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Chapter I

Indian Political System

A. Introduction

Inspired by Mahatma Gandhi and his *Satyagraha*, a unique non-violent campaign, India threw off the yoke of British rule on 15 August, 1947. Free India's first Prime Minister, Pandit Jawaharlal Nehru, described the moment as a "tryst with destiny". In less than three years of attaining freedom, India had framed a Constitution and declared itself a Republic on 26 January, 1950. The Constitution was given shape by some of the finest minds of the country who ensured the trinity of justice, liberty and equality for the citizens of India. The Constitution was made flexible enough to adjust to the demands of social and economic changes within a democratic framework.

Adopting the path of democracy, the country held its first general elections in 1952. Elections to the Lower House of Parliament, Lok Sabha, have been held regularly every five years.

B. Federal System

India, a union of states, is a Sovereign, Secular, Democratic Republic with a Parliamentary system of Government. It is a Union of twenty-eight States and seven centrally administered Union Territories.

The States are Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttaranchal and West Bengal.

The centrally administered territories are Andaman and Nicobar Islands, Chandigarh, Daman & Diu, Dadra & Nagar Haveli, Lakshadweep, Delhi and Pondicherry.

Delhi has its own legislature and head of the government, but it is still not considered as a full-fledged state.

The President is the constitutional head of Executive of the Union. Real executive power vests in a Council of Ministers with the Prime Minister as head. Article 74(1) of the Constitution provides that there shall be a Council of Ministers headed by the Prime Minister to aid and advise the President who shall, in exercise of his functions, act in accordance with such advice. The Council of Ministers is collectively responsible to the Lok Sabha, the House of the People.

In the states, the Governor, as the representative of the President, is the head of Executive, but real executive power rests with the Chief Minister who heads the Council of Ministers. The Council of Ministers of a state is collectively responsible to the elected legislative assembly of the state.

The Constitution governs the sharing of legislative power between Parliament and the State Legislatures, and provides for the vesting of residual powers in Parliament. The power to amend the Constitution also vests in Parliament.

The Union Executive consists of the President, the Vice-President and Council of Ministers with the Prime Minister at the head to aid and advise the President.

President

The President is elected by members of an Electoral College consisting of elected members of both Houses of Parliament and Legislative Assemblies of the states, with suitable weightage given to each vote. His term of office is five years.

Among other powers, the President can proclaim an emergency in the country if he is satisfied that the security of the country or of any part of its territory is threatened whether by war or external aggression or armed rebellion. When there is a failure of the constitutional machinery in a state, he can assume to himself all or any of the functions of the government of that state

Vice-President

The Vice-President is elected by the members of an electoral college consisting of members of both Houses of Parliament in accordance with the system of proportional representation by means of a single transferable vote.

He holds office for five years. The Vice-President is Ex-officio Chairman of the Rajya Sabha.

Council of Ministers

The Council of Ministers comprises Cabinet Ministers, Minister of States (independent charge or otherwise) and Deputy Ministers. Prime Minister communicates all decisions of the Council of Ministers relating to administration of affairs of the Union and proposals for legislation to the President. Generally, each department has an officer designated as secretary to the Government of India to advise Ministers on policy matters and general administration. The Cabinet Secretariat has an important coordinating role in decision making at highest level and operates under direction of Prime Minister.

The Legislative Arm of the Union, called Parliament, consists of the President, Rajya Sabha and Lok Sabha. All legislation requires consent of both houses of parliament. However, in case of money bills, the will of the Lok Sabha prevails.

Rajya Sabha

The Rajya Sabha consists of 245 members. Of these, 233 represent states and union territories and 12 members are nominated by the President. Elections to the Rajya Sabha are indirect; members are elected by the elected members of Legislative Assemblies of the concerned states. The Rajya Sabha is not subject to dissolution, one third of its members retire every second year.

Lok Sabha

The Lok Sabha is composed of representatives of the people chosen by direct election on the basis of universal adult suffrage. As of today, the Lok Sabha consists of 545 members with two members nominated by the President to represent the Anglo-Indian Community. Unless dissolved under unusual circumstances, the term of the Lok Sabha is five years.

State Governments

The system of government in states closely resembles that of the Union. There are 28 states and seven Union territories in the country.

Union Territories are administered by the President through an Administrator appointed by him. Till 1 February 1992, the Union Territory of Delhi was governed by the Central government through an Administrator appointed by the President of India. Through a Constitutional amendment in Parliament, the Union Territory of Delhi is now called the National Capital Territory of Delhi from 1 February 1992. General elections to the Legislative assembly of the National Capital Territory were held in November 1993.

C. Political System

A recognised political party has been classified as a National Party or a State Party. If a political party is recognised in four or more states, it is considered as a National Party.

The Congress, Bharatiya Janata Party, Janata Dal, Communist Party of India and Communist Party of India (Marxist) are the prominent National Parties in the Country. Telugu Desam in Andhra Pradesh, Asom Gana Parishad in Assam, Jharkhand Mukti Morcha in Bihar, Maharashtra Gomantak Party in Goa, National Conference in Jammu and Kashmir, Muslim League in Kerala, Shiv Sena in Maharashtra, Akali Dal in Punjab, All-India Anna Dravida Munnetra Kazhagam and Dravida Munnetra Kazhagam in Tamil Nadu, Bahujan Samaj Party and Samajwadi Party in Uttar Pradesh and All-India Forward Block in West Bengal are the prominent state parties.

Chapter II

Elections In India

A. Introduction

India, the world's largest Electorate

As of 2006, India, with its eligible electorate numbering more than 670 million is the largest in the world.

Elections in India are more than a process of voting someone to rule the nation. Since independence, elections in India have evolved a long way, but all along elections have been a significant cultural aspect of Independent India. It is more like a festival, an indication of jubilation, a show of loyalty, a change of power, and above all ensuring the importance of the individual in a democracy, the voter. From massive media coverage, to loads of freebie promises by political parties and fanatic hairdos, elections in India are very interesting to follow. With an electorate larger than 670 million people, expenditure around \$300 million and elections using more than 1 million electronic voting machines, elections in India are no small exercise.

It is a very elaborate process, that the size of the huge electorate mandates the elections to be conducted in a number of phases. It involves a number of step-by-step processes from announcement of election dates by the Election Commission of India, which brings into force the 'model code of conduct' for the political parties, to the announcement of results and submission of the list of successful candidates to the executive head of the state or the centre. The submission of results marks the end of the election process, thereby paving way for the formation of the new government.

Indian Elections -Scale of Operation

Elections in India are events involving political mobilisation and organisational complexity on an amazing scale. In the 2004 election to Lok Sabha there were 1351 candidates from 6 National parties, 801 candidates from 36 State parties, 898 candidates from officially recognised parties and 2385 Independent candidates. A total number of 38,99,48,330 people voted out of total electorate size of 67,14,87,930. The Election Commission

employed almost 4 million people to run the election. A vast number of civilian police and security forces were deployed to ensure that the elections were carried out peacefully.

Constituencies & Reservation of Seats

The country has been divided into 543 Parliamentary Constituencies, each of which returns one MP to the Lok Sabha, the lower house of the Parliament. The size and shape of the parliamentary constituencies are determined by an independent Delimitation Commission, which aims to create constituencies which have roughly the same population, subject to geographical considerations and the boundaries of the states and administrative areas. As far as possible, every State gets representation in the Lok Sabha in proportion to its population as per census figures.

How Constituency Boundaries are drawn up

Under Article 82 of the Constitution, the Parliament by law enacts a Delimitation Act after every census. After coming into force commencement of the Act, the Central Government constitutes a Delimitation Commission. This Delimitation Commission demarcates the boundaries of the Parliamentary Constituencies as per provisions of the Delimitation Act.

Delimitation is the redrawing of the boundaries of parliamentary or assembly constituencies to make sure that there are, as near as practicable, the same number of people in each constituency. In India boundaries are meant to be examined after the ten-yearly census to reflect changes in population, for which Parliament by law establishes an independent Delimitation Commission, made up of the Chief Election Commissioner and two judges or ex-judges from the Supreme Court or High Court. However, under a constitutional amendment of 1976, delimitation was suspended until after the census of 2001, ostensibly so that states' family-planning programs would not affect their political representation in the Lok Sabha and Vidhan Sabhas. This has led to wide discrepancies in the size of constituencies, with the largest having over 25,00,000 electors, and the smallest less than 50,000. Delimitation exercise, with 2001 census data released on 31st December 2003, is now under process.

Reservation of Seats

The Constitution puts a limit on the size of the Lok Sabha of 550 elected members, apart from two members who can be nominated by the President to represent the Anglo-Indian community. There are also provisions to ensure the representation of scheduled castes and scheduled tribes, with reserved constituencies where only candidates from these communities can stand for election. Allocation of seats for Scheduled Castes and Tribes in the Lok Sabha are made on the basis of proportion of Scheduled Castes and Tribes in the State concerned to that of the total population, vide provision contained in Article 330 of the Constitution of India read with Section 3 of the R. P. Act, 1950.

System of Election

Elections to the Lok Sabha are carried out using a first-past-the-post electoral system. The country is split up into separate geographical areas, known as constituencies, and the electors can cast one vote each for a candidate (although most candidates stand as independents, most successful candidates stand as members of political parties), the winner being the candidate who gets the maximum votes.

