

IMPLEMENTING PARTY REFORMS IN SOUTH ASIA: CHALLENGES AND STRATEGIES

Professor Randhir. B. Jain
Former Professor and Head,
Department of Political Science,
University of Delhi,
Delhi-110007 (India)

Address for communication:
102 SFS DDA Mukerjee Apts.
East of Mukerjee Nagar
Delhi-110009 (India)
Phone-91-11-7652403
Fax: 91-11-7654794
Email: rbjain@ndf.vsnl.net.in

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--*Randhir B. Jain*

Former Professor and Head
Department of Political Science
University of Delhi, Delhi (India)

Introduction:

Party systems in South Asia have not followed any uniform pattern of evolution or development. Despite the fact that except for Nepal, other countries in South Asia viz. India, Sri Lanka, Pakistan, and Bangladesh have shared long common historical traditions and colonial legacies, each of the country in the region has adopted its own political system without any common party features mostly present in most Western polities. Except for India and Sri Lanka who had remained democracies after Independence, Nepal, Pakistan and Bangladesh have faced varying intermittent spells of democracy and authoritarian rules which prevented or at least incapacitated the political parties to develop and function as normal entities. An attempt is made in this paper to review the emerging common characteristics and peculiar features of political parties in some of the countries of South Asia, with a view to identify the challenges that they face and to develop possible strategies for reform to combat corruption. The countries chosen for study in this paper are India, Sri Lanka, Nepal, Pakistan and Bangladesh, which have the structure of a viable party system in comparison to other South Asian countries -- Bhutan and Maldives.

I

Emerging Characteristics of Political Parties in South Asia

Party systems in South Asia have not evolved within the legislatures as in some Western countries nor have they followed Maurice Duverger's theorization of the formulation of party systems within parliaments. In most of these countries nationalist leaders have been preoccupied with the liberation of their country from the colonial yoke or with the problems of highly unstable political developments in the aftermath of Independence. Thus political parties in South Asia have extra-parliamentary origins or as one political analyst has observed "are externally created parties", or "the creatures of systematic political crisis, while in other circumstances their emergence itself creates a crisis for the system."¹ As is illustrated by the example of the Indian National Congress (INC), the oldest party in South Asia founded in 1885, political

¹ See Joseph LaPalombara, and Myron Weiner (eds.), *Political Parties and Political Development* (Princeton, N.J., Princeton University Press, 1996), p.13. and Lok Raj Baral, "Political Parties and Governance in South Asia" in V. A. Pai Panandiker (ed.), *Problems of Governance in South Asia* (New Delhi, Centre for Policy Research, Konark Publishers Pvt Ltd., 2000), pp.155-200.

parties in this region were instruments of first achieving independence and then converting themselves into political institutions to run the governmental systems created by them. Similarly in Nepal, the Nepali Congress (NC) was instrumental in achieving democracy and to develop the country through democratic norms. However, as the experiences of Pakistan and Bangladesh show, the creation of Pakistan People's Party (PPP), the Bangladesh Nationalist Party (BNP) and the Jatiyo Dal (JD) are the creation of charismatic leaders and authoritarian dictators to either combat emergent political crises or for insuring regime stability with which to realize their own ambitions. Of course in course of time, they became legitimized as major parties in Pakistan and Bangladesh.

Since all countries in South Asia are multi-ethnic, multi-religious, multi-caste and multi-class in nature, political parties in South Asia are greatly influenced more by ethnic, tribal, regional, sub-national and religious diversities that polarize into specific groups for promoting the aggregated interests of each of them. They seem to find their origins in caste, class, and other forms of socio-economic hierarchies. While in India and Nepal, caste is a dominating factor, in Sri Lanka and Bangladesh, family and community factors determine the genesis and continuity of parties, in Pakistan, the political parties are still the exclusive domain of the landed aristocracy or of other forms of the feudal and moneyed class. In recent times, however, religious fundamentalism has played an important role in determining the ideological orientation of parties in both Pakistan and Bangladesh, more in the former than in the latter.

