

# Electoral Reforms in India : Need of The Hour

## Abstract

Free and fair elections are the fountain-spring of a healthy democratic set up. Hence electoral administration must be free from pressure and interference of the executive and legislature. The declaration of result is sometimes questioned by the defeated candidates on one pretext or the other. Generally allegations of corrupt practice in elections happen to be afterthoughts mischievously conceived after the elections when one finds that the results declared are not to one's satisfaction. To inspire public confidence in the verdict of ballot box Part VI of the Representation of People Act, 1951 provides for settlement of election disputes.

**Keywords:** Corrupt practices, Election, Electoral adjudication, Reforms, Representation of People Act.

## Introduction

The question of electoral reforms has been engaging the attention, of political parties, Election Commission and leaders of public opinion for many years.<sup>1</sup> For the first time, it was in 1969, that the demand was made in the Parliament for electoral reforms in accordance with the experience about the working of the election laws and the suggestions made by the Election Commission of India. There was a suggestion in the Parliament to create an institutionalised set-up, akin to Britain's Speaker's Conference, in order to undertake periodic reviews into the working of election laws and to made recommendations for electoral reforms.<sup>2</sup> The then law Minister P. Govinda Menon, responded favourably to the suggestion. But the Speaker was reluctant to associate himself with the exercise. So, though an institutionalised arrangement did not emerge, a Joint Parliamentary Committee on Amendments to Election Law was set up to examine the question of electoral reforms from all angles.<sup>3</sup> This Committee, formed in 1970, did not last long. With the dissolution of the Lok Sabha in December, 1970, this Committee's life also came to an end. However, when in 1971 a new Lok Sabha was constituted in July 1971 a 21-member Committee headed by Jagannath Rao was formed. After one year, this Committee submitted to Parliament a report in two volumes, making a number of valuable suggestions.<sup>4</sup> One of the important suggestions was: "The Committee feels that a process should be initiated, whereby the burden of legitimate election expenses at present borne by the candidate or the political party would be progressively shifted to the State".<sup>5</sup> A Bill incorporating some of the recommendations of the Committee was introduced in the Lok Sabha in December 1973. The Bill, however, could not be passed due to the dissolution of the House.

Another significant development in this direction took place in 1974 when Jayaprakash Narayana launched a movement which later on came to be known as "A Movement for Total Revolution".<sup>6</sup> One of the thrust areas of this movement was electoral reform. On behalf of Citizens for Democracy, Jayaprakash Narayan set up the Tarkunde Committee for electoral reform which, too, after holding discussions with representatives of numerous organisations, produced a comprehensive set of recommendations.<sup>7</sup> Apart from this, the Election Commission as well as various Committees also have come out with suggestions for electoral reforms.

## Objective of the Study

The object of the study is to examine whether the existing provisions of law are sufficient to achieve the objective of free and fair elections. What reforms are needed in the existing law is the focal point of this study.

## Review of Literature

A book under the title, "The Limits of Electoral Reform", 2013



**Raj Kumar Upadhyay**

Associate Professor,  
Deptt. of Law,  
Meerut College,  
Meerut, India

edition has been written by Shaun Bowler and Todd Donovan and published by Oxford University Press. This book is about how and why electoral reforms disappoint: when we consider campaign finance, direct democracy, or legislative term limits, electoral reforms have limited, and in many cases, no effects. Despite reform advocates' claims, and contrary to the 'institutions matter' literature, findings from Shaun Bowler and Todd Donovan suggest there are hard limits to effects of electoral reform. This is certainly a valuable contribution to the literature.

A book authored by Dr. R. K. Upadhyay and Dr. (Mrs.) Sangita Upadhyay entitled "Corrupt Practices in Indian Electoral System: A Socio-Legal Analysis" 2017 edition published by Mohit Publications, New Delhi. The authors, in Chapter 8, have discussed about the reforms in electoral laws. Various amendments have been suggested by them in the existing laws in order to conduct a free and fair elections. This book is helpful for the legislature in making reforms in election laws for a healthy democracy.

#### **Method of the Study**

To accomplish the present study doctrinal method has been used with the help of various recommendations made for reforms in existing election laws to conduct free and fair elections.