Parliament

The Parliament of the Union consists of the President, the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). The President is the head of state, and he appoints the Prime Minister, who runs the government, according to the political composition of the Lok Sabha. Although the government is headed by a Prime Minister, the Cabinet is the central decision making body of the government. Members of more than one party can make up a government, and although the governing parties may be a minority in the Lok Sabha, they can only govern as long as they have the confidence of a majority of MPs, the members of the Lok Sabha. The Lok Sabha is the main legislative body, along with the Rajya Sabha.

Rajya Sabha - The Council of States

The members of the Rajya Sabha are elected indirectly, rather than by the citizens at large. Rajya Sabha members are elected by each state Vidhan Sabha using the single transferable vote system. Unlike most federal systems, the number of members returned by each state is roughly in

proportion to their population. At present there are 233 members of the Rajya Sabha elected by the Vidhan Sabhas, and there are also twelve members nominated by the President as representatives of literature, science, art and social services. Rajya Sabha members can serve for six years, and elections are staggered, with one third of the assembly being elected every 2 years.

Nominated members

The president can nominate 2 members of the Lok Sabha if it is felt that the representation of the Anglo-Indian community is inadequate, and 12 members of the Rajya Sabha, to represent literature, science, art and the social services.

State Assemblies

India is a federal country, and the Constitution gives the states and union territories significant control over their own government. The Vidhan Sabhas (legislative assemblies) are directly elected bodies set up to carrying out the administration of the government in the 28 States of India. In some states there is a bicameral organisation of legislatures, with both an upper and Lower House. Two of the seven Union Territories viz., the National Capital Territory of Delhi and Pondicherry, have also legislative assemblies.

Elections to the Vidhan Sabhas are carried out in the same manner as for the Lok Sabha election, with the states and union territories divided into single-member constituencies, and the first-past-the-post electoral system used. The assemblies range in size, according to population. The largest Vidhan Sabha is for Uttar Pradesh, with 403 members; the smallest Pondicherry, with 30 members.

President and Vice-President

The President is elected by the elected members of the Vidhan Sabhas, Lok Sabha, and Rajya Sabha, and serves for a period of 5 years (although they can stand for re-election). A formula is used to allocate votes so there is a balance between the population of each state and the number of votes assembly members from a state can cast, and to give an equal balance between state and national assembly Parliament members. If no candidate receives a majority of votes there is a system by which losing candidates are eliminated from the contest and votes for them transferred to other

candidates, until one gain a majority. The Vice President is elected by a direct vote of all members elected and nominated, of the Lok Sabha and Rajya Sabha.

Election for the members of the Rajya Sabha and the President are carried out using the single transferable vote system. The single transferable vote system is designed to ensure more diverse representation, by reducing the opportunity for blocks of voters to dominate minorities. The ballot paper lists all candidates standing for election and the voters' list them in order of preference. A threshold number of votes, known as the 'quota' is set, which candidates have to achieve to be elected. For presidential elections the quota is set at one more than half the number of votes, ensuring that the winner is the candidate who gets a clear majority. For the Rajya Sabha the quota is set at the number of votes that can be attained by just enough MPs to fill all the seats but no more. Votes that are deemed surplus, those given to candidates who have already got a full quota of votes, or votes given to candidates who are deemed to be losing candidates, are transferred according to the voter's listed preferences, until the right number of candidates have been elected.

B. Independent Election Commission

An independent Election Commission has been established under the Constitution in order to carry out and regulate the holding of elections in India.

The Election Commission was established in accordance with the Constitution on 25th January 1950. Originally a Chief Election Commissioner ran the commission, but first in 1989 two additional Election Commissioners were appointed.

The Election Commission is responsible for the conduct of elections to parliament and state legislatures and to the offices of the President and Vice-President.

Under Article 324(1) of the Constitution of India the Election Commission of India, inter alia, is vested with the power of superintendence, direction and control of conducting the elections to the offices of the President and Vice-President of India. Detailed provisions are made under the Presidential and Vice Presidential Elections Act, 1952 and the rules made there under.

The same Article 324 also vests in the Commission the powers of superintendence, direction and control of the elections to both Houses of Parliament. Detailed provisions are made under the Representation of the People Act, 1951 and the rules made there under.

Article 324 (1) also vests in the Commission the powers of superintendence, direction and control of the elections to both Houses of the State Legislature. Detailed provisions are made under the Representation of the People Act, 1951 and the rules made there under.

The State Election Commissions constituted under the Constitution (Seventy-third and Seventy-fourth) Amendments Act, 1992 for each State / Union Territory are vested with the powers of conduct of elections to the Corporations, Municipalities, Zilla Parishads, District Panchayats, Panchayat Samitis, Gram Panchayats and other local bodies. They are independent of the Election Commission of India.

At present, the Election Commission of India is a three-member body, with one Chief Election Commissioner and two Election Commissioners.

The Chief Election Commissioner and the two Election Commissioners draw salaries and allowances at par with those of the Judges of the Supreme Court of India as provided for by the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Rules, 1992

The Chief Election Commissioner or an Election Commissioner holds office for a term of six years from the date on which he assumes his office. However, where the Chief Election Commissioner or an Election Commissioner attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate his office on the the date on which he attains sixty-five years of age.

Section 10 of the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Act, 1993 is reproduced below :-

- (1) The Election Commission may by unanimous decision, regulate the procedure for transaction of business as also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.
- (2) Save as provided in sub section (i) all business of the Election

Commission shall, as far as possible, be transacted unanimously.
(3) Subject to the provisions of sub-section (ii), if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

Under Article 324(2) of the Constitution of India, the President of India is empowered to appoint the Chief Election Commissioner and the Election Commissioners.

Article 324(2) also empowers the President of India to fix from time to time the number of Election Commissioners other than the Chief Election Commissioner.

As per section 13A of the Representation of the People Act 1950, read with section 20 of the Representation of the People Act, 1951, the Chief Electoral Officer of a State/ Union Territory is authorised to supervise the election work in the State/Union Territory subject to the overall superintendence, direction and control of the Election Commission.

The Election Commission of India nominates or designates an Officer of the Government of the State/Union Territory as the Chief Electoral Officer in consultation with that State Government/Union Territory Administration.

As per section 13AA of the Representation of the People Act 1950, subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer supervises the election work of a district. The Election Commission of India nominates or designates an Officer of the State Government as the District Election Officer in consultation with the State Government.

The Returning Officer of a parliamentary or assembly constituency is responsible for the conduct of elections in the parliamentary or assembly constituency concerned as per section 21 of the Representation of the People Act 1951. The Election Commission of India nominates or designates an officer of the Government or a local authority as the Returning Officer for each of the assembly and parliamentary constituencies in consultation with the State Government/Union Territory Administration. In addition, the Election Commission of India also appoints one or more Assistant Returning Officers for each of the assembly and parliamentary constituencies to assist the Returning Officer in the performance of his functions in connection with the conduct of elections

The Election Commission prepares, maintains and periodically updates the Electoral Roll, which shows who is entitled to vote, supervises the nomination of candidates, registers political parties, monitors the election campaign, including candidates' funding. It also facilitates the coverage of the election process by the media, organises the polling booths where voting takes place, and looks after the counting of votes and the declaration of results. All this is done to ensure that elections can take place in an orderly and fair manner.

Under section 20B of the Representation of the People Act 1951, the Election Commission of India nominates officers of Government as Observers (General Observers and Election Expenditure Observers) for parliamentary and assembly constituencies. They perform such functions as are entrusted to them by the Commission. Earlier, the appointment of Observers was made under the plenary powers of the Commission. But with the amendments made to the Representation of the People Act, 1951 in 1996, these are now statutory appointments. They report directly to the Commission.

The Commission has its headquarters in New Delhi, with a Secretariat of some 300 staff members. At the state level a Chief Electoral Officer with a core staff of varying numbers, is available on a full time basis. At the district and constituency level, officers and staff of the civil administration double up as Election officials. During actual conduct of elections, a vast number of additional staff are temporarily drafted for about two weeks. They function mainly as polling and counting officials.

Who can vote?

The democratic system in India is based on the principle of universal adult suffrage; that any citizen over the age of 18 can vote in an election (before 1989 the age limit was 21). The right to vote is irrespective of caste, creed, religion or gender. Those who are deemed unsound of mind, and people convicted of certain criminal offences are not allowed to vote.

The Electoral Roll

The electoral roll is a list of all people in the constituency who are registered to vote in Indian Elections. Only those people with their names on the electoral roll are allowed to vote. The electoral roll is normally revised every year to add the names of those who are to turn 18 on the 1st January of that

year or have moved into a constituency and to remove the names of those who have died or moved out of a constituency. If you are eligible to vote and are not on the electoral roll, you can apply to the Electoral Registration Officer of the constituency, who will update the register. The updating of the Electoral Roll only stops during an election campaign, after the nominations for candidates have closed.

Following are the various forms useful for registration as voter, corrections, change in address etc.

