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From Chaos to Control: The Riveting Evolution of Political Party Regulations

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The research embarks on a compelling journey through the annals of political history, tracing the turbulent evolution of regulatory frameworks governing political parties. This narrative unfurls against a backdrop of ideological battles, power struggles, and societal upheavals, where the quest for control unfolds as a gripping saga. Beginning with the chaotic origins of political parties and the absence of structured governance, the narrative navigates through pivotal moments in history, marking the emergence of regulatory mechanisms to curb excesses and ensure accountability. From early attempts at imposing order amidst disorder to the sophisticated regulatory architectures of contemporary politics, the research unravels the intricate interplay between authority and autonomy. Drawing upon a rich tapestry of historical anecdotes, legislative milestones, and institutional reforms, the research offers profound insights into the relentless quest to strike a balance between freedom and constraint within the political arena. As the narrative unfolds, it illuminates the evolving dynamics of political party governance, showcasing how regulatory frameworks have adapted and transformed over time in response to shifting societal norms, technological advancements, and geopolitical landscapes.

Keywords: *political parties, regulatory framework, elections, democratic process, election commission.*

INTRODUCTION: OVERVIEW OF ELECTION LAWS IN INDIA

Political parties play an essential role in democratic systems, and countries have established regulatory frameworks to ensure their proper functioning and accountability. The following is an overview of the critical elements of India's regulatory framework for political parties:

The Representation of the People Act 1950: The purpose of the Act was to establish provisions for the allocation of seats in the House of People, State Legislative Assemblies, and Legislative Councils of the State. It aimed to grant the President the authority, in consultation with the Election Commission, to demarcate constituencies for conducting elections and to provide for the registration of eligible voters in Parliamentary Constituencies, Assembly Constituencies, and Council Constituencies. Additionally, the Act set out the criteria and conditions for qualifying and disqualifying individuals for voter registration.

The Representation of the People Act 1951:¹ The primary legislation governing elections in India is the Representation of the People Act 1951. The Act 1951 is a comprehensive legislation governing many aspects of Indian elections, including the registration and recognition of political parties. It establishes the legal framework for election administration, candidate qualifications and disqualifications, political party registration, and recognition, the preparation of electoral rolls, the polling process, and the resolution of election disputes.

The Act is amended regularly to reflect changes and address emerging issues in the electoral process. **Section 29A²** outlines the procedure for registering political parties with the Election Commission of India (ECI) and the eligibility criteria, such as having a certain number of members and adhering to secularism and democracy principles.

The Act was later amended as **The Representation of the People (Amendment) Act, 2003**, significantly changing India's electoral process. It required the use of Electronic Voting Machines (EVMs) for polling, added the 'None of the Above' (NOTA) option to ballot papers, and tightened disclosure requirements for candidates' assets, liabilities, and criminal records.

¹ The Representation of the People Act 1951

² The Representation of the People Act 1951, s 29A

Election Symbols (Reservation and Allotment) Order 1968:³ It is a necessary regulation that assigns specific symbols to registered political parties for use during elections. The ECI assigns symbols to political parties based on various criteria, including past performance, representation in legislative bodies, and national or state-level recognition. The order ensures that parties have distinct symbols that voters can use to identify and distinguish them on the ballot.

Income Tax Act 1961:⁴ The Act imposes financial constraints on political parties. **Section 13A**⁵ exempts registered political parties from paying income taxes if conditions are met, such as maintaining audited accounts and filing annual income tax returns.

The Conduct of Elections Rules, 1961⁶ enacted under the RPA, 1951, provides detailed guidelines for the conduct of elections. These rules cover various topics, including candidate nomination, scrutiny of nomination papers, election campaigns, the appointment of election agents, voting procedures, vote counting, and post-election procedures. The rules outline the timelines, policies, and forms that must be followed during voting.

The Foreign Contribution (Regulation) Act 2010:⁷ The Act governs political parties' acceptance and use of foreign contributions. Unless the Ministry of Home Affairs first grants permission, it forbids political parties from accepting foreign assistance, either directly or indirectly. This act aims to prevent foreign influence in the political process and to ensure party financing transparency.

Delimitation Act 2002:⁸ The Act introduced the establishment of a Delimitation Commission, which was tasked with conducting delimitation exercises based on the 2001 census data. The primary objective of the delimitation process was to rectify any imbalances or inequalities in the sizes of constituencies. Additionally, the Act aimed to adjust the allocation of seats for Scheduled Castes and Scheduled Tribes, taking into account the data from the 2001 census. However, the total number of seats remained unchanged from the figures determined during the 1971 census.⁹

³ Election Symbols Order 1968

⁴ Income Tax Act 1961

⁵ Income Tax Act 1961, s 13A

⁶ Conduct of Elections Rules 1961

⁷ Foreign Contribution (Regulation) Act 2010

⁸ The Delimitation Act 2002

⁹ M Laxmikanth, *Indian Polity* (5th edn, McGraw Hill 2017)

Model Code of Conduct:¹⁰ The Election Commission of India (ECI) issues the Model Code of Conduct to regulate the behaviour of political parties and candidates during elections. The code sets guidelines and standards of conduct to promote free and fair elections and prevent the misuse of power and resources. It covers various aspects such as political rallies, the use of government machinery, religious appeals, utilization of public funds, advertisements, speeches, and the conduct of candidates and party workers.

While the Model Code of Conduct does not have legal enforceability, it holds significant moral and ethical value. Political parties and candidates are expected to adhere to its provisions to maintain the integrity of the electoral process. Violations of the code can lead to disciplinary action by the Election Commission, which may include reprimands, warnings, or other appropriate measures. The purpose of the code is to uphold the principles of fairness, transparency, and ethical conduct during elections in India.

Guidelines of the Election Commission of India:¹¹ The Election Commission of India, as an independent constitutional body, is critical in regulating political parties. It periodically issues guidelines and instructions to ensure fair and transparent elections. The ECI supervises political parties' behaviour during elections, enforces the Model Code of Conduct, and takes action against parties that break the rules.

These election laws and other related rules and regulations ensure the electoral process's integrity, fairness, and smooth operation in India. They protect voters' rights, regulate political parties and candidates' behaviour, and provide mechanisms for resolving election-related disputes.

CONSTITUTIONAL PROVISIONS AND LEGAL FRAMEWORK

The electoral process and regulation of political parties in India are grounded in Constitutional provisions and a legal framework. These frameworks establish the rights and obligations of citizens, candidates, and political parties, aiming to maintain elections' integrity and equitable nature.

¹⁰ 'Model Code of Conduct' (Election Commission Of India) <<https://eci.gov.in/mcc/>> accessed 15 April 2024

¹¹ 'Important ECI Instructions' (Election Commission of India) <<https://www.eci.gov.in/important-instructions/>> accessed 15 April 2024

The **Indian Constitution**¹², adopted in 1950, enshrines the country's fundamental rights and governance principles. Various articles within the Constitution of India uphold the electoral process. Article 326 ensures the right to vote for all Indian citizens, with certain eligibility criteria and disqualifications. **Articles 324 to 329** establish the Election Commission of India (ECI) as an independent body responsible for overseeing elections and administering the electoral process.