In order to gain greater political support, political parties in South Asia have been vying with each other, albeit with limited degree of success to assimilate the different caste, class, cultural, ethnic or religious groups within their folds. It is more visible in India with a large number of social formations at the lower rungs of the socio-economic hierarchy asserting themselves with new awareness of their role in governance. In other countries of the region, e.g. Sri Lanka and Pakistan, an increased assertiveness of the people at large is apparent in ethnic mobilization and in trying to redress the elite-mass gap, although with little success. It is indeed a very daunting task for any party system to achieve this without resorting to universal participatory model of governance. Even in India this task has proved very challenging despite the free universal suffrage, free media and press, and constitutionally decentralized system of government with one of the most liberal and effective system of affirmative action in the world.

Political parties in South Asia are in a state of great political ferment with some of them declining and others trying to survive on the basis of ethnicity, caste, tribe, religion, community, sub-nationalism,, regionalism or secessionism. The grand old historical parties like INC in India, the Pakistan Muslim League (PML) in Pakistan, the United National Party (UNP) in Sri Lanka and even NC and Awami League (AL) of Bangladesh have considerably lost their initial mass appeal. Thus since the ideological content of most parties in South Asia has almost eroded, they cannot be sustainable in the long run. Lack of inner-party democracy, personalized party leadership, corruption and malfeasance in party funding and governance, lack of direction and coherent policies accompanied by frequent defections and splits have besmirched the image of parties in South Asia.

II

Critical Areas for Reform of Political Parties

In the background of the evolving characteristics of political parties in Asia during the last fifty years as described above, the following areas of reforms seem to be of immediate concern.

1. Institutionalization of Political Parties - Need for a Comprehensive Legislation to regulate party activities. Definition of a Party -Criteria for Registration as a National or Regional Parties — Recognition and de-recognition of political parties.

2. Structural and organizational Reforms - Party organizations - National - State and local levels- Inner Party democracy - Regular Party Elections -recruitment of party cadres, socialization, development and training -research thinking and policy planning activities of the party.
3. Problems of Party Funding -Need for an appropriate legislation to regulate party funds - distribution and spending of party funds during non-election and election times.
4. Transparency in operations: Maintenance of Regular Accounts by the Political Parties-Auditing and publishing - available for open inspection.
5. Party system and Electoral system - To what extent and in what way the electoral system could be reformed so as to pave the way for the establishment of stable governments based on the concept of two party system or dual party alliance system – Is there a need to change the system of single member constituencies and first past the post system to a mixed system or a proportional method of representation along with the simple majority system ?
6. Ensuring Party Loyalties and Affiliations - Guarding against Defections.- Strengthening and strict application of Anti-defection Laws, wherever existing.
7. How to check the role of ethnicity, casteism and communalism in the functioning of the party systems?
8. How to check the proliferation of independent candidates, and the malpractices associated with putting up independent candidates at the time of elections?
9. Party system and governance - How to make parties as viable instrument for good governance?
10. Party System and the maintenance of standards and values in public life? The main problem is to check the phenomenon of the criminalization of politics and the politicization of criminals. How to introduce values in political life and bring about cleanliness in the working of governmental systems seems to be the biggest problem of the political systems in South Asia. today.

The manner in which political parties in South Asia are increasingly becoming anarchical in both their behavioural norms and functions suggests that too much compromise for staying in power would result in bad governance. If members of parliament and assemblies themselves become rowdy in their behaviour as is demonstrated by frequent walkouts, sit ins into the well of the house, installing the proceedings of the house on filmsical grounds for days on and on without regard to the staggering financial burden that it is causing to the public exchequer, apart from the precious waste of time and energy of the political elites, breaking furniture, communication equipment, using these as weapons to beat and hurt the opponents within the precincts of the house, prompting the Speaker as in India to frequently remark that it was "a mindless mockery of the people who have returned us to Parliament". it is shameful not only to the people of India but also to those who look upon Indian democracy for inspiration. The politics of splits, defection, violence and 'subterfuge' has taken over the governance of many countries in South Asia showing no deference to constitutional norms, rules and procedures. Such trends are likely to be routine affairs, if parties continue to stoop too low for grabbing power by force or by foul means.

