International Journal of Applied Social Science
Volume 6 (5), May (2019) : 1188-1196
Received : 18.03.2019; Revised : 01.04.2019; Accepted : 18.04.2019

RESEARCH ARTICLE
ISSN : 2394-1405 (Print)

Party Centric New Democratic Dynasty - A Challenge to Indian Republican Values

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ABSTRACT

'Republic' is one of the basic features of Indian Constitution and Constitutionalism. It has its root in Indian history but it was not an obvious choice. Considering the Indian history which is dominated with facts of Kings and their legacy, opting for a Republican form of government was not a natural choice in the Independent India. Indian Republic is designed to be people centric.In the present discourse, the scholar dwells on the fundamental principles of 'republic' and it's constitutional framework in India. Functionally, India is becoming a party centric republic. Of late, one can note the emergence of new 'democratic dynasty' in India due to political compulsion. These dynastic rulers are elected through democratic process and sustained by the structure of the State and political parties. This is a by-product of party and power centric governance. The scholar is of the view that this new emerging trend will undermine the 'Republican' values of India, which stands for people and people's welfare. With reference to the present discourse, secondary data for the period from 2004 onwards has been considered. But the figures and trend speaks about derogation of Republican ethos in our democratic process. In the present paper, I have dealt with 'new democratic dynasty' and it's functional implication in India.

Key Words : Party centric, Indian constitution, Political compulsion, Political parties

INTRODUCTION

Indian Constitutional values are deeply rooted in the ethos of Republic and Republicanism. In fact, it is one of the basic features of Indian Constitution and Constitutionalism. But, the present political compulsion is creating a big dent on this basic constitutional element of Indian Republic. There are new dynastic rulers. These rulers are elected through democratic process and sustained by the structure of the State and political parties. This is a by-product of party and power-centric governance. The author is of the view that this new emerging trend will undermine the 'Republican' values of India, which stands for people and people's welfare. With reference to the present discourse, Kanchan Chandra's work, Democratic Dynasties: State Party and Family in Contemporary Indian Politics[1] , is very useful. Though she has only covered the data for the period from 2004 to 2014, but the figures and trend speak about derogation of Republican ethos in Indian democratic process.

Considering the Indian history, which is dominated with facts of Kings and their legacy, opting for a Republican form of government was not a natural choice in the Independent India. This aspect is being discussed in the segment 2 of this discourse. In the 3rd and 4th segment of the present discourse, author dwells on the fundamental principles of 'Republic' and it's constitutional framework in India. In the 5th and 6th segment, I have dealt with 'new democratic dynasty' and it's functional

1. Kanchan Chandra (ed.), *Democratic Dynasties: State Party and Family in Contemporary Indian Politics,* Cambridge University Press, New York (2016)

How to cite this Article: Dansana, Prayas (2019). Party Centric New Democratic Dynasty - A Challenge to Indian Republican Values. *Internat. J. Appl. Soc. Sci.,* **6** (5) : 1188-1196.

implication.

Indian Constitutional History for Making Independent India into a Republic :

The notion of republican form of governance is not new to Indian Civilization or ancient Indian political system. The study of the Vedas, in the light thrown by the anthropomorphology of the Vedic Indians goes to show that they had no hereditary monarchical institutions. During the Vedic period, people lived under an elective monarch and duration of such elected ruler depended on his character and good conduct. People seemed to have regulated their affairs of the settlement by an assembly of the people called *samiti*[2] . Such rulers were more or less a servant of the assembly of the people. The assembly was all-powerful and could impeach, dethrone and banish a king. However, during the period of Upanishads, presumed to lie between 2000 B C and 100 BC, elective monarchy was replaced by hereditary monarchy[3] . Some historians affirm[4] on ancient Indian history that there were practice of 'republican form of governance' in some parts of India. *Janpada* or communities as State used to functions in the notion of republican values. Those *Janapada* were existed from about 800 BC to the time of Kautalya's *Arthashastra*[5] . Those *janapada* or community were functioning more in the form of neo-Athenian model of republic[6] . Though, there were traces of a kind of republican form of governance in certain area of India, but it was not that popular.