For inclusion of names	Form- 6
For any objection on inclusion of names	Form- 7
For correction of entries in the Electoral Rolls	Form- 8
For transposition of entry in electoral roll	Form- 8A

A person cannot be enrolled as a voter in more than one place in the same constituency or in more than one constituency in view of the provisions contained under Sec. 17 and 18 of R. P. Act, 1950.

Computerisation of Rolls

In 1998 the Commission took a historic decision to computerise the entire electoral rolls of 620 million voters. This work has been completed and now well printed electoral rolls are available. The photo identity card number of the voter has also been printed in the electoral rolls, for cross linking. The printed electoral rolls as well as CDs containing these rolls are available for sale to general public. National and State parties are provided these free of cost after every revision of electoral rolls. Entire country's rolls are also available on Commission's website.

Electors' Photo Identity Cards (EPIC)

In an attempt to improve the accuracy of the electoral roll and prevent electoral fraud, the Election Commission ordered the making of photo identity cards for all voters in the country in Aug, 1993. To take advantage of latest technological innovations, the Commission issued revised guidelines for EPIC Program in May 2000. The Commission is providing ways and methods to deal with the problems with the issue of cards, and difficulties in keeping track of voters, especially the mobile urban electorate.

When do elections take place?

Elections for the Lok Sabha and every State Legislative Assembly have to take place every five years, unless called earlier. The President can dissolve Lok Sabha and call a general election before five years is up, if the government can no longer command the confidence of the Lok Sabha, and if there is no alternative government available to take over.

Governments have found it increasingly difficult to stay in power for the full term of a Lok Sabha in recent times, and so elections have often been held before the five-year limit has been reached. A constitutional amendment passed in 1975, as part of the government declared emergency, postponed the election due to be held in 1976. This amendment was later rescinded, and regular elections resumed in 1977.

Holding of regular elections can only be stopped by means of a constitutional amendment and in consultation with the Election Commission, and it is recognised that interruptions of regular elections are acceptable only in extraordinary circumstances.

Scheduling the Elections

When the five-year limit is up, or the legislature has been dissolved and new elections have been called, the Election Commission puts into effect the machinery for holding an election. The constitution states that there can be no longer than 6 months between the last session of the dissolved Lok Sabha and the recalling of the new House, so elections have to be concluded before then.

In a country as huge and diverse as India, finding a period when elections can be held throughout the country is not simple. The Election Commission, which decides the schedule for elections, has to take account of the weather - during winter constituencies may be snow-bound, and during the monsoon access to remote areas restricted -, the agricultural cycle - so that the planting or harvesting of crops is not disrupted, exam schedules - as schools are used as polling stations and teachers employed as election officials, and religious festivals and public holidays. On top of this there are the logistical difficulties that go with holding an election - sending out ballot boxes or EVMs, setting up polling booths, recruiting officials to oversee the elections.

Who can stand for Election?

Any Indian citizen who is registered as a voter and is over 25 years of age is allowed to contest elections to the Lok Sabha or State Legislative Assemblies. Article 84 (b) of Constitution of India provides that the minimum age for becoming a candidate for Lok Sabha election shall be 25 years. Similar provision exists for candidates to the Legislative Assemblies vide Article 173 (b) of the Constitution read with Sec. 36 (2) of the R. P. Act, 1950. For the Rajya Sabha the age limit is 30 years. A non citizen cannot be a contesting candidate in the elections. Article 84 (a) of the Constitution of India envisages that a person shall not be qualified to be chosen to fill up a seat in the Parliament unless he is a citizen of India. Similar provision exists for State Legislative Assemblies in Article 173 (a) of the Constitution.

For contesting an election as a candidate a person must be registered as a voter. Sec 4 (d) of Representation People Act, 1951 precludes a person from contesting unless he is an elector in any parliamentary constituency. Section 5 (c) of R. P. Act, 1951 has a similar provision for Assembly Constituencies. If a person is a registered voter in Delhi, he/she can contest an election to Lok Sabha from any constituency in the country except Assam, Lakshadweep and Sikkim, as per Section 4 (c), 4 (cc) and 4 (ccc) of the R. P. Act, 1951.

As per Section 8 (3) of R. P. Act, 1951, if a person is convicted of any offence and sentenced to an imprisonment of 2 years or more, this will be disqualification to contest elections. Even if a person is on bail, after the conviction and his appeal is pending for disposal, he is disqualified from contesting an election as per the guidelines issued by the Election Commission of India.

If you are a candidate of a recognised national / state party, you would require only one elector of the constituency as proposer, vide Sec. 33 of R. P. Act, 1951. The same section 33 of R. P. Act, 1951 provides that as an independent candidate or a candidate of an unrecognised political party, ten electors from the constituency should subscribe your nomination paper as proposers.

As per Section 33 (7) of R. P. Act, 1951, a person cannot contest from more than two constituencies for a Lok Sabha election.

A defeated candidate who fails to secure more than one sixth of the valid votes polled in the constituency will lose his security deposit.

Every candidate has to make a deposit of Rs. 10,000/- for Lok Sabha election and 5,000/- for Rajya Sabha or Vidhan Sabha elections, except for candidates from the Scheduled Castes and Scheduled Tribes who pay half of these amounts. The deposit is returned if the candidate receives more than one-sixth of the total number of valid votes polled in the constituency. Nominations must be supported at least by one registered elector of the constituency, in the case of a candidate sponsored by a registered Party and by ten registered electors from the constituency in the case of other candidates. Returning Officers, appointed by the Election Commission, are put in charge to receive nominations of candidates in each constituency, and oversee the formalities of the election.

In a number of seats in the Lok Sabha and the Vidhan Sabha, the candidates can only be from either one of the scheduled castes or scheduled tribes. The number of these reserved seats is meant to be approximately in proportion to the number of people from scheduled castes or scheduled tribes in each state. There are currently 79 seats reserved for the scheduled castes and 41 reserved for the scheduled tribes in the Lok Sabha.

Number of Candidates

The number of candidates contesting each election steadily increased. In the general election of 1952 the average number of candidates in each constituency was 3.8; by 1991 it had risen to 16.3, and in 1996 stood at 25.6. As it was far too easy for 'frivolous' candidates to stand for election, certain remedial measures were taken in August 1996, which included increasing the size of the deposit and making the number of people who have to nominate a candidate larger. The impact of such measures was quite considerable at the elections which were subsequently held. As a result, in 1998 Lok Sabha elections, the number of candidates came down to an average of 8.74 per constituency. In 1999 Lok Sabha elections, it was 8.6, and in 2004 it was 10.

Campaign

The campaign is the period when the political parties put forward their candidates and arguments with which they hope to persuade people to vote for their candidates and parties. Candidates are given a week to put forward

their nominations. These are scrutinised by the Returning Officers and if not found to be in order can be rejected after a summary hearing. Validly nominated candidates can withdraw within two days after nominations have been scrutinised. The official campaign lasts at least two weeks from the drawing up of the list of nominated candidates, and officially ends 48 hours before polling closes.

During the election campaign the political parties and contesting candidates are expected to abide by a Model Code of Conduct evolved by the Election Commission on the basis of a consensus among political parties. The model Code lays down broad guidelines as to how the political parties and candidates should conduct themselves during the election campaign. It is intended to maintain the election campaign on healthy lines, avoid clashes and conflicts between political parties or their supporters and to ensure peace and order during the campaign period and thereafter, until the results are declared. The model code also prescribes guidelines for the ruling party either at the Centre or in the State to ensure that a level field is maintained and that no cause is given for any complaint that the ruling party has used its official position for the purposes of its election campaign.

Once an election has been called, parties issue manifestos detailing the programmes they wish to implement if elected to government, the strengths of their leaders, and the failures of opposing parties and their leaders. Slogans are used to popularise and identify parties and issues, and pamphlets and posters distributed to the electorate. Rallies and meetings where the candidates try to persuade, cajole and enthuse supporters, and denigrate opponents, are held throughout the constituencies. Personal appeals and promises of reform are made, with candidates travelling the length and breadth of the constituency to try to influence as many potential supporters as possible. Party symbols abound, printed on posters and placards.

Polling Days

Polling is normally held on a number of different days in different constituencies, to enable the security forces and those monitoring the election to keep law and order and ensure that voting during the election is fair.

Ballot Papers & Symbols

After nomination of candidates is complete, a list of competing candidates is prepared by the Returning Officer, and ballot papers are printed. Ballot papers are printed with the names of the candidates (in languages set by the Election Commission) and the symbols allotted to each of the candidates. Candidates of recognised Parties are allotted their Party symbols.

How the voting takes place

Voting is by secret ballot. Polling stations are usually set up in public institutions, such as schools and community halls. To enable as many electors as possible to vote, the officials of the Election Commission try to ensure that there is a polling station within 2km of every voter, and that no polling stations should have to deal with more than 1500 voters. Each polling station is open for at least 8 hours on the day of the election.

On entering the polling station, the elector is checked against the Electoral Roll, and allocated a ballot paper. The elector votes by marking the ballot paper with a rubber stamp on or near the symbol of the candidate of his choice, inside a screened compartment in the polling station. The voter then folds the ballot paper and inserts it in a common ballot box which is kept in full view of the Presiding Officer and polling agents of the candidates. This marking system eliminates the possibility of ballot papers being surreptitiously taken out of the polling station or not being put in the ballot box.