The Election Commission has superintendence, direction, and control over elections to the Lok Sabha, Rajya Sabha, State Legislative assemblies and councils, and the offices of the President and Vice President, according to **Article 324(1)**¹³. It is not concerned with elections for Panchayats and Municipalities in states because those elections are administered by the State Election Commission in each State.

Aside from Article 324, the Indian Constitution contains the following election-related provisions in Part XV:

Article 325¹⁴ pertains to the general electoral roll of a constituency. It states that there shall be a single general electoral roll for each territorial constituency, and no individual can be denied access to this roll based on gender, caste, religion, race, or any other such factors. The provision ensures equal and non-discriminatory access to the electoral roll for all eligible citizens.

In *R.C. Poudyal v Union of India*¹⁵, the SC held that Article 325 is of crucial significance for maintaining the secular character of the Constitution.

Article 326¹⁶ establishes the principle of universal adult suffrage in elections. According to this principle, every Indian citizen who has reached the age of majority¹⁷, which is currently set at eighteen years¹⁸, has the right to vote, unless disqualified under the Constitution or any law enacted by the appropriate legislature. Disqualifications can be based on factors such as non-residence, unsoundness of mind, criminal convictions, or involvement in corrupt and illegal

¹² Constitution of India 1950

¹³ Constitution of India 1950, art 324(1)

¹⁴ Constitution of India 1950, art 325

¹⁵ *R.C. Poudyal v Union of India* (1993) 1994 SCC (SUPP) 1 324

¹⁶ Constitution of India 1950, art 326

¹⁷ Indian Majority Act 1875, s 3

¹⁸ Constitution (Sixty-first Amendment) Act 1988, s 2

practices. The provision ensures that all eligible citizens have the opportunity to participate in the democratic process and exercise their voting rights.

Article 326 of the Constitution holds significant importance as it serves as a fundamental pillar in ensuring democracy and promoting social transformation. It plays a crucial role in addressing existing inequalities, such as disparities in resources and income, within a stratified society. Universal adult suffrage, as enshrined in this Article, stands as the most reliable means to attain the ideals of justice, liberty, equality, fraternity, and dignity mentioned in the Preamble¹⁹ of the Constitution. By granting every eligible citizen the right to vote, Article 326 upholds the principles of inclusivity, empowerment, and the collective participation of individuals in shaping the democratic governance of the nation.

According to Alladi Krishnaswami Ayyar, "The assembly adopted the principle of adult franchise with an abundant faith in the common man and the ultimate success of democratic rule, and in the full belief that the introduction of democratic government based on adult suffrage will bring enlightenment and promote the well-being, the standard of life, the comfort, and the decent living of the common man".

Article 327²⁰ empowers the Parliament to enact laws related to elections for the House of Parliament and State Legislatures. These laws encompass various aspects, including the preparation of electoral rolls, delimitation of constituencies, and other connected matters. By this constitutional provision, the Indian Parliament passed the Representation of People Act in 1950 and 1951. Article 327 of the Constitution empowers the Parliament to make detailed provisions regarding the readjustment of constituencies, including the delimitation of constituencies and all other related matters. Additionally, it grants the Parliament the authority to enact laws about elections for either House of Parliament²¹.

As per Article 328, a State's legislature may also enact laws governing elections to the state legislature, however, it is *subject to the provisions of the Constitution and in so far as a provision on that behalf is not made by the Parliament*²².

¹⁹ V. N. Shukla and M. P. Singh, *Constitution of India* (13th edn, EBC 2017)

²⁰ Constitution of India 1950, art 327

²¹ *Meghraj Kothari v Delimitation Commission* (1967) 1 SCR 400

²² Constitution of India 1950, art 328

Article 329 prohibits courts from questioning laws made by a State's parliament or legislature under Articles 327 and 328, which deal with constituency delimitation or seat allotment in these constituencies. It also addresses the issue of disqualification based on corrupt practices in connection with elections.

These are just a few more constitutional provisions concerning election laws in India. The Indian Constitution is a comprehensive document with numerous other articles and provisions affecting elections, including those relating to political parties, electoral reforms, and the powers and functions of various election-related authorities. These constitutional provisions and legal frameworks ensure that India's elections are transparent, fair, and democratic. They protect citizens' rights, level the playing field for political parties and candidates, and uphold free and fair elections as essential pillars of Indian democracy.

HISTORICAL DEVELOPMENT AND EVOLUTION OF ELECTION LAWS

The evolution of election laws in India can be traced back to the pre-independence era. Various movements and struggles for freedom and self-government occurred in India before independence. The Indian National Congress, founded in 1885, was pivotal in the fight for political rights and representation. The demand for elections and representation of the Indian people led to the introduction of election laws by the British colonial administration, such as the Indian Councils Act of 1892 and subsequent reforms. Significant milestones have shaped the electoral process over time, leading to the adoption of comprehensive election laws.

Here is a timeline of the development and evolution of Indian election laws to understand better:

The Government of India Act 1919:²³ The Act instituted limited electoral reforms, allowing Indians to be represented in legislative bodies only in part. It established the concept of direct elections and was India's first step towards democratic representation.

²³ Government of India Act 1919

The Government of India Act 1935²⁴ expanded electoral reforms and established separate electorates for religious communities. It established the Election Commission and the concept of adult suffrage for a limited number of seats.

The adoption of the **Indian Constitution in 1950** marked a watershed moment in the evolution of election laws. The principles of democracy, universal adult suffrage, and free and fair elections were all enshrined in the Constitution. It established the Election Commission of India as an independent body charged with conducting and ensuring the fairness of elections. The Constitution also set the framework for the electoral process, including candidate qualifications and disqualifications, constituency delimitation, and electoral roll determination.

Following India's independence, **The Representation of the People Act 1950**²⁵ established a comprehensive framework for conducting elections. It established the qualifications and disqualifications for legislative body membership, the preparation of electoral rolls, and the conduct of elections.

The Representation of the People Act 1951:²⁶ The Act, of 1951 superseded the previous act of 1950 and became India's primary electoral legislation. It included several key provisions, such as the registration and recognition of political parties, the nomination and scrutiny of candidates, polling procedures, and resolving election disputes. The Act also defines and penalizes offences related to electoral malpractice.

Amendments and Reforms: India's election laws have been amended, and reforms have been implemented to address emerging challenges and improve the electoral process. **The Representation of the People (Amendment) Act 2003** mandated electronic voting machines (EVMs) and increased candidate disclosure requirements. Subsequent amendments have focused on political criminalization, campaign finance, transparency, and accountability.

These legislative developments and reforms have shaped the electoral landscape in India, expanding democratic representation, enhancing transparency, and strengthening the electoral

²⁴ Government of India Act 1935

²⁵ Representation of the People Act 1951

²⁶ *Ibid*

process. The evolution of election laws reflects the commitment to ensuring free and fair elections and upholding the principles of democracy in India.