#### **Proposed By C. Rajagopalchari**

The important suggestions put forward by the late veteran politician are as follows:<sup>8</sup>

1. The entire election expenditure should be met by the Government itself, that is, the elections should be nationalised and there should be 'mobile booths' along with a system like the census operations replacing the present pattern of elections. There should be six months' interregnum for a party government, and a non-party administration should work during the election period, under the president and the Governors with their respective jurisdictions who should run the administration with the assistance of the permanent officials.
2. There should be functional and proportional system. An elected Economic Council based on functional representation of industry, trade, commerce and labour should be substituted in place of the Rajya Sabha and the State Legislative Councils.
3. Instead of depending on company donations, all the political parties should fight the elections on their own strength by entirely depending on the income from their membership fees. This money for the elections can be raised through annual membership fee, which shall help in eliminating the corrupting influence of tainted-money in elections. The dependence on membership fee, for expenditure on electioneering would automatically help eliminate bogus membership the bane of many political parties in the country. This will automatically give the way for cleaner intra-party democracy.
4. There must be a fixed limit to the company donations to our political parties, and it should be approved by the general meeting of the company,

giving wide publicity to the party or parties to which the donations have been made. These donations must all go to the parties, and must be duly audited. Any breach of the above rule be made a penal offence and persons violating this rule must be severely dealt with.

5. The Government should take the task of bringing voters to the booths instead of by the political parties and individual candidates. The Government should run an official non-party scheme of mobile units that should go round in each constituency and collect ballot papers at each house as they collect census information once in ten years. This should be declared a 'national function'.
6. There should be a ban on the collection of funds by the Ministers and their associates in the party for political and election expenditure, as the Ministers and their minions have a power, authority and opportunity to influence the conduct of the elections. It is not only funds but power and authority which make the elections unfair.
7. In a poor country like India, it is an unpardonable wastage to follow the pattern of western electioneering. If to exercise franchise is a public duty and democracy is to be based on direct universal suffrage in this country, the procedure of the ballot-box should be reversed. The ballot-box should be taken to the voters at State expense instead of asking the voters to go to the booths. The procedure of census operations should mutatis mutandis be adopted at election. Mobile polling booths, therefore, should serve instead of asking the voters to move to the polling stations. This reform will keep corruption and group intimidation out.
8. The State through its permanent officials should give each voter his voting-card, and not by the candidate who is eager to get his vote. It should enable him to know his number in the electoral rolls so that he may exercise his right without his having to be informed and pestered by the candidates and other agents. This permanent official staff should be gradually trained to be strictly non-party in all their administrative acts including the election work. Administrative duties should be done with strict judicial impartiality. This is inevitable to disabuse the prevailing notion that their partial loyalty helps the ruling party to win the elections.
9. In order to secure proper votes and reduce corruption to the minimum, the distribution of identity-cards ought to be done by officials well before the polling week, and all propaganda by the candidates or other parties should cease a week or so before the polling date. Personal visits by canvassers should be made illegal during that brief period, and the collection of votes in polling-booths should be manned by suitable Official and staff.
10. The mobile- booth must be supplemented by a neutralisation of the Government or by a neutral rule for a certain period before the election, by Presidents Rule replacing the party in-power

during the interregnum for six months. Under the law, it must be made compulsory that during that time of the election, all the Ministers who are invariably engaged in their party-campaigns, should hand over official affairs to the permanent officials. Nevertheless, it must be demonstrated to the public as well as to the officials that the State is essentially neutral, inspite of party-rule under the parliamentary system.

11. Some devices should be evolved so as to keep a check on the Prime Minister's power of dissolving the House of People because, "the expenses of elections placed a powerful instrument in the hands of the Prime Minister to keep his or her hold on those who sit on the ministerial chairs by a threat of the dissolution of the Lok Sabha, throwing the members into the costly mess of fresh elections, if they are not obedient and suppress their own convictions, however, strong they may be".<sup>9</sup>
12. All the expenses and trouble involved in collecting the votes of the electorate should be borne by the Government itself. This would enlarge the scope for attracting 'good and worthy candidates who are not in a position to defray the expenses involved in an electoral contest'.