Under the circumstances it is of utmost importance that political parties in South Asia strengthen their managerial and crisis management capacity and put their house together in order not only to survive, but also to effectively discharge their party and political obligations. At the same time it is essential that they develop viable strategies to combat corruption in public life and to project a clean image and transparency in their operations. Better management, autonomy to all layers and inner party democracy, accommodation of all sections of society in the decision making process, adopting the criterion of achievement rather than ascription in the selection of party leaders and candidates for contesting elections enforcement of a set of parties' own code of conduct and self-initiated reforms are likely to improve party systems in South Asia.

III

Party Reforms in South Asia – Strategies to Combat Corruption

Reforming political parties in the countries of South Asia to make them work according to the principles and values of their constitutions is indeed a very formidable challenge facing them today. In India, a National Commission to Review the Working of the Constitution is presently engaged in the task of making recommendations to streamline the working of political parties in order to tone up the system of parliamentary democracy and correct the various aberrations that have crept up in its working during the last fifty years. Similarly Nepal is also currently engaged in the enactment of a Political Parties Regulating Act to establish parameters for the smooth functioning of political parties in the nascent constitutional monarchy. In the light of such steps being taken in some countries of South Asia, it is evident that political elites in this region are quite concerned in bringing out reforms in the operations of political parties. To what extent the reform measures suggested and adopted would respond to the challenges of combating various forms of corruption would, however, depend on the will of the political leadership in each of the countries to implement these measures. However, one could venture to make some tentative suggestions for a strategy of reforms in this regard:

A. Statutory Regulation:

Firstly, a comprehensive legislation is necessary to regulate the functioning of political parties in most South Asian countries, which should provide conditions about the constitution of a political party and for registration, recognition, and derecognition. It should be made compulsory for all political parties to get registered under the proposed Act.

B. Structural and Organizational Reforms:

1. The constitution of the parties submitted for Registration under the above law should provide:
 - (a) a declaration to the adherence to the democratic values and norms of Constitution in their inner party organizations
 - (b) a declaration to shun violence for political gains
 - (c) a declaration not to resort to casteism and communalism for political mobilisation, but to adhere to the principles of secularism in the achievement of their objectives.
 - (d) provision for party conventions to nominate and select candidates for political offices at the grass roots and state levels.
 - (e) representation to the weaker sections of the society in party offices and candidates for contesting of polls.
2. Educational Training and Developmental Activities: Political parties should in their constitutions provide for establishing some institutional mechanism for planning, thinking and research on crucial politico-socio-economic issues facing the nation and to create educational cells for socializing their party cadres and preparing them for responsibilities of governance.

Political parties in South Asia should seriously consider adopting the leadership convention system, as is practiced in countries like Canada, and the USA. This would have the advantage first, of making the leadership election process more open, democratic, and federal. Second, the people will know in advance of the prospective Prime Ministerial/Presidential candidates. Third, it would introduce a nationally aggregative mechanism in major parties and curb the tendency of regionalisation and fragmentation. If the

national convention is found too expensive, a series of staggered state conventions may be held by major parties with their respective slates of candidates (common for all the states in one party). This will go a long way in making parties aggregative and thus more functional in a parliamentary federal system of governance.

C. Curbing Criminalisation of Politics:

The entry of criminals in politics is a matter of great concern. Although it can be prevented by laws, but more than that it is within the powers of political parties to see that no criminal or people with the reputation of being in criminal activities are selected as their candidates for election to the legislative bodies. This does not need any amendment in the Election Laws or in the Constitution of the countries. The proposed law on political parties should provide that no political party would be able to sponsor and provide ticket to a candidate who

- a) has either been convicted by any court for any criminal offences for at least six years or duration of his conviction, whichever is greater, after the date of his conviction.
- b) or if the courts have framed the criminal charges against any prospective candidate, this should be enough to disqualify his candidature.
- c) any person convicted for any heinous crime like rape, murder, etc. should be permanently debarred from contesting for any political office. If a person is convicted by court for crime other than the heinous crimes, he should be debarred from contesting elections for the period of six years or for the period of conviction whichever is greater.
- d) At the time of their filing nominations for elections, candidates should be made to declare the cases pending against them involving charges of criminal conduct or corruption.
- e) Criminal cases pending before the Courts against politicians either for trial or in appeal must be disposed off speedily by appointing Special Tribunals or Courts to dispose off such cases. There is a need for speeding up the processes of judiciary in cases against politicians, if criminalisation in politics is to be checked.