RECENT REFORMS AND AMENDMENTS IN ELECTION LAWS

In recent years, India's election laws have undergone significant reforms and amendments to address emerging challenges and improve the electoral process. These reforms aim to improve election transparency, accountability, and inclusiveness. Here are some notable recent election law reforms and amendments:

Electronic Voting Machines: Through the 1989 Amendment to the Representation of People Act, the provisions to facilitate Electronic Voting Machines (EVMs) were introduced and for the very first time in 1998 in the Assemblies of Rajasthan, Madhya Pradesh and Delhi the EVMs were used on an experimental basis. However, for the very first time, the use of EVMs was done in the General Assembly Elections of Goa in 1999.

Persons in Jail or Police custody can contest elections: In 2013, the Supreme Court upheld a decision by the Patna High Court stating that individuals who are in jail or police custody and, therefore, ineligible to vote, are also not qualified to contest elections for Parliament or State legislatures²⁷. However, this decision was later overturned by the Representation of the People (Amendment and Validation) Act of 2013. The Act introduced two new provisions which stated that if a person's name is included in the electoral roll, they shall not cease to be an elector due to the prohibition on voting, and a Member of Parliament (MP) or Member of Legislative Assembly (MLA) shall only be disqualified if specifically disqualified under the provisions of the Act and no other grounds. As a result, individuals in jail or police custody are allowed to participate in elections as candidates.

However, in *Lily Thomas v Union of India*²⁸ and *Lok Prahari v Union of India*, the SC has ruled that Members of Parliament (MPs) and Members of Legislative Assemblies (MLAs) who have been charge-sheeted for certain offences and subsequently convicted will be disqualified from holding their membership in the respective House. This disqualification takes effect

²⁷ *Chief Election Commissioner v Jan Chaukidar* (2013) 3 SCC (CRI) 594

²⁸ *Lily Thomas v Union of India* (2000) 6 SCC 224

immediately upon conviction, without granting them the usual three-month period for filing an appeal.

Photos on EVMs and Ballot Papers: As per the order issued by ECI, the ballot papers and EVMs should carry the picture of the candidate with his or her name and party symbol, effective from May 1, 2015. This was introduced to avoid any confusion among the electorates as several times voters are only aware of any symbol or the identity of the voter and are unable to read their names.

Electoral Bonds: The Electoral Bonds Scheme was added to the **Finance Act 2017 in 2018**²⁹. Political parties can receive donations through anonymous bearer bonds issued by authorised banks under this scheme. The Scheme aims to increase political funding transparency by routing donations through a regulated mechanism.

Cash Donation Limit Reduced: In 2017, the government reduced the maximum cash donation limit that political parties could receive from any one person from Rs. 20,000 to Rs. 2,000. This amendment was enacted to reduce the influence of black money and promote digital transactions in political funding.

Aadhaar-Voter ID Linking: The **Election Laws (Amendment) Act, 2021**³⁰, allows Electoral Registration Officers to request the Aadhaar number from individuals who are already registered as voters or those who intend to become voters. This is done to verify and establish the identity of the individual voluntarily.

Amendment to Section 23³¹ **of the Representation of the People Act, 1950:** After sub-section (3) of Section 23 of the 1950 Act, the following sub-sections (4), (5), and (6) were inserted:

Sub-section (4) empowers the electoral registration officer to demand the Aadhaar number provided by the Unique Identification Authority of India under the **Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits, and Services) Act, 2016**³². This is done to

²⁹ The Finance Act 2017

³⁰ Ministry of Law and Justice, *The Election Laws (Amendment) Act, 2021, allows Electoral Registration Officers to require the existing or prospective elector to provide the Aadhaar number for the Purpose of establishing identity on a voluntary basis* (2022) PIB

³¹ The Election Laws (Amendment) Act 2021

³² The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act 2016

verify the identity of individuals and ensure the accuracy of the electoral roll. The officer may also use the Aadhaar number to identify instances where the same person's name is registered in multiple constituencies or multiple times within the same constituency.

Sub-section (5) states that every individual whose name is listed on the electoral roll must provide their Aadhaar number to the relevant authority in the prescribed form and manner. The Central Government will announce a deadline for this requirement through official notification in the Gazette.

Under sub-section (6), no application for inclusion of a name in the electoral roll can be rejected solely on the grounds of the person's inability to furnish or notify their Aadhaar number, provided they have a valid reason as prescribed. In such cases, individuals may be allowed to provide other specified alternative documents as a substitute for the Aadhaar number.

These recent reforms and amendments in election laws reflect the government's commitment to strengthening the electoral process, promoting transparency, and combating electoral malpractices.

REPRESENTATION OF THE PEOPLE ACT, 1951: KEY PROVISIONS AND IMPLICATIONS

The Representation of the People Act 1951 is a significant legislation governing various aspects of Indian elections. It provides seat allocation in the Lok Sabha and Legislative Assemblies through direct elections, qualifications of the voters for the polls, qualifications and disqualifications of MPs and MLAs, constituency delimitation, preparation of electoral rolls, corrupt practices and electoral offences, administrative machinery for the conduct of elections, registration of political parties etc. It ensures that only eligible candidates can run in elections, and protects voters' rights.

The Act also provides for the conduct of political parties during elections and keeps a check on illegal and unethical activities, like corruption and other acts punishable under the law for the time being in force. Provisions for Dispute Resolution Mechanisms about the matters connected to elections are also dealt with under the Act.

In 1966, the Representation of the People (Amendment) Act was enacted, which resulted in the abolition of Election Tribunals. The Act transferred the jurisdiction of hearing election petitions from Election Tribunals to the respective High Courts. This means that disputes related to elections for Members of Parliament (MPs) and Members of Legislative Assemblies (MLAs) are now adjudicated by the High Courts. However, it is important to note that disputes about the elections of the President and Vice-President of India are still directly heard by the Supreme Court of India. These high-profile cases are dealt with at the highest judicial level in the country.

Another Amendment to the Act came in 1988 and provided for the postponement or cancellation of voting due to booth capturing and Electronic Voting Machines (EVMs). In 2002 (Amendment) Act, Section 33A was added guaranteeing people the right to information. It allows voters to learn about the candidates' backgrounds. While filing their nominations, contesting candidates must provide information about any prior convictions or allegations of wrongdoing as it is the right of the voter to know the antecedents of a candidate to make informed decisions³³. The Amendment also included provisions for candidates to declare their assets and liabilities³⁴.

The Representation of the People Act of 1951, along with complementary legislation and regulatory frameworks, serves as the foundation of India's electoral system. It safeguards the democratic rights of citizens and facilitates the efficient functioning of the electoral process.

