

Policy Report

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Intra-party Democracy and Indian Political Parties

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THE HINDU CENTRE

for

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ABSTRACT

This report examines the status of intra-party democracy in the two major political parties of India — the Indian National Congress (INC) and the Bharatiya Janata Party (BJP). It focuses on understanding the inclusiveness and decentralisation in two main aspects of intra-party democracy: the candidate nomination process and the selection of leaders and office bearers. Analyses presented in this report are based on an extensive literature survey, data analysis and interviews conducted with party officials, former Election Commissioners and representatives of civil society organisations. The need to conduct the study stemmed from the idea that the roots of many pertinent problems faced by Indian democracy can be partly traced to the lack of intra-party democracy in political parties. Though the working of internal democracy may be debatable, all political parties that contest elections have some organisational structure in place. Analysis of nomination processes shows that both the national parties are largely centralised and adopt a top-down approach in decision-making. The information provided to the Election Commission of India (ECI) on internal elections for party positions is superfluous and does not help in drawing conclusions about the quality of these elections. What is interesting, however, is that some new experiments were conducted prior to the Lok Sabha 2014 elections, such as the primaries held by the INC, and larger studies are required to evaluate their effectiveness. Though the INC suffered a historic loss in the 2014 elections, which was attributed to reasons like anti-incumbency, corruption and the economic slowdown in the country, the primaries may have helped in addressing dissent among party workers. Similarly, though the BJP won the elections, the exercise of holding primaries may have reduced internal dissent. Some other remedial measures that need to be taken are to improve the nature of internal elections held by parties and provide an effective regulatory framework to make the nomination process more inclusive and egalitarian.

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I. INTRODUCTION

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” (Schattschneider, 1942). Political scientists have since then continued to identify parties as key institutions 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).

Until recently, not much attention was paid to the subject of intra-party democracy because of two major reasons. First, it was thought that intra-party democracy threatens the efficiency of party organisations by making them vulnerable to internal strife (Teorell, 1999). Second, political parties have been commonly regarded in liberal theory as private associations that should be allowed to compete freely in the electoral marketplace and govern their own internal structures and processes. Any form of regulation or outside intervention in the functioning of political parties by the state or by any other agency was regarded in this view as potentially harmful as it was thought that it would distort pluralist party competition within a country (Norris, 2004).

However, these views have been changing recently and greater interest in the subject is emerging. Though it can be espoused that intra-party democracy is a good thing, it is quite evident that there is no single, agreed upon definition of what it means for a party to be internally democratic. Parties claiming to be internally democratic organise and operate in very different ways. They may involve their members in nomination processes, selection of office bearers and party leadership and developing party positions on matters of policy in various ways. To illustrate, there can be many ways in which party members are allowed to vote — only paying members, only

members who have been in the party for a certain period, or only certain ranks within the party. There are also stable democracies with parties that lack regular processes of intra-party democracy. Broadly, internal democracy or intra-party democracy describes a wide range of methods for including party members in deliberation and decision-making in various party functions (Scarrow, 2005). Hence, a good way to understand intra-party democracy is to analyse how parties use the principles of inclusiveness and centralisation while making important decisions.

Inclusiveness relates to who is responsible for making key decisions within the party, while centralisation describes the extent to which decisions are made by a single group or a decision making body. In this context, studying the levels of inclusiveness and centralisation in how party candidates are selected, how party leaders and office bearers are selected and how the party defines its programme and policy positions becomes paramount to understanding how parties practice intra-party democracy (Scarrow, 2005).

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).

Even when the importance of intra-party democracy in parties is established, the implementation is fraught with challenges. Keeping in mind the context in which parties operate, the following questions come to mind: How do parties decide which aspects of their internal activity should or should not be subject to democratic determination? Which processes should be given high priority in implementing intra-party democracy? Who should be empowered in making party decisions? Moreover, what are the perceived costs and benefits of different approaches to intra-party democracy (Cross and Katz, 2013)?

Answers to these questions differ, depending on a variety of factors and the context in which parties operate. Since intra-party democracy is about the distribution of power and influence within a party, the choice of a specific variant of intra-party democracy would always lead to a creation of two groups — the ones that benefit from it and the ones that do not. For example, the Green Party in Germany found after several years of experience that only a handful of supporters ended up attending most ‘all-delegates meetings’, and so the party preferred to conduct its business through delegate conventions instead of convening ‘all-delegates meetings’. In another instance, the Kuomintang (KMT) in Taiwan tried unsuccessfully to organise elections to choose contesting candidates and ultimately had to provide a significant role for the local factions in decision-making of the party (Scarrow, 2005).¹ These examples also show that parties can implement intra-party democracy in their various functions up to a certain extent. While decentralisation and inclusiveness are generally considered to promote democracy, parties cannot afford to have too much of these. If, in the name of inclusiveness and decentralisation, each local branch or party candidate is free to ignore the central party, or if decision making is extended to include each member or all passive supporters, it may render the party as a political entity participating in governance of a country irrelevant (Cross and Katz, 2013). Both party systems — very open and closed — do not serve the purpose of building an inclusive and decentralised political structure in a country. The quality of democracy does not depend on the quality of democracy practiced by each party but on the democratic functioning of the greater political system. We need to assess how intra-party democracy within a party affects the political system as a whole, rather than just focusing on the situation within the party. Therefore, the debate needs to address at least the three main dimensions of intra-party democracy — the socio-political reality of the country where a party is based, and the practical possibility and the theoretical desirability of intra-party democracy (Carty, 2013).