V.P. Menon, one of the unsung hero of integration of Princely States in India, in his books - 'The Story of Integration of Indian States'[7] and 'The Transfer of Powers in India'[8] mentioned about the difficulties of integrating all those 554 Princely States to new Indian Republic. Considering the immediate history and legacy of kingship in India, Republican form of Government did not seem to be first choice. But, from the events before the independence of India and transcripts of the Constituent Assembly Debate, it is evinced that the intellectual leaders and makers of Indian constitution had consciously opted to establish India into a 'Republic'. In the annual session of Congress 1946 at Meerut[9], a resolution was adopted that 'Congress stood for an independent sovereign Republic of India, wherein all power and authority would be derived from the people'. It further declared that *swaraj* (self-governance) could not be real for the masses, unless it made possible a society in which democracy extended form the political to the social and economic spheres, in which there would be no opportunity for the privileged classes to exploit the bulk of the people.

The Constituent Assembly of India not only drafted a 'Constitution' for India, but also gave the people a new framework of life. One of the prime tasks for the members of the Constituent Assembly was to synthesis the people existing faith with the vision of new India. When the Constituent Assembly met on 9th December 1946, one of the earliest tasks to which it addressed itself was to declare the basic objectives and guiding principles to be kept in view in the processes of constitution-making of new India. On 13th December 1946, Pandit Jawahar Lal Nehru presented the historic "Objective Resolution" before the Constituent Assembly. The "Objective Resolution" was unanimously approved and adopted by the members of the Constituent Assembly on 22nd January. Though "Objective Resolution" was not part of Indian Constitution, but it is definitely laid down the foundation of new constitutional orders of Independent India. According to Mr Krishna Sinha[10], it is 'sacred',

2. R Shamshastri, "Forms of Government in Ancient India", 12(1) *Annals of Bhandarkar Oriental Research Institute*,1-24(1930)
3. Ibid.
4. E.B.Havell, *The History of Aryan Rule in India from earliest time to Death of Akbar*,George G Harrap & Co. Ltd, London (1891), p. 38 & 68; Romesh Chunder Dutt, *History of India*, Vol I, The Grolier Society, London (1906), p.298 ; Burton Stein, *A History of India*, Wiley Blackwell, West Sussex (2nd edn - 2010), p. 22-23
5. Burton Stein, *A History of India* (2nd edition), Wiley Blackwell, West Sussex (2nd edn - 2010), p. 22-23
6. John W Maynor, *Republicanism in the Modern World*, , Blackwell Publishing Ltd., Oxford (2003),p 1 -31
7. V P Menon, *The story of the integration of the Indian States*, Longmans Green & Co, London (1955)
8. V P Menon, *The Transfer of Power in India*, Princeton University Press, New Jersey (1957)
9. Ibid., p. 327
10. Mr Krishna Sinha, Members of Constituent Assembly, Bihar. He was the first Chief Minister of Bihar. Under his leadership, Bihar was first in the country to abolish 'zamindari' system.

since it contained the vision of future of India and expressed the aspiration to be free which had stirred them in their struggle for independence. Dr. M.R. Jaykar, representing Bombay in the Constituent Assembly said that " Objective Resolution is a very vital resolution and it lays down the essentials of the next constitution". On the context of the present discourse quoting the very first line of the text of " Objective Resolution" will be most appropriate:

" *(1)This Constituent Assembly declares its firm and solemn resolve to proclaim Indian as an Independent Sovereign Republic and to draw up for her future governance a Constitution*;"

While presenting the Objective Resolution in the Constituent Assembly, Pandit Nehru had emphasised that 'a free India can be nothing but a Republic'[11] . Sri S. Radhakrishnan[12] while presenting his views on 'Objective Resolution' asserted about the wish to bring about a fundamental alteration in the structure of Indian society and suggested to abolish every vestige of despotism. He debated that "Princes may continue; Princes will be there so long as they make themselves constitutional so long as they take themselves responsible to the people of the States"[13]. Mr Krishna Sinha, in support of the 'objective resolution' affirmed that future of India 'is to be a democratic and decentralised Republic, in which the ultimate sovereignty is to lie with the people'[14].

