

CHAWLA'S ELECTIONS : LAW AND PRACTICE. NINTH EDITION
By Kiran Gupta & Mr. P.C. Jain, Bahri Brothers,
Delhi, 2009. Pp. lxxii + 1645, Rs. 1695/-.

Independent India, having chosen the path of democratic governance, set up a number of institutions when its Constitution was ushered in 1950 and one of them was the Election Commission of India, whose task it was to conduct elections to the parliament and state legislatures in a free and fair manner. In the last more than five decades of its existence, the Election Commission has carved a unique niche for itself, contributing its mite to the strengthening of the democratic credential of a pluralistic India. The Indian elections are universally hailed as free and fair and have generated a global interest in recent years because of the sheer volume and size of the operations.¹

The roots of democracy have been firmly established in India and it is considered as one of the most stable democracies in the world. Democracy is one of the inalienable basic features of the Constitution of India and forms part of its basic structure.

Democracy is government by the people. It is a continual participative operation, not a cataclysmic, periodic exercise. The little man, in his multitude, marking his vote at the poll does a social audit of his parliament plus political choice of his proxy. Although the full flower of participative government rarely blossoms, the minimum credential of popular government is appeal to the people after every term for a renewal of confidence. So we have adult franchise and general elections as constitutional compulsions.²

The concept of democracy as visualized by the Constitution presupposes the representation of the people in parliament and state legislature by the method of election.³

The book under review on law of elections is very aptly divided into two sections.

¹ Gopaldaswami N. in Foreword to V.S. Rama Devi and S.K. Mendiratta, *HOW INDIA VOTES : ELECTION LAWS, PRACTICE AND PROCEDURE* (2006) at xi.

² *Mohinder Singh Gill v. Chief Election Commissioner*, AIR 1978 SC 851.

³ *N.P. Ponnuswami v. Returning Officer*, AIR 1952 SC 64.

Section I entitled as “Election Laws : Commentary” is further divided in six parts.

Part-I is headed as ‘Introductory’ and contains two chapters. Chapter 1 deals with principles and rules of interpretation in the context of election law. Chapter 2 elucidates words and phrases used in election laws and thus demystifies the legal jargon.

Part-II is entitled as ‘Elections : General Aspects’ and incorporates six chapters (Chapters 3-8). Chapter 3 deals with the law relating to election to parliament and of the president. This chapter explains lucidly ‘proportional representation by means of a single transferable vote’ system. Chapter 4 provides, with a wealth of case law, detailed commentary on the law pertaining to election to the state legislatures. Chapter 5 deals with election machinery at three levels, viz., Election Commission, Machinery at the Field Level and Conduct of Elections. Jurisdiction and powers of Election Commission is a nebulous area, however, the authors have dealt with this contentious topic flawlessly and have provided sufficient guidelines to those who are entrusted with the task of conducting elections and the courts alike. Chapter 6 deals with and provides valuable material on the allocation of seats and delimitation of constituencies. Provisions of the Delimitation Act, 2002 have been explained and analysed in a simple and analytical manner. Chapter 7 explains the law relating to electoral rolls and the last chapter 8 in Part-II dilates on recognition / derecognition of and donation to political parties and election symbols.

Part-III is entitled as ‘Conduct of Election’ and is further divided into ten chapter (Chapters 9-18). These chapters with detailed synopsis at the beginning of each chapter deal with the procedure and law for conducting entire elections, viz., starting with the issue of notification to counting of votes and publication of result. Model Code of conduct for the Guidance of Political Parties and Candidates has been discussed as a separate chapter which also includes the complete text thereof.

Part-IV is structured on ‘Disputes Regarding Elections’ and is further divided into seven chapters (Chapters 19-25). These chapters deal with the Election Petitions *in extenso*. Election petitions are highly technical and hence have to be drafted and presented in a manner provided strictly under the laws. Any deviation, however trivial, may render the petition vulnerable

and thus avoids judicial scrutiny. The present part provides excellent help to the practicing lawyers in this branch of law with valuable tips. A separate treatment at the end of the part is given to the jurisdiction of courts in election cases.

Part-V is designed on 'Corrupt Practices and Electoral Offences' and is divided into eight chapters (Chapters 26-33). Purity of election process is paramount and is essential for a successful democracy. Issues relating to corrupt practices, bribery, undue influence, appeal on the ground of religion, race, caste, etc., promotion of enmity or hatred and booth capturing, publication of false defamatory statement and electoral offence have been discussed and analysed with the help of detailed case law in this part.

Part-VI is headed as 'Anti-Defection Law' and provides deep insight into this controversial branch of election law. Recent amendments and judgments on the topic have been incorporated in this part making it a ready reckoner for lawyers, judges and politicians.

Section II is compendium of constitutional provisions (relating to elections), Acts of Parliament, Rules, Orders etc. and thus obviates the need for lawyers to have an election manual separately. The reviewer, however, feels that the title of this section as 'Statutory Provisions' is a little odd considering the fact that in part one thereof constitutional provisions have been incorporated.

The book is quite exhaustive on the topics covered and serves both as 'commentary on election law' and 'election manual'. The up-to-date revision of the book, incorporating the cases and amendments to the laws, makes it a useful literature for the students, lawyers, judges, academics and parliamentarians.

The reviewer has no doubt that the book is a treasure of information on the subject. The price of the book (though commensurate with the volume) is on the higher side. Be that as it may, considering the wealth of information, the price spent is a good investment and will fetch good return and rich dividends.

*K.D. Singh**

* Assistant Professor, Campus Law Centre, Faculty of Law, University of Delhi, Delhi - 110007.