¹ In Taiwan, the Kuomintang (KMT) governed a one-party state from the 1950s to the late 1980s. With the end of military rule in 1987, and the rise of new opposition parties, the KMT was challenged to adopt new ways of holding on to an electoral mandate. In 1989, the party introduced closed primaries to select candidates for that year’s legislative elections. The change was pressed for by the party’s national leader, but it was subsequently blamed for contributing to the party’s loss. Two factors played a role in this: First, the change removed the selection power from local factions; these factions retaliated by withholding their support if their preferred candidates failed to gain the nomination. Second, the party members who participated in these primaries turned out to be more conservative than the party’s potential electorate; as a result, the candidates they chose were not as appealing to voters as they could have been. In the wake of this defeat, the KMT changed its selection procedures several more times, developing procedures that included roles for individual members and local party factions, but that also gave the central party latitude to override local choices to provide more “balanced” slates (Scarrow, 2005).

The theoretical desirability of intra-party democracy in Indian democracy has been established in official literature. The 170th report of the Law Commission of India on reform of electoral laws dedicated a chapter titled “Necessity of providing laws relating to internal democracy within parties”. Drawing upon the Indian republic’s founding values, it states:

“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 cannot be dictatorship internally and democratic in its functioning outside.”²

Irrespective of the many ways in which intra-party democracy can be institutionalised, some fundamental questions remain: to what extent, how and in which aspects of party life can members practically control what their party does. This report focuses on two observable parameters to assess the institutionalisation of intra-party democracy: the nomination of candidates for contesting elections and the selection of leadership and office bearers. These have been analysed for the two main parties in India, the Indian National Congress (INC) and the Bharatiya Janata Party (BJP).

In this report, further discussion on intra-party democracy will be limited to these two parameters and the focus will be restricted to how candidates get nominated for national or parliamentary elections and not on any other levels (State Assembly elections and elections for both rural and urban local bodies). To undertake this exercise, literature review and data analysis and unstructured personal interviews with representatives of two main political parties in India, representatives of the Election Commission of India (ECI) and other stakeholders like the Association for

² The Second Administrative Reforms Commission (ARC) did not comment directly on the need or otherwise of inner-party democracy, it did make some very significant observations from which inferences can be drawn that have a bearing on this issue. Para 1.9 of the report says, “A factor which increases corruption is over-centralisation. The more remotely power is exercised from the people, the greater is the distance between authority and accountability. The large number of functionaries between the citizen and final decision-makers makes accountability diffused and the temptation to abuse authority strong. For a large democracy, India probably has the smallest number of final decision makers” (Government of India, 2007).

Democratic Reforms (ADR), the Foundation for Advanced Management of Elections (FAME), were conducted over the course of three months.

The process of selection of candidates is one of the most important parameters for analysing intra-party democracy. Candidates chosen through elections that represent the electorate and hold important positions in the government have wide-ranging and significant implications for political parties, party members, leaders, and democratic governance. After an election, the functioning core of a party are its office holders — its successful candidates (Hazan and Rahat, 2010).

Nomination of candidates is an intra-party issue; it takes place almost entirely inside a particular party arena and is largely unregulated. Epstein said that “selection of party candidates is basically a private affair, even if there are legal regulations” (Epstein, 1980). There are very few established democracies, for example, Finland, Germany, New Zealand, and Norway (until 2002), where the legal system specifies criteria for candidate selection and only in the United States does the legal system extensively regulate the process of candidate selection. In most countries, the parties themselves are allowed to determine the rules of the game for their selection of candidates (Hazan and Rahat, 2010). Candidate selection methods are thus the non-standardised and predominantly unregimented mechanisms (particular to parties) by which political parties choose their candidates for general elections. The party then becomes effectively committed to the candidate(s), and to mobilising its strength behind the chosen candidate(s) (Hazan and Rahat, 2010).

Whether the processes employed by parties for nominating candidates are deemed democratic or not depends, according to Norris (2004), on the degree of centralisation, i.e., how much power is given to regional, district or local bodies in the process of selection. The scale of participation in the nomination is also important; the more people that are involved in the selection, the more democratic the procedure is. Finally, the scope of decision-making, i.e. the number of candidates vying for nomination, is also important.

The process of holding elections for internal positions in the party is an important parameter for gauging levels of intra-party democracy. Internal elections are necessary to maintain dynamism in the party as they facilitate recruitment of younger leaders, challenge leaders who have their own support base and most importantly allow the ordinary party workers to occupy important positions in the party organisation (Chousalkar, 1997). The act of holding elections on time, the process used for organising elections, the space for party members to nominate themselves and others are entirely dependent on how inclusive the party is and how centralised power and

authority is within the party. Similar to candidate selection, there are no regulatory processes for internal elections held in the party and it is an intra-party issue.

In India, for both candidate selection methods and internal elections, legislative involvement is largely limited to the adherence of the rules and regulations parties have set for them in their constitution (Hazan and Rahat, 2010; Norris, 2004).

II. Political Parties in India and Intra-party Democracy

A study of the nature of intra-party democracy in political parties in India is important because of its 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.³ 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.