D. Checking Proliferation of Independent candidates:

Fielding of candidates without any party affiliations in the election fray often leads to a number of corrupt practices. While in a democracy an individual's right to stand for the elective offices cannot be curbed, but proliferation of independent candidates has given rise to a number of misdemeanors. It has been observed that many times the independent candidates withdraw from the electoral contest in favour of a particular party candidate, after they have entered into a political bargain with him/her and have received some hush money in the process. At other times too many independent candidates tend to blur the actual support that party candidates receive in a particular constituency. Many a time independent candidates are put up in order to make a dent in the number of votes likely to be received by their opponents.

In order to check the proliferation of the number of independent candidates and the various corrupt practices, that enter as a result into the election process, it is suggested that the security deposits in respect of independent candidates be raised to three times that of what is required by the candidates sponsored by political parties.

The security deposits should be doubled progressively every year for those independent candidates who fail to win and still keep on contesting year after year.

If any independent candidate has failed to get at least five percent of the total number of votes cast in his constituency, he/she should not be allowed to contest as independent candidate for the same office again at least for 6 years.

Any candidate who loses election three times consecutively for the same office while contesting as an independent candidate should be permanently debarred to contest election to that office.

A rule should be made that candidates contesting as independents should secure their nomination at least by hundred members spread out in majority of electoral districts in their constituency.

E. Problem of Transparency in Party Funding and Election Expenses:

An analysis has so far clearly shown that the problem of political funding is a complex and undeniable reality, and that there are no panaceas to remedy it. In effect, the premise that there are no absolute truths or ideal solutions in electoral matters has gained even more strength with regard to funding for two main reasons. One because of the close link that exists between this issue and the specific characteristics of the political system as a whole, as well as with the characteristics of the political party system in particular. Another reason is the permanent relationship posed by this subject with the values of political culture, which may mean that any solution can be evaluated in completely different ways in different contexts. For instance, whereas in Scandinavian countries the disclosure of electoral expenses and sources of funding is perceived as a violation of the fundamental principle of the right to voter secrecy, in other countries, such as Germany and Canada, these practices are viewed as exactly the opposite, as a guarantee of transparency in political activity and of the citizens' right to be duly informed.

Two other considerations deserve attention in making any kind of recommendations. The first one has to do with emphasising the importance of reviewing the funding system, not only in terms of the aims of the reform effort and its desired effects on the political system and system of political parties, but also with respect to the degree of effectiveness of regulations as well as their undesirable or immoral effects. The second expresses the need to insist that not every reform to the funding system must be analysed separately, but rather as an integral part of political/electoral reforms as a whole. This is so because the consequences of such an analysis affect very important aspects, such as competition among parties, conditions for competition, the system of political parties and, consequently, the very credibility and legitimacy of democracy itself.

Moreover, every reform on this issue must be aimed at achieving greater and improved levels of transparency with respect to party revenues and expenditures. In fact, the issue of transparency and public disclosure is crucial to the fight against political corruption. In principle, this need would seem more fitting with regard to hefty contributions than for small ones, since the greater the contribution, the greater the risk of dependence and the greater the danger of corruption. Thus, there is a need for greater transparency and public disclosure in respect of party funding. This demand for transparency must be conceived, rather, as a democratic value in itself, a tool designed to avoid any wrongful influences of money in politics that might lead to corruption.

If laws are intended to be effective with regard to transparency, they should be very general in nature and be enforced with respect to everyone, and not just political parties or candidates, but also to the donors as well. Otherwise, alternate or indirect ways to evade control will be devised. In fact, while it is essential to strengthen regulation, the mechanisms and capabilities of supervision and controlling entities, this only addresses part of the problem. Quite often, funding and commitments do not reach the parties, but rather go directly to the candidate and his/her inner circle of supporters. This is even truer today, with the image and credibility crisis that partisan organisations have been undergoing, and the emergence of regional leaders due to the decentralisation process. This usually tends to make transactions between donors and beneficiaries become even more secretive. Hence, the main leaders or party members are often not aware of private contributions (many of them dubious in origin and in quite large sums), but only the candidate and his/her inner circle, which frequently consists of private contributors and/or individuals not involved in the party.