Besides the above mentioned measures suggested by Rajaji, M.C. Chagla in his introduction to the said book, made two other suggestions. First, a time limit of six months should be laid down within which all the pending bye-elections must be held, and if the time is to be extended by the Election Commission, it should make a report giving the reasons and it should be placed before the parliament. In other words, the holding of bye-elections should not be left entirely to the discretion of the Election Commission. Secondly, it is entirely wrong that after his retirement, the Election Commissioner is appointed by the Government to another government office. Hence, his office should be made permanent like that of the office of the Auditor-General. It should be provided for in the Constitution that once a person is appointed as Election Commissioner, he should be debarred from holding any office of profit in the Government.

#### **Proposed By Tarkunde Committee**

The Committee set up in 1974 by the President of the Citizens for Democracy, Mr. Jayaprakash Narayan, submitted its report on February 9, 1975. A summary of the important recommendations is as follows:<sup>10</sup>

- a) The Election Commission should consist of more than one person. A Commission consisting of a body of three members can arrive at a consensus on major controversial problems of organising elections which is decidedly a superior method of ensuring impartiality to the individual decision of a single Chief Election Commissioner. This will be in consonance with Article 324 of the constitution. The members should be appointed by the President on the advice of a Committee consisting of the Prime Minister, the leader of Opposition (or a Member of Parliament selected by the Opposition) in the Lok Sabha and the

Chief Justice of India.

- b) A statutory limit of six months be imposed beyond which a bye-election should not be proposed.
- c) In connection with election expenses the Committee made the following two recommendations:
  1. All recognised political parties should be required by law to keep full and accurate accounts, including their sources of income and details of expenditure. The accounts should be audited by Chartered Accountants nominated by the Election Commission and should be open to public inspection on moderate charges. Keeping of false accounts should make the office bearers of the Party punishable of a cognizable offence.
  2. In every constituency, all the amounts spent for the furtherance, directly or indirectly, of the prospects of a candidate in an election shall be disbursed through his election agent. These should include amounts spent by the candidate's political party or any organisation or persons supporting him. All contracts whereby election expenses are incurred shall, in every case, be entered into by the candidate himself for by his election agent, and by nobody else.<sup>11</sup>
- d) Deposits required from candidates should be increased from Rs. 500/- to Rs. 2000/- in the case of Parliamentary election and from Rs. 250/- to 1000/- in elections to an Assembly or a Council. Proportionate increase should be made in the case of Scheduled Caste and Scheduled Tribe candidates.
- e) Any donation to a political party or for a political purpose up to Rs.1000/- per year per assessee should be eligible for exemption under the Income Tax Act. It is relevant to note that in *Common Cause (A Registered Society) v. Union of India*<sup>12</sup> the Supreme Court pointed out the provisions of Section 13-A of the Income Tax read with Section 293-A of the Companies Act clearly indicate the legislative scheme, the object of which is to ensure transparency in the process of fund collecting and incurring of expenditure by the political parties. The political parties are under a statutory obligation to file returns of income in respect of each assessment year in accordance with the provision of the Income Tax Act, to be eligible for exemption from Income Tax Act. For this they have to maintain audited accounts and comply with the other conditions envisaged under Section 13-A of the Income Tax Act.
- f) Government should not be allowed to initiate and announce new policies, promise or start new projects, grant allowances or increase salaries, etc. from the date the election has been notified. During the said period, no advertisements of Government achievements should be published at Government cost and no new roads should be exhibited at Government expense for the

propaganda of the Government or the ruling party. Similarly no police officer above the level of head constable should be transferred from his post.

- g) In the background of the decision of the Supreme Court in *Ghasi Ram v. Dal Singh*, an evil practice should be made a corrupt practice.
- h) Any person who attains the voting age should have the right to apply for being registered as a voter as soon as he attains that age. This should be in addition to the suggestion of the Joint Committee on Amendment to Election Law that there should be four qualifying dates in relation to the preparation or revision of the electoral roll, namely, the first days of January, April, July and October.

