

**47**

**COMMITTEE ON  
GOVERNMENT ASSURANCES  
(2016-2017)**

**SIXTEENTH LOK SABHA**

**FORTY-SEVENTH REPORT**

REVIEW OF PENDING ASSURANCES PERTAINING  
TO THE MINISTRY OF LAW AND JUSTICE  
(LEGISLATIVE DEPARTMENT)

*(Presented to Lok Sabha on 15 December, 2016)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

***December, 2016/Agrahayana, 1938 (Saka)***

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**CGA No. 297**

*Price:* ₹ 123.00

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifteenth Edition) and Printed by the General Manager, Government of India Press, Minto Road, New Delhi-110 002.

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COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES\*  
(2016-2017)

Dr. Ramesh Pokhriyal “Nishank” — *Chairperson*

MEMBERS

2. Shri Rajendra Agrawal
3. Shri E. Ahamed
4. Shri Anto Antony
5. Shri Tariq Anwar
6. Prof. (Dr.) Saugata Bose
7. Shri Naranbhai Bhikhabhai Kachhadiya
8. Shri Bahadur Singh Koli
9. Shri Prahlad Singh Patel
10. Shri A.T. Nana Patil
11. Shri C. R. Patil
12. Shri Sunil Kumar Singh
13. Shri Tasleemuddin
14. Shri K.C. Venugopal
15. Shri S.R. Vijay Kumar

SECRETARIAT

- |                      |   |                             |
|----------------------|---|-----------------------------|
| 1. Shri R.S. Kambo   | — | <i>Additional Secretary</i> |
| 2. Shri J.M. Baisakh | — | <i>Director</i>             |
| 3. Shri S.L. Singh   | — | <i>Deputy Secretary</i>     |

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\*The Committee has been re-constituted w.e.f. 01 September, 2016 vide Para No. 4075 of Lok Sabha Bulletin Part-II, dated 05 September, 2016.

COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES\*  
(2015-2016)

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2. Shri J.M. Baisakh — *Director*
3. Shri S.L. Singh — *Deputy Secretary*

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\*The Committee was constituted w.e.f. 01 September, 2015 vide Para No. 2348 of Lok Sabha Bulletin Part-II, dated 31 August, 2015.



## INTRODUCTION

I, the Chairperson of the Committee on Government Assurances (2016-2017) having been authorized by the Committee to submit the Report on their behalf, present this Forty-Seventh Report (16th Lok Sabha) of the Committee on Government Assurances.

2. The Committee (2014-15) at their sitting held on 15 March, 2016 took oral evidence of the representatives of the Ministry of Law and Justice (Legislative Department) regarding pending Assurances from the 7th Session of the 14th Lok Sabha to the 6th Session of the 16th Lok Sabha.

3. At their sitting held on 14 December, 2016 the Committee (2016-17) considered and adopted their Forty-Seventh Report.

4. The Minutes of the aforesaid sittings of the Committee form part of this Report.

5. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;  
14 *December*, 2016  

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23 *Agrahayana*, 1938 (*Saka*)

DR. RAMESH POKHRIYAL "NISHANK"  
*Chairperson,*  
*Committee on Government Assurances.*

## REPORT

### I. Introductory

The Committee on Government Assurances scrutinize the Assurances, promises, undertakings etc. given by the Ministers from time to time on the floor of the House and report to the extent to which such Assurances, promises, undertakings etc. have been implemented. Once an Assurance has been given on the floor of the House, the same is required to be implemented within three months. The Ministries/Departments of the Government of India are under obligation to seek extension of time, if they are unable to fulfil the Assurance within the prescribed periods of three months. Where a Ministry/Department are unable to implement an Assurance, that Ministry/Department are required to move the Committee for dropping it. The Committee consider such requests and approve dropping if they are convinced that the grounds cited are justified. The Committee also examine whether the implementation of Assurances has taken place within the minimum time necessary for the purpose and the Committee also look into the extent to which the Assurances have been implemented.

2. The Committee on Government Assurances (2009-2010) took a policy decision to call the representatives of the various Ministries/Departments of the Government of India, in a phased manner, to review the pending Assurances, examine the reasons for pendency and analyze the operation of the system prescribed in the Ministries/Departments for dealing with Assurances. The Committee also decided to consider the quality of Assurances implemented by the Government.

