Representative Government and Election Process in India: A Study

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Abstract For representative government, references are made to Greek city states though the electorate for democratic process was selective. The modern democracy has given right to universal franchise. But in all the processes, the majority may emerge by fiction. Arriving at mathematical certainty is uncertain but still there is need to be near where from representative character can be ascertained. Data’s for parliamentary elections in India since 1952 has been considered and evaluated with law and facts thereto on a doctrinal methodology. The constitution of India speaks about few qualifications for election and leaves for parliament to prescribe other qualification. The Representation of Peoples Act prescribes disqualifications leaving the constitutional mandate yet unfulfilled. On the other, percentage of voting in general elections to parliament has never gone beyond 66.38 per cent. The public opinion, judicial decisions and statutory provisions have been cited wherever required. The research topic takes care of various aspects and suggests inter-alia for compulsory voting with ‘Trial and Final’ election so that a real representative securing more than fifty percent of votes polled among the eligible voters is identified. Besides, the topic suggests prevention of monopolistic practices of concentrating power with one family and/or clan and/or caste as the case may be.

KEYWORDS: Representative government, Democracy, Election, Qualifications, Compulsory Voting, Universal Franchise

Introduction

The Greek city states are said to have in them the seeds of democratic process for electing the government(s). The electorate for the purpose was selective. Vote was not the prerogative of all. The modern democracy has given right to vote to all the citizens irrespective of they being constitutional or statutory citizens as in case of India. 20th Century gave birth to various democracies having governments elected by the people directly or indirectly. The representative democracies adopt a method of electing their representatives, head of the government directly or indirectly or otherwise as may be appropriate for the particular state in accordance with their basic law/constitution.

All the democracies and the government thereto claim themselves to be representative by adopting one method of election/selection or other. But it is seen that the elected representatives in parliamentary form boast of their mandate on fiction emerging out of the particular system. If in actual practice the issue is examined from practical perspective or from mathematical point of view, the representative government does not seem to be a real representative. However, it is not possible to arrive at mathematical accuracy for democratic fundamentals but still there is need to be near wherefrom representative character can be sustained instead depending on fiction. For that purpose data’s for parliamentary elections can be considered instead that of different Assembly elections.

1. Athens can be said to have conferred democratic citizenship to free men, thereby excluding slaves and women. In ancient, medieval and to some extent modern political participation was confined to democratic citizenship consisted of an elite class. Subsequently, in most modern democracies franchise was made open for all adult citizens in pursuance to suffrage movements of the 19th and 20th centuries.
Parliamentary Elections and Data's

India became one of the Democracies after attaining Independence in 1947. Its Constitution favored India to be Sovereign, Democratic Republic. Indian Democracy is based on representative Government where representatives to Parliament and State Assemblies are elected by the people by single non-transferable vote. Right to vote is conferred on a citizen having attained 18 years of age lowered from 21. In short, Indian democracy is a Parliamentary Form. For the study parliamentary elections are basically taken into consideration and it is seen that since the First general Election in 1952 till date, poll percentage for Parliamentary Elections is seen to have been vacillating between 55.29% to 66.38%. There is also a record that in some Constituencies low percentage has been recorded. The Party which formed the Government at Centre has less than 50% mandate in cumulative as shown in the table below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Electorate (Millions)</th>
<th>Total Votes Polled %</th>
<th>No. of Contestants</th>
<th>No. of Parties</th>
<th>% Votes polled in favor of Ruling Party/ Combination</th>
<th>Seats won</th>
<th>Party</th>
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<td>173.2</td>
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<td>1874</td>
<td>53</td>
<td>44.99</td>
<td>364 (INC)</td>
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<td>1957</td>
<td>193.7</td>
<td>63.73</td>
<td>1519</td>
<td>15</td>
<td>47.78</td>
<td>371(INC)</td>
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<td>1962</td>
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<td>55.42</td>
<td>1985</td>
<td>27</td>
<td>44.72</td>
<td>361(INC)</td>
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<td>1967</td>
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<td>2369</td>
<td>25</td>
<td>40.78</td>
<td>283(INC)</td>
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<td>2784</td>
<td>53</td>
<td>43.68</td>
<td>352(INC)</td>
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<td>2439</td>
<td>34</td>
<td>41.32</td>
<td>295(BLD)</td>
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<td>36</td>
<td>42.69</td>
<td>353(INC)</td>
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<td>1984</td>
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<td>5312</td>
<td>33</td>
<td>49.10</td>
<td>404(INC)</td>
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<td>1985*</td>
<td>20.8</td>
<td>72.23</td>
<td>180</td>
<td>9</td>
<td>32.14</td>
<td>10(INC)</td>
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<td>61.95</td>
<td>6160</td>
<td>113</td>
<td>39.52</td>
<td>197(INC)</td>
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<tr>
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<td>498.4</td>
<td>56.73</td>
<td>6868</td>
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<td>36.26</td>
<td>232(INC)</td>
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<td>1992*</td>
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<td>209</td>
<td>20.29</td>
<td>161(BJP)</td>
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<td>1998</td>
<td>605.9</td>
<td>61.97</td>
<td>4750</td>
<td>176</td>
<td>25.59</td>
<td>182(BJP)</td>
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<td>619.5</td>
<td>59.99</td>
<td>4648</td>
<td>169</td>
<td>23.75</td>
<td>182(BJP)</td>
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<td>2004</td>
<td>671.5</td>
<td>57.88</td>
<td>5435</td>
<td>230</td>
<td>26.53</td>
<td>145(INC)</td>
<td>INC</td>
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<tr>
<td>2009</td>
<td>717.0</td>
<td>58.19</td>
<td>8070</td>
<td>363</td>
<td>28.55</td>
<td>206(INC)</td>
<td>INC</td>
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<tr>
<td>2014</td>
<td>814.5</td>
<td>66.38</td>
<td>8251</td>
<td>464#</td>
<td>38.5 (NDA with 31% for BJP)</td>
<td>336 (NDA) (282 BJP + others)</td>
<td>BJP</td>
</tr>
</tbody>
</table>