Since 1998, the Commission has increasingly used Electronic Voting Machines instead of ballot boxes. In 2003, all state elections and bye elections were held using EVMs. Encouraged by this the Commission took a historic decision to use only EVMs for the Lok Sabha election due in 2004. More than 1 million EVMs were used in this election.

Political Parties and Elections

Political parties are an established part of modern mass democracy, and the conduct of elections in India is largely dependent on the behaviour of political parties. Although many candidates for Indian elections are independent, the winning candidates for Lok Sabha and Vidhan Sabha elections usually stand as members of political parties, and opinion polls suggest that people tend to vote for a party rather than a particular candidate.

Parties offer candidates organisational support, and by offering a broader election campaign, looking at the record of government and putting forward alternative proposals for government, help voters make a choice about how the government is run.

Registration with Election Commission

Political parties have to be registered with the Election Commission. The Commission determines whether the party is structured and committed to principles of democracy, secularism and socialism in accordance with the Indian Constitution and would uphold the sovereignty, unity and integrity of India. Parties are expected to hold organisational elections and have a written constitution.

Recognition and Reservation of Symbols

According to certain criteria, set by the Election Commission regarding the length of political activity and success in elections, parties are categorised by the Commission as National or State parties, or simply declared registered-unrecognised parties. How a party is classified determines a party's right to certain privileges, such as access to electoral rolls and provision of time for political broadcasts on the state-owned television and radio stations - All India Radio and Doordarshan - and also the important question of the allocation of the party symbol. Party symbols enable illiterate voters to identify the candidate of the party they wish to vote for. National parties are given a symbol that is for their use only, throughout the country. State parties have the sole use of a symbol in the state in which they are recognised as such Registered-unrecognised parties can choose a symbol from a selection of 'free' symbols.

Procedure for registration

An application for registration is to be submitted to the Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001 in the Performa prescribed by the Commission. The Performa is available on request by post or across the counter from the office of the Commission. The application should be neatly typed on the party's letter head, if any, and it should be sent by registered post or presented personally to the Secretary to the Election Commission within thirty days following the date of formation of the party.

2. The application must be accompanied by the following documents/information:

(i) A demand draft for Rs. 10,000/- (Rupees Ten Thousand Only) on account of processing fee drawn in favour of Under Secretary, Election Commission of India, New Delhi. The processing fee is non-refundable

(ii) A neatly typed/printed copy of the memorandum/rules and regulations/Constitution of the Party containing a specific provision as required under sub-section (5) of Section 29A of the Representation of the People Act, 1951 in the exact terms, which reads "------(name of the party) shall bear true faith and allegiance to the constitution of India as by law established, and to the principles of socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of India". The above mandatory provision must be included in the text of party constitution/rules and regulations/memorandum itself as one of the Articles/clauses.

(iii) The copy of the party Constitution should be duly authenticated on each page by the General Secretary/President/Chairman of the Party and the seal of the signatory should be affixed thereon.

(iv) There should be a specific provision in the Constitution/rules and regulations/memorandum of the party regarding organizational elections at different levels and the periodicity of such elections and terms of office of the office-bearers of the party.

(v) The procedure to be adopted in the case of merger/dissolution should be specifically provided in the Constitution/rules and regulations/memorandum.

(vi) Certified extracts from the latest electoral rolls in respect of at least 100 members of the party (including all office-bearers/members of main decision-making organs like Executive Committee/Executive Council) to show that they are registered electors.

(vii) An affidavit duly signed by the President/General Secretary of the party and sworn before a First Class Magistrate/Oath Commissioner/Notary Public to the effect that no member of the party is a member of any other political party registered with the Commission.

(viii) Individual affidavits from at least 100 members of the party to the effect that the said member is a registered elector and that he is not a member of any other political party registered with the Commission duly sworn before a First Class Magistrate/Oath Commissioner)/Notary Public. These affidavits shall be in addition to the furnishing of certified extracts of electoral rolls in respect of the 100 members of the applicant party mentioned at (vi) above.

(ix) Particulars of Bank accounts in the name of the party.

3. The application along with all the required documents mentioned above must be reach the Secretary to the Commission within 30 days following the date of formation of the party.

4. Any application made after the said period will be time-barred.

The criteria for recognition of a party

A political party shall be treated as a recognised political party in a State, if and only if either the conditions specified in Clause (A) are, or the condition specified in Clause (B) is, fulfilled by that party and not otherwise, that is to say-

(A) that such party

» has been engaged in political activity for a continuous period of five years; and

» has, at the last general election in that State to the House of the People, or, as the case may be, to the Legislative Assembly of the State, returned-

either (i) at least one member to the House of the People for every twenty-five members of that House or any fraction of that number from that State;

or (ii) at least one member to the Legislative Assembly of that State for every thirty members of that Assembly or any fraction of that number;

(B) that the total number of valid votes polled by all the contesting candidates set up by such party at the last general election in the State to the House of the People, or as the case may be, to the Legislative Assembly of the State, is not less than six per cent of the total number of valid votes

polled by all the contesting candidates at such general election in the State.

2. The conditions in Clause (A) or Clause (B) above shall not be deemed to have been fulfilled by a political party, if a member of the House of the People or the Legislative Assembly of the State becomes a member of that political party after his election to that House or, as the case may be, that Assembly.

3. 'State' includes the National Capital Territory of Delhi and the Union Territory of Pondicherry.

4. 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 fulfill 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.

5. If a political party is treated as a recognised political party in less than four States, it should be known as a 'State Party' in the State or States in which it is so recognised, but only so long as that political party continues to fulfill thereafter the conditions for recognition on the results of any subsequent general election to the House of the People or, as the case may be, to the Legislative Assembly of the State, in the said State or States.

Benefits of registration with the Election Commission of India

The candidates set up by a political party registered with the Election Commission of India will get preference in the matter of allotment of free symbols vis-à-vis purely independent candidates. Further, registered political parties, in course of time, can get recognition as 'State Party' or National Party' subject to the fulfillment of the conditions prescribed by the Commission in the Election Symbols (Reservation and Allotment) Order, 1968, as amended from time to time. If a party is recognised as a State Party', it is entitled for exclusive allotment of its reserved symbol to the candidates set up by it in the State of States in which it is so recognised, and if a party is recognised as a 'National Party' it is entitled for exclusive allotment of its reserved symbol to the candidates set up by it throughout India. Recognised 'State' and 'National' parties need only one proposer for filing the nomination and are also entitled for two sets of electoral rolls free

of cost and broadcast/telecast facilities over Akashvani/Doordarshan during general elections.

Limit on poll expenses

A candidate is not free to spend as much as he likes on his election. There are tight legal limits on the amount of money a candidate can spend during the election campaign. The law prescribes that the total election expenditure shall not exceed the maximum limit prescribed under Rule 90 of the Conduct of Election Rules, 1961. It would also amount to a corrupt practice under sec 123 (6) of R. P. Act, 1951.

Since December 1997, in most Lok Sabha constituencies the limit was Rs 15,00,000/-, although in some States the limit is Rs 6,00,000/- (for Vidhan Sabha elections the highest limit is Rs 6,00,000/-, the lowest Rs 3,00,000/-). Recent amendment in October 2003 has increased these limits. For Lok Sabha seats in bigger states, it is now Rs 25,00,000. In other states and Union Territories, it varies between Rs 10,00,000 to Rs 25,00,000. Similarly, for Assembly seats, in bigger states, it is now Rs 10,00,000, while in other states and Union Territories, it varies between Rs 5,00,000 to Rs 10,00,000. Although supporters of a candidate can spend as much as they like to help out with a campaign, they have to get written permission of the candidate, and whilst parties are allowed to spend as much money on campaigns as they want, recent Supreme Court judgments have said that, unless a political party can specifically account for money spent during the campaign, it will consider any activities as being funded by the candidates and counting towards their election expenses. The accountability imposed on the candidates and parties has curtailed some of the more extravagant campaigning that was previously a part of Indian elections.

Under section 77 of the R.P.Act, 1951, every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the selection incurred or authorised by him or his election agent between the date on which he has been nominated and the date of declaration of result, both dates inclusive. Every contesting candidate has to lodge a true copy of the said account within 30 days of result of the election.

In every state the account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested lies. In the case of Union Territories, such accounts are to be lodged with the Returning Officer Concerned.

If a candidate is contesting from more than one constituency, he has to lodge a separate return of election expenses for every election which he has contested. The election for each constituency is a separate election.

Under section 10A of the RP Act, 1951, if the Election Commission is satisfied that a person has failed to lodge an account of election expenses with the time and in the manner required by or under that Act and he has no good reason or justification for the failure, it has the power to disqualify him for a period of 3 years for being chosen as, and for being, a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State.

Free Campaign time on state owned electronic media

By Election Commission, all recognised National and State parties have been allowed free access to the state owned electronic media-AIR and Doordarshan- on an extensive scale for their campaigns during elections. The total free time allocated extends over 122 hours on the state owned Television and Radio channels. This is allocated equitably by combining a base limit and additional time linked to poll performance of the party in recent election.