In the subsequent sections of this report, I present a qualitative analysis of the process by which candidates are nominated by the parties in India and the elections organised by them to elect party leaders and office bearers. All parties in India that contest elections have some organisational structure in place. This structure and the strength of it varies from formal to very informal or dependent on just one person based on the nature and size of the party. To illustrate, all major political parties in India have a constitution, which prescribes membership details, organisational structure and leadership and selection of office bearers. However, there is a gap between the constitution and its actual implementation. The constitutions of both the INC and the BJP do not cover the candidate nomination process at all.

The analysis signals to the fact that first, there is no clear process followed by parties to nominate candidates. Nominations are finalised by a committee of a few members. Second, the process of organising elections for party leadership and office bearers and reporting them to the ECI seems to be a formality in most parties and is poorly

³ Allegiance to party or being part of a party is crucial since being an independent candidate does not lead to electoral gains. Trends show that very few independent candidates are able to win national level elections. More often than not, they are forced to forfeit their security deposits due to low number of votes they garner. In 2004, 2,385 independent candidates contested with an average of four candidates per constituency. Out of these, only five independent candidates won. Similarly in 2009, 3,831 independent candidates contested elections, with a per-constituency average of seven candidates (ECI). Of this, only nine independent candidates won (Sastry, 2013). In 2009, 3,234 independent candidates contested of which only three won (Public Information Bureau, 2014). The very low success rate of independent candidates emphasises the importance of party nomination for electoral success in India.

implemented. Third, it can be concluded from the analysis that the main parties of India, the INC and the BJP, can certainly incorporate ways to involve party members in decision making process. The INC, the oldest dynastic party in India, tried to conduct primaries before the Lok Sabha elections in 2014 in 16 constituencies on an experimental basis to give the grassroots workers a say in candidate selection. However, most of these constituencies chose sitting Members of Parliament, senior leaders or their close associates. The process also witnessed controversies in various states, including in Delhi, Maharashtra, Karnataka and Madhya Pradesh (Deccan Chronicle, 2014). Even when fraught with challenges, this was a pioneering experiment and further studies and explorations should be done to contextualise it in the Indian context.

There are several limitations to this report, as the analysis has not been done for State units of the parties. There is also a need to undertake a similar study for bigger regional parties, which are playing important roles in national politics and are centralised and dynastic in nature. Nevertheless, the report tries to present a picture for the two main parties and provides qualitative evidence towards the absence of intra-party democracy in political parties.

The backdrop of the Lok Sabha 2014 elections presented an opportune time to conduct the study. The nature of politics in India has been evolving and, in the last few decades, has changed significantly. Political parties have become closed autocratic and dynastic structures; there is increasing 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).⁴

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 multi-party 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

⁴ A number of committees set up by Government of India to suggest electoral political reforms have recommended introduction of intra-party democracy mechanisms in selection of members and candidates; elections for important party posts like secretary, treasurer and president; consultations with party members on deciding party agenda; fund-raising and spending and providing opportunities for young politicians to climb hierarchy ranks.

now State-level parties where, again, the top leadership has remained with a single family. In fact, in contemporary India, dynastic leaders exist in most political parties, with clear exceptions being the Communist Party of India (CPI), the Communist Party of Indian Marxist [CPI (M)], and the BJP.

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 social groups 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).

⁵ According to ECI, a political party shall be treated as a recognised political party in a State if and only if the political party fulfils any of the following conditions: (i) At General Elections or Legislative Assembly elections, the party has won three per cent of seats in the Legislative Assembly of the State (subject to a minimum of three seats), (ii) At a Lok Sabha General Election, the party has won one Lok Sabha seat for every 25 Lok Sabha seats allotted for the State, (iii) At a General Election to Lok Sabha or Legislative Assembly, the party has polled a minimum of six per cent of votes in a State and, in addition, it has won one Lok Sabha or two Legislative Assembly seats, (iv) At a General Election to Lok Sabha or Legislative Assembly, the party has polled eight per cent of votes in a State (Election Commission of India, 2014)

⁶ A dynastic party is defined as a party which has seen at least one or more successions that are all within a family and which result from the choice of a family member by the existing leader to be the next head of the party. The new leader is not selected through a free and fair election (Chhibber, 2013).

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.⁷

Dynastic parties do not believe in strong party organisation and do not practise intra-party democracy in both candidate nomination and elections for party leaders and office bearers.

The internal organisation of these dynastic parties is systematically different from the non-dynastic parties. Additionally, dynastic parties in India have led to greater party system instability and voters are less likely to see dynastic parties as representing the interests of the voters (Chhibber, 2013).

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.

The table below presents an analysis of the MPs (from major parties) with pending criminal cases in Lok Sabha 2009 and 2014 (Association for Democratic Reforms, 2009 and Association for Democratic Reforms, 2014)

⁷ 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; Dushyant Chautala, son of Ajay Chautala and grandson of Om Prakash Chautala, contested from Hisar on an INLD 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.