3. The Committee on Government Assurances (2014-2015) decided to follow the well established and time tested procedure of calling the representatives of the Ministries/Departments of the Government of India, in a phased manner and review the pending Assurances. The Committee took a step further for expeditious implementation of pending Assurances and decided to call the representatives of the Ministry of Parliamentary Affairs also as all the Assurances are implemented through them.

4. In pursuance of the *ibid* decision, the Committee on Government Assurances (2015-2016) called the representatives of the Ministry of Law and Justice (Legislative Department) and the Ministry of Parliamentary Affairs to render clarification with respect to delay in implementation of Pending Assurances made during the period from the 7th Session of 14th Lok Sabha to the 6th Session of the 16th Lok Sabha. The Committee examined the following 45 pending Assurances (Appendices-I to XLV) pertaining to the Ministry at their sitting held on 15 March, 2016:—

| Sl.No. | SQ/USQ No. dated                 | Subject   |
|--------|----------------------------------|---|
| 1.     | SQ No. 02<br>dated 17.02.2006    | State Funding of Elections<br>(Appendix-I)      |
| 2.     | USQ No. 1143<br>dated 07.03.2008 | Approval for Election Expenses<br>(Appendix-II) |

| Sl.No. | SQ/USQ No. dated                                   | Subject   |
|--------|--|---|
| 3.     | USQ No. 2657<br>dated 23.07.2009                   | State Funding of Elections<br>(Appendix-III)                                    |
| 4.     | USQ No. 666<br>dated 24.11.2011                    | State Funding for Polls<br>(Appendix-IV)  |
| 5.     | USQ No. 1762<br>dated 07.03.2013                   | Funding of Election<br>(Appendix-V)   |
| 6.     | USQ No. 4939<br>dated 25.04.2013                   | State Funding of Elections<br>(Appendix-VI)                                     |
| 7.     | USQ No. 2623<br>dated 17.03.2006<br>(Appendix-VII) | Amendment in People Representation<br>Act, 1951                                 |
| 8.     | USQ No. 4471<br>dated 22.04.2010                   | Amendment in RPA<br>(Appendix-VIII)   |
| 9.     | General Discussion<br>dated 31.08.2010             | Discussion on Representation of the<br>People (Amendment) Bill<br>(Appendix-IX) |
| 10.    | USQ No. 1672<br>dated 07.03.2013                   | Amendment in RPA<br>(Appendix-X)  |
| 11.    | USQ No. 1048<br>dated 29.11.2012                   | Corporate Donation to Political Parties<br>(Appendix-XI)                        |
| 12.    | USQ No. 1114<br>dated 29.11.2012                   | Amendment to Form 24A<br>(Appendix-XII)   |
| 13.    | USQ No. 4059<br>dated 21.03.2013                   | Paid News<br>(Appendix-XIII)  |
| 14.    | USQ No. 636<br>dated 07.08.2013                    | Paid News in Elections<br>(Appendix-XIV)  |
| 15.    | USQ No. 680<br>dated 26.02.2015                    | Paid News in Elections<br>(Appendix-XV)   |
| 16.    | USQ No. 604<br>dated 07.08.2013                    | Ban on Pre-Polls and Exit Polls<br>(Appendix-XVI)                               |
| 17.    | USQ No. 3436<br>dated 12.02.2014                   | Ban on Opinion Polls/Advertisements<br>(Appendix-XVII)                          |
| 18.    | USQ No. 4512<br>dated 11.08.2014                   | Ban on Opinion Polls<br>(Appendix-XVIII)  |
| 19.    | USQ No. 968<br>dated 11.2.2014                     | Donations Received by Political Parties<br>(Appendix-XIX)                       |
| 20.    | USQ No. 4965<br>dated 25.04.2013                   | Donations to Political Parties<br>(Appendix-XX)                                 |