*Elections were held separately by States of Assam & Punjab

$ Elected separately by States of Punjab

#The figure includes 6 National Parties, 39 State Parties & 419 Un-Registered Parties

When a person ponders on the subject, he gets confused whether there ever can be a representative government in its true perspective. From the table above, if percentage of winning party is computed against the total electorate the percentage may substantially come down. By process of Election under a given system a fiction engulfs the fact making myth of representative a real representative. Whatever may be the case, it is system...
generated mandate. However, there ought to be efforts leading towards identifying the real representatives by a process of election. Figures point out the weaknesses in the system by which the real representatives become difficult to trace. The fault lies at Legislative level. The Constitution speaks about the system of selecting representatives leaving rest for the Legislature. The Legislature does half the part, leaving reminder for Executive. In this way, there is passing the buck and/or abdication of functions on vital issue of electing the representatives and/or Governance. Let us analyze the position inter-alia under the Constitution of India, Representation of Peoples Act and the Rules made thereto.

**Constitution of India**

The Constitution of India⁴ deal with qualifications for membership of Parliament and that of State Legislatures. Article 84 mentions Qualifications for membership of Parliament while Article 173 relates to State Legislature. For the sake of convenience, the provisions of Article 84 are appended:

>“84. Qualifications for membership of Parliament—A person shall not be qualified to be chosen to fill a seat in Parliament unless he;

(a) Is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to form set out for the purpose in the Third Schedule;

(b) Is, in the case of a seat in the council of States, not less than thirty years of age and, in case of a seat in the house of the people, not less than twenty five years of age; and

(c) Possesses such other qualifications as may be prescribed in that behalf by or under any law made by parliament.”

The Article 173 is similar to Article 84. Both the Articles leave it for Parliament to prescribe for such other qualifications by the process of law. In addition, elections are provided a separate part in the Constitution⁵. It creates Election Commission⁶, prohibits ineligibility for inclusion of name on grounds of religion, race, caste or sex⁷. It also declares that Elections to the house of people and to the Legislative Assemblies of states to be on the basis of adult suffrage⁸. Article 327 deals with power of parliament to make provision with respect to elections to legislatures. While 328 deals with power of legislature of state to make provision with respects to elections to such legislature. The Part in its last Article 329 provides bar for Courts to interfere in electoral matters.

The Constitution of India provides broad guidelines for elections and has left other qualifications to be determined by the Parliament⁹. With the result Parliament passed the Law known as the Representation of Peoples Act, 1950 which was soon repealed and replaced by the Representation of Peoples Act, 1951.