Table 1: Indian MPs with criminal cases: A comparison between Lok Sabha 2009 and 2014

Lok Sabha 2009					Lok Sabha 2014			
Party	Number of candidates analysed	Number of MPs	Number of MPs with Pending criminal cases	MPs with pending criminal cases (per cent)	Number of candidates analysed	Number of MPs	Number of MPs with Pending criminal cases	MPs with pending criminal cases (per cent)
INC	438	206	44	21	462	44	8	18
BJP	428	116	44	38	426	281	98	35
SP	192	23	9	39	195	0	0	0
BSP	493	21	6	29	501	0	0	0
JD(U)	53	20	8	40	93	2	1	50
AITC	33	19	4	21	131	34	7	21
DMK	21	18	4	22	35	0	0	0
CPM	81	16	3	19	93	9	5	56
BJD	18	14	4	29	21	20	3	15
SHS	46	11	9	82	58	18	15	83
NCP	68	9	4	44	35	6	5	83
ADMK	21	9	4	44	40	37	6	16

Source: Association for Democratic Reforms

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 record⁸ 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

⁸ Association for Democratic Reforms defines serious charges as those offences for which, (i) maximum punishment is of 5 years or more, (ii) If an offence is non-bailable, (iii) If it is an electoral offence, (iv) Offence related to loss to exchequer, (v) Offences that are assault, murder, kidnap, rape related, (vi) Offences that are mentioned in the Representation of the People Act (Section 8), (vii) Offences under Prevention of Corruption Act, and(viii) Crimes against women

of winning parliamentary elections. The richest quintile, in contrast, had a greater than 25 per cent chance (Vaishnav, 2014).⁹

Various commissions on electoral-political reforms have repeatedly suggested barring candidates with criminal cases from contesting elections.¹⁰ Political leaders from various parties have also raised this issue sporadically. In 2010, during the conference held for the diamond jubilee celebration of the ECI, Sonia Gandhi, president of the INC, said, “We also need to build a consensus on how to prevent individuals with a criminal record from contesting elections.” Prime Minister Manmohan Singh, at the same function, said, “The background of many contestants, and quite often the winning ones, does not inspire confidence in voters.” In a similar vein, Sushma Swaraj of the BJP and leaders of all major parties asked for barring candidates with criminal background from contesting elections (The Economic Times, 2010). There has, however, not been a serious attempt by these parties to exclude such candidates from contesting elections.¹¹

On the contrary, political parties have tried to use every possible means to continue this practice. When in July 2013 the Supreme Court of India ruled that sitting politicians would be disqualified upon being convicted of criminal acts regardless of filing of an appeal, the Government of India moved an ordinance to nullify this judgment apparently with the consensus of all parties. However, a public outcry led to a major embarrassment for the government, and Rahul Gandhi, Vice-President of the INC, denounced it as “complete nonsense” and said what “our government has done is wrong” (The Times of India, 2013).

⁹ For the 2014 elections (first six phases of the elections), all parties gave tickets to candidates whose declared assets exceed Rs. 1 crore (crorepatis). To illustrate, 83 per cent of INC candidates, 78 per cent of BJP candidates, 78 per cent of NCP candidates, 94 per cent of DMK candidates and 83 per cent of AIADMK candidates were crorepatas. The average assets per candidate are Rs. 41.01 crores for INC candidates, Rs. 10.15 crores (BJP), Rs. 6 crores (AIADMK), and Rs. 10 crores (DMK). (Association for Democratic Reforms, 2014 b)

¹⁰ The Goswami Committee on Electoral Reforms (1990), Vohra Committee Report (1993), Law Commission Report on Reform of the Electoral Laws (1999), National Commission to Review the Working of the Constitution (2001), Election Commission of India – Proposed Electoral Reforms (2004) and the Second Administrative Reforms Commission (2008)

¹¹ From the analysis done for the candidates who contested Lok Sabha 2014 elections, 17 per cent of the total candidates have criminal charges of various kinds pending against them. These candidates are from all major parties, including the INC, the BJP, the AAP and the BSP (Association for Democratic Reforms, 2014).

III. CANDIDATE NOMINATION PROCESS

Intra-party nomination process is very important, both for representational and policy outcomes in a widely heterogeneous society. The processes employed by political parties to nominate candidates and distribute tickets are good indicators of the level of centralisation and inclusiveness in the parties. According to Bille (2001), there are six types of nomination processes in political parties in western European democracies based on the level of inclusiveness of party member in the ticket distribution process. From the most centralised to the least, they are as follows:

1. The national party organs completely control the selection of candidates.
2. The sub-national party organs propose candidates, but the national party organs make the final decision.
3. The national party organs provide a list of names from which the sub-national party organs can select the final list.
4. The sub-national party organs decide, subject to the approval of the national party organs, including the right to add or delete names according to a variety of stipulated qualifications.
5. The sub-national party organs completely control the process and make the final decision
6. Nomination decisions are based on membership ballots, which are not the same as an open primary, but the closest to grassroots participation (Bille, 2001).

Based on literature review and interviews, it may be correct to say that the major political parties in India fall under the second-most centralised or most centralised categories. The Congress, the BJP and the CPI(M) can be classified as belonging to the second most centralised category and state parties like the BSP, the SP, and the DMK can be put in the most centralised top-down category (Farooqui and Sridharan, 2014).

