

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

UNSTARRED QUESTION NO:2980  
ANSWERED ON:21.03.2002  
AMENDMENT IN PEOPLES REPRESENTATION ACT  
RAMDAS ATHAWALE

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

(a) whether the Election Commission has advised the Government to amend the Peoples` Representation Act in order to regulate the excess expenditure incurred by the candidates in elections; and

(b) if so, the reaction of the Government thereto?

**Answer**

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a) & (b) Yes, Sir. The Government has received some proposals on electoral reforms from the Election Commission of India, wherein, inter alia, it has been suggested that

(i) the `Explanation 1` to section 77 (1) of the Representation of the People Act, 1951, which provides that the expenditure incurred by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) in connection with an election shall not be deemed to be expenditure incurred or authorized by the candidate or his election agent for the purposes of ceiling of election expenditure and due to which it has not been possible to have a practical check on the election expenditure, should be omitted to ensure that the role of money power in elections is curbed significantly; and

(ii) the Election Commission be empowered to fix before every election the ceiling on election expenses incurred or authorized by the candidates at elections, under Rule 90 of the Conduct of Elections Rules, 1961, which is presently done by the Government in consultation with the Election Commission. The Government has accepted the suggestion of the Commission for omission of aforesaid `Explanation 1` to section 77(1) of the Representation of the People Act, 1951 by incorporating relevant provision in the Election and Other Related Laws (Amendment) Bill, 2002, introduced in the Lok Sabha on 19.3.2002. The Government is, however, not in favour of entrusting the Election Commission with the job of fixing ceiling on election expenditure, in line with the recommendation of the Committee on State Funding of Elections (Indrajit Gupta Committee), which was in favour of maintaining the status quo in this regard.