**Representation of Peoples Act**

Representation of Peoples Act, 1950 deals with allocation of seats and delimitation of constituencies for the purpose of election to the house of people and the legislatures of states, the qualification of voters, election rolls, the manner of filing seats in the council of states to be filled by the representatives of union territories and matters connected therewith. This Act is followed by another central legislation namely Representation of Peoples Act, 1951 with preamble as:

>“An Act to provide for the conduct of elections to the house of parliament and to the house or houses of the Legislature of each state, the qualifications and disqualifications for membership of those houses, the corrupt

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⁵. Part XV in the constitution comprising Articles 324 to 329.
⁶. Article 324 of the Constitution of India.
⁷. Article 325 of the Constitution of India.
⁸. Article 326 of the Constitution of India.
⁹. Article 84(c) & 173(c) of the Constitution of India.
practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections”.

The Act is divided into XI parts with 171 sections. The Part II is captioned as “Qualifications and Disqualifications” and is divided into four chapters. Chapter I is titled as “qualifications for membership of parliament”, Chapter II is under the sub-head “qualifications for membership of state legislatures” while Chapter III is captioned as “disqualifications for membership of parliament and state legislatures” and the last Chapter IV of the Part II is under the head “disqualifications for voting”. Taking the constitutional mandate provided under Article 84 of the constitution into consideration, it is seen that the referred Act is relevant for ascertaining the qualifications for being a member of parliament or state legislature. While analyzing the provisions it is perceived that they are mostly disqualifications, the negative aspects. The age and other criteria is already prescribed in the constitution of India. There is a need to understand as to what the framers of the constitution were having in mind when leaving the aspect of qualifications to the parliament for prescribing. This prompts to peruse the debates of the constituent assembly while discussing draft Article 84 & 173.

Likewise for Governance, ministers ought to be qualified, especially on the subject they are assigned the ministry. The minister shall be in a position to act as minister and not merely remain dependent on a bureaucrat. For this, the education status coupled with the technical knowhow of the subject is must for public representative/minister. Plato will never allow illiterate to rule. For his “Ideal state” he favors philosopher as king.10

Keeping all the aforesaid into consideration, it may be prudent to strengthen the present system with modifications than adopting any new model, however, unrepresented sections of society whether based on religion, race or otherwise ought to be given representation.

Public Opinion & Strengthening the Election Process

Observing on some of the world practices, senior BJP leader Shri L.K. Advani favours compulsory voting with fines etc on those who do not vote11. The Times of India in its edition of 25th April, page 19 Column 5 writes about mandatory voting and cites an example of Rajkot Village.12

From coercive compulsory voting there do also exist incentive practices to induce voters.
11. Times of India 19/20 April, 2014 and The Hindu of 22.4.2014.
12. “In this Rajkot Village, Voting is mandatory

Ahmedabad: The country is still debating whether voting should be made mandatory but in Raj Samsadhiyala, a village 30 km from Rajkot, it is virtually religion. Here 98% voting is routine. The village with 950 electors has made voting compulsory. A resident who has a pressing engagement on voting day must take the head mans prior permission to abstain.

If the resident stays away from the booth for no good reasons, he is fined Rs 51. Not just that, the 11 member village development committee decides on the Social Punishment for the violater – like sweeping lanes . . .

Former sarpanch Hardevsinh Jadeja, instrumental in making compulsory voting the norm, said if somebody is not well and must be hospitalised, his family has to inform panchayat.

"Only then is the villager exempted from voting. We also ask residents not to schedule weddng on voting day. If a wedding can’t be avoided, all members of the family concerned must vote before the bride and groom take their vows," he said.

Jadeja said in 1983, they noticed that awareness drives or even force wasn’t drawing voters to the booths.

"Then, panchayat members decided that, among other reforms, voting should be made compulsory. Those who don’t vote should be penalized. Since then, our village has recorded 98% turnout," said Jadeja, members of the village development committee, current sarpanch Sardhaben Muchadia said they don’t allow parties and candidates to put up hoardings or banners. instead representatives of all parties are called individually to canvass. But even for this, we don’t allow large meetings nor does the village panchayat permit distribution of leaflets," said Muchadia."
for casting votes. A reference can be made to the news item in The Times of India in its edition of 16th October/April, 2014 at page 22 where it says:

“In Pune, Inked finger will help voters catch discount shower
Pune: Inked fingers on voting day could earn voters in Pune a free car wash or even a free pizza, a cheaper sofa or even a discount on a travel plan. That’s not all. There are discounts on both missal and medicines.