Initial work was undertaken in 1960s and 1970s to understand the party nomination process for the INC (Roy, 1966; Roy, 1967a; Roy, 1967b). After this, as Farooqui and Sridharan (2014) point out, there was a gap of a few decades before a similar study was conducted for the major political parties in India. It needs to be noted that the constitutions of both the INC and the BJP are largely silent on candidate

selection methods and thus, there is no official standard for how these parties choose their candidates. Based on literature review and interviews, the formal process of nomination for Lok Sabha elections for Indian National Congress is as follows: The party sends observers to each of the 543 Lok Sabha constituencies who prepare reports on potential candidates in their constituency for the District Congress Committee (DCC) and the Pradesh (State) Congress Committee (PCC). The DCCs and PCCs give inputs to the State Election Committee (SEC) in each State, which sends a panel of names listing the pros and cons and relevant details of each potential candidate to the All India Congress Committee (AICC). The AICC appoints a Screening Committee for each State consisting of important party leaders, including a senior member of the Congress Working Committee, two senior leaders who do not belong to the State, the State PCC chief and the State Congress Legislature Party leader. The Screening Committees prepare a docket listing the pros and cons and relevant details of each potential candidate and send these to the Central Election Committee (CEC) of the party, the highest organ in the process, which makes the final decision.

For the BJP, the formal process for nomination for Lok Sabha elections is as follows. In the party, there are just two formal levels of decision, the State Election Committee (SEC) and the Central Election Committee (CEC). The SEC is the authority for municipal and local government-level elections in each state, with there being no need for names of potential candidates to be sent to the CEC. For State Assembly and parliamentary elections, the SEC plays a recommendatory role, recommending names of candidates for each constituency but the CEC makes the final selection. In 2009, there was a change in the process where the SEC, instead of providing a choice for each constituency, merely forwarded all the names to the CEC. The CEC was itself sidelined by the formation of informal 'core groups' for each State by the central leadership, which included certain key central leaders (Arun Jaitley, Sushma Swaraj, Venkaiah Naidu and Ananth Kumar) and select State leaders. Some individuals were on the 'core group' of two or more States and wielded enormous influence and functioned arbitrarily and with little knowledge of the grassroots realities in the states concerned. Thus, the 'core groups' made the final selection, in effect, which was rubber-stamped by the CEC after perfunctory debate on only a few seats (Farooqui and Sridharan, 2014).

In the BJP, the Rashtriya Swayamsevak Sangh (RSS) also plays an influential role in nominations. Overall, there has been a shift within the BJP since 2000, and particularly since 2004, from field-oriented nomination (constituency-level feedback from grassroots workers) and internal evaluation processes that assessed 'merit', to central party organisation-oriented nomination processes, which reward those who have cultivated connections at this level (Farooqui and Sridharan, 2014).

The above is the formal process gathered from literature review and interviews. Power is vested with a small number of party leaders. Candidate selection is carried out with input from local leaders, but the final choice is almost always made by smaller, national executive bodies. Ordinary members elect only the lowest level of committee and have little voice in the national affairs of the party (Research Foundation for Governance in India, 2010). The general criterion for ticket distribution that is often mentioned is ‘winnability or merit’, a holistic judgment on current victory prospects taking all factors into consideration, and the general rule of the thumb is that incumbents get the nomination unless they are perceived to be no longer likely to win (Farooqui and Sridharan, 2014).

While the importance of nominating winnable candidates is paramount for a party’s calculation of electoral success, the arbitrary definition makes this a non-egalitarian process. There is so much anomaly and ambiguity in the process that what actually transpires behind the closed party doors while nominating candidates is an uncharted territory. The major factors are caste, religion and other social groups, based on which parties nominate candidates from some constituencies. In some cases, there is corruption in ticket distribution. For example, during every round of State and national elections, there are reports of nominees having to pay for nomination. In some instances, Bollywood celebrities and sports celebrities are nominated for their image, status and media presence (International Business Times, 2014; Mishra, 2014). An interesting observation in the run up to the Lok Sabha 2014 elections was the movement of candidates between the BJP and the INC.¹² The fact that an outsider, more so a member of a rival party, is able to join the party and is nominated — the ultimate prize many party members work towards — shows that something is amiss in the way parties nominate candidates. The lack of inclusiveness and high level of centralisation in the ticket distribution process has also led to a public slugfest between parties and candidates.¹³

¹² Ramesh Chand Tomar, who was given a ticket by the INC to contest the 2014 general election from Gautam Budh Nagar parliamentary constituency, joined the BJP several days after the ‘last date of filing nominations’ for the constituency. His act effectively meant that there was no INC candidate contesting from the seat. It is interesting to note that Tomar, a former BJP Lok Sabha member from Ghaziabad, had joined the Congress some years ago after defecting from the BJP. He was the second such leader to join the BJP after being nominated as a candidate for a parliamentary seat by the Congress for the 2014 Lok Sabha elections. Bhagirath Prasad joined the BJP a day after he was named the Congress candidate from Bhind parliamentary constituency in Madhya Pradesh.

¹³ Jaswant Singh, a former Union minister and senior BJP leader, was denied a ticket from his home seat, Barmer (Rajasthan), from where the BJP has fielded an import from the INC, Sonaram Chaudhary. Jaswant Singh, after being expelled from the party, contested as an Independent and lost. According to reports, another senior BJP leader, Murlu Manohar Joshi, had to give up his seat in Varanasi reluctantly to make way for the BJP’s prime ministerial candidate, Narendra Modi. Joshi contested from Kanpur parliamentary constituency and won. There are several such examples for the other parties as well.

