Constitutionalisation of Political Parties

What is the issue?

Political parties are the breathing air of the political system and they need to be constitutionalized to ensure in-party democracy and to make them transparent.

What is so remarkable about political parties?

- A political party is an organised group of citizens who hold common views on governance and act as a political unit that seeks to obtain control of government with a view to further the agenda and policy they profess.
- They are indispensable links between the people and the representative machinery of government.
- Political parties maintain a continuous connection between the people and those who represent them either in government or in the opposition.
- Political parties are important institutes in almost every democratic country.

What are the legal provisions with respect to political parties?

- Political parties in India are extra-constitutional.
- The right to form political parties is not mentioned in the Constitution of India.
- **Section 29A (5)** of the **Representation of the People Act, 1951** – It is the only major statutory provision dealing with political parties in India.
- It sets down certain conditions for a political party for the formation and registration by ECI.
    1. It must consist only of Indian citizens
    2. It must call itself a political party set up for the purpose of contesting elections to the Parliament and State Legislatures and for no other purpose.
    3. It must have at least 100 registered electors as its members.
- It orders that a political party shall bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism, democracy, and would uphold the sovereignty, unity

and integrity of India

- **Deregistration of parties** - The ECI is not empowered to de-register parties on the grounds of violating the Constitution or breaching the undertaking given to it at the time of registration.
- A party can only be de-registered
    1. if its registration was obtained by fraud;
    2. if it is declared illegal by the Central Government;
    3. if a party amends its internal Constitution and notifies the ECI that it can no longer abide by the Indian Constitution.

What is the case of political parties in other countries?

- **The German model -** Germany gives constitutional status to political parties and deals with their status, rights, duties and functions.
- **The U.K. model -** In U.K., the Conservative Party has National Conservative Convention, Central Council and an Executive Committee to maintain high levels of internal democracy.
- **The U.S. model** - In the U.S., both the Democratic and the Republican Party have National Committee that plays an important role in the presidential election and agenda setting.

What is the need for constitutionalisation of political parties?

- Most of the parties in India are openly caste- or religious-based.
- The finances of most of the parties are dubious and opaque.
- Almost all the parties are family fiefdoms. i.e. engaged in dynasty politics.
- There are no periodical in-party elections in Indian parties.
- Since, political parties are the agents of democracy and safety valves in the political system, they desperately need reform.
- Hence, it is high time to constitutionalise political parties to ensure in-party democracy, to impart transparency in their finances, and to de-communalise them.

Source: The Hindu

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