| Sl.No. | SQ/USQ No. dated                 | Subject   |
|--------|----------------------------------|---|
| 21.    | USQ No. 2069<br>dated 04.12.2014 | Proxy and e-Voting<br>(Appendix-XXI)                    |
| 22.    | USQ No. 6094<br>dated 30.04.2015 | Counting of Votes<br>(Appendix-XXII)                    |
| 23.    | USQ No. 2779<br>dated 23.07.2009 | Deregistration of Political Parties<br>(Appendix-XXIII) |
| 24.    | USQ No. 6191<br>dated 30.04.2015 | Registration of Political Parties<br>(Appendix-XXIV)    |
| 25.    | USQ No. 1839<br>dated 30.07.2015 | Registration of Political Parties<br>(Appendix-XXV)     |
| 26.    | USQ No. 4899<br>dated 09.12.2010 | Amendment in Anti-Defection Law<br>(Appendix-XXVI)      |
| 27.    | USQ No. 2447<br>dated 10.03.2011 | Voting Compulsory<br>(Appendix-XXVII)                   |
| 28.    | SQ No. 66<br>dated 04.08.2011    | Electoral Reforms<br>(Appendix-XXVIII)                  |
| 29.    | USQ No. 5850<br>dated 08.09.2011 | Assistance for Contesting Election<br>(Appendix-XXIX)   |
| 30.    | SQ No. 158<br>dated 01.12.2011   | Electoral Reforms<br>(Appendix-XXX)                     |
| 31.    | USQ No. 570<br>dated 15.03.2012  | Electoral Reforms<br>(Appendix-XXXI)                    |
| 32.    | SQ No. 166<br>dated 23.08.2012   | Electoral Reforms<br>(Appendix-XXXII)                   |
| 33.    | USQ No. 2829<br>dated 14.03.2013 | Electoral Reforms<br>(Appendix-XXXIII)                  |
| 34.    | SQ No. 431<br>dated 25.04.2013   | Money and Muscle Power in Elections<br>(Appendix-XXXIV) |
| 35.    | USQ No. 5034<br>dated 25.04.2013 | Electoral Reforms<br>(Appendix-XXXV)                    |
| 36.    | USQ No. 573<br>dated 14.07.2014  | Improvement in Electoral System<br>(Appendix-XXXVI)     |
| 37.    | USQ No. 3472<br>dated 04.08.2014 | Reforms in Electoral Laws<br>(Appendix-XXXVII)          |

| Sl.No. | SQ/USQ No. dated  | Subject   |
|--------|---|---|
| 38.    | USQ No. 4614<br>dated 11.08.2014  | Electoral Reforms to Check Money<br>Power<br>(Appendix-XXXVIII) |
| 39.    | SQ No. 162<br>dated 04.12.2014  | Electoral Reforms<br>(Appendix-XXXIX)                           |
| 40.    | SQ No. 162<br>dated 04.12.2014<br>(Supplementary by Shri Vinayak<br>Bhaurao Raut, MP) | Electoral Reforms<br>(Appendix-XL)                              |
| 41.    | SQ No. 162<br>dated 04.12.2014<br>(Supplementary by Shri Vinayak<br>Bhaurao Raut, MP) | Electoral Reforms<br>(Appendix-XLI)                             |
| 42.    | USQ No. 4901<br>dated 23.04.2015  | Electoral Reforms<br>(Appendix-XLII)                            |
| 43.    | USQ No. 5003<br>dated 23.04.2015  | Electoral Reforms<br>(Appendix-XLIII)                           |
| 44.    | USQ No. 557<br>dated 23.07.2015   | Electoral Reforms<br>(Appendix-XLIV)                            |
| 45.    | USQ No. 2008<br>dated 10.12.2015  | Electoral Reforms<br>(Appendix-XLV)                             |

5. The Extracts from Manual of Practice and Procedure in the Government of India, Ministry of Parliamentary Affairs laying guidelines on the definition of an Assurance, the time limit for its fulfillment, dropping/deletion and extension, the procedure for fulfillment etc. besides maintenance of Register of Assurances and periodical reviews to minimize delays in implementation of the Assurances are reproduced at Appendix-XLVI.