QUALIFICATIONS AND DISQUALIFICATIONS FOR CANDIDACY

The Indian Constitution and The Representation of the People Act of 1951 specify the qualifications and disqualifications for candidates seeking to contest in Indian elections. These provisions are intended to ensure that candidates meet the required qualifications and uphold specific standards of integrity and eligibility. The following are the essential requirements and disqualifications for candidature under the Act:

Qualifications for Candidacy:

1. A candidate must be a citizen of India.³⁵

³³ *Peoples Union for Civil Liberties (PUCL) v Union of India* (1996) 1 SCC 301

³⁴ Representation of People Act 1951, s 75A

³⁵ Constitution of India 1950, art 84(a)

2. The minimum age for contesting elections varies depending on the office being sought. For example, the minimum age for contesting elections to the Lok Sabha (House of the People) is 25 years³⁶, while it is 30 years³⁷ for elections to the Rajya Sabha (Council of States). State Legislative Assembly and Council elections also have specific age requirements.
3. Only qualified voters can run for Lok Sabha and Rajya Sabha seats.
4. Only candidates from the Scheduled Caste and Tribe communities are eligible to run for seats reserved for those communities.

Disqualifications for Candidacy:³⁸ Disqualification for being chosen as a member of either House of the Parliament and similar disqualification for being chosen or for being a member of either House of Legislative Assembly or Legislative Council of State, the law has to be made by the Parliament³⁹ and such is the power exercised by Parliament through Representation of People Act, 1951.⁴⁰

1. A person convicted of certain offences, such as corruption, electoral malpractice, or promoting enmity between different groups, is barred from running for office.
2. Holding an office of profit in the federal or state government disqualifies a person from being elected to the House of Commons or the State Legislature. In 1959, the Parliament passed the **Parliament (Prevention of Disqualification) Act**, which introduced an exception to the disqualification criteria specified in the Representation of the People Act, 1951. According to Section 3⁴¹ of the Principal Act, this new law stated that certain offices of profit under the government would not disqualify individuals holding those positions from being chosen as or serving as Members of Parliament⁴².

³⁶ Constitution of India 1950, Art 84(b)

³⁷ *Ibid*

³⁸ Representation of People Act 195, s 7(b)

³⁹ *Lily Thomas v Union of India* (2013) 7 SCC 653

⁴⁰ *Public Interest Foundation v Union of India* AIR 2018 SC 4550

⁴¹ The Parliament (Prevention of Disqualification) Act 1959

⁴² *Consumer Education & Research Society v Union of India* (2009) 9 SCC 648

The **Bombay High Court in 2006**⁴³ held that the office of the Chairman of Goa Khadi and Village Industries Board is an office of profit under the Government of Goa, as the Chairman is getting facilities like unlimited use of petrol, mobile phones, chauffeur-driven cars, personal staff, etc.

1. A person of unsound mind⁴⁴ as declared by the competent court, shall be disqualified for being chosen as, and for being a member of the Parliament or of a State legislature.⁴⁵
2. A person declared insolvent or undischarged insolvent⁴⁶ is ineligible to run for office.
3. If a candidate fails to declare their assets, they may be disqualified. The candidate must declare their assets and liabilities within ninety days of taking the oath.
4. The Election Commission of India can disqualify candidates for various reasons, including failure to submit election expenditure statements⁴⁷ or non-compliance with campaign finance regulations. However, the Commission should consider Section 10-A of the 1951 Act and Rule 89 of the Conduct of Election Rules, 1961⁴⁸ and should act fairly and in a reasonable manner.

It should be noted that the qualifications and disqualifications may differ depending on the specific office being contested and the applicable electoral laws in effect at the time of the election. However, they ensure that candidates meet specific eligibility criteria, uphold ethical standards and follow democratic governance principles. They play an essential role in ensuring elected representatives have the qualifications and integrity to serve the people's interests effectively.

CONDUCT OF ELECTIONS AND ELECTORAL OFFENCES

Every five years, elections to the Lok Sabha and state Legislative Assemblies are conducted unless called earlier. The Representation of the People Act, 1951, under **Part IV and V**, outlines the conduct of elections in India and provides provisions to prevent and penalize electoral offences during such elections under **Part VII**.

⁴³ *Chandrakant Uttam Chodankar v Dayanand Rayu Mandrekar* (2005) 1 MAH LJ 676

⁴⁴ Indian Lunacy Act 1912

⁴⁵ Constitution of India 1950, art 102

⁴⁶ Constitution of India 1950, art 191

⁴⁷ Representation of the People Act 1951, s 78

⁴⁸ *G.H.P. Rangaswamy v Chief Election Commissioner of India* (1999) 1 CIVLJ 371

The Act defines a framework for various stages of the election process, such as candidate nomination, scrutiny of nomination papers, election campaign, polling, and vote counting. It establishes procedures for candidates, political parties, election officials, and voters to follow to ensure elections' smooth and orderly conduct.

The Election Commission of India (ECI) oversees election procedures and enforces the provisions laid under the Act. The ECI can prosecute for electoral offences, disqualify candidates for misconduct, and investigate complaints about election law violations.

Following are some of the offences provided under Part VII of the Act:

- Causing religious discord and fostering class hatred and animosity;⁴⁹⁵⁰
- Election meddling;
- Bribery;⁵¹
- Breach of Official Duty;⁵²
- Rape and other heinous crimes against women.
- Practising Untouchability.
- Importing or exporting illegal goods.
- Engaging in the sale of alcoholic beverages within two days of the polls closing.⁵³
- Buying, selling, or consuming illicit drugs or other chemicals.
- Organizing public meetings within 48 hours of voting, and causing disruptions.⁵⁴
- Engaging in any form of terrorism, etc.

A person found guilty of any of the following shall be barred from contesting elections for six years.

⁴⁹ Representation of the People Act 1951, s 125

⁵⁰ Indian Penal Code 1860, s 153A

⁵¹ Indian Penal Code 1860, s 171

⁵² Representation of the People Act 1951, s 134

⁵³ Representation of the People Act 1951, s 135

⁵⁴ Representation of the People Act 1951, s 126

Booth Capturing: In 1989⁵⁵, a provision was made for the postponement or cancellation of elections in the event of booth capturing. Booth Capturing as defined under **Section 135A**⁵⁶ entails the:

- seizing a polling station and forcing polling officials to surrender ballot papers or voting machines.
- Seizing control of polling stations and allowing only one's supporters to vote.
- Threatening and preventing any elector from going to the polling station; and
- Seizure of the location where votes are counted.

Commission of such an offence may be punishable with imprisonment.

Election Expenditure:⁵⁷ According to **Section 123(6)**,⁵⁸ the incurring or authorizing of expenditure in contravention of **Section 77**⁵⁹ is a corrupt offence. It imposes limits on election expenditures incurred by candidates and political parties. The Representation of The People Act, 1951 requires candidates to submit a statement of their election expenses within a specified time frame. Failure to adhere to these expenditure limits or submitting false statements can result in disqualification and other penalties.

These provisions relating to election conduct and electoral offences, aim to uphold the principles of free and fair elections, prevent malpractices, and preserve the sanctity of the electoral process. They, together with the Election Commission of India's active role, contribute to the smooth operation of the electoral system and ensure that the people's will is accurately reflected in election results.

