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More can be Less: Hyper Plurality of Candidates, the Rationality of Electoral Choice and Need for Electoral Reform in India

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Abstract

A large number of candidates have become a regular feature of Indian elections. Given the regulatory concerns the problem has evoked, the paper reviews the process of candidate entry in select developed countries. The review reveals the presence of diverse approaches, ruling out the necessity for extreme options like debarring fringe candidates – a course suggested by several Indian expert groups. Among various policy options, India had largely relied on electoral deposit. Our results suggest that an increase in deposit had a significant negative impact on candidate entry in India. However, for an effective deterrence, India needs to continue to keep deposits at a very high level compared to the current international benchmark, discriminating political participation of genuinely underprivileged groups. In contrast, the current level of signature requirement, a relatively unused policy tool in India, was found to be too low and could be easily increased further in order to be effective. We argue that given the high variation and lack of stability in candidate structure across regions and over time, a local approach on signature requirement -- as in the US -- could be an effective deterrent in India. Accordingly, we suggest that the Election Commission of India (ECI) should not only have the power to determine the deposit before each election, it should also have the power to change the minimum signature requirement across constituencies (subject to some standard checks and balances).

Keywords: Candidate Entry, Electoral Regulation, Electoral Deposits, Signature Requirements, Indian Elections, Independent Candidates

Journal of Economic Literature Classification: D72

Proposed Running Title: Electoral Reform in India

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1 Introduction

In terms of scale of operation, logistics and active involvement of number of people, Indian parliamentary election is one of the biggest events of its kind in the world. Since independence, fifteen elections of the lower house of the parliament (*Lok Sabha*) had taken place in India. These elections had been conducted under the watchful guidance of the Election Commission of India (ECI). The ECI has, over the years, molded itself as one of the strongest pillars of Indian democracy. Regular conduction of largely free and fair elections in India by the ECI has given democracy in India a lot of credibility among its citizenry, and also in other countries¹.

Empirical data on elections in India, however, reveal a worrying trend. Since 1980s, the number of candidates participating in elections in India had been very high, sometimes even more than one hundred.² From regulatory perspective, the emergence of large number of candidates is a major challenge to Indian electoral authorities. Unfortunately, a systematic study on the regulatory implications of this phenomenon is not available in the literature. In particular, it is not clear to what extent policymakers should block entries of the so called “non-serious” candidates and how.

There is a debate among political scientists on whether electoral regulations that block entries of candidates serve the purpose. Arguments in favor of restriction are generally based on manageability of elections. They highlight the high transaction cost associated with unrestricted entry and argue that if unchecked, it could undermine the sanctity of the electoral process itself (McKnight, 1999). Many political scientists, however, are not comfortable with this view. They argue that the impact of fringe candidates should not be judged by their electoral success alone. The issues that they raise and fight for often change the nature of the electoral debate and force the incumbents to change their behavior (Brancati, 2008; Bolleyera and Weeks, 2009; Copus et al, 2009; Weeks, 2009). As per this view, artificial restrictions on electoral entry choke the voices of dissent and as a result, diversity of opinions – so necessary in a democracy -- suffers at the cost of manageability. Some political scientists also argue that attempts to artificially

¹ A pan-India survey of more than 8000 people conducted by Mitra (2010) revealed that more than 60 per cent people in India perceived the power to change government as an important ingredient of citizenship. Recently, William Sweeny, the chief of International Foundation for Electoral Systems (IFES), described the ECI as a “global leader” in electoral regulation (Times of India, May 20, 2012).

² During Parliamentary elections in 1996, Nalgonda constituency in Andhra Pradesh and Belgaum constituency in Karnataka had 480 and 456 candidates respectively.

restrict electoral participation had never succeeded and had generally been counter-productive in the long-run (Arora, 2002).³

Unfortunately, regulatory agencies worldwide sometimes tend to arrive at policy positions without a proper theoretical framework that attempts to explain why a high number of candidates have suddenly appeared or could appear. An unintended consequence of this is often an articulation in favor of extreme positions like banning the entries of the so called “non-serious” candidates.⁴ In most cases, however, restriction on entries is not explicit. Still, in practice, all democracies put certain regulatory restrictions on entries (e.g., submission of a deposit fee, provision of documentary evidence of support of a minimum number of electors etc).

In this paper, the normative position that we take is rooted to theories of political party formation. Existing literature on party system generally offers three different approaches to explain candidate structure in elections in a country. The first approach is based on political opportunity (Pennings and Keman, 2003) and the second and the third are based respectively on changes in the cleavage structure (Lipset and Rokkan 1967; Inglehart, 1997; Mitra and Singh, 1999; Chhibber, 1999) and institutional environment (Harmel and Robertson 1985; Hug 2000). We observe that transformation of cleavages in a polity is a slow process. Accordingly, if candidate structure is determined by cleavages, it should also change gradually. A sudden large rise in the number of candidates reflects political uncertainty and should raise regulatory concern — especially when there is no change in the institutional environment.

In a first-past-the-post (FPTP) electoral system as in India, candidate structure could be unstable due to: (i) manipulative nature of competition among political parties, and, (ii) the process of fielding party candidates by them. The first could lead to fielding of clone candidates (“dummies”) by major political parties against their rivals.⁵ When two or more political parties engage in such behavior, a prisoners’ dilemma type game unfolds, leading to a sharp rise in the number of candidates in a constituency (Bhattacharya, 2010). A non-transparent or ‘authoritarian’ candidate selection process within a political party may also lead to a lot of rebel candidates, increasing the total number of candidates further.

³ An interesting example is Tanzania where independent candidates were legally prohibited to take part in general elections. Findings, however, suggest their *de facto* presence in these elections (Mateng’e, 2012).

⁴ For example, out of the 52 democracies in Brancati (2008), 18 explicitly restricted participation of independent candidates in elections at the national level.

⁵ Both the academic and the regulatory literature on voting has admitted the possibility of cloning for a long time. Tideman (1987), for example, proposed “independence of clones” as a criterion in deciding about “optimal” voting rules. Some other studies on this area are Zavist and Tideman (1989), Dutta et al (2001), Schulze (2003), Faliszewski et al (2009) and Elkind et al (2010). McKnight (1999) discusses the regulatory aspect of the problem.