6. In this regard, the Minister of Law and Justice *vide* his D.O. Letter No. H-11012/2/2015(Parl.) dated 30 September, 2015 had requested to drop the above Assurances on the following ground:—

“The matter of Electoral Reforms is a continuous and ongoing process. Since the matter involves in-depth deliberations with various stakeholders, it would be difficult to indicate specific time frame for implementation of the recommendations. The Law Commission has submitted its 244th and 255th Reports on the issue which are under examination of the Government.”

7. As the Ministry had furnished the same reason for dropping all of the above mentioned 45 Assurances which relate to such different and critical issues as State Funding of Elections; Amendment in Representation of People Act, 1951; Corporate

Donation to Political Parties; Paid News in Elections; Ban on Pre-Polls, Exit Polls and Opinion Polls; Registration and Deregistration of Political Parties; Amendment in Anti-Defection Law; Money and Muscle Power in Elections; Electoral Reforms; etc., the Committee deemed it fit to call the representatives of the Ministry for the oral evidence before taking a decision to drop the Assurances or otherwise.

## **II. Review of Pending Assurances Pertaining to the Ministry of Law and Justice (Legislative Department)**

8. During oral evidence, the attention of the representatives of the Ministry was primarily drawn to the abysmal delay in the fulfilment of the 45 Assurances. The Committee also enquired about the system in place in the Ministry for reviewing the Pending Assurances, compliance with the provisions of the Manual of Practice and Procedure in the Government of India and coordination with the Ministry of Parliamentary Affairs in this regard. The Secretary, Legislative Department deposed before the Committee as under:—

“As you are aware, electoral reforms is a time consuming and a lengthy process. So far there are 60 Assurances in Lok Sabha. Out of these 60, 45 Assurances are mainly relating to the electoral reforms on which the Legislative Department is seeking extension periodically since so many years.

We have furnished the background note as well as details of each Assurance at which stage this is pending. That note indicates how many extensions we have taken so far and what those assurances mainly dealing with. All these aspects have been mentioned in this background note.”

9. Asked to state the steps taken so far by the Ministry to implement the Assurances, the Secretary explained during evidence as under:—

“Since these electoral reforms involve so many aspects and comments of various stakeholders, a number of committees had been constituted. A number of commissions have recommended on the electoral reforms. For example, Goswami Committee, Vora Committee, Indrajit Gupta Committee, Law Commission Report in 1998 and a national commission to review the working of the Constitution, etc. All these committees were constituted and they have given different recommendations on different aspects of electoral reforms. One committee was on de-criminalisation, one committee on state-funding, one committee on paid news and something like that. So different committees have given different recommendations on various electoral reforms. In view of differences in recommendations given on electoral reforms, the Legislation Department thought it better to refer all these recommendations to the Law Commission and request the Law Commission to have a holistic examination of all these recommendations make a consolidated recommendation for the Government to go ahead.

With this intention, we have referred all these recommendations to the Law Commission. It has taken the views of various stakeholders and legal opinion from various persons. They have submitted two reports on this aspect — 244th and 255th reports. They made a number of recommendations in these two

reports. In 244th report, they are dealing only with one aspect, *i.e.*, decriminalisation of politics and in 255th report, they have made a number of recommendations."

10. He added as under:—

"In view of the various recommendations made by the Law Commission, we now thought that we have to have two aspects in this regard. One is the substantive issues and another is the procedural issues. Substantive means, where the Law Commission has completely recommended for implementation, where the Law Commission has rejected for an implementation, where the Law commission has partly agreed for implementation or partly rejected for implementation. In view of the procedural aspect, if the Law Commission agreed to implement recommendations for implementation of those recommendations, which Act is to be amended, whether it is a Constitutional Amendment or it is the Representations of People Act. For this purpose, we have constituted a Task Force consisting of Director and two officers to examine all these Law Commission recommendations and to suggest which Acts need to be amended in this regard and to provide a roadmap to proceed further. These two reports are now before the Task Force. I came to know today that the Task Force has completed its final Report as far as 244th Law Commission Report is concerned and they are examining 253rd Report. After complete submission of the Task Force Reports then the Government will take action on those aspects."

11. Replying to a query of the Committee, the representative of the Ministry stated that the Law Commission submitted the 244th Report in February 2014 and 255th Report in March 2015 respectively.