Consequently, any proposals for reforms concerning political funding should revolve, among other things, around the following five main objectives: (i) reducing the influence of money by diminishing its impact

(by shortening campaigns, establishing ceilings on expenditures and limiting individual contributions); (ii) improving the use of money by investing it on more productive activities for the sake of democracy, and not just squandering it on propaganda and negative campaigns; (iii) stopping, or at least curtailing, as much as possible, current levels of influence peddling and political corruption; (iv) strengthening public disclosure and transparency mechanisms with respect to both the origin and the use of funds; and (v) promoting fairer requirements for elections, particularly concerning access to the media.

An Agenda for Action to Combat Corruption:

On the basis of the aforesaid analysis, it will be appropriate to frame some specific suggestions to serve as an “Agenda for Action”, to bring about a semblance of control and transparency in respect of political finance in countries of South Asia.. The suggestions could be divided under five different categories: (A) Regulating political contributions (B) Controlling electoral expenditures (C) Monitoring of electoral expenses (D) State funding of election expenses, and (E) Monitoring of assets of Elected Candidates.

A. Regulating Political Contributions:

- A. 1. There is a need for one comprehensive legislation regarding the regulation of political contributions to political parties and towards election expenses. The various existing provisions in different Acts in various countries need to be consolidated into a single law regulating the flow of funds to political parties both from the internal as well as external sources.
- A. 2. Legislation should provide for compulsory auditing of the accounts of all political parties registered with the Election Commission or some such body by an independent authority specified under the new law regulating the functioning of political parties, publishing of audited party accounts to be made available for public inspection and scrutiny, and immediate de-recognition and/or enforcement of penalties for filing false or incorrect election returns.
- A.3. Legislation should also contain provisions for making both donors and receivers of political funds accountable.
- A.4. Individuals and corporate agency be permitted to make contributions to the political parties up to a certain ceiling and an incentive to this effect be provided in terms of tax concessions.
- A.5. The Government. should encourage the corporate bodies and agencies to establish an electoral trust which should be able to finance political parties on an equitable basis at the time of elections.

B. Controlling Electoral Expenditures

- B.1. No association or body of persons (except a registered political party) or individual should be permitted to incur any election expenditure without authorization of the concerned candidate or his election agent, and if so authorized, such expenditure should be included in the return of the election expenses of the candidate concerned. Any candidate violating these provisions should be liable with punishment with minimum imprisonment of one year which may be extended up to five years and with fine.
- B. 2. In view of the increasing cost of the election campaigns, it is desirable that the existing ceiling on election expenses for the various legislative bodies be suitably raised to a reasonable level reflecting the increasing costs. However, this ceiling should include all the expenses by the candidate as well as by his political party or his friends and his well-wishers or any other expenses incurred in any political activity sponsored on behalf of the candidate by an individual or a corporate entity. Such a provision should be the part of the legislation regulating political funding.

C. Monitoring of Electoral Expenses

- C.1 The Election Commission/or any such institution should devise specific format(s) for filing of election returns by the candidates as well as political parties in such a manner that the fudging of accounts be made difficult. The returns of expenses filed by the candidates and the tax returns filed by candidates and political parties be made public. These accounts should be monitored through a system of checking and cross-checking through the income-tax returns filed by the candidates, parties and their well-wishers.
- C.2 The Election Commission/or such similar body should organize training-cum-orientation workshops for the candidates and party agents to enable them to manage party accounts and election expenses in the format prescribed by the Election Commission, especially on the eve of elections.
- C.3 A suitable law is to be enacted providing penalties against damaging or desecrating public or private property by candidates, political parties or the agents, through painting of slogans or erecting cutouts and hoarding or putting banners and buntings.
- C.4 The law should also provide for a separate judicial tribunal to ensure strict compliance of these regulations, should any dispute arise in respect of the alleged violations of such regulations by any candidate, political party or his agents and well-wishers.