In countries with weak regulatory framework, number of candidates may also increase due to the fudging of electoral expenditure by major incumbents through independents and small political parties. In fact, floating a large number of candidates itself could be a strategy to avoid rigorous financial audit because with fixed public resources in the short run, the more the number of candidates, the less will be the per-candidate time devoted for regulation. Further, floating independents may help parties to have additional electoral agents in different polling booths in a constituency. In many developing economies, sometimes it is difficult to establish identities of voters. Support or objection of a “neutral” agent may convince electoral officers about identities of voters more than the agents of mainstream parties.⁶

Obviously, rationality of electoral choice demands that political parties may not engage themselves in this type of game in all the constituencies all the time. Clearly, if a political party is certain to win election, it has no incentive to unnecessarily engage itself in unethical practices. Therefore, such behavior may manifest in select constituencies and, in a time period when political competition or uncertainty is high. The extent of unsavory politics in that constituency would then further depend on the financial strengths of the major political parties and the pay-offs associated with that election. A direct consequence of all these is not only an increase in the average number of candidates, but also an increase in its variability – both across constituencies and over time. A good regulatory framework, however, must study the incentives of political parties under different situations *at the constituency level* and build firewalls accordingly. Our normative position in this paper is that electoral regulations should attempt to block short-term opportunistic or manipulative entries and at the same time should be sensitive to long-term entries guided by diversity.

This paper studies electoral regulations that control short-term opportunistic entries (e.g., through cloning) of candidates. Theoretical literature on voting has already identified rules under which some opportunistic entries like cloning cannot occur. Unfortunately, these rules are not easily comprehensible and are too complex to implement in elections involving a large population. These rules often require voters to rank their preferences for all candidates and, therefore, takes hundred per cent literacy as granted. Further, in practice, the need for detailed ranking in these schemes is likely to slow down the electoral process and increase the transaction cost of an election. In comparison to the theoretical literature, there appears to be few studies on regulatory implications of manipulative political behavior in case of common voting rules like the FPTP.

The plan of the paper is as follows: Section 2 presents a brief survey on regulatory practices relating to entry in elections in a select set of developed

⁶ Accusations of false voting by the parties in opposition are common in India. For example, during the parliamentary election of 2009, the Bharatiya Janata Party (BJP) filed a complaint with the ECI, alleging that Delhi’s electoral roll had more than 1.1 million fake voters. (Indian Express, January 24, 2009).

countries whose electoral systems are either same (e.g., FPTP) or closely similar to that of India. With this review as a point of reference, in Section 3 we examine the impact of policy tools to control regulation of entry in case of India. Finally, Section 4 proposes a set of policy options and concludes the paper.

2 What Type of Regulations Are Followed in Practice?

Regulation of entry of candidates in elections can be thought of as a principal-agent problem. One approach to take care of this problem is to put restrictions on the entry of potential agents, so that only those who have some minimum qualification can pass through the filtering process.⁷ In practice, all democracies follow this approach, often with legal backing.⁸ Other than compulsory restrictions, a set of good practices are also encouraged.

In this section, we compare restrictions imposed on candidate entry by select countries. The comparison is done in two parts. In Subsection 2.1, the focus is on a small set of developed countries that have long histories of democratic governance. Such a choice is a conscious one because it is expected that these countries would follow international best practices on electoral regulation. Besides India, the countries considered are: (i) the United Kingdom (UK), (ii) Australia, (iii) New Zealand and, (iv) Canada. Expectedly, regulatory frameworks in these countries have a lot of common ground. However, as we shall show, the finer details could vary substantially across countries.

Unfortunately, electoral rules and regulations in the four selected countries were centralized. Further, changes in them were infrequent over time and occurred concomitantly with the changes in socioeconomic and political environment. As a result, one encounters a problem in attributing the cause of change in number of candidates to changes in the regulatory environment alone. Fortunately, the United States (US) is a country where different states in it had followed different sets of regulations. Easy availability of counterfactuals in the case of the US allows us to study the impacts of policy tools on electoral regulation rigorously. In Subsection 2.2, we study the experience of the US separately.

2.1 A cross-country comparison of electoral rules and regulations on candidate entry in elections

Electoral regulations that have direct implications on candidate entry can be divided into four broad categories: viz.,

- i. To ensure electoral participation of mature candidates with good character and right incentives

⁷ Note that, in case of firms, shareholders can restrict the number of applicants by putting education and experience as explicit criteria for qualification for the job of CEO.

⁸ In case of India, Sections 32, 33 and 34 of the Representation of the People Act specify the legal restrictions.

- ii. To increase transaction costs of non-serious candidates
- iii. To disbar candidates participating from more than one constituencies
- iv. To disallow entries that could lead to confusion among voters.

Each of these categories involves many finer regulatory issues. Some of these issues fall in gray areas and there is no easy way to resolve them objectively without imposing one's own norms or values. We now discuss them one by one:

i. To ensure mature candidates with good character and the right incentives

Virtually all democracies impose age restrictions on entry of candidates. While there is uniform suffrage above a certain age (in most cases, 18 years), the minimum age necessary to be a candidate could be higher. The age typically varies between 18 years (UK, Australia, New Zealand, Canada) to 25 years (India).

While it is not possible to define "good character" explicitly, one may not allow candidates with a disreputable history. For example, criminally convicted persons (under sentence or subject to be sentenced for any offence punishable under the law by imprisonment beyond a cut-off period) are generally not allowed to be candidates. In case of the UK and Australia, the cut-off period is one year. In case of New Zealand just a sentence to imprisonment is enough for disbarment. In case of Canada, there does not appear to be an explicit restriction.

Similarly, approach to bankruptcy also varies among the countries selected. In case of the UK and Australia, bankrupts or financially insolvent persons are not allowed to be candidates, whereas in case of New Zealand and Canada, such a restriction is not imposed.

One major gray area here is: what happens to candidates against whom court cases are going on? Many would argue that establishment of guilt in a court of law is a necessity to disbar a candidate. If not, all political parties will then have strong incentives to falsely implicate their rivals in court cases before elections. However, in many developing countries court cases drag on for years. As a result, the provision of conviction can be easily circumvented. In the meantime, the person against whom a case is going on is free to contest elections and if he (she) wins and acquires political muscle, it becomes harder for investigative agencies to prosecute him (her).