12. Pointing out that the topic of electoral reforms had been the core issue discussed in Goswami Committee on Electoral Reforms (1990), Vohra Committee Report (1990), Indrajit Gupta Committee on State Funding of Elections (1998), Law Commission Report on Reform of Electoral Laws (1999) and National Commission to Review the Working of the Constitution (2001), the Committee desired to know the recommendations of the Law Commission in this regards. The Secretary during evidence stated as under:—

"These Commissions have submitted these Reports in 1995, 1999, something like that. As I told you earlier, these various Committees have recommended various aspects of electoral reforms. In view of these various electoral reforms and recommendations, the Government thought that it is better to refer it to the Law Commission and request them to have holistic examination, and finally suggest.

So, now, the basis for us, is the final Report submitted by the Law Commission by its 244th and 255th Reports. These two Law Commission Reports are final for us. Now, as I already told the hon. Committee, we want some roadmap as to how to proceed with these recommendations of the Law Commission made in 244th and 255th Reports. One is, substantively, how it is possible; and procedurally, how we will have to proceed. For that purpose, we have constituted a Task Force Committee with three officers. They have completed their studies as far as the 244th Report is concerned. They are about to submit it within two-three days."

13. He further explained as under:—

“As far as 255th Report of the Law Commission is concerned, they may take one month to one and half month. After that we will take a view. Thereafter, we have to consult the stakeholders and take the opinion of legal luminaries, NGOs, political parties, etc. This will involve the consensus of various political parties. Unless there is a consensus, it is not possible for the Government to take a view on that. After taking this political consensus, we have to prepare a Draft Note and send it to the Cabinet. After the Cabinet approval, we have to prepare a Bill and submit it to the Parliament.

So, Sir, these processes are involved. It is very lengthy and time consuming task. That is why our Minister for Law and Justice, in September 2015, had written a DO letter to the hon. Chairman requesting that because of these problems involved in the electoral reforms, it may not be possible to complete this, and so these assurances may be dropped.

On January 6th also, the hon. Minister has submitted a reminder to the hon. Chairman of this Committee requesting him to drop them. He also cited that where the Rajya Sabha Committee on Government Assurance dropped 21 electoral reforms, this Committee may also drop these 45 electoral reforms.”

14. On being enquired about the steps taken to implement the aforesaid recommendations, the Secretary apprised the Committee during evidence as under:—

“We are not saying that we will not implement the recommendations. We will definitely implement because various committees submitted various reports on various aspects. So, we referred to the Law Commission. The Law Commission finally gave its report and now they are being under examination. I think within one month or maximum two months, they will submit a report, then we will take definitely some action. For example, the Law Commission has rejected certain electoral reforms and has accepted certain electoral reforms, has partially accepted and partially rejected. Now, we have to consider which have been rejected and which have been accepted and which have been partially accepted and which have been partially rejected. The recommendations which have been recommended by the Law Commission, we have to examine them again. Whether the RPA 1950 or RPA 1951 is to be amended or IPC is to be amended or Constitution is to be amended, these things have to be examined. That is why, this task force has been constituted. If they submit, definitely, we will take action.”

15. The Committee then asked whether any authority is empowered to amend the Constitution. To this, the Secretary replied during evidence as under:—

“If necessary, we will amend. For example, in the case of state funding, we have to take into account as to how to provide the state funding to the elections. If it requires constitutional amendment, we have to amend.

Otherwise, it is not possible for implementation. We have to examine that aspect.”



16. Further asked whether amendment is required to implement the recommendations of the Law Commission, the Secretary, stated as under:—

“If it requires Constitutional amendment, if it requires legislation or if it requires only subordinate legislation, we have to examine them.”

17. He added as under:—

“Definitely, the Constitution is required to be amended. If any recommendation of the Law Commission requires Constitutional amendment, we have to examine that. That is all. I am not saying that Constitution amendment is required.”

18. The Secretary further submitted regarding implementation of the recommendation of the Law Commission as under:—

“As far as 244th Report is concerned, we will take up the process for the recommendations given by the Law Commission in that Report. For 254th Report, we have to wait for some time. This is my request. I am not saying that we will not implement that. But because of various stages being involved, it is not possible for me to give a time limit for it. It is difficult for me to commit that within this particular time we will complete this. This is my humble submission.”