D. State Funding of Elections

- D.1 In countries where state funding is not in operation, there is a need for at least a limited support to be extended by the Government, which may not necessarily be in cash but in kind, such as making available electoral rolls without charges, providing for conveyances, postage or campaign facilities on a common platform,.
- D.2 The government should provide equal opportunity for allotment of time to political parties to carry out their election campaigns on the Government controlled TV and Radio media.
- D.3. The government should also establish an electoral fund for purposes of meeting the expenses towards state funding of elections by prescribing a small amount of election levy on the electors and allocating this money to political parties on the basis of their past performance and/or support.

E. Monitoring Assets of Elected Candidates:

In effect, a valuable, useful tool in the fight against corruption would be a legislation to make it possible to ascertain details about the patrimony of elected candidates by means of public affidavits. Every elected person should before assuming office file an affidavit about his property and income for the last three years and that of his immediate family members' assets and properties. Such affidavits should be audited by the Special Authority created by the above proposed Act on Political Parties. Filing of false affidavits should be a ground for disqualification. During their term of office, elected officials should also submit audited reports of their income, assets and properties on an yearly basis, as well as a final audited statement at the end of their term of office. This type of measures would serve to keep the public fully informed about the patrimony and lifestyle of politicians before they assume power, during their term of office and at its conclusion, thereby avoiding any unlawful acquisition of wealth.

F. Strengthening of Anti-Defection Measures:

Huge sums of money exchange hands under the pretext of defections on the basis of conscience, which in reality are for political gains and lead to corrupt practices. In order to check incidences of such defections from the political parties, there is a need for Anti-Defection Laws, under which it should be provided that

anybody wanting to change his party affiliation after being elected on that party's ticket, should first resign from the Assembly, Parliament or the concerned Legislature and seek a fresh mandate from the electorate. Such persons should also be debarred to hold any public office of a minister or any other remunerative post political post for at least during the remaining term of the existing legislature or until, the next fresh elections whichever is shorter. With such a law, there would be very few defections taking place and would be helpful in curbing the malpractices associated with it.

G. Party Systems and Governance:

1. As the parties provide the necessary political leadership for governance, it is appropriate that the incumbent to public offices must be chosen on the basis of their integrity and capacity to administer. If the political parties have a continuous program of grooming the potential members of their parties for different types of assignments corresponding to the ministries and departments of the government, things would become easier and a smooth transition of the government could take place. At the same time, the parties could contribute effectively to the processes of policy formulation, implementation and governance even while remaining in opposition.
2. The practice of political parties extending support to the government from the parliamentary floor from outside is an amoral exercise of power without responsibility. This inhibits the process of governance and has been the immediate cause of premature collapse of all the governments in India since 1989. It is suggested that this practice must be abolished, if the coalition governments in many South Asian countries have to survive and carry on their task of governance.
3. The practice of bloating the Council of Ministers by the Prime Ministers must also be stopped. It is suggested that a ceiling in the number of Ministers in any government be fixed at the maximum of 10% of the total strength of the lower house of the legislature.
4. For good governance it is also suggested that the practice of creating a number of political offices equivalent to the position or privileges of a minister should also be stopped. A party in power should not be able to create such offices unless it is desirable as an ad hoc measure to resolve some specific problem or crises and is so recommended by a Committee consisting of the Prime Minister/Chief Minister, Finance Minister and the, Cabinet Secretary. Any new administrative organization should only be created through regular administrative procedures and only if the provisions have been made in the regular budget estimates of the government concerned.
5. It is also suggested that the think tanks in various political parties' organizations should occasionally come out with alternative policy perspectives in the form of a "Green Paper" for want of a better term on some of the crucial issues facing the nation at a given moment and be widely circulated amongst the public, the media, intellectuals and others to elicit alternative opinions on the subject.
6. In times of emergencies, or national calamities, the parties should not eschew taking specific responsibilities in assisting governments in their activities to tie over the crisis.

H. Restoring Moral Standards in Public Life:

To the question what can be done for the restoration of moral standards and ethical values in public life, there is no simple answer. In the context of the current feeling of resignation to corruption and unethical and criminal practices in public life, and the disposition to consider them as inevitable and, therefore, acceptable, it may be well to remember Gandhiji's observations that "Life is an aspiration...the ideal must not be lowered because of our weakness and imperfections", and the fact of his long-life resistance to evil in many form--from racialism and imperialism to untouchability.

