

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4731
ANSWERED ON:24.08.2000
MEETING OF ALL POLITICAL PARTIES WITH CEC
KANTI SINGH

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) whether the information has since been collected;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor; and
- (d) the time by which the information is likely to be collected?

Answer

MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (INDEPENDENT CHARGE) AND
MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (INDEPENDENT CHARGE) (SHR
JATLEY)

(a) : Yes, Sir.

(b) : Statements (1) and (2) are laid on the Table of the House.

(c) and (d) : Does not arise.

Statement (1) referred to in reply to Part (b) of Lok Sabha USQ No. 4731 for 24.8.2000

GIST OF DISCUSSIONS HELD IN THE MEETING OF ELECTION COMMISSION OF INDIA WITH RECOGNIZED NATIONAL
STATE POLITICAL PARTIES ON THE 29TH APRIL, 2000.

Main Items of the Agenda:

i) Delimitation of Constituencies- Removal of distortions: All the political parties agreed that there should not be any decrease in the total number of seats allocated to States in legislatures as well as in the number of seats reserved for Scheduled Castes and Scheduled Tribes therein. There were divergent views with respect to the Election Commission's proposal to entrust it with the delimitation work.

ii) Council of States- Qualification for election: There were divergent views in respect of the proposal to amend the section 3 of the Representation of the People Act, 1951 for enabling any person from any State to be elected to the Rajya Sabha as in the case of Lok Sabha.

iii) Reservation for women in Parliament and State Legislatures: There were completely divergent views with respect to the issue in general as well as to the Commission's proposal, in particular, to provide in the Representation of the People Act, 1951, that a recognised political party, in order to continue to retain such recognition and enjoy all privileges thereof, shall, at every Assembly and Parliamentary election, that it contests, ensure that a minimum agreed percentage of women candidates were put up.

iv) Disciplinary jurisdiction of the Election Commission over the officials employed in connection with elections: Though there was no consensus, parties generally were desirous of the issue being resolved expeditiously.

v) Criminalisation of politics: There was no consensus over the proposals of the Election Commission that [a] the law may be simplified by amending section 8 of the Representation of the People Act, 1951 to provide that any person convicted of an offence by a Court of law and sentenced to imprisonment for six months or more should be debarred from contesting elections for a period totalling the sentence imposed plus an additional six years, and (b) that any person who is accused of any offence punishable with imprisonment for five years or more should be disqualified, even when his trial is pending, provided that the competent Court of law has taken cognizance of the offence and framed the charges against him.

vi) Use of common electoral rolls at elections conducted by the Election Commission and the State Election Commissions: All political parties were agreed on the Election Commission's proposal that the electoral rolls for Parliamentary and Assembly Constituencies, which were prepared and revised under the strict superintendence, direction and control of the Election Commission and with due care and caution, should be used for local body elections also, by rearranging them suitably.

Statement (2) referred to in reply to Part (b) of Lok Sabha USQ No. 4731 for 24.8.2000

PROPOSALS OF THE ELECTION COMMISSION ON 'ELECTORAL REFORMS' SENT TO THE GOVERNMENT

I. Proposals requiring constitutional amendments.

1. There should be a maximum of two Election Commissioners, along with the Chief Election Commissioner.

2. The method of appointment and the constitutional protection after appointment should be the same for the Chief Election Commissioner and other Election Commissioners.

3. The Election Commission should have an independent Secretariat and the expenditure of the Commission should be a charged expenditure on the Consolidated Fund of India.

4. Anti-defection law may be amended leaving it to the President and the Governors concerned to decide cases of disqualification under the Tenth Schedule, after obtaining the opinion of the Election Commission.

II. Proposals requiring amendments to Representation of the People Acts of 1950 and 1951

1. Section 8 of the Representation of the People Act, 1951 should be amended to disqualify any person convicted of any offence and sentenced to imprisonment for six months or more from contesting elections for a period totalling the sentence imposed plus an additional six years. Further, a person who is accused of any offence punishable with imprisonment for five years or more should be

- disqualified, even when his trial is pending, provided that the competent court of law has taken cognisance of the offence and framed the charges against him.
2. Section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951 should be amended to make express provision empowering the Election Commission to frame rules for taking disciplinary action against electoral officers on deputation to the Commission in connection with elections. (Action already taken on this).
 3. Political parties should be required to publish their accounts annually and these should be audited by agencies specified by the Election Commission.
 4. Section 29A of the Representation of the People Act, 1951, should be amended to expressly authorise the Election Commission to issue orders regulating registration and de-registration of political parties.
 5. Number of proposers for candidates of recognised parties should also be ten as in the case of independent candidates and candidates of unrecognised parties.
 6. Proxy voting facility should be granted for all service voters and their spouses.
 7. Expenditure incurred by political parties should be included in the election expenses of the candidate concerned [omitting of Explanation (1) under section 77(1)].
 8. No-maintenance of true account of election expenses or not filing its true copy as required under section 78 should be punishable with imprisonment and fine, and on conviction, the candidate should be disqualified for 6 years.
 9. A candidate who fails to lodge his election expenses` account within the prescribed time as required under section 78 of Representation of the People Act, 1951, should automatically stand disqualified for a period of 5 years with elections.
 10. The Election Commission should be given rule-making powers under the Representation of the People Acts.
 11. The Election Commission should be empowered under section 58A of the Representation of the People Act, 1951 to countermand election due to booth capturing even otherwise than on the report of the Returning Officer.
 12. The Election Commission should be empowered to issue instructions to any officer in connection with conduct of elections and to make recommendations for referring any matter for investigation to any agency specified by the Commission and for prosecution of any person who has committed any electoral offence.
 13. District Election Officers should be statutorily required to be consulted regarding police arrangements during elections.
 14. There should be statutory ban on transfer of election officers on the eve of elections.
 15. Unauthorised possession of ballot boxes or Electronic Voting Machines and unauthorised printing of ballot papers should be made cognisable offences.
 16. Making of a false declaration in connection with elections should be an electoral offence.
 17. Simplification of procedure for disqualification of a person found guilty of corrupt practice - Secretary to the Election Commission of India, instead of the existing provision for Secretary of the concerned Legislature, be specified as the authority under sub-section (1) of section 8A of Representation of the People Act, 1951, to submit cases of disqualification under that section to the President;
 18. Entrusting the Election Commission with the job of delimitation of constituencies instead of setting up of a Delimitation Commission.
 19. Model Code of Conduct and measures in enforcement thereof to be made effective from the date of announcement of elections by the Election Commission of India so as to ensure free and fair elections;
 20. Appointment of an appellate authority in districts against orders of Electoral Registration Officers.