#### **Observations/Recommendations**

**19. The Committee note that 45 Assurances on various aspects of electoral reforms pertaining to the Ministry of Law and Justice have been pending implementation, the first one dates back to the year 2006. The Minister of Law and Justice *vide* his letter dated 30th September, 2015 had requested to drop these Assurances on the ground that “the matter of electoral reforms is a continuous and ongoing process. Since, the matter involves in-depth deliberations with various stake holders, it would be difficult to indicate specific time frame for implementation of the recommendations. The Law Commission have submitted their 244th and 255th Reports on the issue which are under examination of the Government.” The Committee observe that various Committees/Commissions had been constituted in the past to examine and recommend on varied aspects of electoral reforms. These were Goswami Committee (1990), Vohra Committee (1990), Indrajeet Gupta Committee (1998), Law Commission Report (1999) and National Commission to Review the Constitution (2001). All these Bodies had submitted different recommendations on various electoral reforms to the Government. The Ministry of Law and Justice had referred all these recommendations to the Law Commission to have a holistic examination and make a consolidated recommendation for the Government to go ahead. The Law Commission have submitted two Reports *viz.*, 244th and 255th Report in February, 2014 and March, 2015 respectively. The 244th Report deals with only decriminalization of politics and in 255th Report they have made a number of recommendations. Subsequently, the Ministry have constituted a Task Force to examine all these Law Commission Recommendations and to suggest which Acts need to be amended in this regard and to provide a road map to proceed further. After complete submission of Task Force Report, the Government will take action on those aspects. In evidence, the Law Secretary categorically assured the Committee that pursuant to submission of the report of the Task Force,**

**the recommendations of the Law Commission would be implemented by the Government. However, he was non-committal to a definite time frame for implementation citing that implementation involves complex procedural exercise. The Committee do agree that the Government need more time for implementation and fixing a time frame for the purpose appears unviable. However, considering the imperative need for electoral reforms in the country, the Committee trust that the Government would take all necessary steps to fulfil the Assurances made in this regard as early as possible. Subject to these observations and taking cognizance of the request of the Minister of Law and Justice, the Committee agree to drop the aforesaid 45 Assurances pertaining to the Ministry of Law and Justice.**

NEW DELHI;  
14 December, 2016  
23 Agrahayana, 1938 (Saka)

DR. RAMESH POKHRIYAL "NISHANK"  
*Chairperson,*  
*Committee on Government Assurances.*

**APPENDIX I**

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA STARRED QUESTION NO. 2  
ANSWERED ON 17.02.2006

**State Funding of Elections**

\*2. SHRI KIRTI VARDHAN SINGH:  
SHRI SUGRIB SINGH:

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

- (a) whether the Government has sought the advice of the Election Commission on State funding of elections;
- (b) if so, the details thereof;
- (c) whether the Government is also considering the recommendations of earlier Commissions and also the Tarkunde Committee's recommendations in this regard;
- (d) if so, the details thereof; and
- (e) the time by which a final decision is likely to be taken in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) to (e) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (b) TO (e) OF THE LOK SABHA STARRED QUESTION No. 2 DATED 17TH FEBRUARY, 2006

The Central Government considered the various recommendations/proposals relating to State funding of elections received by it. With a view to building consensus among the recognized political parties, it has decided to request the Election Commission of India for its consideration certain recommendations. Accordingly, on the 2nd January, 2006, the Government requested the Election Commission of India to recommend, in consultation with the recognized political parties, the quantities of the following items to be provided to the recognized political parties or to the candidates set up by them taking into consideration the geographical features and means of communication available:—

“(a) **For recognized political parties:**

- (i) Suitable rent-free accommodation for its headquarters.

- (ii) One rent-free telephone, with Subscriber Trunk Dialing facility with a specified number of telephone calls over and above the free calls permitted to any subscriber.
- (iii) the amount of time to be distributed on private cable television network and electronic media.