It is here that good practices on information dissemination could play a role. In India, candidates have to submit a compulsory affidavit in which information relating to court cases must be disseminated (Section 33A of the Representation of the People Act, 1951, with effect from 24 August, 2002). This type of additional disclosure of information by candidates may not eradicate the problem of criminalization, but is expected to reduce it to some extent.

Similarly, to avoid conflict of interest, persons who belong to particular professions in the public sector (e.g., civil servants, judges, members of police or military, government nominated directors of large commercial companies etc.) are generally not allowed to take part in elections as candidates. Such persons, if they want to participate, must resign from their position. A gray area here is whether such persons should be allowed to fight elections immediately or after a gestation period to avoid conflict of interest more stringently. Obviously, there is no easy answer to that question. Country approaches here also could vary sharply. For example, an exception to this rule is New Zealand where as per the Electoral Act, state servants who stand as candidates need not resign, but must take leave of absence from the nomination day till the first working day after election.

Interestingly, there is no barrier relating to education or health of the candidates in the select countries. In the Indian case, however, dissemination of information relating to educational status of the candidate is compulsory.

ii. To increase transaction costs of non-serious candidates

If electoral participation is costless, there could be too many “non-serious” candidates. To ensure manageability of the electoral process, generally two types of regulations that increase the transaction cost of participation are followed:

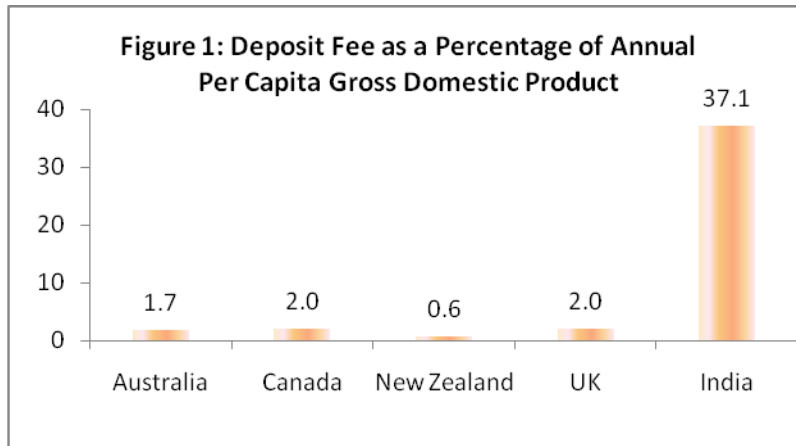
(a) Submission of a deposit fee

At the time of filing nomination, all candidates have to submit a pre-specified amount of deposit. The deposit fee is returned to the candidate if the total number of votes polled by him (her) crosses a pre-specified threshold. Clearly, a high deposit fee could act as an impediment in case of non-serious candidates. However, if it is too high, it discriminates the poorer section of a country and the regulatory literature does not provide a unique answer on how high is “too high”.

The amount of the deposit and the fraction of votes needed for refunding vary substantially across the selected countries. The required deposit money is GBP 500 in case of the UK, AUD 1000 in case of Australia, NZD 300 in case of New Zealand, CD 1000 in case of Canada and INR 25,000 in case of India. The fractions of votes needed for a refund are generally less than or equal to 5.0 per cent of total votes in all countries, the exception being India where one needs at least one-sixth of the total number of valid votes polled by all the candidates [Section 158(4), the Representation of the People ACT].

It may be noted that the standard of living varies across countries. To examine whether the deposit fee could act as a deterrent to entry, we compute deposit fee in a country as percentage of annual per-capita nominal gross domestic product

(GDP) of that country and plot them in Figure 1. Figure 1 reveals that compared to the four countries selected, the deposit fee in India is currently very high. In none of the four countries, the ratio crosses even 5.0 per cent whereas in the India, it is close to 40.0 per cent.



In case of regulations relating to deposits, there are two other issues:

- Should the regulatory authority have the power to determine the deposit fee?
- Should the fee be uniform for all candidates or across all constituencies?

To answer the first question, one may ask why should a few unelected bureaucrats have the power to affect entry into the electoral process? This power could be taken away from the bureaucrats by specifying the exact amount of deposit needed in the electoral act, as in India. However, the problem is that in many developing countries, the rate of inflation is high. Since elections are held after a few years, the real value of deposit often gets eroded and unless the amount prescribed in the law changes concomitantly, it may not effectively prevent non-serious candidates from participation.⁹ To answer the second question, we note that India is the only case (among the countries selected) where a part of the population (SC or ST candidates) pay half the deposit required. The amount of deposit, however, is not region or constituency specific in any of these five countries.

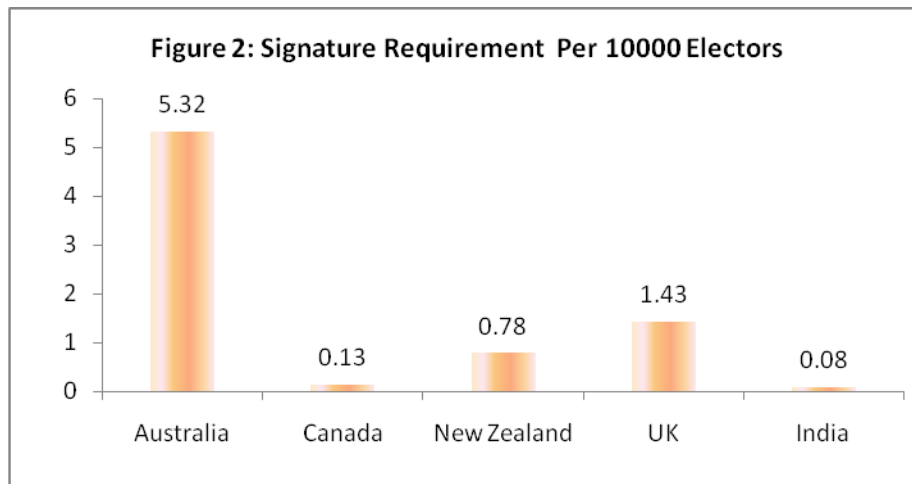
(b) Regulations that ensure a minimum level of support

To demonstrate seriousness, at the time of filing of nomination papers, a candidate has to show signatures of a certain minimum number of electors in that

⁹ The electoral authorities could be given the power with some standard checks and balances. A possible option would be that any proposed change in deposit requirement by the electoral authority should also meet the approval of the Supreme Court of that country. Another option would be to empower the parliament to either accept or reject the amount proposed by the electoral authority before each election within a stipulated period after the receipt of the proposal.

constituency supporting his (her) nomination. Unlike deposit fee, this regulation does not economically discriminate the poor. Since people’s support is an essential ingredient in the democratic process, one may argue that this regulation reflects the spirit of democracy better compared to the requirement of a deposit. However, while deposit requirement increases the transaction costs of only the candidates, signature requirements increases the transaction costs of both the candidates and the regulators (because of associated transaction costs needed for verification of signatures). As a result, a high signature requirement necessitates more public resources.