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Another fleet car operator in the city has offered a free ride to and from polling booths. A pizza chain has offered a free pizza on purchase of any pizza after showing the inked finger, while a bakery shop has offered free patties on purchase of a single patty.”

Aforesaid instances reflect the public opinion as duty to cast vote, so as to find out the real representative. There seem to be the legislative efforts on compulsory voting as well. Same paper in its edition of November 11, 2014 at Page 10 Column 6 comes with news as follows:

“Gujarat first to make voting compulsory in local body polls
Ahmedabad: Gujarat has become the first state to make voting compulsory in local bodies after governor O.P. Kohli recently gave his sanction by signing the controversial Gujarat Local Authorities Laws (Amendment) Bill, 2009. “The governor sent his assent to the parliamentary Affairs Department last week. Now it is up to the government to publish (the rules) in the gazette. The implementation will begin after the official notification,” D.M. Patel, Secretary, Gujarat legislative Assembly, told Hindu on Monday.
Amid opposition from the congress, the Bill was first passed in the Assembly in 2009”.

Judicial Approach in India
In India from the very beginning election related matters have gone to the judiciary with respect to the process of election and/or for use of unfair practices by the candidates during the elections but for compulsory voting, it is the concern of all as to what shall be the best suited practice for electing peoples representative. From commoner to experts issue is being debated. The trend in casting the vote and in getting the representatives elected is of concern. The system within the constitutional frame work need to be given due place, by ushering in identifying and electing the true representatives. The Hon’ble Supreme Court of India13 ruled that right to register ‘none of the above’ vote in Elections should apply, and ordered the Election Commission to provide such a button in the electronic voting machine, noting that it would increase participation14. In the words of Hon’ble Supreme:

“...Statutory right to vote and mechanism of negative voting serves a very fundamental and essential part of a vibrant democracy. Provision of None of the above (NOTA) in the EVMS, held, will accelerate effective political participation, foster purity of electoral process, wide participation and empowerment of voter. Voter must be given an opportunity to choose NOTA button which will indeed compel political parties to nominate sound candidates of integrity. Various countries have provided for Neutral/Protest/Negative voting in their Electoral system…”

The Election Commission already adopted the recommendations of the Hon’ble Supreme Court and provided a column for “None of

14. The State of Nevada adopted “None of These Candidates” as a ballot option in 1976. Ukraine ballots include ‘Against all’. Russia had also that option but it was deleted in 2006. India joins few other countries having “none of the above” or similar expression. The countries being Bangladesh, Belgium, Brazil, Chile, Colombia, France, Finland, Greece, Spain, Sweden & Ukraine.
the Above”. But even if the Invisible none of the above secures more votes than other candidates, it will be having no effect on the outcome except that the electoral credibility of the candidate who enters the legislature on the strength of less votes in comparison to the votes polled by Invisible ‘none of the above’.

Further, on a Public Interest Litigation, the Hon’ble Supreme Court sought responses from the Centre government and election commission for making compulsory voting. A news report appearing in print media15 to the extent is as under:

“The Supreme Court on Monday sought responses of the centre and the Election Commission on a PIL seeking to make voting in elections mandatory for adult citizens on the ground that lack of participation of voters gave skewed results.”

The petitioner added, ”The only solution to the (low voting) problem is to make it mandatory. For instance, if it is made mandatory that to get a loan, gas connection or passport, a person has to produce a document showing he has voted, then all those who sit at home now and enjoy holiday on polling day will switch off their TVs and troop en masse to the voting booths”.

The referred developments are presumed to be the beginning for a satisfactory process to follow. The laws regarding election especially the Representation of the peoples Act warrants amendments when read in true spirit with the Constitution of India. As already pointed out, the Constitution of India provides only the broad guidelines for elections. The Constitution has left other qualifications to be determined by the parliament. The Representation of Peoples Act, 1950 repealed and replaced by the Representation of Peoples Act, 1951 is not fully addressing to the Constitutional mandate. The representation of peoples Act, 1951 prescribes disqualifications. Disqualification is a negative condition while qualification is a positive qualification. Recently an Ordinance has been promulgated by the Rajasthan Government prescribing minimum educational qualifications to contest in local body elections, an extract from newspaper The Hindu dated 6th January, 2015 says:

“…New Delhi: Despite pleas that it infringes grass roots democracy, the Supreme Court on Monday refused to entertain a challenge against the Rajasthan Panchayati Raj (Second Amendment ) Ordinance, 2014.