In the run up to Lok Sabha 2014 elections, Rahul Gandhi, vice-president of the INC, announced, for 16 constituencies, American style primaries to allow party members at the lowest level to vote for candidates from their constituencies. Open primaries are one of the many ways in which parties can practice intra-party democracy. There are various ways in which voting can take place — all citizens may vote, only registered members may vote or only members who have fulfilled certain criterion may vote — but there is an open voting process and the candidate with the highest number of votes wins. The process may have its own drawbacks but it still provides a window of opportunity to party members to get nominated, garner support, contest elections and raise dissent.

Out of the 16 constituencies where primaries were held, only four have incumbent Congress MPs. According to the INC's website, primaries are being conducted because,

“It is a system which allows for a broader participation of party supporters in deciding who should be a candidate from their constituency from that party. It makes the ticket allotment process fair and more transparent. The Congress party is the first national party to bring in such a process in India.”

If after 2014 elections, the party thinks that the process was successful, it plans to implement it across the country in future elections (Indian National Congress, 2014). Any eligible citizen who satisfies certain clearly laid down criteria can become a primary candidate (Indian National Congress, 2014a). A representative cross-section of party workers, leaders and other influencers, satisfying certain criteria, would participate in a simple voting process and decide the party's candidate from their constituency.

This experiment is the first step in the right direction but there is still a lot more that needs to be done. There is a need to undertake further research in these 16 constituencies to find answers to some pertinent questions. Did the process provide enough motivation to field-level workers to nurse ambitions for a career in politics in case they do not win nominations? Did the senior leaders accept defeat gracefully? What kind of members were able to contest elections? Did the process lead to new candidates being nominated in any of the constituencies or did the predictable names win? Review of organisational processes involved like electoral college and its composition and the list of voters would be required.

Female Representation

In the discussion on nomination processes, nomination of female candidates garners special attention. Lack of intra-party democracy in nomination of candidates has contributed to the poor representation of women in Indian politics. 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. It has been established in the literature that gender-based discrimination by party elites during the recruitment process is one among many factors that explains the low proportion of women among candidates contesting elections for political office (Caul, 1999).

In the 2014 Lok Sabha elections, out of 8,251 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. The non-existent success rate among female independents serves to re-emphasise the importance of party nomination for electoral success in the Indian context. This also provides evidence to the rhetorical commitment of political parties to increase opportunities for political participation for women. Even though political parties have been claiming that increased political representation is required for women, there is hardly any action taken on this aspect by them.

Spary (2014) has found that in the 2009 elections the two main parties, the INC and the BJP, took a few risks on women candidates, nominating mostly strong female candidates and mostly on winnable seats (including in constituencies the candidates or their family members had cultivated).¹⁴ This general risk-aversion towards women candidates limits the total number of women nominated to contest elections. This was again at the forefront in the Lok Sabha 2014 elections, where only eight per cent of the contesting candidates were women.

¹⁴ Family connections are vital for women to get tickets and win elections. To illustrate, 69.5 per cent of the 58 women MPs in 2009 Lok Sabha entered politics through family connections (French, 2013).

It seems that if left alone, candidate nomination processes are not likely to produce parity of representation for males and females, nor will female presence necessarily or naturally increase over time. This begs the question: would intra-party democracy help in raising women's representation and nomination? This requires a comprehensive study on what the parties intend to provide to female candidates — equality of opportunity by holding primaries or equality of outcomes by providing gender-based quotas. (Childs, 2013).

IV. INTERNAL ELECTIONS

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.”

An analysis of the latest data received by the ECI for internal elections held in the six national political parties¹⁵ provides a dismal picture. The data presents an incomplete picture as the parties have been merely providing the number of delegates who attended the session, the office bearers elected (name and posts) and the date for next elections. The data does not provide detailed information on the nature of elections, like whether it was a closed ballot or a unanimous nomination and election, how many delegates voted for which positions and who were these delegates.

As can be seen from the table, hardly any information about internal elections is provided to the ECI. The information on delegates and the nature of elections is not available in the public domain. 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 elections¹⁶.

¹⁵ According to ECI, If a political party is treated as a recognised political party in four or more states, it shall be known as a 'National Party' throughout the whole of India, but only so long as that political party continues to fulfil thereafter the conditions for recognition in four or more states on the results of any subsequent general election either to the House of the People or to the Legislative Assembly of any State.

¹⁶ The ECI sent a letter in April 2011 to all political parties asking them to send details of the internal organisational elections held in the parties.

The judiciary has also taken note of the lack of intra-party democracy within political parties and the Lucknow Bench of the Allahabad High Court issued a notice to the ECI in February 2014 seeking its reply on the internal elections held in the political parties in response to a Public Interest Litigation.