As in the case of deposit fee, none of the five selected countries vary minimum signature required across constituencies. However, the extents of signature requirement vary a lot across these countries, only one in Canada, two in New Zealand and ten in the UK. In case of Australia, the signature required is fifty for candidates not endorsed by a party. However, all incumbents need only one signature for nomination. The Indian rule is similar to that of Australia, albeit less stringent. In India, national and state party candidates need only one signature, while others require ten.



As average constituency sizes in these countries could be different, to compare the figures we plot the signature requirements in these countries per ten thousand electors in a constituency in Figure 2. To arrive at these figures, we first divide the total electors in a country in a year (in a scale of ten thousand) by the number of seats in its lower house. The signature requirement for fringe candidates is divided by these figures. Figure 2 reveals that among the countries selected, signature requirement in India – after adjusting for the differences in the size of electors -- is the lowest. The closest to India in Figure 2 is Canada, which is still more than 150% of the Indian value. We also note to have similar adjusted signature requirement as in the UK or Australia, the absolute signature requirement in India need to be 188 and 703 respectively.

Interestingly, electoral rules do not generally mention that supporters of different candidates have to be distinct. An exception appears to be the UK, where it is explicitly mentioned that “subscribers can only subscribe one nomination paper at the election” (Para 3.43, “Guidance for Candidates and Agents: 2011 UK Parliamentary by-elections in Great Britain”). This stringent regulation, in fact, is enacted and is Rule 7(5) of Parliamentary Electoral Rules, which form Schedule 1 of the Representation of the People Act).

iii. Simultaneous participation from many constituencies

Practice regarding this regulation is more stringent in all the four selected countries compared to India. Candidates in these countries are not allowed to run from more than one constituency. In case of India, till the early 1990s, one could be a candidate in as many constituencies as one liked. However, due to proliferation of candidates, subsequent regulations in India explicitly forbade individuals to fight from more than two constituencies concurrently.

In practice, due to high intra-party competition, candidature from two constituencies is a privilege that is typically available only for the top leader of a party, that too when the political situation is uncertain and volatile. One celebrated case in India is that of Indira Gandhi who in 1980 fought from two constituencies (viz., Rae Bareilly in Uttar Pradesh and Medak in Andhra Pradesh) and won in both. In a personality driven polity, no top leader from any political party in India has any incentive to change this rule that could make their own positions precarious in a period of uncertainty. The history of this regulation confirms the observation of Boix (1999) that electoral rules are set by political elites in a way so that they could perpetuate their dominance.¹⁰

iv. To avoid confusions among voters

The regulatory authorities sometimes proscribe electoral practices that could confuse voters. Among the countries selected, the guidelines in case of the UK appear to be the clearest about this aspect. It explicitly mentions that no other party can register the same or *confusingly similar* name / identity marks that are already registered. Also party names that may cause confusion in the ballot paper like “None of the Above” or “Put a Cross Here” are not allowed. Similarly, party symbols that are confusingly similar to registered symbol of another party are not allowed. There is no clear guideline on what constitutes “confusingly similar”. Apparently, the power to decide that lies with the regulatory authority and is dealt on case-by-case basis.

¹⁰ Interestingly, when a leader wins from two constituencies simultaneously and vacates one, the cost for by-election in the vacated constituency is borne by the population of the country. To that extent, there is a case in changing the electoral law in India so that the cost of such a by-election is borne by that leader.

The gray area here relates to the duplication of names of candidates. A possible strategy to cause confusion could be to float a candidate whose name is either same or confusingly similar to the major rival. The policy dilemma here is that one cannot discriminate entries into the electoral arena on the basis of names. Further, duplication of candidate names in itself is no “proof” of cloning. It is well known that a free rider whose name is the same as that of a party candidate has incentives to take advantage of that situation by deciding to participate in an election.

From regulatory agency’s perspective, it is difficult to determine who is a free rider and who is a clone. However, recognition of incentives could be of help here. The strategy of duplication of names could be successful as long as electors are unaware about such duplication. Therefore, political parties floating such clones would not want to expose the clone candidate to the electors. A free-rider, in contrast, would like to advertise the duplication actively. Regulatory authorities, therefore, needs to study the campaign styles of such candidates. In case they are convinced of the existence of clones in a constituency, dissemination of information to the electorate through the media could be one means through which this type of unsavory electoral behavior could be controlled.

It may be noted that besides the above regulations, there are a few others like rigor in information dissemination or rigor in financial audit that may not directly block or restrict entries of candidates, but can affect entries of candidates indirectly through a complex transmission mechanism. A full discussion on their roles is, however, beyond the scope of the present study.

2.2 The US experience

The US political system does not favor independent candidates or small parties. Lem and Dowling (2006) in that context observed:

“...Democrats and Republicans do not often agree, but one thing they do agree on is that they both dislike third parties.”

Political competition in the US is, therefore, depends on the incentives of the Republicans and the Democrats who control the US government between themselves and could pass legislation that restricts entries of other candidates. These restrictions include, but are not limited to, filing fees and signature requirement (Lem and Dowling, 2006). Besides the two major tools in 2.1, McKnight (1999) discusses three other types of statutes used in the US to regulate candidate entry, viz., (i) the early filing deadline, (ii) the “sore loser” statute, and, (iii) a disaffiliation statute.

Early filing of nomination papers of the independents could be an effective way to block the entries of rebel candidates who did not get official party nominations. Further, this has also some limited potential to check prisoners’ dilemma type of

games involving clone candidates. Obviously, if the official nominees of parties are uncertain, cloning becomes difficult. However, if cloning is dependent on party ideologies rather than individuals, then this strategy is not going to be successful. Further, early filing takes away the right of the population to fight against particular candidates as a protest.