ELECTION PETITIONS AND DISPUTE RESOLUTION MECHANISMS

The Act of 1951 establishes dispute resolution mechanisms to address election-related disputes and grievances and provisions for filing election petitions. If an elector or candidate believes there has been election malpractice, they may file an election petition. An election petition is not

⁵⁵ Representation of the People Act 1951, s 58A

⁵⁶ Representation of the People Act 1951, s 135A

⁵⁷ 'Increased Election Expenditure Limit' (*Drishti IAS*, 07 January 2022) <<https://www.drishtias.com/daily-news-analysis/increased-election-expenditure-limit>> accessed 15 April 2024

⁵⁸ Representation of the People Act 1951, s 123(6)

⁵⁹ Representation of the People Act 1951, s 77

treated like a regular civil suit but rather as a contest involving the entire constituency. These mechanisms aim to ensure that electoral disputes are resolved fairly and transparently.

Here are some critical points about election petitions and dispute resolution:

- An election petition is a legal document filed by a candidate or any elector to challenge a candidate's election based on electoral malpractice, illegal practices, or non-compliance with election laws. The Act allows for filing election petitions within a specific timeframe following the announcement of election results.
- Depending on the election's nature, petitions are filed in the respective State's High Court or the Supreme Court of India. The courts have the authority to hear and decide election petitions and declare an election void⁶⁰ or valid, depending on the facts of the case.
- **Section 81**⁶¹ of the Act provides for the presentation of the petition on the grounds specified under Sections 100 and 101 by any candidate at such election or any elector within 45 days but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and dates of their election are different the later of those two dates. If the election petition does not comply with the provisions of this Section and those mentioned under Section 83(1)(c), the petition is liable to be dismissed as held in the case of *Amrendra Kumar v Sharad Yadav*⁶².

Grounds on which an election petition can be filed under Section 100⁶³ of the Act are as follows:

- That on the date of the election, a returning candidate was not qualified or was disqualified under the Indian Constitution or the concerned Act or the Government of Union Territories Act 1963.
- That any corrupt practice has been committed by the returned candidate or his election agent, or by any other person with his or his agent's consent.
- Any nomination being improperly rejected.

⁶⁰ *Manohar Joshi v N.B. Patil* (1995) 1 SCC 169

⁶¹ Representation of the People Act 1951, s 81

⁶² *Amrendra Kumar v Sharad Yadav* (2002) 2 PAT LJR 134

⁶³ Representation of The People Act 1951, s 100

- If the result of the election has been materially affected by improper acceptance or any nomination, a corrupt practice committed in the interests of the returned candidate, by improper reception, refusal or rejection of any vote or the reception of any vote which is void, or by the non-compliance of any provisions of the Constitution or any rules or orders made under the Act of 1951.

The High Court shall declare the election of the returned candidate to be void. However, it is subject to the limitations provided under Section 100(2) of the Act. Apart from these, there are few other grounds provided under **Section 101**⁶⁴ that deal with a candidate other than the returned candidate declared to have been elected by the High Court.

The filing, scrutiny of the petition, examination of witnesses, and final hearing are all part of the election petition process. The court considers the evidence presented by both parties and renders a decision based on the case's merits. The court's decision is final and binding, subject to appeal to the Supreme Court under **Section 116A**⁶⁵ of the Act within 30 days from the date of the order of the High Court.

These provisions relating to election petitions and dispute resolution mechanisms ensure that candidates and electors have legal recourse to address election-related grievances and challenges.

ELECTION COMMISSION OF INDIA (ECI): POWERS, RESPONSIBILITIES AND CHALLENGES

The Election Commission of India (ECI) is an independent constitutional body responsible for overseeing and administering elections in India. It consists of three members: the Chief Election Commissioner and two Election Commissioners. These members are appointed by the President of India. While all three members have equal power in most matters, the Chief Election Commissioner serves as the Chairman of the Election Commission. However, in certain aspects such as removal⁶⁶ proceedings, the Chief Election Commissioner holds a position of authority.

⁶⁴ Representation of The People Act 1951, s 101

⁶⁵ Representation of The People Act 1951, s 116 A

⁶⁶ *Annop Baranwal v Union of India* (2023) WP (C) 114/2015

The Supreme Court in *S.S. Dhannoa v Union of India*⁶⁷ held that Election Commissioners cannot be placed at par with the Chief Election Commissioner in terms of power and authority. However, it was later clarified by the SC in 1995⁶⁸ that irrespective of the differences, the Chief Election Commissioner is only one of the members of the multi-member Election Commission. Further clarification was given in 1996⁶⁹ when the SC an analogy stating that like SC and HCs, a multi-member Election Commission could also sit in benches of single, double or multi-members.

The ECI is vital in ensuring free, fair, and transparent elections, which is the basic structure of the Constitution.⁷⁰ The ECI is in charge of managing the entire electoral process, including the issuance of election notices, the appointment of election officials (including employees of local authorities, nationalised banks, universities, LIC, government undertakings and other government-aided institutions)⁷¹, and the deployment of security forces.

The ECI runs voter education programs to educate citizens about the importance of voting, voter registration, and the electoral process. It encourages voter turnout and ensures inclusive and informed voting. It monitors their adherence to election laws, including campaign finance regulations, and takes appropriate action against parties found to be in violation. However, in doing so, ECI faces certain challenges which we will discuss later.

ROLE OF THE ELECTION COMMISSION IN CONDUCTING ELECTIONS

The ECI, as an autonomous constitutional authority, oversees and supervises all aspects of the electoral process and plays a critical role in election administration.

Election Planning and Preparation: It sets the election schedule⁷², issues notifications, and establishes guidelines and procedures for various stages of the electoral process, such as candidate nomination, polling, and vote counting.

⁶⁷ *S.S. Dhannoa v Union of India* (1991) 3 SCC 567

⁶⁸ *T.N. Seshan v Union of India* (1995) 4 SCC 611

⁶⁹ *Election Commission of India v Subramaniam Swamy* (1996) 4 SCC 104

⁷⁰ *Election Commission of India v Mukhtar Ansari and Ors.* (2017) 238 DLT 571

⁷¹ Representation of the People (Amendment) Act 1998

⁷² *Special Reference No. 1 of 2002* (2002) 8 SCC 2377

Voter Registration and Electoral Rolls: The ECI manages the voter registration process and ensures that electoral rolls are accurate and complete. It works to increase voter registration, remove duplicate or ineligible voters, and update the electoral database.

Candidate Nomination and Scrutiny: The ECI supervises the nomination process and scrutinizes nomination papers to ensure compliance with legal requirements. It investigates candidate eligibility and takes appropriate action, such as rejecting⁷³ nominations that do not meet the prescribed criteria.

Polling Station Management: The ECI manages polling stations, appoints polling officers, and ensures that the necessary infrastructure and logistics are available for the smooth conduct of elections. It develops protocols for using electronic voting machines (EVMs) and supervises poll workers' training.

Election Security: The ECI collaborates closely with law enforcement agencies to keep the peace during elections. It coordinates security arrangements, deploys security forces at polling places, and takes precautions to prevent violence, coercion, or intimidation from influencing the electoral process.

Vote Counting and Result Declaration: The ECI supervises vote counting, verifies ballot validity, and declares election results. It ensures the counting process is transparent and accurate and takes steps to address any discrepancies or challenges raised by candidates or political parties.

