

## **Important Electoral Reforms proposed by the Election Commission**

### **1. De-criminalization of politics –**

**Date on which proposal was made – 15<sup>th</sup> July, 1998.**

**Reiterated in November, 1999, July, 2004 and October, 2006.**

- For preventing persons with criminal background from becoming legislators, the Commission has made a proposal for disqualifying (from contesting election) a person against whom charges have been framed by a Court for an offence punishable by imprisonment of 5 years or more.
- Under the existing law (Section-8, ROP Act, 51) there is a disqualification once a person is convicted and sentenced to imprisonment of two years or more (in the case of certain offences mentioned in sub-sections (1) of Section-8, conviction itself leads to disqualification, even without any sentence of imprisonment). The Commission's proposal is for disqualification even prior to conviction, provided the court has framed charges.
- As a precaution against foisting false cases on the eve of election, it has been suggested that only those cases in which charges are framed six months prior to an election should be taken into account for that election.

### **2. Political parties reforms –**

- The Commission has suggested that legal provisions be made to regulate the functioning of political parties and the Commission should be empowered to regulate registration as well as de-registration of political parties.

**Date of proposal – 15<sup>th</sup> July, 1998.**

**Reiterated in July, 2004 and in March and July, 2006.**

- The political parties should be legally required to get their accounts audited annually. The audited accounts should be put in public domain. There should be transparency in the fund raising and expenditure of political parties.

**Date of proposal – 15<sup>th</sup> July, 1998, reiterated on 5<sup>th</sup> July, 2004.**

- Income tax exemption for donations should be given only for those political parties which contest election and win seats in the Parliament/State Legislature.

**Date of proposal – 3<sup>rd</sup> March, 2006.**

### **3. Misuse of religion for electoral gain –**

- A Bill was introduced in the Lok Sabha in 1994 [R.P. (second amendment) Bill, 1994], whereby an amendment was proposed providing for provision to question before a High Court, acts of misuse of religion by political parties. The Bill lapsed on the dissolution of the Lok Sabha in 1996. The Commission has proposed that the provision in that Bill should be considered again.

**Date of proposal –29<sup>th</sup> January, 2010.**

### **4. Amendment of law to make `paid news' an electoral offence**

- The Commission has been proposed amendment in the Representation of People Act, 1951, to provide therein that publishing and abetting the publishing of `paid news' for furthering the prospect of election of any candidate or for prejudicially affecting the prospect of election of any candidate be made an electoral offence under chapter-III of Part-VII of Representation of People Act, 1951 with punishment of a minimum of two years imprisonment.

**Date of proposal – 3<sup>rd</sup> February, 2011.**

### **5. Punishment for electoral offences to be enhanced-**

- Undue influence and bribery at elections are electoral offences under Sections 171B and 171C, respectively, of the IPC. These offences are non-cognizable offences, with punishment provision of one year's imprisonment, or fine, or both.
- Under Section 171-G, publishing false statement in connection with election with intent to affect the result of an election, is punishable with fine only.

- Section 171 H provides that incurring or authorizing expenditure for promoting the election prospects of a candidate is an offence. However, punishment for an offence under this Section is a meager fine of Rs.500/-
- These punishments were provided as far back as in 1920. Considering the gravity of the offences under the aforesaid sections in the context of free and fair elections, the punishments under all the four sections has been proposed to be enhanced and made cognizable.

**Date of proposal – February, 1992**

#### **6. Government sponsored advertisements –**

- For six months prior to the date of expiry of the term of the House, there should be a ban on advertisements on achievements of the Government.
- Advertisements/dissemination of information on poverty alleviation and health related schemes could be exempted from the ban.

**Date of proposal – 5<sup>th</sup> July, 2004.**

#### **7. Prohibition of Campaign during the Last 48 Hours-**

- Section 126 of the Representation of the People Act, 1951, prohibits electioneering activities by way of public meetings, public performance, processions, advertisements through cinematograph, television or similar apparatus during the period of 48 hours before the time fixed for conclusion of poll. However, this Section does not include print media. The Commission has proposed that Section 126 should apply equally to the print media also.
- The Commission has further proposed that house to house visits by candidates/supporters should also be specifically prohibited during the said period of 48 hours, to allow the electors period of tranquil to decide their option. Necessary amendments should be carried out in Section 126.

**Date of proposal – This proposal was made in the background note for the regional consultations on electoral reforms in December, 2010.**

## **8. Punishment for false affidavit by candidates –**

- Section -125A of R.P. Act, 51, provides that furnishing false information in the affidavit filed by the candidate is an offence punishable by imprisonment upto six months or with fine.
- There is no clear provision for follow-up action in the event of candidates filing false affidavits.
- There are several complaints of false statements in affidavits, false statements mislead the electors.
- In order to strengthen the disclosure provision, the Commission has recommended that Section-125A of R.P. Act, 51, should be amended to provide that any complaint regarding false statement in the affidavit filed by the candidates in connection with the nomination paper shall be filed before the Returning Officer (RO) concerned within a period of 30 days from the date of declaration of the election and that it shall be the responsibility of the RO to take proper follow-up action. Alternatively, complaint can lie directly to the Magistrate Court.

**Date of proposal – 3<sup>rd</sup> February, 2011**

## **9. Negative/neutral voting -**

- In the ballot paper and on the ballot unit, after the particulars relating to the last candidate, there should be provisions for a column 'none of the above' to enable a voter to reject all candidates if he so desires.

**Date of proposal – 10<sup>th</sup> December, 2001.**

**Reiterated in July, 2004.**

## **10. Amendment of law to provide for filing of election petition even against defeated candidates on the ground of corrupt practice-**

- As per the existing law, election petition (EP) can be filed only for challenging an election of the returned candidate (winner).

- If a defeated candidate has indulged in corrupt practice, there is no provision for election petition against such candidate.
- Commission has recommended that the law should be amended to provide for filing of EP in cases of commission of corrupt practice by a losing candidate as well.

**Date of proposal –24<sup>th</sup> April, 2009.**

**11. Ban on transfer of election officers on the eve of election –**

- In the case of general election, there should be a ban against transferring any election related officer without the concurrence of the Commission for a period of six months prior to the expiry of the term of the House.

**Date of proposal – 15<sup>th</sup> July, 1998.**

**Reiterated in July, 2004.**

**12. Rule making authority to be vested in the Commission –**

The Commission should be given the power to frame rules under the R.P. Act, 1950 and 1951.

**Date of proposal –15<sup>th</sup> July, 1998.**

**13. Totalizer for counting of votes -**

- The proposal is for amendment of the Rules to provide for the use of totalizer for counting of votes at EVM elections.
- Using totalizer , it would be possible to take out the results of votes polled in a group of 14 EVMs together as against the present practice of counting votes polling station wise.
- In such a system of counting, the trend of voting in individual polling station areas would not be known. This will prevent intimidation and post election victimization of electors.
- The proposal has been referred to a parliamentary committee in 2009.

**Date of proposal –21<sup>st</sup> November, 2008.**