#### **Proposed By Election Commission**

Electoral reforms, as envisaged by the Election Commission, have a long and chequered history. Initially, the Commission used to make its recommendations for amendments to Election Law and procedure and electoral reforms through its Reports on General Elections brought out after the completion of each General Election. Most of these earlier suggestions for reforms mainly related to the changes to the electoral procedure found necessary on the basis of experience of the relevant General Election. No major or vital changes were proposed to the basic provisions of Election Law till 1970.<sup>13</sup>

For the first time in 1977, a review of all recommendations made by the Commission earlier was undertaken and consolidated recommendations of the Commissions on electoral reforms, including both the unimplemented recommendations and fresh recommendations were sent to the Government of India on October 22, 1977. In 1982, the earlier recommendations were again reviewed thoroughly by the Commission on the basis of new developments and challenges thrown up at the General Elections held during the period 1980-82. The main recommendations which were reiterated with or without modifications are:<sup>14</sup> (I) Ban of defection; (II) Fresh delimitation of constituencies; (III) Creation of election fund; (IV) A new proposal to ensure same privileges and safeguards in the matter of Secretarial and staff of the Election Commission as are available to other Constitutional Bodies like Parliament, Supreme Court, Comptroller and Auditor-General of India and UPSC and make the expenditure of the Election Commission a charge on the Consolidated Fund of India; (V) The powers to be vested in the Election Commission to direct the State Governments to file a complaint in respect of any breach of official duty, by an officer in connection with the preparation or revision of electoral rolls and conduct of elections and initiation of criminal action which should be binding on the Government; (VI) A Law should be made (1) to define political parties, (2) to empower Election Commission to make regulations to deal with the matters like compulsory registration of political parties, compulsory maintenance of accounts and compulsory audit of accounts by an agency to be

named by the Commission, submission of the periodical report to the Commission; (VII) Donation to the political parties to be regulated; (VIII) Security deposits should be doubled; (IX) Commission should be empowered to order fresh poll in case of destruction of ballot papers, ballot boxes, prevalence of coercion, intimidation and impersonation at the polling stations; (X) Law should be amended to empower the Commission to order repoll in the entire constituency or an Assembly segment of a Parliamentary constituency; (XI) High Court should be empowered to declare an election void if it is satisfied that there has been prevalence of bribery, undue influence, coercion and intimidation of voters on a large scale and Government machinery has been abused or misused for the furtherance of the prospects of a candidate; (XII) Restoration of the legal provisions as existed before 1974 in connection with the incurring of election expenses by political parties, etc. for the furtherance of the prospects of a candidate.

Some of the important items which were not pressed by the Election Commission in this review were (a) Mixed system of election; (b) Lowering of voting age to 18 years; (c) Entrusting the Commission itself with the disposal of election petitions; (d) Direct subsidy to candidates; (e) Cash subvention to political parties.<sup>15</sup> In September, 1982 the Commission recommended holding simultaneous elections to the House of the People and the Legislative Assemblies of States, with a view to saving the colossal avoidable administrative and other expenditure incurred on account of holding of separate General elections. On the basis of the experience gained at the General election to the various Legislative Assemblies in 1982-83, the Commission again proposed certain further electoral reforms in September, 1983. Some of the important recommendation are:<sup>16</sup> (1) President's rule should be imposed in States simultaneously with the announcement of Assembly elections for avoiding the alleged misuse of official machinery by the ruling parties; (2) The Constitutional provisions contained in Article 324 (4) should be availed of to appoint Regional Commissioners; (3) Observers appointed by the Election Commission, be provided with statutory powers as in the case of Deputy Election Commissioner and Secretaries to the Commission; (4) The Election Commission be empowered to sanction penal action against the breach of official duty and to entrust the enquiry and prosecution in such cases to an independent organisation; (5) The Commission should have power to cancel poll in the entire constituency in certain contingencies; (6) The service voters should be allowed to vote by proxy at the polling station in which they have been ordinarily resident, but for their service; (7) Use of electronic voting machines; (8) Amendment to certain provisions to J & K law to bring it in line with that applicable to the rest of the country.<sup>17</sup> That is, the Election Commission be empowered to order repoll if it is necessitated in specified polling stations to ensure free and fair elections.

In its Third Annual Report for the year 1985, the Election Commission made some more