Discussion and adoption of Preamble of the Constitution of India was one of the last acts of Constituent Assembly. Numbers of amendments were moved during the process of adoption of the Preamble. But, at no time, none of the members of Constituent Assembly had argued or moved a motion for replacing the word 'Republic' which indicates the resolute desire to establish India into a 'Republic'. In fact, some of the members, such as Sri S. Radhakrishnan, Dr. Raghu Vera, Sri Kamalapati Tiwari asserted that the concept of republicanism was not foreign to India. In the said context, it will not be out of place to quote the observation of Dr. Rajendra Prasad, President of Constituent Assembly:

"The first and the most obvious fact which will attract any observer is the fact that we are going to have a Republic. India knew republics in the past olden days, but that was 2,000 years ago or more and those republics were small republics. We never had anything like the Republic which we are going to have now, although there were empires in those days as well as during the Mughal period which covered very large parts of the country. The President of the Republic will be an elected President. We never have had an elected Head of the State which covered such a large area of India. And it is for the first time that it becomes open to the humblest and the lowliest citizens of the country to deserve and become the President or the Head of this big State which counts among the biggest States of the world today."[15]

The solemn resolution to constitute India into a Republic will *suo moto* not become a reality, unless adequate structural arrangements are worked out. Indian Constitution has made adequate provisioning for establishment of a Republic. But before dwelling with that aspects of the present discourse, it would be befitting to reiterates the fundamental principles of a Republican State.

Basic Notion of 'Republic' and 'Republicanism':

The central tenant of Republican theory is the importance of collective discussion and self-direction[16] . It is generally understood that a republic form of governance, the source of public powers lies with the people for their own common good and welfare. James

11. CAD, Vol I. Pandit Nehru while putting forth his arguments on Objective Resolution said, "It is our firm and solemn resolve to have an independent sovereign republic. Indian is bound to be sovereign, it is bound to be independent and it is bound to be a republic. I will not go into the arguments about monarchy and the rest, but obviously we cannot produce monarchy in India out of nothing. It is not there. If it is to be an independent and sovereign State we are not going to have an external monarchy and we cannot have a search for some local monarchies. It must be inevitably a republic."
12. CAD, Vol II, dated 20/01/1947
13. CAD, Vol II, dated 20/01/1947
14. CAD, Vol I, dated 16/12/1946
15. CAD, Vol XII, dated 26/11/1949
16. Kathryn Abrams, "Law's Republicanism", 97(8) The Yale Law Journal,(jul., 1988)p. p.1592

Madison, one of the leading contributors of Federalist Papers[17] and curators of US Constitution, used the terms in the Federalist Papers to illustrate the concept of a nation overseen by governing body that was not only appointed by its citizens, but also perpetually motivated by the interests of the same citizens[18]. Contrary to monarchy or any other form of totalitarian ruling body, it was outlined by Madison that Republicanism was a political archetype in which citizens were not only given the opportunity to choose their own government bur were given the opportunity to choose to allow themselves to be governed. The suggestion was to place the general citizens on a tier above their respective governing body. The idea of 'Republicanism' is directly linked with against the notion of inheritance and succession. It is an ideology which rejects the divine right of the ruler (King) and makes the people sovereign with inalienable rights as well as individual liberty. The concept of 'republic' is that of a State in which the people are supreme, there is no privileged class and all public offices are open to every citizen without any discrimination. It is a theory where impression is on what would promote the good of the community; it's all about community. Republicanism is tied with the idea of 'representation'. It is an approach to the State, which rejects traditional monarchy. It is a political conception advocating 'independence from arbitrary power'. It denotes a regime in which citizens conducted their common affairs for the common good. It emphasises participation of people in governance. Republicanism presupposes that laws should be made by active citizens working in concert.

On the aforesaid, theoretical perceptions of 'Republic' and 'Republicanism', after independence of India, a new constitutional order was established. For the actualisation of the same, basic constitutional framework were laid down. The same is discussed in the next segment.

Basic Constitutional Framework for Indian 'Republic':

There are different facets of Indian Republic, but it is erected on three deep rooted constitutional matrixes. Those are, (1) the sources of the constitutional public power lies with the people, (2)universal adult suffrage is to be practiced for representative democracy, and (3) the Head of the State is elected one for a fixed tenure. In brevity, all these three components of Indian Republic are discussed below:

Source of Public Power with People:

It is well established norms that in a 'Republic', the supreme public power is held by the people and the administration is open to all the citizens. The assertion of establishing India into a Republic or practising 'Republicanism' is an indication of assertion of 'Sovereignty of the People' in Indian polity. However, nowhere in the text of Indian Constitution it is declared that the sovereign power of the State is derived from the people. But, this inference can only be drawn from the Preamble of the Indian Constitution.