Table 2: Analysis of internal elections in national parties

Party	Last election for which information is provided to ECI	Date told by the party to the ECI for next election	No. of delegates who present at the session	No. of delegates who voted at the session	The information provided to ECI on which office bearers were elected
INC	September 3, 2010	2015	6,781	not mentioned	President, Treasurer, Political Secretary to President, General Secretaries, Independent in-charge of States, Members of National Congress Working Committee
BJP	October 27, 2004	2007	320	not mentioned	President, Vice Presidents, General Secretaries, Secretaries, Treasurer
CPI	Mar 31, 2012	2015	863	2015	General Secretary and Secretaries
CPI (M)	April 4-9, 2012	2015	727 delegates and 74 observers	not mentioned	Members of Polit Bureau, Central Committee, Central Secretariat, Secretaries
NCP	June 5, 2012 and October 10, 2012	May 2015	1,385	not mentioned	President, Deputy Leader Parliamentary Party, General Secretary, Treasurer, Permanent Secretary
BSP	Letter dated July 7, 2012 sent to ECI with the updated list of office bearers of Central Unit and no information pertaining to an election provided.				National President, National Vice President, National General Secretary, National Secretary, National Treasurer, Members

Source: Association for Democratic Reforms

It is pertinent here to discuss internal elections held for Indian Youth Congress, a branch of Indian National Congress. The first round of internal elections for Indian Youth Congress, where the organisational structure and internal election processes were amended, was held in the state of Punjab and now has been institutionalised. Foundation for Advanced Management of Elections (FAME), an independent NGO set up by former Election Commissioners, was entrusted with the task to ensure free and fair election process. In the new system, all registered members are able to vote to select their constituency's committee. The candidate with the largest number of votes becomes president, the candidate with the second most number of votes becomes vice president, and so on. According to K. J. Rao, who was the convener of these elections, leaders of parties are afraid of organising fair and free elections because they are afraid of losing their power and authority. According to him, FAME's

execution of the Youth Congress Elections led to disqualification of a few candidates who had family connections but flouted the organisational rules and regulations. He was also of the opinion that these elections had enabled a few members to rise from the grassroots to the organisation of the party. It should, however, be noted that these reforms have not been brought over to the main party, the INC.

These elections were a unique exercise in itself, where an external auditing and implementing agency was recruited to conduct polls for party leadership and office bearers, but there is a need to conduct thorough research and analysis of these elections. Some of the important questions that need to be answered are, was the external agency able to convene free and fair elections? Were the elections able to help candidates from the field rise in the ranks and build career paths in the party? Did these elections lead to candidates from the field rise to positions in the organisation? How did the process of organising elections affect the leaders of the party and existing power centres?

Female Representation

No conclusion about representation of women in the internal party elections can be drawn from the data since not all the parties have provided the names of office bearers as part of the election data. No party has provided information on the number of contestants (if any) for a particular position and the party delegates who voted for the positions. In the BJP, 33 per cent of the total internal positions in the party (including various offices, for instance, in the national executive committee and other bodies) are reserved for women. A party representative claimed that it made it relatively easier for a hard-working and committed female party member to rise up the ranks of the party than a male member. This, however, cannot be verified from the data provided for internal elections to the ECI. While there is ambiguity in the representation of women in internal party positions, there is an interesting dichotomy where women head a national party and a few important regional parties. Sonia Gandhi heads the INC, Mayawati in Uttar Pradesh heads the BSP, Jayalalithaa in Tamil Nadu heads the AIADMK and the TMC [Trinamool Congress] is headed by Mamata Banerjee in West Bengal. However, these women either have been founders of the party or have been related to, or patronised by, the founders of the party.

As discussed above, the only party where an initiative has been taken towards organising fair internal elections is the Indian Youth Congress, which is an arm of the INC, which does not really fit into the dynastic nature of the party. However, there are a few plausible explanations for this initiative. One, the Indian Youth Congress is a small arm of the party and is not the main party. Second, it can also be attributed to the reformist image the vice president of the party, Rahul Gandhi, portrays. He has presented himself as the fresh face of the party who believes in merit and has focused on internal party work and processes. He has openly claimed in interviews that he is against dynasty (Rediff.com, 2014; The Economist, 2014). Third, the electorally successful and relatively long lasting dynastic party, the INC, belongs to a different species of dynastic parties which contain elements of a mass party (in that it appeals to large masses and the electorate identifies with the party image, not particular people) but at the same time are tied organisationally to particular individuals and families. These parties contain elements of the 'legislative-electoral parties' in that they have no real permanent organisation and are created by the 'insiders' and are elite-led (Chhibber, 2013).

V. CONCLUSION

This report highlights both the importance of intra-party democracy and the problems faced in the absence of the same in the multi-ethnic and heterogeneous society like India. The analyses conducted for the candidate nomination processes and elections held for leadership positions for both the INC and the BJP show that both parties are quite centralised in their decision making. Given that the INC is a dynastic party and the BJP is one of the few non-dynastic parties in India, it would seem that at some levels the BJP would have better intra-party democracy. In fact, in a few interviews, the same was pointed out to the author by interviewees who were not associated with the party. However, there does not seem to be a major difference in the nomination process and the information on internal elections for both parties. In fact, the INC has been trying 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. The party's vice-president, Rahul Gandhi, appears to be uncomfortable with the dynasty tag and has been the force behind the above experiments. The BJP, on the other hand, proudly claims that it is not dynastic in nature. Its leadership is essentially chosen from amongst its members and has no connection to any familial connections. The major influence on BJP is of the Rashtriya Swayamsewak Sangh (RSS), the ideological force behind the party.

