

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:1212
ANSWERED ON:26.11.2009
BAN ON CRIMINALS FOR CONTESTING POLL
Singh Shri Uday Pratap

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

(a) whether the Election Commission has made a proposal which was backed by the Second Administrative Reforms Commission to ban persons facing serious criminal and corruption charges from contesting poll; and

(b) if so, the status of the proposal?

Answer

MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a) & (b): Yes Madam, the Election Commission of India had forwarded a set of 22 proposals on Electoral Reforms in July, 2004 which inter alia included the proposal on criminalization in politics backed by the Second Administrative Reforms Commission to ban persons facing serious criminal and corruption charges from contesting poll.

While the said proposals of the Election Commission of India on electoral reforms were under consideration of the Department Related Parliamentary Stranding Committee on Personnel, Public Grievances, Law and Justice, the Chief Election Commissioner wrote to the Hon'ble Minister of Law and Justice on the 27th October, 2006 about the danger of certain persons becoming Members of the august House of Parliament and State Legislatures, suggesting amendments in the Representation of the People Act, 1951 to disqualify any persons accused of an offence punishable by imprisonment for five years or more, from contesting elections even when trial is pending, provided charges have been framed against him by a competent court. The Committee in its Eighteenth Report on the subject inter alia disagreed with the aforesaid proposal as it is a major departure from the law of the land that a person is not guilty until he is convicted by the highest court of the land. The Committee, however, recommended that proclaimed absconders under section 82 of the Code of Criminal Procedure, 1973 be disqualified from contesting polls. The recommendation of the Committee has been examined in this Department. Thereafter, the matter was further examined in consultation with the concerned Ministries and it has been decided not to pursue the matter at this juncture.