The Election Commission of India ensures free, fair, and transparent elections through its roles in election planning, voter registration, candidate nomination, polling management, election security, and result declaration. Its impartial and independent operation helps to uphold democratic principles such as electoral integrity, inclusivity, and public trust in the electoral process.

ECI'S POWERS TO ENSURE FAIR ELECTIONS

The ECI has the following vital powers to ensure fair elections:

⁷³ *Resurgence India v Election Commission of India & Anr* (2014) 14 SCC 189

Superintendence, Direction, and Control: The ECI has authority over all aspects of the electoral process, including superintendence, direction, and control. This includes the authority to supervise election procedures, issue instructions and guidelines to election officials, and ensure compliance with electoral laws and regulations. It oversees election administration and ensures that the machinery operates impartially and efficiently. The power of superintendence, direction, and control of elections also includes the power to postpone the elections in any State or part of it if, because of the disturbed conditions, in the opinion of the ECI, it is not proper to hold the elections.⁷⁴ However, the power is subject to judicial review.

Electoral Roll Preparation: The ECI prepares, revises, and maintains electoral rolls⁷⁵. It ensures that the electoral rolls are correct, up to date, and complete with all eligible voters. The ECI takes steps to remove duplicate or ineligible voters, and penalties for fraudulent inclusion or exclusion are imposed.

Model Code of Conduct: The ECI can enforce the Model Code of Conduct during elections. The MCC establishes guidelines for political parties and candidates, including limitations on canvassing, campaign activities, and the use of government resources. The ECI monitors MCC compliance and takes action when violations occur.

Issue of Guidelines: The ECI oversees the conduct of elections, including candidate nomination, polling, and vote counting. It develops guidelines and procedures for candidates, political parties, and election officials to follow.

Political Party Regulation: The ECI establishes policies regarding party registration, internal party elections, and financial transparency. In the event of non-compliance with electoral laws, the ECI has the authority to suspend or withdraw political party recognition.

Election Expenditure Monitoring: The ECI monitors and regulates candidate and political party election expenditures. It establishes spending limits, requires candidates to submit spending statements, and takes action against candidates who exceed the prescribed spending limits or submit false statements.

⁷⁴ *Digvijay Mote v Union of India* (1993) 4 SCC 175

⁷⁵ *Kamal Nath v Election Commission of India* (2019) 2 SCC 260

Addressing Electoral Malpractices: The ECI can prosecute electoral malpractices such as bribery, booth capturing, voter impersonation, and disseminating false information. It can cancel polls and order re-elections in cases of gross irregularities.

Dispute Resolution: The ECI hears election disputes and complaints, rules on election validity, and takes appropriate action against electoral fraud and violations of election laws.

The powers granted to the Election Commission of India allow it to protect the integrity of the electoral process, prevent electoral malpractice, and ensure free and fair elections. The ECI acts as a defender of democracy through its regulatory authority, providing equal opportunity, transparency, and accountability in the electoral arena.

CHALLENGES FACED BY THE ELECTION COMMISSION IN REGULATING POLITICAL PARTIES

The ECI faces the following significant challenges in regulating political parties and ensuring they follow electoral laws:

Inadequate Financial Transparency: Given the influence of money power in elections, the ECI faces a difficult task in monitoring and regulating campaign expenditures of political parties and candidates. This may result in the abuse of money power in elections, undermining the level playing field.

Voter Awareness: To ensure maximum voter turnout and inclusive representation, the ECI must raise voter awareness and participation, particularly among marginalized groups. However, in such a huge democracy it is quite a task to reach out to every voter and make them aware of the voting benefits, rights and other factors about elections.

Maintaining Election Integrity: The ECI faces significant challenges in ensuring election integrity and preventing electoral malpractices such as booth capturing, voter impersonation, and illegal campaign practices.

Model Code of Conduct Violations: Political parties may violate the Model Code of Conduct (MCC) by engaging in hate speech, making false promises, or employing divisive tactics. Ensuring MCC compliance can be complex, as parties may use such tactics to gain an advantage during elections.

Election Expenditure Monitoring: Monitoring and regulating political party election expenditure is tricky. Parties may use novel methods to avoid spending limits, such as undisclosed funding or indirect campaign expenditures. The ECI may need help in tracking and penalizing such violations.

Internal Party Democracy: While the ECI promotes internal democracy within political parties, ensuring its implementation is complex. Issues such as candidate selection, nomination procedures, and party leadership contests can be susceptible to factionalism, favouritism, and lack of transparency within parties.

Limited Jurisdiction: The ECI's regulatory authority is restricted to registered political parties. Unregistered or unrecognised parties frequently slip through the cracks, making it difficult to regulate their campaign activities and ensure a level playing field.

Legal Enforcement: The ECI relies on legal enforcement mechanisms to penalize violators. However, legal proceedings can take time, resulting in delayed justice. Parties may take advantage of the delay during elections.

Inadequate Security Measures: The ECI faces a challenge in providing adequate security arrangements to maintain law and order during elections and prevent the use of force or violence, particularly in regions prone to election-related violence.

The ECI works to address these issues by encouraging financial transparency, monitoring campaign spending, enforcing the Model Code of Conduct, and facilitating internal party democracy. However, to maintain the integrity of the electoral process and public trust in democratic governance, coordination with other regulatory bodies, and cooperation from political parties are required.

MODEL CODE OF CONDUCT (MCC): IMPLEMENTATION AND EFFECTIVENESS

The Model Code of Conduct is a set of guidelines issued by the Election Commission to govern how political parties and candidates conduct themselves during elections. It is critical to maintaining a level playing field, ethical campaigning, and fair elections.

Implementation of the MCC: The MCC comes into effect as soon as the election schedule is announced. Political parties and candidates are required to adhere to the code during the entire

election period, which includes nomination, campaigning, polling, and counting of votes. It also provides guidelines on various aspects, including campaign activities, use of public resources, political speeches, religious sentiments, and maintaining law and order. It promotes ethical conduct, fairness, and respect for democratic principles.

Enforcement Mechanisms: The ECI has the authority to enforce the MCC and take appropriate action in case of a violation. It can issue warnings, reprimands, and advisories to parties and candidates found to be violating such rules. In extreme cases, the ECI also has the power to cancel elections or disqualify candidates. The ECI sends observers and teams to monitor campaign activities and ensure that the MCC is followed. These teams notify the ECI of any violations, allowing for prompt action.

Effectiveness of the MCC: The Code strives to ensure that all political parties and candidates have a level playing field. It prevents the misuse of power, undue influence, and unfair advantage during elections by regulating campaign activities and ensuring fair conduct. It encourages ethical campaigning by opposing hate speech, personal attacks, and divisive tactics. It also encourages political parties and candidates to focus on issues and engage in constructive debate.

However, its effectiveness depends on political parties and candidates cooperating. Violations may occur due to some parties' enforcement challenges, limited penalties, or non-compliance. In addition, the MCC faces difficulties regulating social media and new forms of campaign communication.