Splits and mergers and anti-defection law

Splits, mergers and alliances have frequently disrupted the compositions of political parties. This has led to a number of disputes over which section of a divided party gets to keep the party symbol, and how to classify the resulting parties in terms of national and state parties. The Election Commission has to resolve these disputes, although its decisions can be challenged in the courts.

Election Petitions

Any elector or candidate can file an election petition if he or she thinks there has been malpractice during the election. An election petition is not an

ordinary civil suit, but treated as a contest in which the whole constituency is involved. Election petitions are tried by the High Court of the State involved, and if upheld can even lead to the restaging of the election in that constituency.

Supervising Elections, Election Observers

The Election Commission appoints a large number of Observers to ensure that the campaign is conducted fairly, and that people are free to vote as they choose. Election expenditure Observers keeps a check on the amount that each candidate and party spends on the election.

Polling Station

As per the instructions of Election Commission as contained in Para 2 of Chapter II of Handbook for Returning Officers, a polling station should be provided for a well defined polling area, normally covering about 800 - 1000 electors. However, in exceptional cases, such number may exceed 1000 to avoid the breakup of any polling area in large villages or urban area. When the number exceeds 1200, auxiliary polling stations should be set up. There is provision for setting up of polling stations in localities inhabited by the weaker section of the society, even though the number may be less than 500. If there is a Leprosy Sanatorium a separate polling station may be set up for the inmates alone. Recently the Commission has issued instructions for Rationalisation of Polling Stations in the country, and the limit of electors has been increased to 1500 per polling station, as Electronic Voting Machines will be used in all future elections.

According to Para 3 of Chapter II of Handbook for Returning Officers, polling stations should be set up in such a manner that ordinarily no voter is required to travel more than two kms to reach his polling station.

Acceptance of money to vote for a candidate is a corrupt practice of bribery under Section 123 (1) of R. P. Act, 1951. It is also an offence under section 171-B of Indian Penal Code and is punishable with imprisonment of either description for a term which may extend to one year or with fine or both. The corrupt practice of bribery will also be attracted, if a person accepts money not to vote for a particular candidate.

Acceptance of any offer of liquor or other intoxicants or a dinner to vote for a particular candidate or not to vote for him is bribery.

If any person induces or attempts to induce the voter to vote for any particular candidate or otherwise he will become an object of Divine displeasure, he will be guilty of the corrupt practice of exercising undue influence on a voter under sec 123 (2) of R. P. Act, 1951.

It is also an offence under section 171C of Indian Penal Code and punishable with imprisonment of either description for a term which may extend to one year or with fine or both.

Any threat to a voter that he would be excommunicated if he votes for a particular candidate or does not vote for another particular candidate is a corrupt practice of undue influence under Section 123 (2) of R. P. Act, 1951. It is also punishable under sec 171 F of Indian Penal Code with imprisonment of either description for a term which may extend to one year or with fine or with both.

Any one telling another person that he should vote for a particular candidate or not to vote for him because he belongs to a particular religion, caste or creed or speaks a particular language is a corrupt practice under section 123 (3) of R. P. Act, 1951.

Counting of Votes

After the polling has finished, the votes are counted under the supervision of Returning Officers and Observers appointed by the Election Commission. After the counting of votes is over, the Returning Officer declares the name of the candidate to whom the largest number of votes have been given as the winner, and as having been returned by the constituency to the concerned house.

Media Coverage

In order to bring as much transparency as possible to the electoral process, the media are encouraged and provided with facilities to cover the election, although subject to maintaining the secrecy of the vote. Media persons are given special passes to enter polling stations to cover the poll process and the counting halls during the actual counting of votes.

Media are also free to conduct Opinion Polls and Exit Polls. By a recent set of Guideline issued, the Election Commission has stipulated that the results

of opinion polls can not be published between two days before the start of polling and after the close of poll in any of the constituencies.

The Electronic Voting Machine – An Electronic Marvel

Electronic Voting Machine (EVM) retains all the characteristics of voting by ballot papers, while making polling a lot more expedient. Being fast and absolutely reliable, the EVM saves considerable time, money and manpower. And, of course, helps maintain total voting secrecy without the use of ballot papers. The EVM is 100 per cent tamper proof. And, at the end of the polling, just press a button and there you have the results.

What does an EVM unit comprise of?

The EVM consists of two units that can be inter-linked. One, a ballot unit which a voter uses to exercise his vote. And the other, a control unit – used by the polling officials.

The Ballot Unit: An electronic ballot box.

A simple voting device, it displays the list of candidates. A facility to incorporate party names and symbols is in-built. All the voter has to do is press the desired switch located next to the name of each candidate. The main advantage is the speed, apart from the simplicity of operation, which requires no training at all. A single ballot unit takes in the names of 16 candidates. And thus, by connecting four ballot units the EVM can accommodate a total of 64 candidates in a single election.

The control Unit: In Total control of the polling

Conduction of polling, display of total votes polled, sealing at the end of the poll, and finally, declaration of results – these are the various accomplishments of just one gadget: the control unit. In total control of the polling, this electronic unit gives you all necessary information at a press of a few buttons. For instance, if you need to know the total number of votes, you just have to press the Total switch. Candidates-wise results can be had only at the end of polling.

Independent & Reliable

The EVM is compact and comes in its reusable carry pack. Further, the EVM works/operates on a battery power source. Making it independent and totally reliable.

Hi-tech Simplicity

To commence polling, the polling officer activates the "Ballot" switch on the control unit. The voter then has to press the button of his choice on the ballot unit. This is followed by a short beep sound, indicating that the vote has been cast. Once again, the polling officer has to press the "Ballot" switch to clear the machine for the next voter to cast his vote.

Super-sensitive circuitry: No invalid votes

Inside the control unit, hidden from you, is an extremely sensitive circuitry that takes care of common election errors or malpractices like vote duplication. For instance, if one were to press two or more buttons simultaneously, then no vote would be cast. Even if there was a micro-second difference in the pressing of the switches, the EVM is sensitive enough to trace and identify the twitch that was press first.

Instant results

Once polling is completed, the election results can be known instantly at the counting station by pressing the 'Result' switch. This switch is located in a sealed compartment of the control unit.

Tamper proof design

The EVM is designed to be totally tamper proof. Each EVM comes with a sophisticated programme in assembly language: software fully seated against outside influence. And the programme is itself fused on to a customised micro processor chip at the manufacturer's end. This ensures that the program is rendered tamper proof and inaccessible.

Result Printout

Normally, an EVM displays results on the display panel of the control unit. But a printout option is available with the use of a Download Adaptor Unit

(DAU). The DAU has to be connected to the control unit and any standard printer. Further, with the help of a modem, the DAU can also enable transmission of voting information to a distant centralised computer.

How To Cast Vote Through Electronic Voting Machine

- A. Voter will be called by name as usual to put his signature on Voting Register.
- B. Electoral Officer will put special ink on his finger as usual.
- C. Electoral Officer will hand over a slip containing voter's serial number as shown in the Voter Register.
- D. Voter will hand over the slip to Presiding Officer. He will satisfy himself about the genuineness of the particulars of the voter.
- E. After all these formalities, voter will be asked to reach at Electronic Voting Machine kept in a corner covered from sides to maintain secrecy of the vote.
- F. Voting Machine will contain candidates name and symbol against each name. There will be a red light and a blue button. Voter shall have to press the blue button against the candidate of the choice. Red light will appear on the pressing of blue button and sound like whistle will also be heard which will indicate that the ballot has been casted. If red light does not appear voter can press the blue button again.

Chapter III

Election Rules

A. Role and Function of Election Department

The Election Department is more or less a combination of Administrative Head and Head of Department and thus discharge of dual function as aforesaid. The Commissioner and Secretary is the Administrative Head of the Department as well as the Head of the Department in his capacity as the Chief Electoral Officer. The Chief Electoral Officer is a statutory functionary designed as such by the Election Commission in consultation with the State Government under the provisions of the Representation of the People Act, 1950 for the purpose of preparation, revision and correction of Electoral Rolls and other matter connected therewith and under the provisions of the Representation of the People Act, 1951, for the purpose of smooth and efficient conduct of the Elections in the State. The Chief Electoral Officer is subject to the superintendence, direction and control of the Election Commission vide Sc. 13 A of the Representation of the People Act, 1950 and Sec. 20 of the Representation of the People Act, 1951, respectively.

The Election Department administer the two Acts of Parliament viz.,

1. The Representation of the People Act, 1950 and
2. The Representation of the People Act, 1951

B. The Representation of the People Act, 1950

The Act 1950 deals with:

1. The allocation of seats in and the delimitation of Constituencies for the purpose of Election to the Lok Sabha and the Legislatures of States.
2. The qualification of voters at such Elections, and
3. Registration of voters and electors and the preparation of Electoral roll and
4. Other connected matters.

C. The Representation of the People Act, 1951

The Act 1951 deals with:

1. The conduct of Election.
2. Qualification and disqualification of Candidates.
3. Corrupt practices and other electoral offences.
4. and the decision of doubts and disputes arising out of such Elections.