Thus, in addition to the many suggestions already made elsewhere in different contexts, like the various legislative measures to effectively curb defections, operation of black money, break the nexus between electoral politics, economic resources and criminal support, and establishing the institution of Ombudsman, it is necessary that a rigorous Code of Conduct be drawn for both Ministers/Legislators and also for important functionaries of all political parties, which should incorporate what the Nolan Committee in the U.K. has suggested as the seven principles of public life-- viz., selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

A Public Ethics Committee consisting of representatives of all Political Parties and some eminent public persons, presided over by a retired Justice of the Supreme Court may be constituted to enforce, oversee and monitor the adherence to this code.

IV

Implementing the Reform Strategies

Having analyzed the general challenges of party reforms in South Asia and the possible strategies thereof, the crucial question that arises is how to implement party reforms and what have been the lessons that have been learned in the internal reform processes in South Asia. How and by whom can a consensus be achieved on internal party reforms. How can members influence party leaders? What are the mechanisms for ensuring a smooth transition to new procedures and processes?

There is no doubt that the real initiative for internal reforms in political parties must come from within the political parties themselves. Almost all political parties in South Asia have had occasions at one time or the other for some introspection in their organizational structures and have come out with some concrete reports and valuable suggestions to revamp it. This is particularly so at the eve of elections when strategies to win are sharpened and procedures are devised to select prospective candidates and augment material, personnel and financial resources. The post mortem analysis of failures at elections and having remained out of power for some period of time also provide opportunities for such introspections and recasting the organizational mould. However, as the proverbial New Year Resolutions, such reports and suggestions are rarely followed through, when it comes to implementation, and gradually these are soon forgotten and soon find their way on the archives shelf., at best with only a few steps taken to pacify the rebels or the vocal elements within the party organizations.

Thus the opposition to reforms within the party organization itself has to be checked. A case in point is the recent Manmohan Singh Panel Report on the Party Funding of the Indian National Congress (2001). The report provides for ambitious changes in the party's funding mechanism. Many leaders felt that it was too idealistic to be implemented nation wide and must be tested in a few states before its countrywide implementation. It was after days of internal debate that a decision has been taken to take steps for its nation wide implementation. However, it remains to be seen as to how far the report is implemented in the light of the forthcoming Assembly elections in the state of Uttar Pradesh and elsewhere in early 2002, and would refrain from making any compromises or give in to political compulsions.

In many countries of South Asia, it has been observed party leaders are as much a problem as their party members, and that any reform plan that is premised on authoritarian, unrepresentative and often corrupt party leaderships taking action against their wayward party members is doomed to failure. Thus party leaders sometimes are themselves the obstacles in the way of reforms.

However, if the party leaders at different levels of their party organizations have risen from below as against their nomination by the central leadership, and have gained public legitimacy in the process, they are likely to carry greater conviction and force with the central political leadership at to facilitate the acceptance and implementation of internal party reforms.

Apart from the initiative of the political parties themselves, the responsibility for implementing party reforms also lies with the Governments concerned through (a) enacting appropriate legislations (b) establishing relative institutions to carry the out and (c) providing the necessary financial and logistic support to enable these institutions to implement and monitor the changes. Most of the party reforms are initiated and implemented by the governments at the initiative of the Elections Commissions or some such independent bodies. Therefore the independence and dynamism of such bodies, as the experience of the Election Commission under the leadership of its Chief Election Commissioner T N Seshan illustrates will certainly go a long way in implementing party and electoral reforms to combat political corruption.

For effective implementation of party reforms, it is necessary that the party and government functionaries strive to build constituencies to support the reforms within and outside the party and government domains, demonstrating the benefits that these may bring to the people and the democratic processes as a whole. In other words the creation of a favourable public opinion with the active involvement of media, press, the intellectuals, the academics and the NGOs is an essential prerequisite to the successful implementation of reform strategies to combat political corruption.