While the MCC is essential for regulating political parties and candidates' behaviour during elections, its effectiveness depends on stakeholders' commitment and compliance. The Election Commission continues to refine and strengthen the MCC, addressing emerging challenges and technological advancements to ensure its continued relevance and effectiveness in ensuring electoral fairness and integrity.

SALIENT FEATURES OF THE MODEL CODE OF CONDUCT

The MCC includes several distinguishing features to ensure a level playing field, ethical campaigning, and fair elections. Here are some of its key features:

General Conduct: The MCC emphasizes the importance of maintaining high standards of behaviour and refraining from personal attacks, using derogatory language, or engaging in violence or intimidation.

Prohibition on Religion, Caste, and Community Appeals: The MCC forbids parties and candidates from making religious, caste, or community appeals to secure votes. They are not permitted to use religious sites or symbols for political purposes.

Use of Government Resources: The MCC forbids using government machinery, vehicles, or public funds for campaigning. It prevents using public resources to gain an unfair advantage during elections.

Meetings and Processions: The MCC provides public meetings, rallies, and procession guidelines. Political parties and candidates must obtain the necessary permits, maintain law and order, and follow noise pollution regulations.

Media Campaigning: The MCC establishes guidelines for campaign advertisements, speeches, and communication via electronic and print media. It ensures that political parties and candidates do not use the media to spread hate speech, misinformation or break ethical rules.

Election Manifestos: The MCC requires parties to make only realistic and achievable promises in their election manifestos. It discourages the inclusion of any promise that could lead to unrealistic expectations or unfair practices.

Polling Day Guidelines: The MCC provides polling day guidelines, such as restrictions on canvassing within a certain distance of polling stations, the prohibition of political symbols, and maintaining a peaceful and conducive voting environment.

These critical elements of the Model Code of Conduct ensure that the electoral process is fair, transparent, and focused on governance issues rather than divisive factors. The MCC is a framework for maintaining election integrity and promoting responsible and ethical behaviour among political parties and candidates.

IMPLEMENTATION MECHANISMS AND MONITORING

The Election Commission of India (ECI) uses a variety of mechanisms to implement and monitor MCC's compliance. The following are the primary implementation mechanisms and monitoring methods:

Election Observers: The ECI sends out election observers to monitor election procedures, including adherence to the MCC. The observers are responsible for reporting any violations or irregularities they observe during the election process.

Complaint Mechanism: The ECI includes a complaint mechanism through which individuals or organisations can report MCC violations. Complaints can be directed to the ECI directly or through designated district or state officials. The ECI investigates and reviews complaints to take appropriate action.

Media Monitoring: The ECI monitors electronic and print media coverage to ensure that parties and candidates follow the MCC's guidelines. It examines advertisements, speeches, and news reports for instances of hate speech, misinformation, or unethical campaigning.

Pre-Certification of Advertisements: Political parties must obtain pre-certification from the Media Certification and Monitoring Committees (MCMCs) for advertisements that will be published or broadcast during the election period. This ensures that advertisements follow the MCC's guidelines.

Quick Response Teams (QRTs): The ECI uses QRTs to respond quickly to MCC violations or instances of electoral malpractice. These teams take immediate action, such as seizing unauthorised campaign materials, removing defamatory posters, or launching legal proceedings, as needed.

The ECI's implementation mechanisms and monitoring methods are designed to ensure strict adherence to the MCC. The ECI actively monitors and enforces the MCC guidelines with the help of the above-mentioned mechanisms. These mechanisms contribute to sustaining a fair and ethical electoral process and developing public trust.

EFFECTIVENESS AND IMPACT OF THE MODEL CODE OF CONDUCT

The impact and effectiveness of the Model Code of Conduct can be seen in various aspects of the electoral process. It fosters public trust in the electoral process by establishing responsible and accountable behaviour standards. It also contributes to election integrity by allowing voters to make informed decisions without undue influence.

Level Playing Field: By establishing ethical campaigning standards, the MCC ensures a level playing field for political parties and candidates. It forbids religious, caste, or community appeals, personal attacks, or derogatory language. This contributes to the fairness of the electoral process and prevents the abuse of power or influence.

Ethical Campaigning: The MCC promotes ethical campaigning by emphasising responsible party and candidate behaviour. It contributes to a positive and issue-focused campaign environment, allowing voters to make informed decisions.

Transparency and Accountability: The MCC improves electoral transparency and accountability by ensuring that public funds and resources are used wisely by prohibiting using government resources for campaigning purposes.

Public Trust: The MCC is critical to maintaining public trust in the electoral process. It establishes responsible behaviour standards and ensures the integrity of elections. The MCC is enforced through election observers, complaint mechanisms, and rapid response teams, which helps address violations quickly and increases public trust in the fairness of elections.

Disciplinary Actions: ECI can impose disciplinary action on parties and candidates who violate the MCC. It includes issuing warnings, reprimands, or advisories and cancelling elections or disqualifying candidates in extreme cases. Such actions serve as deterrents and promote MCC compliance.

While the MCC has successfully promoted ethical behaviour and maintained election fairness, there are challenges in fully enforcing it. The changing nature of election campaigns, technological advancements, and emerging challenges necessitate a continuous review and strengthening of the MCC to ensure its effectiveness in preserving electoral integrity.

POLITICAL PARTIES REGISTRATION TRACKING MANAGEMENT SYSTEM (PPRTMS): A CASE STUDY

The Political Parties Registration Tracking Management System (PPRTMS) is an innovative initiative launched by the Election Commission to streamline the registration and management of political parties. The PPRTMS demonstrates how technology can improve transparency, efficiency, and accountability in political party operations. Its goal is to increase registration transparency, reduce manual paperwork, and provide a centralised system for tracking and managing party-related information.

Key Features and Functionality: The PPRTMS includes several key features and functionalities, such as:

- **Online Application:** Political parties can use the PPRTMS platform to submit their registration applications online, eliminating the need for physical submission.
- **Document Verification:** The system simplifies the verification of submitted documents and allows for the electronic uploading of relevant documents.
- **Real-time Tracking:**⁷⁶ Parties can monitor the status of their application in real-time, ensuring transparency and reducing processing delays, as per the new guidelines effective from January 1, 2020. The applicants may also receive status updates via SMS and email if they include the party's or applicant's contact mobile number and email address in their application.
- **Communication and Updates:** The PPRTMS facilitates efficient communication between the ECI and political parties by providing timely registration updates, notifications, and clarifications regarding the registration process.
- **Data Management:** The system maintains a centralised database of registered political parties, their details, and historical records to facilitate access and retrieval of information.

⁷⁶ 'Political Parties Registration Tracking Management System' (*Election Commission of India*) <<https://www.eci.gov.in/pprtms>> accessed 15 April 2024

Benefits and Impact:

- **Transparency and Accountability:** By providing real-time updates and allowing public access to information about registered political parties, the PPRTMS promotes transparency in the registration process.
- **Time-saving and Efficiency:** Digitization and automating the registration process eliminate the need for manual paperwork and reduce processing time, allowing for faster registration and decision-making.
- **Data Integrity and Accessibility:** The centralised database ensures the accuracy of party-related information and makes it more accessible to stakeholders, researchers, and the general public.
- **Improved Communication:** The PPRTMS allows for seamless communication between political parties and the ECI, ensuring efficient information exchange and reducing communication gaps.