Literature sufficiently points to the fact that there is no perfect process for implementing intra-party democracy and each party needs to figure out its own way of incorporating it. Parties need to keep in mind that implementation of intra-party democracy is one of the ways in which they can provide career paths to their members and, in turn, seek loyalty from them. Parties should strive to introduce basic measures of intra-party democracy and one of the best ways to do so is to conduct a few experiments in chosen party processes (the way the INC has been doing) and comprehensively evaluate their efficacy and efficiency. Another significant step that can be taken is to strengthen the existing measures like providing information on internal elections to the ECI so that they are conducted seriously and correct information is provided to the Commission.

VI. IMPLICATIONS FOR PUBLIC POLICY

A comprehensive law to regulate political parties and their functioning

Writing on the role of institutions in party change, Wolfgang Müller holds that state laws governing political parties constitute the most direct form of state intervention in party politics. In principle, party laws can require political parties to fulfil specific conditions that relate to “content” (e.g., intra-party democracy, acceptance of the democratic order) and/or to “form” (e.g., party statute, minimal level of activity) (Janda, 2006).

Intra-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. The 170th report of the Law Commission, titled ‘Reform of the Electoral Laws’, states:

“We have come to the conclusion that for successful implementation of any of the aforesaid proposals, or for that matter for bringing a sense of discipline and order into the working of our political system and in the conduct of elections, it is necessary to provide by law for the formation, functioning, income and expenditure and the internal working of the recognized political parties, both at the national and State levels...”

“Conclusion: Keeping the aforesaid considerations in mind, we recommend that new part, part II-A, entitled ‘Organisation of Political Parties and matters incidental thereto’ be introduced/inserted in the Act, containing the under-mentioned sections.”

The National Commission for Review of Working of the Constitution identified “some areas of immediate concern”. One of these was “institutionalisation of political parties — need for a comprehensive legislation to regulate party activities, criteria for registration as a national or state party — derecognition of parties”. This was followed by a section titled “Law for Political Parties” which says:

“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 de-recognition.

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, hold regular elections at an interval of three years at its various levels of the party, provide reservation/representation of at least 30 per cent of its organisational 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.”

However, bringing in a regulation for political parties in a country with an extremely fragmented multi-party system deserves scrutiny (Norris, 2004). While the need for comprehensive legislation for the functioning and regulation of political parties is established, the content of such legislation has not gone unattended. A committee headed by the former Chief Justice of India, M. N. Venkatachaliah, has drafted a bill to regulate the functioning of political parties (Chhokar, 2011).¹⁷ Apart from the efforts made by the civil society organisations, the Bill has not yet been taken up by the political parties. In the classic case of who will guard the guardian, political parties do not seem to be interested in bringing in a piece of legislation that would streamline their functioning and make them accountable.

¹⁷ This draft bill, titled ‘The Political Parties (Registration and Regulation of Affairs, etc.) Draft Bill 2011’, is available on Association for Democratic Reform’s Website <http://adrindia.org/resources/electoral-reforms>

Effective implementation of existing intra-party democracy measures

Though it will take time and effort before other forms of intra-party democracy measures can be introduced and institutionalised in Indian political parties, the ECI should take measures to ensure better implementation of the existing intra-party democracy measures. Parties have to conduct elections for leadership positions and are required to provide this information to the ECI. The Commission should take steps to ensure this is effectively implemented. Timely submission of information must be made compulsory, while it should also be done in a specific template, which ensures high quality of information provided to the Commission. This means going beyond the current superfluous information and seeking information on the number of delegates who voted, the number of candidates who contested for each post, and the nature of the elections held.

At the same time, the Commission also needs to be given power to de-register parties, which do not follow the rules and procedures. At present, in addition to there not being sufficient conditions under Section 29A to deny registration to a political party, the Section also suffers from a serious infirmity that once registered, a political party would stay registered in perpetuity even if it does not contest any election over decades of its existence. This is because there is no specific provision to de-register a party. The ECI, in the electoral reforms it has proposed to the Government of India, has suggested that under the existing Section 29A of the Representation of the People Act, 1951, another clause may be introduced authorising the Election Commission to issue necessary orders regulating registration and de-registration of political parties.

External support for organising internal elections

The Foundation for Advanced Management of Elections (FAME) has been helping the INC conduct internal elections for the Indian Youth Congress. For the first time in 2014, it helped the party conduct primary style elections for choosing party candidates from 16 constituencies. Validation of elections by an external organisation provides them more legitimacy and party membership is more open to accepting unfavourable results. Based on the party structure, an external organisation can help the party to decide on the electorate, prepare voter lists and provide administrative support to holding elections. Given the current political scenario and the precedent of working with the INC, external organisations can only get involved if party leadership is motivated and has the will to seek outside support.

Amending Anti-Defection Law

One of the biggest problems for intra-party democracy — not restricted to merely candidate nomination and internal elections, but also the expression of debate and free dissent — is the Tenth Schedule, or the Anti-Defection law, added to the Constitution in 1985. It prevents elected members of a legislature (both national and state) from defecting to another party or voting against an order of their party.

As MPs are not allowed to vote according to their own preference and have to toe the party line or face removal from legislature, all space for substantive debate or dissent regarding legislation is lost. The MPs, while voting for Bills in the Parliament, have to act as an automatic vote for their party rather than as a representative of citizens who elected them. This impinges upon one of the basic features of Indian democracy, representation, by disallowing elected MPs from representing their constituents. In the true democratic spirit, party-members should be allowed to publicly dissent, and the clause relating to dissent in the Anti-Defection Law needs to be amended to this effect.

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