Concluding Observations:

The experience of some of the South Asian countries analyzed above has clearly shown the absence (and wherever they do exist, the weakness and helplessness) of strong monitoring and enforcement machinery for achieving the objectives of clean and fair elections not influenced by the four 'm's, (money, muscle, ministerial or media power). In some countries there are laws providing for punitive actions, but such laws are rarely implemented and action taken. In some others, the legal lacunae or the legal delays in the enforcement of such rules dilute their effectiveness. It is, therefore, necessary, that either the Constitutional / Statutory body, the Election Commission, or any other body created by the proposed Party Regulatory Law should make a provision for an independent tribunal or quasi-judicial body to decide such cases immediately after their occurrence, and prescribe punitive actions which should be strictly implemented.

Thus if the party reforms in the countries of South Asia have to be effectively regulated, implemented, controlled and monitored, to combat political corruption, it is necessary that in addition to the comprehensive legislation in each of these areas which many of these countries still lack, there should be a strong will on the part of the political leadership to implement these norms and standards. Invariably the political parties in all these countries adopt dual standards to professing to accepting and adhering strictly to the various rules and regulations and the codes of conduct before the elections, but opposing their enforcement tooth and nail once the elections are over and the party(ies) coming into power.² It is these dual standards of political behaviour, that seem to be the biggest obstacle in the way of party reforms, which must stop, if the nations were to fight political corruption and acquire a modicum of cleanliness and transparency in raising political funds and maintaining their efficient and effective use.

² For example in India, the former Chief Election Commissioner, Dr. M. S. Gill had strongly complained to the Prime Minister Atal Behari Vajpayee that it is very odd for political parties to continue in successive meetings to support the Code of Conduct for Election Campaigns, while governments formed by them, from time to time, continue to pursue litigation to diminish its effectiveness. See "Parties profess code, in power block it", in *The Times of India*, 13 June 2000, p. 9:1-3.

Party Reforms: Suggestions at a Glance:

Firstly, a comprehensive legislation is necessary to regulate the functioning of political parties in most South Asian countries, which should provide conditions about the constitution of a political party and for registration, recognition, and derecognition. It should be made compulsory for all political parties to get registered under the proposed Act.

Secondly, the accounts of all political parties need to be checked and audited by an independent body created under the above legislation and should be available to public at large for inspection.

Thirdly, the proposed legislation should provide for limiting the expenditures of the political parties in relation to holding public rallies and large scale demonstrations and protests, which hardly serve any purpose in these days of high tech electronic media.

Fourthly, the constitutions of parties, submitted for registration under the above law must provide for internal democracy within its organization, representation to weaker sections of the society and women to party positions, party conventions, educational, training and developmental activities. The proposed law should make it mandatory for political parties to provide for a representation of at least 30 percent of its organizational positions at every level for women. The leaders of political parties should also make sure that at least 30 percent of their party tickets are distributed amongst the women at the time of elections.

Fifthly, there is a need for change in the electoral system to provide for a mixed type of election process, partly by majority votes and partly by proportional representation in order to maintain a modicum of stability in the functioning of the government in most of the parliamentary systems in South Asian countries.

Sixthly, in order to curb criminalisation of politics in most countries of South Asia, the proposed law on political parties should provide that no political party should sponsor and provide ticket to a candidate, who has been either convicted by any court for any criminal offence or against whom the court has framed criminal charges. Any person convicted for any heinous crime like rape, murder, etc. should be permanently debarred from contesting any political office.

Seventhly, in order to check the proliferation of independent candidates, the security deposit for independent candidates must be tripled than that of the party sponsored candidate, and if an independent candidate loses election continuously three times for the same office, he should be further debarred to contest election for the same office.

Eighthly, the problem of party funding must be tackled by the enactment of a separate law or making provisions in the comprehensive party legislation for (a) regulating political contributions (b) controlling electoral expenditures (c) monitoring of election expenses (d) state funding of election expenses, and (e) monitoring assets of elected candidates.

Ninthly, the Anti-defection Laws wherever existing are to be specifically amended to provide that all persons defecting from the party or party alliances should first resign their seats in the legislative bodies and then contest fresh elections.

Tenthly, in order to strengthen the role of parties in the process of governance, the practice of bloating of Council of Ministers must be stopped and the parties should develop think tanks within their organization to come up with alternative policy proposals to strengthen the process of governance.

And finally, each political party is to develop and enforce an internal code of conduct for its party members to uphold the values and standards of public life while performing the role of a legislator.