In parts of the US, a “sore loser” statute prevents a defeated primary candidate from appearing on the general election ballot as an independent, although such a candidate remains eligible for election through write-in votes. Interestingly, all US courts that have heard challenges to sore loser statutes have upheld them (McKnight, 1999). However, this could be an effective approach only if primary elections are held.

The disaffiliation statute is also a common way to regulate independent candidates in the US. By a statutory deadline, a candidate who is an independent will register non-affiliation with any party and refrain from voting in any party's primary. The party registration system provides some check on the candidate. An individual who has not registered the appropriate disaffiliation by the statutory deadline is considered not an independent. However, if there is no clear and functional registration system of members within a party in a country, there is no effective way to verify whether an individual is connected with a particular party.

The major policy tools that affect candidate entry in the US are, however, deposit fee and signature requirements. Minimum signature requirements in the US vary substantially across states. Lem and Dowling (2006) observed that in Alabama an independent candidate or a new party would need signatures equal to 3 percent of the previous gubernatorial vote, translating to 39,536 votes in the 2002 election. In contrast, New Jersey the requirement was static and was only 800 signatures. Lem and Dowling (2006), however, reports lack of availability of a comprehensive and comparable data set on deposit fees.

The variation of regulations across states in the US enables one to study their impacts on candidate entry. Some such studies are: Ansolabehere and Gerber (1996), Stratman (2005), Burden (2007) and Drometer and Rincke (2008). Results from these studies suggest that increase in deposit affects entries of independent candidates significantly as the non-serious free-riders among them drop out of the race. However, increase in deposit does not affect entries of minor parties because compared to independent candidates, these parties are in a stronger financial position. Rather, signature requirement poses the more challenging barrier for them. Signature requirement affects the transaction cost of their participation directly and if increased, many of these parties may back out unless there is a strong motivation behind their participation. Comparing the two policy tools, Stratmann (2005) observes that signature requirement is likely to involve larger transaction cost than deposit. Similar opinion is also shared by Lem and Doiwing (2006).

3 Influence of Policy Tools on Candidate Entry in India

Analysis of Indian electoral data reveals that the proportion of constituencies with more than 10 candidates rose steadily from 24.5 per cent in 1980 to 82.5 per cent in 1996.¹¹ After the huge influx of candidates in the 1996 parliamentary election (13952 for 543 seats), policy intervention reduced this proportion sharply to 27.78 per cent in 1998 and 26.30 per cent in 1999 *Lok Sabha* elections. However, since 1999, the number of candidates once again shows an increasing trend. For the *Lok Sabha* elections in 2004 and 2009, the proportion rose to 39.78 and 71.45 per cent respectively.

A deeper analysis of Indian electoral data reveals the presence of 47 cases in India where the total number of candidates in a constituency was greater than 50. All such cases had occurred between 1989 and 1996, a period reflecting political fragmentation and uncertainty in India. Other than 6 cases (viz., Palani in Tamil Nadu; Hyderabad, Secunderabad and Nalgonda in Andhra Pradesh; Belgaum in Karnataka; and, Nagpur in Maharashtra), all the remaining 41 were from the extended Hindi belt (e.g., including Delhi, Chandigarh and the state of Haryana). Except Palani in 1989, the remaining five occurred in 1996.

Interestingly, other than six constituencies – all in the metropolitan region of Delhi (e.g., New Delhi, South Delhi, Outer Delhi, East Delhi, Chandi Chowk and Delhi Sadar) – none of the remaining constituencies in India had more than fifty candidates twice between 1962 and 2009. In fact, except six constituencies (South Delhi, Outer Delhi, East Delhi, Chandni Chowk, Delhi Sadar and Indore), no other constituencies among the 47 had more than 30 candidates in each of the two preceding elections. We argue that this observed lack of stability in candidate structure at the constituency level cannot be explained in terms of typical slow evolution of cleavages, as articulated by Chhibber (1999) or and Mitra and Singh (1999). Nor can these cases be explained in terms of institutional environment which, in India, did not change much over time. The observed sharp jump in the number of candidates can only be explained in terms of opportunistic entries, often in the form of rebel and clone candidates.¹²

Many Indian political parties are personality driven and a significant part of the leadership of such parties consists of descendants, close relatives and cronies of leaders whose authority cannot be challenged through intra-party elections. The local support bases of such parties, however, are often heterogeneous and are

¹¹ The detailed data on election results (for all parliamentary constituencies in all elections) are available at the ECI website, <http://eci.nic.in>. The reference period in this study is from 1962 to 2009.

¹² A simple Google search with strings like “rebel candidates” and “India” leads to too many newspaper and magazine reports indicating their presence, e.g., Times of India (April 6, 2009) describes the situation in Maharashtra in 2009 and Indian Express (January 17, 2012) describes the situation in case of the assembly election of 2012 in Punjab.

divided by many cleavages like caste, religion, region etc. (Kamath, 1985; Chibber and Petrocik, 2002). The non-transparency in candidate selection process often leads to open fight among these factions during elections. Across political parties, the process of complex coalition formation at the central level might also lead to rebellion by local party units if the later are not ready to sacrifice for the “big picture”.¹³ In specific cases, an unsavory fight across political parties might lead to floating “clone” independent candidates.

The problem of high number of candidates and the consequent malpractices bothered the ECI for a long time in India.¹⁴ The ECI had time and again articulated the possibility that major political parties had surreptitiously floated fringe candidates for their own gain. The diagnosis of the problem by the Law Commission of India (LCI), and the National Commission to Review the Working of the Constitution (NCRWC) were also similar. LCI (1999) highlighted the “non-seriousness” of the fringe candidates. In Section 2, we noted that a particular form of cloning is to float candidates with the same name. In this context, it also observed that in order to “mislead the masses”, quite a few persons of the name “V. K. Malhotra” stood as independent candidates against the “real” V. K. Malhotra, one of the BJP candidates in Delhi in a *Lok Sabha* election (Para 3.3.3). NCRWC (2002) in this context observed that most of the so called independent candidates were “dummy candidates or defectors from their parties on being denied party tickets” (Vol-I, Para 4.20.3). Despite these observations, apparently, the strategy of cloning was pursued with impunity by the major political parties in India. For example, in the Arakkonam constituency in Tamil Nadu in 2004, where the main fight was between “Velu, R” of PMK and “Shanmugam, M” of ADMK, there were 4 independent candidates with names “Velu” and 2 independent candidates with names “Shanmugam” (Bhattacharya, 2010). Recently, in cases where it found evidence, the ECI had started to take action against this type of candidates. For example, finding that several independent candidates in Kadapa *Lok Sabha* and Pulivendula assembly constituencies were canvassing on behalf of major political parties in the by-elections scheduled on May 8, 2011, the ECI decided to crack the whip on them.¹⁵