OBJECTIVES OF PPRTMS

The Election Commission of India launched the PPRTMS as an online platform to digitize and streamline the registration process of political parties and to help political parties register and manage themselves in India. It replaced the previous manual and paper-based registration process with a technology-driven system that included a centralised database and real-time tracking of registration applications. It demonstrates the potential of digital systems to improve transparency, efficiency, and accountability in political party operations. The PPRTMS is a model for other countries and organisations interested in using technology to enhance electoral reform and party management.

The following are the Objectives of the PPRTMS:

Digitization of the Registration Process: The PPRTMS's primary goal is to digitise the registration process for political parties. It aims to eliminate paperwork, reduce processing time, and improve registration efficiency by transitioning from a manual system to an online platform.

Transparency and Accountability: The system serves as a platform for recording and tracking political parties' registration status, leadership, membership, and financial information. This

helps to prevent the registration of fraudulent or illegitimate parties and ensures that parties comply with legal and regulatory requirements.

Streamlined Communication: The system allows political parties and the ECI to communicate in real-time. It allows for the efficient exchange of information, notifications, and clarifications, reducing communication gaps and streamlining interactions between parties and election authorities.

Centralised Database: The PPRTMS creates a centralised database of registered political parties and the information they provide. This database is a comprehensive repository of party-related data, allowing easy access to stakeholders, researchers, and the general public.

Facilitating Regulatory Compliance: The system provides a platform for parties to submit registration and ongoing management documents, disclosures, and updates, ensuring that parties fulfil the legal and regulatory obligations imposed by election laws or regulatory bodies.

The PPRTMS aims to modernise the registration process of political parties in India by focusing on digitization, transparency, and efficient communication. By leveraging technology, the system helps to improve the integrity and functioning of political parties, ultimately strengthening the country's democratic electoral process.

REGISTRATION PROCESS AND COMPLIANCE REQUIREMENTS

The PPRTMS registration process for political parties entails specific steps and compliance requirements. The Election Commission has outlined the process and requirements for political party registration as follows:

Online Application Submission: Political parties wishing to register can do so online through the PPRTMS portal. The application should include all necessary information, such as the party's name, symbol, goals and objectives, and details about the office bearers.

Document Verification: The ECI verifies the submitted application and supporting documents. It includes verifying the address, office bearers, and other pertinent information the application provides.

Objections and Clarifications: If the ECI receives any objections or clarifications during the verification process, it may request additional information from the party or any other

concerned individuals or organisations. The party must respond to such objections or clarifications within the timeframe specified.

Decision and Registration: The ECI decides on the registration of a party based on verification and assessment of compliance with eligibility criteria. If the party meets all requirements, the ECI will register it and assign it a Unique Registration Number.

However, an association seeking registration must apply to the Commission within thirty days of its formation. It should also follow the guidelines laid down by the Commission in exercising the powers granted by Article 324 of the Constitution and Section 29A of the Act of 1951.

The ECI's registration process and compliance requirements ensure that political parties meet specific eligibility criteria and provide the required information for registration. The PPRTMS makes the registration process more efficient. Political parties can complete the registration process and obtain ECI recognition by following the prescribed procedures and meeting the compliance requirements.

ANALYSIS OF PPRTMS: ACHIEVEMENTS AND CONSTRAINTS

Implementing the Political Parties Registration Tracking Management System has significantly improved political party registration and management. The PPRTMS has streamlined registration by introducing online application submission and tracking. It has significantly reduced paperwork and processing time, making the registration process more efficient. The system has increased transparency by providing real-time updates on the status of registration applications.

The system has also enabled more effective monitoring of political parties and their adherence to regulatory requirements. It has strengthened oversight mechanisms, allowing authorities to identify and address instances of non-compliance more effectively.

Moreover, creating a centralised database has made information about registered political parties more accessible. Researchers, stakeholders, and members of the general public can quickly gain access to party-related data, promoting transparency and research. The PPRTMS has improved communication between political parties and the ECI.

However, it is critical to acknowledge that certain constraints need to be considered. The digital divide is one such limitation. Limited internet connectivity and access to technology in some regions may impede the system's smooth implementation, particularly for smaller or remote political parties.

While the PPRTMS simplifies the registration process, verifying compliance with eligibility criteria can take time and effort. To ensure the accuracy and authenticity of political parties' information, diligent verification mechanisms are required. Furthermore, the effectiveness of the PPRTMS is dependent on political parties enforcing and monitoring compliance. The ECI faces challenges monitoring registered parties' ongoing activities and adherence to regulations, particularly during elections.

User Education and Awareness is another limitation as to fully utilize the PPRTMS, political parties and stakeholders must be adequately trained and aware of the system's features and functionalities. Educational initiatives should be implemented to ensure that the system is used effectively.

While the PPRTMS has achieved significant success in streamlining the registration process and increasing transparency, it is critical that the limitations and challenges it faces be addressed. Continuous efforts to improve digital infrastructure, strengthen compliance verification mechanisms, improve user education, and ensure effective enforcement and monitoring are critical for maximising the benefits of the PPRTMS in political party registration and management in India.

CONCLUSION

In the tumultuous arena of Indian politics, where chaos often seems the norm, emerges a gripping narrative of transformation: the evolution of political party regulations. From the corridors of power to the dusty streets where democracy finds its voice, this research unfolds, weaving together constitutional mandates, legal frameworks, and the relentless oversight of the Election Commission.

As we traverse the landscape of electoral laws, we encounter a tapestry of historical developments and recent reforms, each thread contributing to the intricate fabric of democracy. The Representation of the People Act 1951 stands as a cornerstone, delineating qualifications,

disqualifications, and the conduct of elections with profound implications for the nation's political landscape.

The Election Commission of India is the guardian of the electoral process, wielding authority that spans its vigilant oversight. Charged with ensuring fair elections, the ECI grapples with challenges as diverse as the parties it regulates, from ensuring adherence to regulations to dealing with the complexities of political financing.

The Model Code of Conduct is a beacon of ethics in the electoral arena. Its implementation and monitoring mechanisms stand as bulwarks against the tide of malpractice. However, its effectiveness varies depending on the determination of politicians and the watchfulness of electoral officials. But amidst the chaos, the Political Parties Registration Tracking Management System (PPRTMS) emerges as a beacon of hope. A modern marvel of transparency and accountability, PPRTMS charts a course from opacity to openness, offering insights into the registration process and the inner workings of political entities. However, it encounters challenges and requires continuous improvement and innovation.

In this compelling journey from chaos to control, the regulatory framework for political parties emerges not as a static entity but as a dynamic force shaped by the ebb and flow of democratic ideals. Through reform and vigilance, India's electoral process strides forward, a testament to the resilience of democracy and the unyielding spirit of its people.