The Ordinance, promulgated on December 20, 2014, prescribes minimum educational qualifications to contest in local body elections, and effectively keeps out illiterate persons from the democratic process”.

Broadening the electoral base and maximum participation in electing the public representatives, the government is inclined to allow Non-Resident Indians to vote through e-postal ballots or proxy voting. In a news item16 captioned as NRIs can vote from abroad: Govt. tells SC’ it is reported:

“New Delhi: The government on Monday informed the Supreme Court of its decision to accept the Election Commissions recommendation to allow Non-Resident Indians to vote from overseas through e-postal ballots or proxy voting.

A three judge Bench led by Chief Justice of India H.L. Dattu gave the government eight week time to inform it about further steps to implement the modalities of the EC recommendations. The government’s decision to allow NRIs to vote could set the stage for expatriates to emerge as a decisive force in the country’s electoral politics.

This decision also, historically, removes an “unreasonable restriction” posed by section 20(A) of the Representation of the Peoples (Amendment) Act of

15. The Times of India, Tuesday, August 26, 2014.
2010, requiring overseas electors to be physically present in their constituencies to cast their votes.”

The argument against the voting right of NRIs being inter-alia that NRIs lack sufficient knowledge concerning domestic conditions so they can not be serious about electoral process and choices thereto. The argument is rebutted and the HINDU in its editorial dated January 15th 2015 and argues:

“with the rapid increase in cross border migration, the concept of nationhood and political membership is increasingly being decoupled from territorial location. India’s move towards enabling voting from overseas is an instance of a large global trend towards increased citizen participation. The International Institute for democracy and Electoral Assistance, an inter-governmental organization, lists different voting methods that can be employed, such as “personal voting”, where voters can cast their vote at diplomatic missions abroad; “postal ballot method”, where votes are sent by regular post; “proxy vote” and “electronic voting”. From amongst these alternatives, the government has decided to employ the postal ballot route that the electoral system already uses for absentee-voters on official duty.”

Recently, a private members bill was moved in the Parliament as reported in the press17.

“the private members bill moved by BJP MP, Janardhan Singh Sigriwal in march to make voting compulsory for everyone in the country was discussed in the Lok Sabha on Friday and saw opposition from within the party with his colleague Udit Raj calling it “impractical” and that people cannot be pressurized to vote”.

The same newspaper on December 23, 2015. Page 1column 1-4 Under the caption, Wanted:

Educated brides to contest polls reports:

“Gurgaon:….

In Mewat, which is part of the Gurgaon parliamentary constituency, panchayat poll tickets are being offered to educated women to lure them into marriage. Since July, say local residents, nearly 50 marriages have taken place as families with dynastic hold on panchayats have found themselves suddenly cut off from the election fray because of Haryana’s new literacy rule. ……

The contingency plan was to field his daughter in law but new rule – mandatory class 8 pass for women, class 5 for Dalits – meant the illiterate mother of three was not eligible to contest ……”

Again The Hindu, Delhi Friday, April 1, 2016 at Page 1, Column 1 reports:

“Education Criteria for Urban bodies polls

Chandigarh: Any male person desiring to contest for Urban Local Bodies in Haryana will now have to be matriculate and should have a functional toilet at home; a woman and a schedule caste candidate will be required to at least 8th standard pass. Minimum educational qualification for SC woman candidates will be 5th standard pass.”

From the deliberations, it emerges that there is public opinion as well as judicial approach to broaden the participation in elections and to evolve a process by which all the eligible voters can be made duty bound to cast their vote. It also emerges that public opinion and legislative intent though limited to Local Bodies/Panchayats favor’s inter-alia education qualifications for representatives. Under all these circumstances is there any possibility to have a representative in its true sense.

Conclusion and Suggestions

In the light of aforesaid, it is evident that since 1952 till date, poll percentage
for Parliamentary Elections is seen to have been vacillating in different General Election. Though there is nothing wrong as the so called majority is as per law but factually lacks the character of being majority. At the outset, people below eighteen are excluded. Then from the electorate all do not cast their vote. By division of votes the winning candidate having highest is declared elected. The NOTA option is appreciable, compulsory voting needs serious thinking, more so, in the age of technology. Side by side, qualifications ought to include positive qualifications and not left to negatives only. It is also of importance whether the political/legislative power shall concentrate in one family or there ought to be distributive power. Besides, election campaign and its funding, prevention of unfair practices, recurring elections and other issues ought to be given due concern. Keeping the deliberations into consideration, the suggestions in brief are as follows:

1. **Legislative Tenure**

   A person shall have maximum Legislative tenure say of not more than 20/25 years whether broken, continuous or as the case may be.

