

qualifications, should be allowed to participate in the political system like any other person. Universal adult suffrage was adopted with this object in view. This means that every five years, the members of the Legislatures of the Union and of each State shall be elected by the vote of the entire adult population, according to the principle — “one man, one vote”. Various reformatory steps have been taken by the Election Commission on the direction of the Supreme Court, *viz.* the voters have the fundamental right to know about their candidates; and leaving columns blank in the nomination paper amounts to violation of rights.<sup>10A</sup> If any sitting member of the Parliament or a State legislature is convicted of any of the offences mentioned in sub-sections (1), (2) and (3) of section 8 of the Representation of the People Act and by virtue of such conviction and/or sentence suffers the disqualifications mentioned in sub-sections (1), (2) and (3) of section 8 of the Act after the

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pronouncement of the judgment in *Lily Thomas*,<sup>10B</sup> his membership of Parliament or the State Legislature, as the case may be, will not be saved by sub-section (4) of section 8 of the Act which has been held *ultra vires* the Constitution notwithstanding that he files the appeal or revision against the conviction and/or sentence. Further, a person who has no right to vote by virtue of the provisions of sub-section (5) of section 62 of the 1951 Act is not an elector and is therefore, not qualified to contest the election to the House of the People or the Legislative Assembly of a State.<sup>10C</sup> With a view to bring about purity in elections, the Election Commission, upon the direction of the Supreme Court, recognised negative voting on 27 September 2013 and held that a voter could exercise the option of negative voting and reject all candidates as unworthy of being elected. The voter could press the “None of the Above” (NOTA) button in the electronic voting machine and for this the court also issued necessary direction to the Election Commission for its compliance.<sup>10D</sup>

(b) The offering of equal opportunity to men and women, irrespective of their caste and creed, in the matter of public employment also implements this democratic ideal. The treatment of the minority, even apart from the constitutional safeguards, clearly brings out that the philosophy underlying the Constitution has not been overlooked by those in power. The fact that members of the Muslim and Christian communities are as a rule being included in the Council of Ministers of the Union as well as the States, in the Supreme Court, and even in Diplomatic Missions, without any constitutional reservation in that behalf, amply demonstrates that those who are working the Constitution have not missed its true spirit, namely, that every citizen must feel that this country is his own.

That this democratic Republic stands for the good of *all* the people is embodied in the concept of a “Welfare State” which inspires the Directive Principles of State Policy. The “economic justice” assured by the Preamble can hardly be achieved if the democracy envisaged by the Constitution were confined to a “political democracy”. In the words of Pandit Nehru:<sup>11</sup>

Democracy has been spoken of chiefly in the past, as political democracy, roughly represented by every person having a vote. But a vote by itself does not represent very much to a person who is down and out, to a person, let us say, who is starving or hungry. Political democracy, by itself, is not enough except that it may be used to obtain a gradually increasing measure of economic democracy, equality and the spread of good things of life to others and removal of gross inequalities.<sup>11</sup>

Or, as Dr Radhakrishnan has put it —

Poor people who wander about, find no work, no wages and starve, whose lives are a continual round of sore affliction and pinching poverty, cannot be proud of the Constitution or its law.<sup>12</sup>