Dr. B.R. Ambedkar[19], responding to the question of whether the Constitution acknowledge, recognise and proclaim that it emanates from the people, emphatically asserted that it does. For the said purpose, he referred to the declaratory portions of the Preamble which reads as "We, the People of India .... do hereby adopt enact and give to ourselves this constitution". These words indicate that people of India have created a constitution and handed over to themselves. This is factually not true as the constitution was framed by an assembly which was elected indirectly on a limited franchise. Unlike US Constitution[20], Indian Constitution

17. The American colonies in 1776 gain their independence from British Monarchy and were brooding on to establish an accepted form of government that would counter the previous monarchical rule of Britain. The Federalist Papers are a series of 85 articles and essays written by Alexander Hamilton, James Madison and John Jay presented a framework of governmental process and structure that contradicted the maxims of a monarchy.
18. Madison, Federalist No. xxxix – " Republic is a government which derives its powers directly or indirectly fro the great body of the people , and its administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class ….."
19. CAD Vol X, (dated 17/10/1949)
20. Chief Justice Marshall in McCulloch v. Maryland(1819) 17 US 316, while delivering on the question of whether Constitution proceeded from the People, he did not take the shelter under Preamble, which is similar to that of India. He referred to the historical facts that the constitution was ratified by the people in the State conventions and hence constitution preceded from the people.

is not ratified by the People, after it is being drafted by the Constituent Assembly. Constitution of India is founded on the consent and acquiescence of the people[21]. Acharya Dr Durga Das Basu, a doyen of Indian Constitutional law, emphasised that the republican and democratic character of the polity and that all power ultimately stems from the people[22]. It is indeed the foundational assumption of Indian democracy that sovereign and supreme powers vested with the People. Supreme Court of India has long back given the stamp of legality to this[23].

Universal Adult Suffrage *:*

The Preamble of Indian Constitution proclaims that it is a Democratic Republic. The entire scheme of Indian Constitution is designed to ensure its sovereignty and integrity as a Republic through democratic process. Our constitution envisages the establishment of a democratic republican form of government based on adult suffrage[24] and it is part of its basic features[25]. Universal suffrage is one of the main features of Indian democratic political system. Universal adult suffrage is adopted by having one electoral constituency containing the entire adult population[26], none being excluded on grounds only of religion, race, caste, or any of them[27]. This (one man one vote) embodies the right of the entire population to 'equal participation in the polity'[28]. India with appalling backwardness dominated with caste structure, dismal poverty and rampant illiteracy at the time of Independence and framing of the Constitution, accepting universal adult suffrage was an act of faith for the founding fathers on the ethos of republicanism. To grant adult suffrage to all men and women in one go was truly path breaking. Article 326 says that election to the House of the People and to State Legislative Assemblies shall be on the basis of universal adult suffrage and every man and woman who is 18 years[29] or more shall be entitled to be registered as a voter. Though right to elect and to be elected is not a fundamental right, considering the social structure of India, this statutory rights has a huge significance in all spheres of life. Right to exercise universal adult franchise is subject to the limitations imposed by the statute which can be exercised only in the manner provided by the statute. Article 326 can be said as one of the most important, salutary and seminal provision of the Constitution for putting a stamp of assertion on establishing India as Sovereign Democratic Republic.