recommendations which are as follows:<sup>18</sup>

1. Punitive measures to check disturbances at election meetings should be taken and persons found guilty should be tried summarily and if they are convicted by competent Courts, should be disqualified from contesting elections.
2. To prevent fraudulent filing of nomination papers, the Commission recommended that : (a) in each case of an election to a Parliamentary constituency and a State Assembly, the nomination paper should be signed by at least one proposer from each segment of the constituency, but not exceeding 10 in all; (b) it should be obligatory on the part of the candidate to furnish his photograph or that of his proper in case such proposer is presenting the nomination form in the absence of the candidate; (c) the photograph furnished with the nomination paper should be duly attested; (d) and the candidate or one of his proposers who presented the nomination paper should be present at the time of the scrutiny of nomination papers and the Returning Officer should satisfy himself about the identity of the candidate.
3. The Commission felt that restrictions on the political activities of employees of Public Sector Undertakings, statutory Bodies and Corporations like Life Insurance Corporation, Nationalized Banks must be imposed in the interest of free and fair elections. This suggestion was given after the decision of the Allahabad High Court in *Shyam Lal Sharma v. Life Insurance Corporation of India*.<sup>19</sup> The court held that the prohibition on Government servants were not applicable to the L.I.C. employees as there was no provision in the main Act prohibiting its employees from participating in politics. The Supreme Court upheld the verdict of the Allahabad High Court.
4. A new provision should be enacted regarding taking seat in the House by a Member after his election by making oath or affirmation under the Constitution.<sup>20</sup>
5. The Law Commission in its 42<sup>nd</sup> Report recommended that (a) the punishment under Section 171-H of the IPC for illegal payments in connection with an election should be made more stringent and that (b) Section 171-I providing for punishment for failure to keep election accounts may be modified as the same provisions contained in Section 78 of the R. P. Act, 1951. The Commission agreed with Law Commission's recommendation for more deterrent punishment under 171.
6. Rule 71 of the Conduct of Election Rules, 1961 should be amended by inserting a new clause 4A defining "next available preference" as under: "

(4A) 'Next available preference' means a second or subsequent preference recorded in consecutive numerical order for a continuing

candidate, the preference next in order on the ballot paper for any candidate already elected or excluded from the poll being ignored, and the expressions 'next preference' and 'further preference' shall be construed accordingly.

7. There should be fresh delimitation of Constituencies so as to take care of administrative and other changes that have taken place ever since the last delimitation. It was also suggested that seats reserved for Scheduled Castes/Scheduled Tribes should be rotated. In this connection the Commission pressed for appropriate amendment to Articles 82 and 170, etc., of the Constitution and to revive the Bill which lapsed.
8. Assessment of political parties on filing the income tax returns including compulsory auditing of their accounts should be provided for in the electoral law.

#### **The Election Laws (Amendment) Bill, 2016**

Lok Sabha has passed Election Laws (Amendment) Bill, 2016 to grant voting rights to people who became citizens of India following the exchange of enclaves between India and Bangladesh. The proposed amendment will change Section 9 of the Representation of the People Act, 1950 and Section 11 of the Delimitation Act, 2002. These amendments will give voting rights to people who became Indian citizens following the exchange of enclaves between India and Bangladesh. Amendment of Delimitation Act, 2002 will enable Election Commission of India (ECI) to carry out limited delimitation of Assembly and Parliamentary Constituencies in the Cooch Behar District of West Bengal. The Highlights of the Bill are :

1. The Bill seeks to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and the Delimitation Act, 2002.
2. The Bill bans conducting exit polls and publishing these results from the time the polls start until all phases of the election are completed.
3. Candidates are prohibited from seeking assistance from government employees to further their candidacy. The Bill extends this restriction to other persons who are engaged in the conduct of elections.
4. Currently, appeals regarding names on the electoral rolls are submitted to the state chief electoral officer. The Bill allows appeals to be filed with the District Magistrate or Additional District Magistrate.
5. If the High Court finds a person guilty of corrupt practices, its order is sent to the President for a decision on disqualification. The Bill requires this communication to be sent within three months.
6. The Bill reverses the Delimitation Commission's order that reduced the seats reserved for Scheduled Tribes in Mizoram's Assembly from 39 to 38.

#### **Conclusion**

Previous attempts by the Election Commission to restrict the publication of opinion and exit polls have been overturned by the Supreme

Court. In 2004, the Attorney General of India opined that prohibiting the publication of opinion and exit polls would be a breach of Article 19(1). Several other democracies restrict the publication of exit polls during the election period. However, they do not ban the conduct of exit polls. In cases where general elections for several state assemblies are held together, it is unclear whether each state would be required to follow exit poll restrictions until elections have been completed for all other states. Designating the district magistrate rather than the district election officer as the appellate body for petitions related to electoral rolls may affect the independence of the election process. Several recommendations of the Election Commission related to campaigning and criminalization of politics have not been addressed. The Bill does not explain the reasons for reversing the order of the Delimitation Commission for reservations in Mizoram.