Supplementing these two Acts are the:

1. Registration of Electors Rules, 1960 and
2. The conduct of Election Rules, 1961.

D. The Registration Of Electors Rules, 1960.

For the purpose of carrying out the provisions of the Registration of Electors Rules, 1960, revision of electoral Roll and computerisation of the same had been taken up at regular interval simultaneously the Electors Photo Identity Card (EPIC) programme was implemented and integrated with the revised and computerised Electoral Roll. Essential Computer infrastructure at the District Level for better electoral management is available. Approval for appointment of District Election Officers and Electoral Registrations had been obtained by the Election Department from the Election Commission whenever required. Further, sanction for creation of Posts of Enumerators and other Staff required for the purpose of revision of Electoral Roll from time to time had been taken care of by the Department.

E. The Conduct Of Election Rules, 1961

Under the conduct of Election Rules, 1961, various matters and materials required in connection with the actual conduct of the Poll, the counting of Votes, the declaration of Results, the safe custody of Election Papers and EVMs, filling of election expenses by Candidates etc have been exhaustively laid down and adherence and observance of the provisions of the Rules have been by and large ensured by the election machinery of the State headed by / under the supervision of the Chief Electoral Officer.

Accounts

In so far as account matters are concerned the Department not only prepares the Budget estimates but also submit the estimates to the Govt. of India for re - imbursement of expenditure in connection with the conduct of Election. The other normal and routine functions are to watch and control the expenditure of the District and Sub - Divisional Election Officers, ensure proper maintenance of accounts, verification of the monthly expenditure submitted by the District and Sub - Division with the Office of the A G and other miscellaneous account works and matters.

Art 327 confers specific power on parliament to make law with respect to the delimitation of constituencies.

Pursuant to these provisions, Parliament had enacted the Delimitation Act, 2002, (copy enclosed). Under this Act, a commission known as the Delimitation Commission is constituted.

The role of the Election Department in so far as it relates with the Delimitation Commission is limited to preparation and compilation of statistical data and maps etc as obtained from the District and making available of the same to the Delimitation Commission.

Public notice of intended election:

The public notice of an intended election referred to in section 31 shall be in Form 1 and shall, subject to any direction of the Election Commission, be published in such manner as the returning officer thinks fit.

Nomination paper:

Every nomination paper presented under sub-section (1) of section 33 shall be completed in such one of the Forms 2A to 2E as may be appropriate:

Provided that a failure to complete or defect in completing, the declaration as to symbols in a nomination paper in Form 2A or Form 2B shall not be deemed to be defect of a substantial character within the meaning of sub-section (4) of section 36

Symbols for elections in parliamentary and assembly constituencies:

1. The Election Commission shall, by notification in the Gazette of India, and in the Official Gazette of each State, specify the symbols that may be chosen by candidates at elections in parliamentary or assembly constituencies and the restrictions to which their choice shall be subject.
2. Subject to any general or special direction issued by the Election Commission either under sub-rule (4) or sub-rule (5) of rule 10, where at any election], more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 10 even if that nomination paper has been rejected.

Notice of nomination:

The notice of nominations under section 35 shall be in such one of the Forms 3A of 3C as may be appropriate.

List of validly nominated candidates:

1. The list of validly nominated candidates referred to in sub-section (8) of section 36 shall be in Form 4.
2. The name of every such candidate shall be shown in said list as it appears in his nomination paper:

Provided that if a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to the returning officer the proper form and spelling of his name and the returning officer shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates].

Notice of withdrawal of candidature:

1. A notice of withdrawal of candidature under sub-section (1) of section 37 shall be in Form 5 and shall contain the particulars set out therein;

- and on receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered.
2. The notice under sub-section (3) of section 37 shall be in Form 6.

Preparation of list of contesting candidates:

1. The list of contesting candidates referred to in sub-section (1) of section 38 shall be in Form 7A or Form 7B as may be appropriate and shall contain the particulars set out therein and shall be prepared in such language or languages as the Election Commission may direct.
3. If the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Election Commission may direct.
4. At an election in a parliamentary or assembly constituency, where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Election Commission, -
 - a. allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and
 - b. If more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.
5. The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Election Commission in this behalf in which case the Election Commission may revise the allotment in such manner as it thinks fit.
6. Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer.

Publication of list of contesting candidates and declaration of result in uncontested election:

1. The returning officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and where the number of contesting

- candidates is equal to, or less than, the number of seats to be filled, he shall, immediately after such affixation, declare under sub-section (2) or as the case may be, sub-section (3) of section 53 the result of the election in such one of the Forms 21 to 21B as may be appropriate and send signed copies of the declaration to the appropriate authority, the Election Commission and the chief electoral officer.
2. If a poll becomes necessary under sub-section (1) of section 53, the returning officer shall supply a copy of the list of contesting candidates to each such candidates or his election agent, and then shall also publish the list in the Official Gazette.

Appointment of election agent:

1. (1) Any appointment of an election agent under section 40 shall be made in Form 8 and the notice of such appointment shall be given by forwarding the same in duplicate to the returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.
2. (2) The revocation of the appointment of an election agent under sub-section (1) of section 42 shall be made in Form 9.

Appointment of polling agents:

1. The number of polling agents that may be appointed under section 46 shall be one agent and two relief agents.
2. Every such appointment shall be made in Form 10 and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.
3. No polling agent shall be admitted into the polling station or the place fixed for the poll unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.

Revocation of the appointment of a polling agent:

1. The revocation of the appointment of a polling agent under sub-section (1) of section 48 shall be made in Form 11 and lodged with the presiding officer.
2. In the event of any such revocation the candidate or his election agent may, at any time before the poll in closed, make a fresh appointment

in the manner specified in rule 13 and the provisions of that rule shall apply to every such agent.

Persons entitled to vote by post:

The following persons shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post, namely:-

- a. at an election in a parliamentary or assembly constituency -
 - i. special voters;
 - ii. service voters;
 - iii. voters on election duty; and
 - iv. electors subjected to preventive detention;
- b. at an election in a council constituency –
 - i. voters on election duty;
 - ii. electors subjected to preventive detention; and
 - iii. electors in the whole or any specified parts, of the constituency if directed by the Election Commission in this behalf under clause (b) of rule 68;
- c. at an election by assembly members –
 - i. electors subjected to preventive detention; and
 - ii. all electors if directed by the Election Commission in this behalf under clause (a) of rule 68.

Intimation by special voters:

A special voter who wishes to vote by post at an election shall send an intimation in Form 12 to the returning officer so as to reach him at least ten days before the date of poll; and on receipt of the intimation the returning officer so as to reach him at least ten days before the date of poll; and on receipt of the intimation the returning officer shall issue a postal ballot paper to him.

Intimation by voters on election duty:

1. A voter on election duty who wishes to vote by post at an election shall send an application in Form 12 to the returning officer so as to reach him at least seven days or such shorter period as the returning officer may allow before the date of poll; and if the returning officer is satisfied that applicant is a voter on election duty, he shall issue a postal ballot paper to him.
2. Where such voter, being a polling officer, presiding officer or other public servant on election duty in the constituency of which he is an elector, wishes to vote in person at an election 3[in a parliamentary or assembly constituency] and not by post, he shall send an application in Form 12A to the returning officer so as to reach him at least four days, or such shorter period as the returning officer may allow, before the date of poll; and if the returning officer is satisfied that the applicant is such public servant and voter on election duty in the constituency, he shall –
 - a. issue to the applicant an election duty certificate in Form 12B,
 - b. mark "EDC" against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and
 - c. ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

Chapter IV

Democracy And Political Parties

A. What is Democracy?

The term “democracy” is derived from two Greek words – *demos* (or people) and *kratos* (rule). In simple terms, then, democracy is the rule of the people, by the people, for the people. Simple as this definition might appear to be, societies and groups within society have historically fought over who exactly “the people” are. In the Greek City states, which are innocently presented by modern political theorists as prototypes of democracies, women and slaves had no citizenship rights. They were *not* “people.” In the 19th century in many of today’s liberal democracies, only a tiny fraction of property-owning *males* (usually above 30) were “the people” with recognizable *human* rights.

Today, however, there seems to be broad agreement that democracy is a system of governance where power and civic responsibility are, ideally, exercised directly by all citizens. Unfortunately, the practice is different. The “people” typically exercise their power *indirectly* through elected representatives. Thus, modern democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of the elected representatives. It is the responsiveness of government to the preferences of its citizens (who are, in theory, “political equals” of the rulers), that is the key characteristic of democracy. Such responsiveness requires that citizens have opportunities to formulate their preferences, articulate them and have them considered in the conduct of the business of government. These credentials of democracy are, in turn, dependent on the following institutional guarantees that are central to the liberal democracies.

- Freedom to form and join organizations (such as political parties);
- Freedom of expression;
- The right to alternative sources of information, guaranteed, among other things, by a free press that is unencumbered by restrictive state legislation;
- Right to vote or be voted into public office;
- Regular, free and fair elections; and

- The right to private property.

More recently, the list has been expanded to include the “right” to good governance. The right to good democratic governance is guaranteed by the separation of powers between the five arms of the modern state – the executive, the legislature, the judiciary, the civil service and the military. The doctrine of separation of powers is designed to build institutions that guard against arbitrary rule via a system of checks and balances. The biggest danger to the separation of powers is usually the executive. The “famous” maxim of King Louis IV – *L’etat c’est moi!* (I am the state!) – is inadvertently operationalised by modern executives who compromise the independence of the judiciary (via, for example, “stuffing the courts” with “politically correct” judges).

