

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

UNSTARRED QUESTION NO:2472

ANSWERED ON:11.03.2010

BAN ON CRIMINALS CONTESTING ELECTION

Bapurao Shri Khatgaonkar Patil Bhaskarrao;Dome Dr. Ram Chandra;Gaikwad Shri Eknath Mahadeo;Yaskhi Shri Madhu Goud

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

- (a) whether the Government has a proposal to bar criminals from contesting election in the country;
- (b) if so, the details thereof; and
- (c) the steps taken by the Government in this regard?

**Answer**

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

(a) to (c): Yes, Madam.

The Election Commission of India had forwarded a set of 22 proposals on Electoral Reforms in July, 2004 which inter alia includes the proposal on criminalization in politics. While the said proposals were under consideration of the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, the Chief Election Commissioner wrote to the then Minister of Law and Justice on the 27th October, 2006 about the danger of certain hard-core criminals becoming Members of the august House of Parliament and State Legislatures, suggesting amendments in the Representation of the People Act, 1951 to disqualify any person 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 Government then requested the Parliamentary Standing Committee to give its recommendations on the proposal of the Election Commission of India. 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 Hon'ble Committee was examined in consultation with other concerned Ministries and it was decided not to pursue the matter.