Evils like crime, corruption and money power have the potential to poison our democracy. The duty to deepen the democratic values lies in the electoral process of the country. Hence, Electoral Reforms in India are the need of the hour. About half of the legislators in India had noteworthy criminal records. It is quite common to put almost the entire blame for the current state of affairs on the so-called political class in the country. But those who blame them entirely overlook the fact that this political class emerges from the society only. They are not developed in vacuum or in isolation. It's the citizen who do not make use of the benefit furnished to them. Though the Election Commission is doing its duty in this regard but it cannot succeed unless all stake-holders (political parties and voters) realize their responsibility. Therefore, one to change the behavior of the political class would be to change the system in which they have to operate. This is where electoral reforms become important. It is now how time to curb the money power, muscle power, criminalization of politics and politicization of criminals, misuse of government machinery, casteism, communalism, and lack of moral values in politics by making a strong law. Political Parties should brought under the ambit of Right to Information Act, and elections for Union and state legislatures should be conducted at the same time.

#### References

(1970) All L.J. 214.

A provision to this effect is to be found in Section 171(H) of the Indian Penal Code. But it has been largely overlooked.

Election Commission of India Third Annual Report, 1985, pp.76 - 81.

Election Commission of India, First Annual Report 1983, April, 1984, p.79.

For a fuller account see C. Rajagopalachari, *Rescue Democracy from Money-power*, 1977.

*Ibid.*

*Ibid.*

*Id.* at 220-221.

*Id.* at 80-81.

*Id.* at 81.

*Id.* at 83-84.

*Id.* at 215.

It may be recalled in this context that in 1964, the Santhanam Committee on Prevention of Corruption had sounded a warning against the role of 'black money' in our elections. The Committee expressed its deep concern about the manner in which political funds/ donations were being collected by the political parties, especially at the time of elections. The Committee thought that those who received funds or donations for unrecognised political parties or for themselves, should have account for these sources in their own private accounts for the purpose of income tax. It, therefore, underlined the need to have a law requiring political parties to keep accounts of their receipts and expenditures and publish annually an audited statement of the accounts giving details of receipts. Thereafter in 1971, the Wanchoo Committee identified the relationship between 'black economy' and politics. It pointed out how the persistent demand for funds to finance election campaign continued to grow as an important factor in the generation of black money.

It came to the notice of the Commission that an elected member in a bye-election had not taken his seat in the Haryana Legislative Assembly by making and subscribing the requisite oath or affirmation under Article 188 of the Constitution perforce resulting in the constituency remaining unrepresented in the House. This situation arose as there is no specific time limit fixed either in the Constitution or by the Election Law within which a member of Parliament or a State Legislative after his election, should take his seat in the House concerned by making and subscribing the requisite oath or affirmation

*Journal of Constitutional and Parliamentary Studies*, January- June, 1984, pp.194-210.

L. K. Advani, 'Electoral Reform: Imperative and Urgent', *Journal of Constitutional and Parliamentary Studies*, Vol. XVIII, Nos. 1-2, 1984, p.39. For a detailed Report of the Tarkunde Committee See *Journal of Constitutional and Parliamentary Studies*, January - June, 1984.

L. K. Advani, 'Electoral Reform: Imperative and Urgent', *Journal of Constitutional and Parliamentary Studies*, Vol. XVIII, Nos. 1-2, 1984, p.38.

N. S. Gehlot, *Elections and Electoral Administration in India*, 1992, p.214.

(1996) 2 SCC 752.

The amendment in R. P. Act, 1951 on the lines of the provisions of the J & K R. P. Act, 1957 became essential when the Returning Officer of the Doda Assembly Constituency filed a writ petition against the decision of the Election Commission, since the Commission had set aside the poll-result announced by the R. O.; by its order dated 22 June 1983 on account of certain allegation of booth- capturing.

P: ISSN NO.: 2321-290X

RNI : UPBIL/2013/55327

VOL-6 \* ISSUE-6 \* (Part-1) February- 2019

E: ISSN NO.: 2349-980X

## **Shrinkhla Ek Shodhparak Vaicharik Patrika**

*under Article 99 or Article 188 of the Constitution of  
India.*