In democratic theory, political parties are *voluntary* organizations that are supposed to promote democracy. Whereas the judiciary, the legislature and the judiciary promote horizontal accountability, *vertical* accountability is promoted by political parties, which link the people and government. Parties organize campaigns, recruit candidates and mobilize the political community to participate in the selection of office bearers. The goal of party activism is to build institutions and shape public politics, policies and laws that impact the rights and welfare of the political community.

In competitive multi-party politics, the party that is elected to form government seeks to enact into law a number of policies and programs (oftentimes consistent with their election manifesto). Opposition parties are free to criticize the ruling party’s policies, ideas and programs *and* offer alternatives. Democratic parties recognize and respect the authority of the elected government even when their party leaders are not in power. This is possible because democratic societies are committed to the values of tolerance, cooperation and compromise. Democracies recognize that consensus building requires compromise and tolerance. As Mahatma Gandhi famously argued, “intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit” The notion of a loyal opposition is central to any democracy. It means that all sides in the political debate – however deep their differences – share the fundamental democratic values of freedom of speech, the rule of law and equal protection under the law. Parties that lose elections become the opposition. The opposition, then, is essentially a “government-in the-waiting.” For a culture of democracy to take hold, opposition parties need to have the confidence that the political

system will guarantee their right to organize, speak, dissent and/or criticize the party in power. Opposition parties also need to be assured that in due course, they will have a chance to campaign and re-seek the peoples mandate in and through regular, free and fair elections.

It follows, therefore, that the culture of democracy rests on the principle of majority rule, coupled with tolerance of dissenting views. Democracy also calls for the zealous protection of the fundamental rights of individuals, disadvantaged groups and minorities, even when they disagree with the ideology, policies and programs of the ruling party. This suggests that *non-majoritarian* governance is possible or even desirable. By “non-majoritarian” governance is meant a system of rule that strikes an acceptable balance between the rights of the majority (expressed through free and fair elections) and the duty of the polity to accommodate the rights of minorities and marginalized social groups (such as women and the “differently abled” people). Non-majoritarian governance is critical of the “winner-takes it- all” ideology of Western liberal democracy. It is driven by the logic of inclusive politics and sharing power among rival claimants to scarce public resources such as power or official jobs.

In short, Democracy consists of four basic elements:

1. A political system for choosing and replacing the government through free and fair elections.
2. The active participation of the people, as citizens, in politics and civic life.
3. Protection of the human rights of all citizens.
4. A rule of law, in which the laws and procedures apply equally to all citizens.

1. Democracy as a Political System of Competition for Power

Democracy is a means for the people to choose their leaders and to hold their leaders accountable for their policies and their conduct in office. The people decide who will represent them in parliament, and who will head the government at the national and local levels. They do so by choosing between competing parties in regular, free and fair elections. Government is based on the consent of the governed.

In a democracy, the people are sovereign—they are the highest form of political authority. Power flows from the people to the leaders of government, who hold power only temporarily.

Laws and policies require majority support in parliament, but the rights of minorities are protected in various ways.

The people are free to criticize their elected leaders and representatives, and to observe how they conduct the business of government. Elected representatives at the national and local levels should listen to the people and respond to their needs and suggestions.

Elections have to occur at regular intervals, as prescribed by law. Those in power cannot extend their terms in office without asking for the consent of the people again in an election. For elections to be free and fair, they have to be administered by a neutral, fair, and professional body that treats all political parties and candidates equally. All parties and candidates must have the right to campaign freely, to present their proposals to the voters both directly and through the mass media. Voters must be able to vote in secret, free of intimidation and violence. Independent observers must be able to observe the voting and the vote counting to ensure that the process is free of corruption, intimidation, and fraud. There needs to be some impartial and independent tribunal to resolve any disputes about the election results. This is why it takes a lot of time to organize a good, democratic election. Any country can hold an election, but for an election to be free and fair requires a lot of organization, preparation, and training of political parties, electoral officials, and civil society organizations who monitor the process.

2. Participation: The Role of the Citizen in A Democracy

The key role of citizens in a democracy is to participate in public life. Citizens have an obligation to become informed about public issues, to watch carefully how their political leaders and representatives use their powers, and to express their own opinions and interests. Voting in elections is another important civic duty of all citizens. But to vote wisely, each citizen should listen to the views of the different parties and candidates, and then make his or her own decision on whom to support. Participation can also involve campaigning for a political party or candidate, standing as a candidate for political office, debating public

issues, attending community meetings, petitioning the government, and even protesting.

It is important that women participate fully both in politics and in civil society. This requires efforts by civil society organizations to educate women about their democratic rights and responsibilities, improve their political skills, represent their common interests, and involve them in political life. In a democracy, participation in civic groups should be voluntary. No one should be forced to join an organization against their will.

Political parties are vital organizations in a democracy, and democracy is stronger when citizens become active members of political parties. However, no one should support a political party because he is pressured or threatened by others. In a democracy, citizens are free to choose which party to support.

Democracy depends on citizen participation in all these ways. But participation must be peaceful, respectful of the law, and tolerant of the different views of other groups and individuals.

3. The Rights of Citizens in a Democracy

In a democracy, every citizen has certain basic rights that the state cannot take away from them. You have the right to have your own beliefs, and to say and write what you think. No one can tell you what you must think, believe, and say or not say.

There is freedom of religion. Everyone is free to choose their own religion and to worship and practice their religion as they see fit. Every individual has the right to enjoy their own culture, along with other members of their group, even if their group is a minority. There is freedom and pluralism in the mass media. You can choose between different sources of news and opinion to read in the newspapers, to hear on the radio, and to watch on television. You have the right to associate with other people, and to form and join organizations of your own choice, including trade unions. You are free to move about the country, and if you wish, to leave the country. You have the right to assemble freely, and to protest government actions.

However, everyone has an obligation to exercise these rights peacefully, with respect for the law and for the rights of others.

4. The Rule of Law

Democracy is a system of rule by laws, not by individuals. In a democracy, the rule of law protects the rights of citizens, maintains order, and limits the power of government.

All citizens are equal under the law. No one may be discriminated against on the basis of their race, religion, ethnic group, or gender. No one may be arrested, imprisoned, or exiled arbitrarily. If you are detained, you have the right to know the charges against you, and to be presumed innocent until proven guilty according to the law. Anyone charged with a crime has the right to a fair, speedy, and public trial by an impartial court. No one may be taxed or prosecuted except by a law established in advance. No one is above the law, not even a king or an elected president. The law is fairly, impartially, and consistently enforced, by courts that are independent of the other branches of government.

Torture and cruel and inhumane treatment are absolutely forbidden. The rule of law places limits on the power of government. No government official may violate these limits. Office holders cannot use their power to enrich themselves. Independent courts and commissions punish corruption, no matter who is guilty.

The Limits and Requirements for Democracy

If democracy is to work, citizens must not only participate and exercise their rights. They must also observe certain principles and rules of democratic conduct. People must respect the law and reject violence. Nothing ever justifies using violence against your political opponents, just because you disagree with them. Every citizen must respect the rights of his or her fellow citizens, and their dignity as human beings. No one should denounce a political opponent as evil and illegitimate, just because they have different views. People should question the decisions of the government, but not reject the government's authority.

Every group has the right to practice its culture and to have some control over its own affairs, but each group should accept that it is a part of a democratic state.

When you express your opinions, you should also listen to the views of other people, even people you disagree with. Everyone has a right to be heard. Don't be so convinced of the rightness of your views that you refuse to see any merit in another position. Consider different interests and points of view.

When you make demands, you should understand that in a democracy, it is impossible for everyone to achieve everything they want. Democracy requires compromise. Groups with different interests and opinions must be willing to sit down with one another and negotiate. In a democracy, one group does not always win everything it wants. Different combinations of groups win on different issues. Over time, everyone wins something.

If one group is always excluded and fails to be heard, it may turn against democracy in anger and frustration. Everyone who is willing to participate peacefully and respect the rights of others should have some say in the way the country is governed.

B. Political Parties

To preserve and protect individual rights and freedoms, a democratic people must work together to shape the government of their choosing. And the principal way of doing that is through political parties which are voluntary organizations that link the people and their government.

The majority party (or the party elected to control the offices of government) seeks to enact into law a number of different policies and programs. Parties of the opposition are free to criticize the majority party's policy ideas and offer their own proposals. Political parties provide a way for citizens to hold elected party officials accountable for their actions in government.

Democratic political parties have faith in the principles of democracy so that they recognize and respect the authority of the elected government even when their party leaders are not in power.

Like any democracy, members of various political parties reflect the diversity of the cultures in which they arise. Some are small and built around a set of political beliefs. Others are organized around economic interests, or shared history. Still others are loose alliances of different citizens who may only come together at election time. All democratic political parties, whether they are small movements or large national coalitions, share the values of compromise and tolerance. They know that only through broad alliances and cooperation with other political parties and organizations can they provide the leadership and common vision that will win the support of the people of the nation. Democratic parties recognize that political views are fluid and changeable, and that consensus can often arise out of the clash of ideas and values in peaceful, free, and public debate.

