt practices relating to allocation of plots to his family members. Karnataka saw a scam in illegal iron ore mining under his rule. Despite this being the case, Yeddyurappa not only continues to command the support of a sizeable number of Bharatiya Janata Party legislators from Karnataka, but is also able to threaten the BJP high command in Delhi with revolt if he is not reinstated. If governments have no laws stating what parties can and cannot do, nations risk engaging in ruthless politics with little or no public accountability. One does not have to invent a new wheel. There is a draft bill called the Political Parties (Registration and Regulation of Affairs, etc) Act, 2011, prepared by the Centre for Standards in Public Life (CSPL) under the guidance of former Chief Justice of India M N Venkatachaliah. This draft bill attempts to address a wide spectrum of issues ranging from the formation of political parties to registration, governance, accountability, regulation of political parties, functions of parties and their discipline. It compulsorily lays down the condition for maintenance and reporting on accounts and all contributions above Rs 20,000 by political parties, clearly noting that compliance with provisions of the Act and the declaration submitted by political parties at the time of registration would be legally binding on them, on a continual basis.

Role of Political parties

The minimum that citizens can be promised is the provision that seeks to regulate the regular functioning of political parties in terms of maintenance of accounts and contributions, along with a clause for legal punitive action in case of non-compliance. Moreover, there should be the mandatory requirement for an appropriate authority to generate public information regarding defaults by political parties on binding disclosures so that a true public image of the political party may be constructed in the minds of the common citizenry. Can the ECI deliver this gift to the nation without waiting for major legislative changes in electoral laws?



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being the case, Yeddyurappa not only continues to command the support of a sizeable number of Bharatiya Janata Party legislators from Karnataka, but is also able to threaten the BJP high command in Delhi with revolt if he is not reinstated. What enables a politician like Yeddyurappa to defy the party's central leadership with impunity? Earlier, too, we have seen a whole host of Congress leaders like Mamata Banerjee Sharad Pawar etc walk out of the Congress party to set up their own regional outfits. Yeddyurappa is not the exception but part of an overall fissiparous trend where power is shifting from the Central leadership of political parties to the states. This is obvious when you consider how various states have been able to hold up implementation of central legislation in areas like the GST, FDI in retail, NCTC, etc. Indeed, the Trinamool Congress and the Dravida Munnetra Kazhagam have even been able to scuttle or modify foreign policy initiatives of the Centre with neighbouring countries. The trend has been brushed aside as either the inevitable result of a weak coalition government at the Centre or an affirmation of India's federalism. Were it so, there would be no cause for undue worry. However, Yeddyurappa's easy defiance of the BJP high command, despite being in the dock on corruption charges, points to much deeper forces at work in shaping our polity than mere regionalism or federalism. It is time to dig deeper into the phenomenon.

Reforms of political parties

India may have been a cultural unity for thousands of years but it was never a political one. Instead, it was a political patchwork of small regional satrapies of varying hues and quality living together in uneasy coexistence. Prior to British rule in India, we had no experience of a strong central government, common currency, central army funded by nationwide taxes, and a national market for goods, services and finance. If culture and religion transcended the fragmented political principalities, it was despite them, not because of them. The mutual wars and jealousies kept India divided with disastrous consequences for the region as a whole. Therefore, it is well to bear in mind that the nationwide political union that our generation of Indians takes for granted, is a very recent phenomenon in our long history. There is no natural constituency to protect and preserve Delhi's power over the Union above and beyond the Union government itself. In many ways the formal, legal structure for the Union's control over the states cannot work without the political party structure through which the chief minister and his/her cabinet colleagues are appointed. In fact, in normal times it is the political structure that overrides the formal Union. And Yeddyurappa's defiance of the BJP high command, or the walking out of Congress by Mamata Banerjee to form her own TMC, like many others before her, must be understood more as part of the changing political dynamic following reforms. Political parties are hungry cash machines with very little income. Money drives everything in a political party, from publicity expenses, staff salaries, and office bills to the fortunes needed to fight elections. Not surprisingly, he who pays the piper calls the tune. While all politicians and parties prefer to obscure this evident fact, we need to ex-

amine its influence on the polity in some detail. Needless to say, all political parties are guilty on this score. We should not miss the woods for the partisan trees. Absent a viable legal source of funding, all political parties raise monies through rent extraction from businesses using government controls, favours and assets. Public donations are a fiction. Prior to reforms, under the licence and permit raj, businesses needed a licence or government favour to expand, import a raw material, or to manipulate markets through changes in excise duties, import duties, or even raid a rival for tax evasion. Rent extraction under such a scheme was easy. Corruption was pervasive, leaving nothing untouched. Rents were key to profits. Trading favours with businesses raised funds.

Since most of the favours were in the power of central government to give or withhold, fund collection was centralised. Money flowed to the party high command from where it was distributed to regional leaders when required. Under this system, revolt against the central leadership of a political party, though not unknown, was rare. To revolt or defy meant certain banishment into arid wilderness without money. With dismantling of the licence and permit raj, a whole system for corruption and rent extraction vanished. New sources had to be devised. Lacking other devices, these have been found in sale of government-held assets like spectrum, mines or land. The shenanigans in this area are in the press daily. But what should concern us are two things. First, in mining as in land, the control of assets is squarely with the state government or the chief minister. So rent extraction now happens at the state or the regional level rather than the central level as before. Second, if the political party that is in power at the state but not the Centre has a defiant chief minister on its hands, it has no coercive power to put down the revolt. That is the BJP's predicament regarding Yeddyurappa. In both the BJP and Congress, the centre depends on the states to raise funding. If the loss of control by the central leaders on Congress party apparatus is not so stark, the reason owes more to brand equity of the Gandhi name as a vote-getter within the Congress. Over time even that will attenuate.

Conclusion:

Firstly, we must mandate open, transparent, independently conducted, intra-party organisational elections through the Election Commission. That will ensure a measure of inner-party democracy that parties sorely lack in order to reconcile internal differences. Secondly, we need to grasp the nettle of political funding. That cannot be delayed any longer. We are but one step away from mafia rule in some states because corruption has ceased to be an issue that turns off voters. Note that the Union government is no more than a mute bystander in the Karnataka imbroglio despite its implications for the country's governance. Given our long and disastrous history of regional satrapies, to allow central institutions to weaken further would be playing with fire. This is one unintended consequence of reforms that we need to address urgently.

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