**(b) For Candidates of recognized Parties:**

- (i) Specified quantity of petrol/diesel.
- (ii) Specified quantity of paper for printing.
- (iii) Postal stamps of a certain specified amount.
- (iv) For an assembly election, one set of loudspeakers and for a parliamentary election, one set of loudspeakers for every assembly segment, subject to a maximum of six such sets.
- (v) For an assembly election, one telephone with a specified number of free calls, and for a parliamentary election, at the rate of one telephone for every assembly segment, subject to a maximum of six telephones.
- (vi) On the day of poll, some minimum arrangements may be made for the candidates' camps at each polling station.
- (vii) Supply of refreshments and food packets to the counting agents inside the counting hall."

A reply from the Election Commission is awaited.

2. The Government also decided that the Central and the State Governments both must share in the funding.

The scheme of distribution of the above-mentioned items would be worked out after receipt of the recommendations of the Election Commission.

**APPENDIX II**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 1143

ANSWERED ON 7.3. 2008

**Approval for Election Expenses**

1143. SHRI CHENGARA SURENDRAN:

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

(a) whether the Government has received any proposal regarding election expenses of political parties from Election Commission;

(b) if so, whether the Union Government has approved the proposal of the Election Commission of India to meet the Election expenses of Political Parties by the Government;

(c) if so, the details thereof; and

(d) if not, the hurdles coming in the way?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (d) A proposal for State funding of elections based on the recommendations made by the Indrajit Gupta Committee is under consideration of the Government with a view to building a consensus amongst the political parties.

**APPENDIX III**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 2657

ANSWERED ON 23.7.2009

**State Funding of Elections**

2657. SHRI KAILASH JOSHI:

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

(a) whether any Commission has been/is being set up regarding State funding of elections by the Government;

(b) if so, the details of composition and the terms of reference thereof;

(c) the number of meetings held by the said Commission;

(d) whether the Commission has submitted its report;

(e) if so, the main recommendations made by the Commission and the action taken by the Government thereon; and

(f) if not, the time by which the report is likely to be submitted?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY): (a) to (f) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (F) OF THE LOK SABHA UNSTARRED QUESTION NO. 2657 FOR THE 23RD JULY, 2009

Pursuant to a decision taken at the meeting of the leaders of various political parties held on the 22nd May, 1998, under the Chairmanship of the then Home Minister, the Government of India constituted a Committee under the Chairmanship of Shri Indrajit Gupta, Member of Parliament. Initially the Committee consisted of seven Members (all Members of Parliament) including the Chairman. Subsequently, the Committee was expanded by the inclusion of one more Member of Parliament, namely, Prof. Ram Gopal Yadav, on the 6th August, 1998. Further, the services of Shri S.K. Mendiratta, a former Director (Law) and Principal Secretary to the Election Commission, were provided to assist the Committee as its Secretary.

The composition of the Committee is as under:

1. Shri Indrajit Gupta, Chairman
2. Shri Somnath Chatterjee, Member

3. Dr. Manmohan Singh, Member
4. Shri V.K. Malhotra, Member
5. Shri Madhukar Sarpotdar, Member
6. Shri R. Muthiah, Member
7. Shri Digvijay Singh, Member
8. Prof. Ram Gopal Yadav, Member

The terms of reference of the Committee are as under:

"The Committee will:—

- (a) examine the pattern of State funding in other countries where it is in vogue and suggest concrete proposals for providing State funding to candidates set up by recognised political parties, and
- (b) examine, in detail, the following related proposals and make suitable recommendations:
  - (i) maintenance of accounts by political parties and audit thereof;
  - (ii) ban on donations by companies to political parties;
  - (iii) inclusion of expenses of political parties in the election expenses of candidates for the purposes of ceiling on election expenses; and
  - (iv) empowering of the Election Commission of India to fix ceiling on election expenses before every general election."

The Committee after its constitution held a total of eight formal meetings. The Committee has submitted its report in December, 1998.

The Committee had recommended *inter alia*, creation of an 'election fund' of Rs. 1200 crore with contribution of Rs. 600 crore from the Central Government and remaining Rs. 600 crore by way of contribution from all the State Governments including some other recommendations. The Committee, therefore, did not recommend that the Central Government should bear full funds in this regard and no such proposal is, therefore, under consideration of the Government. The Government had, however, invited the comments/views of the State Governments on the recommendations of the Committee and the majority view of the State Governments was that due to financial constraint the State Government will not be able to contribute their share and, therefore, the whole amount should be contributed by the Central Government itself.