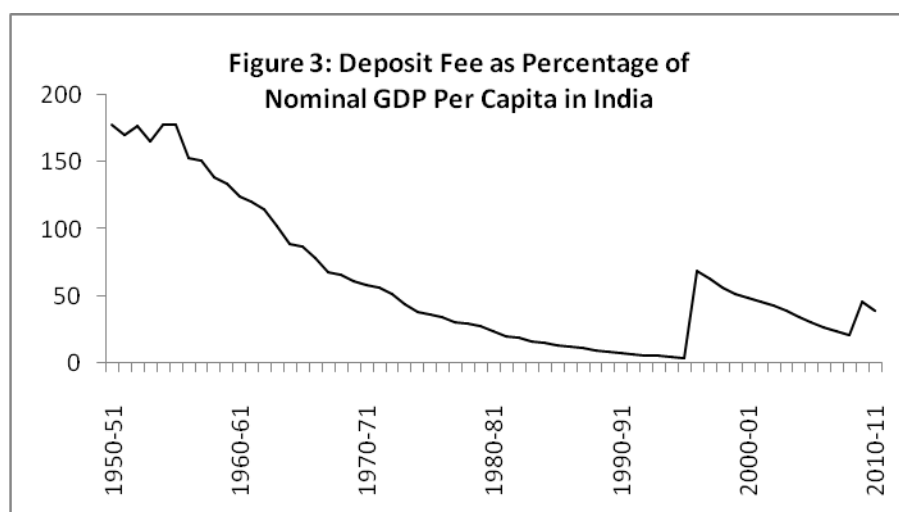
In so far as policies are concerned, LCI (1999) recommended that independent candidates should be debarred from contesting *Lok Sabha* elections (Para 3.3.4). Subsequently, NCRWC (2002) suggested *inter alia* that: (i) if any independent candidate fails to win five percent of the vote or more, he should be debarred

¹³ For example, the Hindu (April 04, 2009) in an article on election in Andhra Pradesh observed: ‘Leaders of the Grand Alliance are worried over vote sharing and prospects of the official candidates in nine Assembly and two Lok Sabha constituencies with “unofficial” nominees not paying heed to their warnings to withdraw from the contest.’

¹⁴ Verma (2009) provides a review of unethical practices and their prevention during elections in the Indian context. Kumar (2002) reviews the history of electoral reforms in India in brief.

¹⁵ “We will withdraw the security given to them, take back the vehicles and deny them access to polling booths. And if they do not give a proper response to our notices, we will prevent them from contesting,” said chief electoral officer Bhanwar Lal (Times of India, May 1, 2011).

from contesting for the same office for six years (Vol-1, Para 4.20.4), and, (ii) an independent candidate who loses election three times consecutively for the same office should be permanently debarred from contesting election to that office (Vol-1, Para 4.20.4). These recommendations are in line with the views emanated from the ECI. Our review in Section 2, however, suggests that lack of manageability and malpractices notwithstanding, policies like debarring independent candidates and small parties tend to be on the extreme side.



To control candidate entry in India, different expert groups (e.g., the ECI, the NCRWC, the LCI etc) in the past had also recommended an increase in the security deposit of candidates.¹⁶ Some of these recommendations got reflected in an amendment of the Representation of the People Act in India in 2009. Unfortunately, the views expressed by these groups appear to be judgmental, as the recommendations were not backed by an analysis of the possible impact of the changes in the policy tools on candidate entry.

The deposit fee for parliamentary election was Rs.500/- in 1951.¹⁷ It was increased to Rs.10,000/- after the huge influx of number of candidates in 1996 parliamentary election (by changing Section 34 of the Representation of the People Act, 1951, with effect from 1 August, 1996). The second and the last change occurred after the parliamentary election of 2009, when it was increased to Rs.25,000/-.

Figure 3 presents the movement of deposit as a percentage of nominal GDP per-capita in India. By juxtaposing Figure 3 to Figure 1, one clearly comes to the

¹⁶ NCRWC (2002), in fact, recommended a separate deposit scheme for independent candidates (Vol-1, Para 4.20.4).

¹⁷ We consider the required deposit fee for candidates belonging to general categories only. Also, although the series in Figure 3 is a discrete variable, we present a line diagram here as a continuous approximation.

conclusion that the deposit fee in India was high during the early period after Indian independence compared to the current international benchmark. In fact, in the year 1951, it was more than 100.0% implying an “average” Indian would have to keep more than his annual income as deposit. Figure 3 also reveals that due to growth in per-capita income and constancy of the deposit, this figure gradually reduced and was much closer to international benchmark between 1980 and 1995.

