

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

UNSTARRED QUESTION NO:2779  
ANSWERED ON:23.07.2009  
DEREGISTRATION OF POLITICAL PARTIES  
Vinay Kumar Alias Vinnu Shri

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

- (a) whether the Government has received any proposal from the Election Commission for deregistration of certain political parties who have registered themselves for the sake of their identity only;
- (b) if so, the details thereof; and
- (c) the reaction of the Government thereto?

**Answer**

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

(a) and (b): The Election Commission of India from time to time makes recommendation in respect of the changes in the election laws. On the last occasion, in July, 2004 the Election Commission of India has sent a set of 22 proposals which inter alia includes the proposal relating to the registration and de-registration of the political parties. A Statement containing the details of the proposals of the Election Commission is laid on the Table of the House.

(c): While the matter was under consideration with the Government the Chairman, Rajya Sabha has referred the entire matter of electoral reforms to the Department Related Parliamentary Standing Committee on personnel, Public Grievances, Law and Justice for examination and report. Presently, the matter relating to the registration and de-registration amongst other proposals is under consideration with the said Committee.

Statement referred to in reply to parts (a) and (b) of the Lok Sabha Unstarred Question No. 2779 for the 23rd July, 2009.

**REGISTRATION AND DE-REGISTRATION OF POLITICAL PARTIES-STRENGTHENING OF EXISTING PROVISIONS**

(Proposal made in Chief Election Commissioner's letter dated 15th July, 1998 addressed to the Law Minister)

Political parties are registered with the Commission under the provisions of Section 29A of the Representation of the People Act 1951. The Section, as it stands, suffers from certain looseness by which just about any small group of persons, if they so desire, can be registered as a political party, by making a simple declaration under Section 29A(5). This has resulted in mushrooming and proliferation of a large number of non-serious parties, which causes a considerable systems load in the management of elections. By way of example, more than 650 parties are presently registered with the Election Commission, out of which only 150 or so contested in the general elections of 1998. The same trend was there in 1996 general elections as well as in 1991 general elections. Since the lay public is not aware as to how easy it is to get a political party registered with the Election Commission, probably, the motivation for the non-serious parties to get registered is to give some sort of a distorted aura of their status and standing in their localities, particularly in rural and mofussil areas. The Commission feels that election is a serious process and this tendency of small groups of individuals, who have no serious interest or desire to contest elections, should not easily be allowed to get the official stamp from the Commission as active political parties.

In addition to there not being sufficient conditions under Section 29A to deny registration to a political party, the Section also suffers from a serious infirmity that once registered, a political party would stay registered in perpetuity, even if, it does not contest any election over decades of its existence. This is because there is no specific provision to de-register a party. Similarly, certain political parties, which have served their purpose and have presently become defunct, which is normal in the functioning of a democracy, also stay on the rolls of the Commission as functioning political parties. It can readily be seen that the state of affairs is not a happy one. The Commission, therefore, suggests that under the existing Section 29A of the Representation of the People Act 1951, another clause may be introduced authorising the Election Commission to issue necessary orders regulating registration and de-registration of political parties.