The concept of the loyal opposition is central to any democracy. It means that all sides in political debate -- however deep their differences -- share the fundamental democratic values of freedom of speech and faith, and equal protection under law. Parties that lose elections step into the role of opposition -- confident that the political system will continue to protect their right to organize and speak out. In time, their party will have a chance to campaign again for its ideas, and the votes of the people.

In a democracy, the struggle between political parties is not a fight for survival, but a competition to serve the people.

In the electoral system, the party system has to play a very crucial role. Now there is absolutely no control over the political party system. Unless there is a healthy parliamentary party system, you can't function as a parliamentary democracy. Therefore, we have to regulate the formation and functioning of the parties, their collections, accounting, etc also.

More than that, the parties should prepare their members to become good legislators, to become good ministers. Now everybody goes there without any training and without understanding the various problems. That is why today you find debates in Parliament are not at all informative. It is mere shouting. We very rarely see any informed speech on any subject. That is because they have not been prepared for that. So, parties should not be merely election-running organisations, on the other hand, they should prepare their members to hold various offices of positions and responsibility, starting from the panchayat level, district level, state level and national level.

Executive Power

Through free elections, citizens of a democracy confer powers upon their leaders that are defined by law. In a constitutional democracy, power is divided so that the legislature makes the laws, the executive authority enforces and carries them out, and the judiciary operates independently. Democratic leaders are neither elected dictators nor "presidents-for-life." They serve fixed terms in office and accept the results of free elections, even if it means losing control of the government.

In constitutional democracies, executive authority is generally limited in three ways: by a system of checks and balances separating the national government's executive, legislative, and judicial powers; by federalism, which divides power between the national government and the state/local governments; and by constitutional guarantees of fundamental rights.

At the national level, the executive is limited by the constitutional authority vested in the legislative branch and by an independent judiciary

Executive authority in modern democracies is generally organized in one of two ways: as a parliamentary or a presidential system.

- In a parliamentary system, the majority party in the legislature forms the executive branch of the government, headed by a prime minister.
- In a parliamentary system, the legislative and executive branches are not entirely distinct from one another, since the prime minister and members of the cabinet are drawn from the parliament. In such systems, the political opposition serves as a chief means of limiting, or checking the authority of the executive.
- In a presidential system, the president is elected separately from the members of the legislature.
- In a presidential system, both the president and the legislature have their own power bases and political constituencies, which serve to check and balance each other.

Legislative Power

Elected legislatures are the principal forum for deliberating, debating, and passing laws in a representative democracy. They are not so-called rubber stamp parliaments merely approving the decisions of an authoritarian leader.

Oversight and investigation powers allow legislators to publicly question government officials about their actions and decisions, and otherwise serve as a check on the power of various government ministries -- especially in the presidential system of governing where the legislature is separate from the executive.

Legislators may approve national budgets, conduct hearings on pressing issues, and confirm executive appointees to courts and ministries. Legislators may support the government in power or they may serve as a loyal political opposition that offers alternative policies and programs. Legislators have a responsibility to articulate their views as effectively as possible. But they must work within the democratic ethic of tolerance, respect, and compromise to reach agreements that will benefit the general welfare of all the people -- not just their political supporters. Each legislator must alone decide on how to balance the general welfare with the needs of a local constituency.

Legislators often provide constituents with a sympathetic hearing for their individual complaints and problems -- along with help in getting assistance from large government bureaucracies. To do this, they often maintain a staff of trained aides.

National legislators are usually elected in one of two ways. In plurality elections, sometimes called "first past the post," the candidate with the most votes wins. In the proportional system, often used in parliamentary elections, voters usually cast ballots for parties, not individuals, and representatives are chosen on the basis of their party's percentage of the vote.

Legislatures are often bicameral, with two chambers, and new laws generally require passage by both the upper and lower chambers.

C. Government Accountability

The primary political accountability mechanism is free and fair elections. Fixed-terms of office and elections force elected officials to account for their performance and provide opportunities for challengers to offer citizens alternative policy choices. If voters are not satisfied with the performance of an official, they may vote them out of office when their terms expire.

The degree to which public officials are politically accountable is a function of whether they occupy an elected versus appointed position, how often they are up for reelection, and how many terms they can serve.

Legal accountability mechanisms include constitutions, legislative acts, decrees, rules, codes, and other legal instruments that proscribe actions those public officials can and cannot take and how citizens may take action against those officials whose conduct is considered unsatisfactory.

An independent judiciary is an essential requirement for the success of legal accountability, serving as a venue where citizens bring claims against the government.

Legal accountability mechanisms include:

- Ethics statutes and codes of conduct for public officials, outlining unacceptable practices;
- Conflict of interest and financial disclosure laws, requiring public officials to divulge the source of their income and assets so that citizens may judge whether the actions of those officials are likely to be influenced improperly by financial interests;
- "Sunshine" laws, providing the press and the public access to government records and meetings;
- Citizen participation requirements, dictating that certain government decisions must include input from the public; and
- Judicial review, providing courts the power to review the decisions and actions of public officials and agencies.

Administrative accountability mechanisms include offices within agencies or ministries and practices within administrative processes designed to ensure that the decisions and actions of public officials account for the interest of the citizens.

Administrative accountability mechanisms include:

- Agency ombudsmen, responsible for hearing and addressing citizen complaints;
- Independent auditors who scrutinize the use of public funds for signs of misuse;

- Administrative courts, that hear citizens' complaints about agency decisions;
- Ethics rules protecting so-called whistleblowers -- those within government who speak out about corruption or abuse of official authority -- from reprisals.

Governing by Coalitions and Compromise

Democratic governments succeed when politicians and officials understand that complex issues rarely present solutions that are clearly "right" or "wrong" and that differing interpretations of democratic principles and social priorities exist.

Freedom of assembly and the press foster open debate and exchange of ideas. This openness allows a government to identify problems and permits groups to meet and resolve differences. (In the private sector, this same "marketplace of ideas" offers opportunities for innovation and investment that are the engines of economic growth.)

Coalitions are formed when interest groups or political parties join together on issues of common interest, even if they strongly disagree on other issues. Compromise on important decisions allows the government to go about the business of governing.

Legislative bodies in democracies rely on coalition-building to pass laws:

- In a parliamentary system, political groups form partnerships with other groups to promote their own interests and form governments.
- In a presidential system, lawmakers sometimes cross party boundaries to vote on issues they and their constituents care deeply about.

Coalitions often require that a political party be willing to put aside certain differences with other groups in order to achieve more important parts of their agendas.

Because coalition governments are made up from parties representing sometimes-opposing viewpoints, there does exist the potential for dissolution of the government. In some democracies, it is common for ruling coalitions to form and disband several times, even in a single year.

D. Role of Opposition Parties

If Parliament is to be preserved as a living institution, the Opposition must fearlessly perform its functions. When it properly discharges them the preservation of citizens' freedom is assured. The reading of history proves that freedom always dies when criticism ends. It upholds and maintains the rights of minorities against majorities. It must be vigilant against oppression and unjust invasions by the Cabinet of the rights of the people. It should supervise all expenditures and prevent over-expenditure by exposing to the light of public opinion wasteful expenditures or worse. It finds fault; it suggests amendments; it asks questions and elicits information; it arouses, educates and molds public opinion by voice and vote. It must scrutinize every action by the government and in doing so prevents the short-cuts through democratic procedure that governments like to make.

In a democracy, opposition parties perform several important functions. These include:

Interest aggregation: Political parties are important organs for aggregating the interests of the political community. Interest aggregation often culminates in the articulation/ projection of certain preferences, values and ideologies into the policy and lawmaking process (e.g. in Parliament) and in the budgeting process.

1. Promoting responsible and reasoned debate. This promotes “national conversation” and pushes democratic discussion to a higher level of political development and maturity
2. Maintaining touch with the voter-citizen and demonstrating the relevance of politics to ordinary people, that is, the oppressed, the marginalized, the disenfranchised.
3. Opposition parties hold the government to account for its commissions or omissions (e.g. Tony Blair's Labour Party was re-elected with less support).
4. Parties present a viable alternative to the incumbent government by designing alternative ideas, principles and policies for governing society. Should the party in power let the voters down, the “government-in-waiting” takes over the reign of power – through free and fair elections.

5. Parties act as a training ground for future leaders. Shadow cabinet ministers, for example, typically conduct serious party business in their designated portfolios.
6. Parties strengthen the culture of democracy within the party and the political community in general (by, for example, promoting open debate during delegates' conferences, promoting intra-party democratic elections and ensuring accountable use of party finances).
7. Parties work with the Electoral Commission, the mass media and civil society organizations to monitor and improve the quality of voter registration, civic education and electoral transparency.
8. Finally, opposition parties are the unpaid *but dedicated* principal researchers for the government in power. In the rush to the "middle ground" that has characterized political party dynamics after the Cold War, incumbent regimes have typically plagiarized the manifestos of opposition parties and adopted their researched ideas, policies and programs *without* acknowledgement. Thereafter, incumbent parties (such as the NRM in Uganda) have typically accused the opposition of having "no political agenda different from ours."