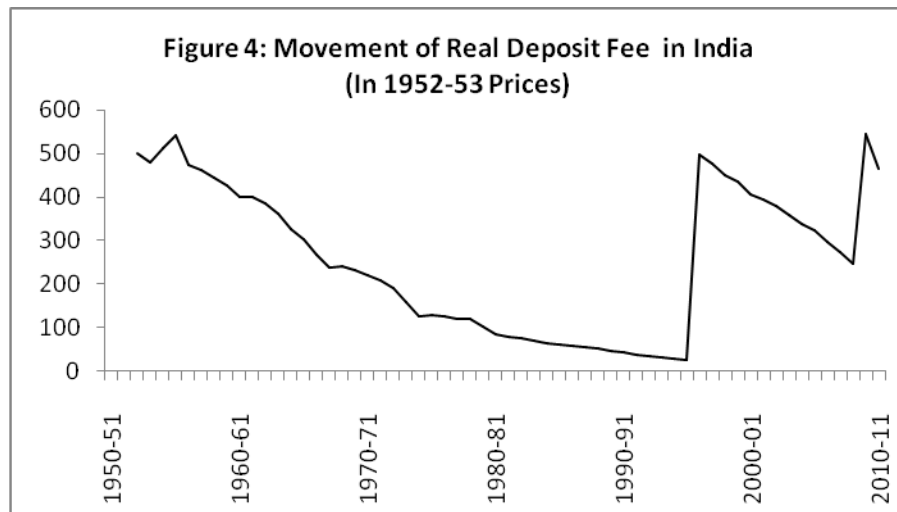


Figure 4 plots the movement of real deposit in India. Real deposit is calculated as the nominal deposit deflated by the wholesale price index (WPI). Figure 4 highlights that when the first change in deposit took place in 1996, it had shrunk to about (1/20)-th of its real value in 1951. Interestingly, the two changes in deposit in 1996 and 2009, attempted to restore it near its original level in 1951. However, real income in India was also growing. That is why Figure 3 shows an overall downward trend, while Figure 4 does not. Both Figures 3 and 4, however, reveal that besides political fragmentation, financial opportunity to be a candidate increased gradually in India since the 1950s and was at its peak during the first half of the 1990s.

It may be noted that the ECI had formally proposed that it be given the power to prescribe deposit before each election. Looking forward, it is easy to show that at an average annual rate of inflation of 5.0 per-cent (which is close to the current actual annual rate of inflation in India), the real values of Rs.25,000/- in 2014, 2019 and 2024 would be Rs.19,588/-, Rs.15,348/- and Rs.12,025 respectively. Clearly, if prices and income increase at a high rate without concomitant changes in the deposit, the later would cease to be an effective barrier to candidate entry. To that extent, there is a case in changing the electoral law to delegate the power of imposition of deposit to the ECI subject to some standard checks and balances discussed in Subsection 2.1.

Despite substantial changes in deposit, the scope of analyzing its true impact in India is fraught with problems. First, the changes in deposit were too infrequent. As a result, any analysis of its impact will be weak because it will have limited counterfactuals to work on. Second, since our reference period ends with the 2009 parliamentary election, we cannot analyze the impact of the latest policy changes. Third, regulators in India took a few other measures along with the increase in the deposit *simultaneously* in 1996; the minimum signature requirement for independents and registered but unrecognized political parties was also raised from 1 elector to 10 electors concurrently (Section 33 of the Representation of the People Act, 1951, with effect from 1 August, 1996). Further, simultaneous entry as candidate from more than two constituencies was also blocked in 1996. Since these consist of the only major policy changes in our reference period, Indian electoral data will not be able to clearly separate in causal terms to what extent the change in the number of candidates per seat could be attributed to increase in deposit alone.

Despite these limitations, we argue that the observed post-1996 change in candidate structure was primarily due to increase in deposit. Common sense suggests that the additional “cost” due to the increase in the signature requirement would be a small one. The impact is likely to be non-linear (e.g., the marginal “cost” of obtaining the 100-th signature is expected to be much more than the 10-th). As a result, it would be an effective deterrent only if the minimum requirement is high. We argue that a candidate can easily collect ten signatures from his or her own family and close circle of friends. We also observe that political parties have little incentive to offer the same candidate more than two seats. Even rebel candidates may not have incentives to appear in three or more seats in an election simultaneously. Thus, it is likely that other than reducing the entries of a few cranks, the move on restriction on simultaneous participation did not influence candidate entry much.

To study the impact of deposit, we specify and estimate a few regression equations. The dependent variable in all these equations is TOTCAN, the average number of candidates per constituency in a given parliamentary election. We specify that the two major factors that would affect its movement over time would be political fragmentation and the “cost” of participation in an election.

Political fragmentation is empirically measured in this study alternatively by two variables, viz., (i) the average number of non-independent candidates per constituency (NONIND), and, (ii) the average number of national and state parties per constituency (NATSTAT). We are reluctant to use *ex post* measures of political fragmentation like those in Holbrook and Van Dunk (1993) because these measures are based on vote shares. At the time of the decision of electoral participation, exact vote shares are unknown to the candidates. *Ex post* measures implicitly assume perfect foresight which is unlikely to be met in reality. Therefore, despite limitations, we prefer to use *ex ante* measures of political fragmentation as defined above. The “cost” of participation is also measured in

this study alternatively by two variables, viz., (i) deposit fee as a percentage of per-capita income (DEPPER), and, (ii) real deposit (REALDEP). Since the total numbers of constituencies for different parliamentary elections were different, all regression equations were estimated by weighted least squares (WLS) technique, with the number of constituencies for different years as weights.

Table 1: Regression Results Reflecting the Impact of Deposit

Variables (1)	Dependent Variable: TOTCAN							
	Period: 1962 to 2009				Period: 1962 to 1996			
	Eq 1 (2)	Eq 2 (3)	Eq 3 (4)	Eq 4 (5)	Eq 5 (6)	Eq 6 (7)	Eq 7 (8)	Eq 8 (9)
Intercept	-3.041 (-0.78)	-7.475 (-2.48)@	5.577 (1.39)	2.298 (0.86)	-6.065 (-1.55)	-5.430 (-1.38)	-2.425 (-0.53)	-1.900 (-0.41)
NATSTAT	5.085 (5.03)#	6.509 (7.69)#	-----	-----	6.044 (5.69)#	5.995 (5.73)#	-----	-----
NONIND	-----	-----	1.868 (2.73)@	2.745 (5.29)#	-----	-----	3.787 (4.07)#	3.748 (4.09)#
DEPPER	--0.092 (-3.99)#	-----	--0.089 (-2.58)@	-----	--0.076 (-3.32)#	-----	--0.049 (-1.45)	-----
REALDEP	-----	--0.019 (-4.82)#	-----	--0.020 (-3.71)#	-----	--0.024 (-3.42)#	-----	--0.016 (-1.54)
R ²	0.86	0.89	0.71	0.80	0.92	0.92	0.86	0.87
\bar{R}^2	0.83	0.87	0.65	0.76	0.89	0.90	0.82	0.82

Note: The bracketed numbers are t-statistics. Here, #, @ and \$ indicate significance at 1, 5 and 10 per cent respectively. "Eq" in this table stands for equations.