Elected Head of the State with Fixed Tenure:

Indian constitution embodies the parliamentary or cabinet system of Government following the British model. Under the said system, the President is the constitutional or formal head of the Union and exercises his powers and functions conferred on him by or under the Constitution on the aid and advice of his council of Ministers. The Supreme Court of India through various decisions[30] has upheld the position that the President is a constitutional head who must act in accordance with the Constitution. As discussed earlier, a Republic, as contra distinguished form monarchy, must have an elected head of the State. As per Article 54, the President shall be elected by the members of an electoral college consisting

21. D D BAsu, *Commentary on The Constitution of India*, *Vol I*, Wadhwa, Nagpur,(8th Edn – 2007), P. 387
22. Dr D D Basu, *Shorter Constitution of India*, Wadhawa, Nagpur, (13th Edn - 2009), p.8
23. Union of India vrs Madan Gopal Kabra, AIR 1954 SC 158 – "Our Constitution, as it appears form the Preamble, derives its authority from the people of India."
24. Indira Gandhi Case (AIR 1975 SC 2299)
25. PUCL vrs Union of India, AIR 2003 SC 2363
26. Article 326 contains the provision for Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage
27. As per provision of Article 325, no person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.
28. R C Poudyal vrs Union of India, AIR 1993 SC 1804
29. The Constitution (61st Amendment) Act, 1988 lowered the voting age to 18 years from the earlier 21 years.
30. Samsher Singh vrs. State of Punjab, AIR 1974 SC 2192; U N Rao vrs. Indira Gandhi AIR 1971 SC 1002; M/s Bishamber Dayal Chandra Mohan vrs State of UP AIR SC 33; Ram Jawaya vrs State of Punjab AIR 1955 SC 544

of only elected members of both the houses of Parliament and of State Legislative Assemblies. This indicates that the President of India is indirectly elected by members of an electoral college. Further, the term of the office of the President is fixed for 5 years. Article 56 (1) provides that the President shall hold office for a term of five years from the date on which he enters upon his office. It is indeed another feature of Indian Constitution which formalise the claim that India is a Republic.

In the subsequent segment, we will discuss the functional side of the Indian Democratic Republic wherein 'new democratic dynasty' is emerging. As we know, the political parties are having a profound role in Indian democracy. At present, one can note political parties, irrespective of their ideology, are, expressly or impliedly, supporting dynastic politics. The reason for such support is the functional benefits that family ties provide to political parties. The political parties are constantly facing two challenges – defection and internal challenges to the party leadership. Both these challenges are neutralised by dynastic politics[31] .

Emergence of 'New Democratic Dynasty' and Indian Republic:

Now, about a quarter of Member of Parliaments (MPs) in Indian Parliamentary Democracy are having a dynastic background. Dynastic representation in parliament, of course, is only the tip of the iceberg of dynastic politics in India. The position of Prime Minister has been held by a single political dynasty – the Nehru-Gandhi family – for most of India's history as a democracy. Though Indian politics cannot be labelled as dynastic, but its significant presence cannot be ignored. Dynastic politics is an anti-thesis of democratic and republican values. With the formulation of Indian Constitution and by making a constitutional commitment for establishment of 'Indian Republic', the formal basis of dynastic rule in India came to an end. But, unfortunately, new dynasties are emerging through the constitutional democratic process, replacing those older one. The new dynastic participants represent the old ruling class of India. Only 3% of the present MPs represent political dynasties founded by the pre-democratic aristocratic families and the rest belong to dynasties founded by men of humble origin[32] . They have acquired the public political offices through the electoral process. In fact, in India dynasticism is a democratic invention, sustained by the structure of the State and political parties. In the case of India, there is a causal link between democracy and dynasty. According to Prof Kanchan Chandra and Wamiq Umaira[33], in Indian Democratic Party politics, there are two particular features providing encouragement to dynastic politics. First is the large return associated with state public offices. The returns associated with state office ensure that the families of politicians want to enter politics. Second is the organizational weakness of political parties. The organizational weakness of political parties ensures that family members are more likely to get party election ticket when they want to have them. Unfortunately, both the features of Indian democracy are likely to persist or increase in the near future. Dynastic politics, therefore, is likely to increase in the near future and that will undermine the Republican ethos of the constitution.

Few Facts and Figures on Dynastic Democracy in India:

For the present discourse, 'dynastic MPs' are referred to those Member of Parliament who are preceded by family members who were in active in electoral politics. At present, more than one fifth of Indian parliamentarians have been dynastic. It is very much perceptible from the facts that since 2004 more than 20% of our Member of Parliament are having dynastic background. In India, the Cabinet, in which 24% of the ministers had dynastic background in 2014, is even more dynastic than the Lok Sabha. The leaders of over a third of the parties (36%) in the parliament elected in 2014 had a dynastic background.