2. **Upper Age Limit**

   Politicians like other services/constitutional posts ought to have retirement age.

   The age of active Political retirement need to be fixed at 70/75 years. The political retirement ought to mean retirement from being a member of legislature whether parliament, Raja-Saba, Legislative Assembly, Council, panchayat member or Municipal member or as the case may be.

3. **Qualifications other than Age/ Tenure**

   The Constitution prescribes qualifications but leaves it to the Parliament for laying further qualifications. The Parliament passed the law namely the Representation of Peoples Act without laying qualifications but only prescribes disqualifications. There Constitutional mandate seems yet to be unfulfilled. Accordingly, qualifications other than fixing upper age & maximum Legislative tenure ought to be like related to Educational Qualifications and if possible, Eligibility Qualification test/certificate as a pre-requisite for standing in election.

4. **Election Process**

   - **Compulsory voting**

     (i) For aged, infirm or sick vote can be casted by them from their residences or electronically transmitted. A proxy vote may also be permitted in such cases. Exceptions can only be with respect to persons under coma or under grave medical incapacity. This will prevent rigging /bogus voting.

     (ii) Sanction/penalty for not casting vote.

     (iii) Ballot paper to contain none among the candidates.

   - **Trial Election & Final Election**

     **(Elimination/ Selection Round)**

     (i) Once the voting is made compulsory, the candidate who seeks more than 50% of votes shall stand elected in trial election itself. But in the constituencies where none of the candidate gets more than 50% of votes, then in that case two candidates securing higher number of votes shall stand for final election to be held within 15 days. It is but natural that one among them will get more than 50% votes. This process will bring fort the real representatives and will eliminate the non-serious candidates, caste politics and like ills in the system.

     (ii) But if none among the candidates exceeds 50% of votes, then second trial election will be held within 15 days excluding the candidates who have been rejected including the column for none among the candidates. Thereafter, the process as said hereinbefore at para will follow.

     (iii) Space for none of the candidates is appreciable. If the none succeeds in securing more than 50% of the
electorate then that shall result in fresh nomination but for candidates other than those who have been rejected.

- **Regarding Candidature:**
  (i) No one ought to be allowed to stand for election from more than one constituency.
  (ii) Not more than one is permitted from family to be a member of central legislature and likewise of the state legislatures, however, family to be given restrictive meaning. (This will eliminate the concentration of power in one family & will strive for distribution of power).
  (iii) A person can stand for an election from any one constituency from the state of his domicile of origin or domicile of his choice provided that he has minimum period of 5 years stay preceding the date of notification for election.
  (iv) To prevent non-serious candidates number of proposals and deposit be raised, besides, taking other measures by amending section 34 of the Representation of Peoples Act, 1951.
  (v) Common selected platform for electioneering at the expenses of state and other similar means for curtailing the expenditure.

- **Other Suggestions**
  (i) The Election to State Legislature & Parliament shall be one time process after every 5 years in order to avoid cost and engagement of forces, officials and other persons.
  (ii) The stability of the political system in the country is must for growth & development, therefore, the parliament or State Legislature shall function for full period. Mid-term elections to be discouraged.
  (iii) Bye-Election in isolated cases due to vacation of seat or death or like situation may be permitted.
  (iv) No Confidence for the sake of no-confidence ought to be discouraged, unless it is accompanied by an alternate leader, who prima-facie is shown as having majorly among the total members of the house.
  (v) State funding of Elections and transparency needs due attention.

Accordingly, once the means are purified end will take care itself. The suggestions made if taken into cognizance will, in our view, usher towards healthy democracy in making its process and procedure credible for vibrant country like India that is Bharat.

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**About The Authors**

**Professor Koul** is professor of law in Amity Law School, Noida and is supervising many research scholars. He has more than forty years experience and exposure in law. He has expertise in banking law, corporate, insurance, legal drafting and procedural laws, besides, constitutional law, administrative and service jurisprudence. He has also served in industry at a senior position in the field of law. He has been spoke person in innumerable seminars, conferences and chaired many. In addition, he acted as a resource faculty for banking in different training institutions in the country especially SBI, NABARD, SIDBI, Allahabad Bank, PNB and like.

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