Given the simultaneity in policy changes, the results of the regressions based on the data from 1962 to 2004 should be interpreted with caution. This is because a part of the post-1996 impact of changes in deposit – however small – will also contain the impact of the changes in other regulatory variables. Fortunately, between 1962 and 1996, the only policy variables that changed were either DEPPER or REALDEP. We, therefore, carry out regressions of TOTCAN on the same set of variables once from 1962 to 2009, [Columns (2) to (5) in Table 1] and, once from 1962 to 1996 [Columns (6) to (9) in Table 1].

All the explanatory variables in Table 1 appear with correct signs. Also, all equations reported in Table 1 have good explanatory power. Taken together these results imply that political fragmentation and financial opportunity for participation jointly can explain the evolution of the number of candidates in Indian parliamentary elections well. Further, close similarity of results among

Equations in columns (2) to (5) and their counterparts in columns (6) to (9) confirms our claim that it is the changes in deposit that primarily affected candidate entry in India, not the other concomitant changes. Interestingly, DEPPER and REALDEP, when used with NONIND, are not statistically significant in columns (8) and (9); however, when used with NATSTAT, both are statistically significant. This is because NONIND being closer to TOTCAN than NATSTAT, it explains a major part of variation in TOTCAN alone.

Estimates based on Equation 2, the best among Equations 1 to 4 in terms of goodness of fit, reveal that when real deposit is close to zero, an average *Lok Sabha* constituency with only two major party candidates would have about five to six total number of candidates. However, a value of real deposit of Rs.100/- in 1952-53 prices (e.g., approximately Rs. 4067.13 in 2008-09 prices) would reduce this average between three and four. Interestingly, as per Equation 2, the presence of an additional national or state party candidate would on an average increase the total number of candidates by 6.5. Other equations provide closely similar estimates.

Table 2: Deposit Needed (in 2008-09 Prices) to Control Total Number of Candidates (TOTCAN) to a Targeted Level for a Given Number of Candidates of National and State Level Parties (NATSTAT)

TOTCAN	NATSTAT					
	(Estimates based on Eq 2)			(Estimates based on Eq 6)		
	2	3	4	2	3	4
6	-978.25	12954.88	26888.01	949.00	11108.35	21267.70
8	-5259.44	8673.69	22606.82	-2440.28	7719.07	17878.43
10	-9540.63	4392.50	18325.63	-5829.55	4329.80	14489.15

The estimated equations also help us to prepare some policy scenarios. Table 2 presents some scenarios that are based on Equations 2 and 6. These equations are chosen because they appear to be the best among Equations 1-4 and 5-8 respectively. Table 2 reveals that in case of a direct fight between two major parties, if the regulators want to control total number of candidates in constituencies up to six, then as per Equation 2, there may not be any need of deposit requirement. If, however, due to fragmentation in polity, the major party candidates increase to four, one would need a deposit of about Rs.26,888/- to control the total number of candidates up to six. Estimates based on Equation 6 are close to corresponding ones in Equation 2.

These scenarios suggest that until a stable two-party system in India emerges, to regulate candidate entry, policymakers would need to keep the deposit consistently at a very high level compared to the current international benchmark.

Interestingly, the other policy tool of increasing the signature requirement has not been considered as a major option by various expert groups in India, whereas the US experience in our review suggests that it could be an effective tool in controlling the number of candidates, especially in a large and a heterogeneous country like India. In Section 4, we propose one such scheme in which this policy tool could be used flexibly.

4 Conclusion

Given the presence of large number of candidates in Indian parliamentary elections and the regulatory concerns such presence has evoked, our paper reviewed the process of candidate entry in select developed countries. The review revealed that despite many similarities in the basic approach towards regulation, detailed rules relating to candidate entry vary substantially across countries. Based on this review, the paper argues that in the Indian context one need not recommend an extreme policy position like debarring fringe candidates, as had been suggested by several expert groups in the past.

We observe that between deposit fee and signature requirement, Indian policymakers had largely relied on the first. Our empirical analysis suggests that an increase in deposit fee had a significant negative impact on candidate entry in India. However, for effective deterrence on continuous basis, India needs to sustain deposit at a very high level compared to the current international benchmark and that could discriminate political participation of genuinely underprivileged groups. Reliance on deposit alone would require frequent changes in it and to that extent we are supportive of the proposal to empower the ECI regarding the specification of the deposit before each election, provided some standard checks and balances are met.

Signature requirement, in contrast, could have a positive side-effect for the deepening of local democracy and accountability. In India, candidates are usually nominated by the central party leadership and are simply allocated to particular constituencies, the practice being called 'giving someone a ticket'. The signature requirement will oblige candidates to acquire local roots or at least get them to keep close relations with the local electors.

Unfortunately, our study reveals that the policy tool of signature requirement has not been used in India on a scale like the deposit fee. In contrast to deposit, we observe that the current level of signature requirement is low in India and can be easily met by a candidate from his or her own family and close circle of friends. Given that parliamentary constituency sizes in India are large compared to many other democracies, we propose a further increase of the minimum signature requirement. For example, a signature requirement to the level in Australia where all non-incumbents need at least fifty signatures would not increase the transaction cost of conducting elections in India substantially.

Our study also reveals that the problem of too many candidates is highly constituency specific in India. The US experience suggests that a local approach on signature requirement could be an effective tool in controlling electoral entry, especially in a large and a heterogeneous country like India. In this context, we suggest two policy options if the number of candidates in a constituency exceeds a certain cut-off limit (say, 30). As per the first option, the ECI should then have the power to change the minimum signature requirement up to a pre-specified limit (say, 100) for all candidates other than those of recognized national and state parties. As per the second policy option, the minimum signature requirement could be a pre-specified multiple of the number of candidates (say, 20 times the total number of candidates).

It may be noted that between the two options, the first one is easy to implement and understand. The second one, in contrast, is likely to increase the transaction cost of ECI, but could be a more stringent restriction on candidate entry compared to the first option beyond a certain threshold. Since collection and verification of signature requirement would take time, candidates in constituencies where this policy would apply may be given some more time (say, 7 days) to fulfill the additional signature requirement failure of which would lead to cancellation of their nomination. Obviously, the timeline of the electoral process also needs to be adjusted accordingly.

Finally, good practices like information dissemination and indirect restrictions like auditory requirements can act as potential deterrents to entry and could reduce the extent of opportunistic politics for short-run gain. There is an urgent need to strengthen these regulatory processes to improve the already substantial fairness of elections in India.

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