There is no discernible trend in the degree of dynasticism in the Indian Parliament. Between 2004 and 2009, it increased by almost 50%, before dropping by

31. Kanchan Chandra(ed.), *Democratic Dynasties: State, Party and Family in Contemporary Indian Politics*, Cambridge University Press, New York,(2016), p. 38-44

32. Chandra, Kanchan and Wamiq Umaira (2011): "India's Democratic Dynasties", *Seminar*, 622 (Special issue on dynasties in South Asia), May ; http://india-seminar.com/2011/622/622_kanchan_&_wamiq.htm (last accessed on 24/07/2018)

33. Ibid.

Lok Sabha	Number of Non-Dynastic Lok Sabha MPs	Number of Dynastic Lok Sabha MPs	Percentage of Dynastic Lok Sabha MPs
2004	434	109	20.07
2009	380	163	30.02
2014	424	119	21.92

Source – Kanchan Chandra book 'Democratic Dynasties'(2016)

25% between 2009 and 2014. Twenty four per cent of India's present BJP Government's cabinet in India is dynastic in nature. While this represents a drop in dynastic representation compared to the 36% of the Congress led Government's cabinet that was dynastic in nature. It is apparent that dynasticism persists in India at a high level. Among state governments, 28% are now led by a dynastic Chief Minister. If we consider not just Chief Ministers who had family members precede them, but those who have had family members follow them into politics, this number jumps to more than 50%. According to Prof Kanchan Chandra though there is no concrete adequate data relating to dynastic politics in the lower-level legislatures, yet there are indications of family ties representing a systemic phenomenon at those levels too[34].

It is important to note that dynastic MPs are pervasive across political parties in parliament, irrespective of their size and ideology. Most of the parties in last three Lok Sabha elections had significant numbers of dynastic MPs. Herein below, the table contains the figure of those political parties which have won 10 or more seats in the last three Lok Sabha elections.

The democratic dynasties are not dominated by any one political party. The single largest group of dynastic MPs in 2004 and 2009 Lok Sabha came from the Congress (INC), which was the largest party in those Lok Sabha. In 2014 Lok Sabha, it came from the BJP, which is the largest party in the 16th Lok Sabha. Taken together, the INC and BJP account for 53-64% of dynastic MPs across the Lok Sabha, with reminder widely dispersed across a large number of smaller parties. Out of the existing 36 political parties that they have at least one seat in the Parliament, family based political parties are 64% in the Lok Sabha[35].

Implication Of Party Centric Governance:

On the aforesaid facts and figure, one may ask what's wrong with having this new kind of dynasticism? The implication of this kind of governance is that it is power and party centric which is anti-thesis to 'Republicanism'. The notion of 'Republic' is people and people welfare centric. Theoretically, in a Republican form of government, the epic-centre of governance is people. But, in practice, it is not so. The policy of governance hovers around the ruling parties' ideologies and political convenience. With the insertion of anti-defection law in the Indian Constitutional law[36], individual members legislative bodies are no longer representing the people of their constituency; they are representing their respective parties. The elected political leaders of legislative body are no longer communicating the voice

	Total no. of seat won in 2004	Percentage of dynastic MPs in 2004	Total no. of seat won in 2009	Percentage of dynastic MPs in 2009	Total no. of seat won in 2014	Percentage of dynastic MPs iN 2014
INC	145	28.28	207	39.61	44	47.73
BJP	138	14.49	115	19.13	282	14.89
BJD	11	27.27	14	42.86	20	40
AIADMK	0	0	9	11.11	37	16.22
AITC	2	0	19	15.79	34	17.65
BSP	19	10.53	21	38.1	0	0
CPM	43	13.95	16	18.75	9	11.11
CPI	10	10	4	0	1	0
DMK	16	18.75	18	33.33	0	0

Source – Kanchan Chandra book 'Democratic Dynasties'(2016)

34. Kanchan Chandra, "Hardly the End of Dynastic Rule", 49(28)*EPW* 25-28(2014)

35. Ibid. p. 26

36. Through 52nd Constitutional Amendment,1985 the Tenth Schedule to the Indian Constitution was added and the Anti-Defection Law was passed.

of the people in the matter of making a law because of the party political whip under Anti-defection law. Political Parties in India are also not strictly answerable or accountable to People. For democracy to survive, it is essential that the best available men should be chosen as people's representatives for proper governance of the country[37] . This can only be achieved through men of high moral and ethical values, who win the elections on a positive vote. For this, it became imperative on the part of political parties to be transparent in selection of their candidates for election. However, political parties in India are refusing to do so. On 03rd June 2013, Central Information Commission, held that six political parties such as BJP, Congress, BSP, NCP, CPI and CPM, to be public authorities under the RTI Act[38]. But, on 12th August 2013, The Right to Information (Amendment) Bill, 2013 was introduced in the Lok Sabha, to remove political parties from the ambit of the RTI Act with the objective that it would be misused by the rival political parties and thereof hamper their internal functioning. Though the said bill lapsed with the dissolution of 15th Loksabha, but the intent of the political parties is very clear. They want immunity from public scrutiny so far as their internal functioning are concerning. Though the decision of CIC was not challenged in High Courts or Supreme Courts, but the political parties have so far refused to entertain RTI application. Against such recalcitrant attitude, several social activists have approached the Supreme Court for relief and the matter is still pending[39].

Further, it is asserted that under Indian Constitution, any person can hold the public office of President of India. But, it is not practically possible without political parties' affiliation. For the election for the post of President Article 58(1) needs to be read with Article 71 (3). Article 71 (3) empowers the Parliament to legislate law relating to Presidential election. Under the provision of Article 71 (3), Parliament has enacted a law called 'the Presidential and Vice-Presidential Election Act, 1952'. On the recommendations of the Election Commission[40] , the Presidential and Vice-Presidential Act, 1952 was amended in 1974 and 1997. Because of the amended law, in the case of the Presidential Election, the number of Proposers and Seconders for any nomination paper has been made fifty electors as Proposers and fifty electors as Seconders. In short, it is practically impossible for a commoner to contest the Presidential election without political party's patronage.

Because of the party centric governance, there were occasions wherein constitutional conventions were foregone at the altar of political convenience. As we know, Indian Constitution does not make any specific provisions with regard to a sudden vacancy in the office of the Prime Minister due to death or otherwise. In absence of any specific provisions of the Constitution, it is the convention, which fulfil the empty spaces. When the first Prime Minister Jawaharlal Nehru and subsequently Lal Bahadur Shastri died in 1964 and 1966, respectively, the senior most Cabinet Minister, Sri Gulzari Lal Nanda was appointed as Prime Minister until the formal election of the Leader of the ruling party was conducted. However, when Prime Minister Smt. Indira Gandhi was assassinated in 1984, a departure of the convention was made. The then President Zail Singh exercising his discretion under Article 75(1) appointed Rajiv Gandhi as Prime Minister, who was not the senior most Cabinet Minister. At that time, though the President was satisfied that Rajiv Gandhi would be able to win the confidence of the Lok Sabha, but did not follow the earlier precedent and follow the political convenience of 'democratic dynastic' policy.

Conclusion:

Dynastic rule is violation of equality and violation of the idea of republicanism which is against the notion of birth based right of entitlement on the public offices. It is often argued in favour of dynastic rule in the name of legacy. People recognise the new political leaders because of their legacy. Their legacy and political affiliation has become their credential. They are being elected by the People through democratic political process. But, this argument is too meek. They are confusing legacy with their public entitlement. Such persons, before being elected by the People of India, are getting the political affiliation of the Party. Under Indian

37. PUCL V. Union of India, AIR 2014 SC 188

38. https://ciconline.nic.in/rti/docs/cic_decisions/CIC_SM_C_2011_001386_M_111222.pdf (last accessed on 24/07/2018)

39. WP (C) 422/2014, WP (C) 585/2014, WP (C) 333/2015 and WP (C) 927/2017

40. http://eci.nic.in/eci_main/ElectoralLaws/HandBooks/President_Election_08062017.pdf (last accessed in 23/06/2018)

constitutional law, birth is not the qualification to hold a public office. Unfortunately, the political parties are more inclined for adopting such a policy which favours their chance of winning an election, rather sticking to the constitutional morality of being followers of tenants of 'Republicanism'. It is high time to create public opinion against this kind of practices by engaging people in public discourses about ill of 'democratic dynastic rule'.

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