In addition to the above, the main recommendation of the Committee which has been considered by the Government and it had sought the recommendations of the Election Commission of India on suggestions made by the Committee. The Election Commission made several recommendations after consulting National and State political parties for providing facilities at State cost to recognized political parties and candidates set up by them, in kind, for example, [(a) **Recognised National/State Parties:**] accommodation for headquarters; 3000 telephone calls for a National Party headquarters

and 1000 calls for a State party headquarters per month over and above the free calls, if any, permitted to any subscriber; one computer with internet connection; adequate air time (already being granted) on Government controlled electronic media; **[(b) Candidates of recognized political parties:]** 300 litres of petrol of 450 litres of diesel for each candidate for every assembly segment, subject, however, to a maximum of 1500 litres of petrol or 2250 litres of diesel for a Parliamentary Constituency; specified quantity of paper for printing of voter slips, etc. in accordance with the number of electores in the Constituency; postage @ one communication (not weighing more than 10 grams) per elector in the Constituency, etc.; one set of loudspeaker with microphone for every Assembly segment, subject to maximum of 10 sets for a Parliamentary Constituency; instead of installing land line telephone, provision for a Mobile Pre-Paid Card to every candidate for Rs.1,500/- (i.e. Rs. 100/- per day) for every Assembly segment, subject to maximum of Rs. 7,500/- for a Parliamentary Constituency; candidates' camps at each polling station (beyond a distance of 200 meters) with two chairs and a table; refreshments and food packets for counting agents inside the counting hall (for independent candidates also), etc. As regards allocation of time to parties on private cable television network and electronic media, the matter is under consideration of the Government in consultation with the Election Commission to evolve some viable practical formula.

In respect of the items mentioned at (a) above, the Election Commission recommended that the same may be provided to political parties by the Government, while the materials/facilities mentioned at (b) above, those may be furnished to the candidates directly by the District Election Officers concerned. The Commission also recommended that the expenditure on account of funding on the above items under (b) should be suitably deductible from the expenditure ceiling of a candidate. The Legislative Department accordingly sought the approval of the Cabinet on these recommendations of the Election Commission as well on the recommendation of the Indrajit Gupta Committee regarding setting up of a corpus of election fund of Rs. 1200 crore with States' contribution of Rs. 600 crore annually to the Fund. The States have been unwilling on the measure(s). Extracts of Chapter-IX of the report of the Committee on State Funding of Elections are given in Annexure to this Statement.

Further, the process of reform of electoral laws is however, a continuous and ongoing process and can be carried out only through consensus among political parties. Since it is a long drawn process, it is not possible to indicate any time-frame.



**APPENDIX IV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 666  
ANSWERED ON 24.11. 2011  
**State Funding for Polls**

666. SHRI DHARMENDRA YADAV:

SHRI ANANDRAO ADSUL:

SHRI ADHALRAO PATIL SHIVAJI:

SHRI GAJANAN D. BABAR:

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

(a) whether the Group of Ministers (GoMs) constituted to tackle corruption has urged the Government to formulate concrete proposals in regard to State funding of elections; and

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

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID): (a) and (b) A Group of Ministers constituted by the Central Government is considering measures that can be taken by the Government to tackle corruption which *inter alia* include the introduction of State funding of elections. The Group of Ministers has discussed certain formulations those could be adopted to address this issue but no final decision has yet been taken.

**APPENDIX V**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 1762

ANSWERED ON 7.3. 2013

**Funding of Election**

1762. DR. THOKCHOM MEINYA:

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

(a) whether there is any proposal to introduce a new law for election funding in order to make it more open and transparent;

(b) if so, the details thereof;

(c) whether such fundings will be allowed for both the recognised political parties and the individual candidates; and

(d) if so, the details thereof?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR): (a) to (d) The issue of electoral reforms in its entirety, which *inter alia* includes the funding of election, has been referred to the Law Commission of India. The Law Commission has been requested to submit its concrete suggestions within three months from 16th January, 2013. On receipt of the recommendations, matter will be further examined in consultation with the stakeholders.

**APPENDIX VI**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 4939

ANSWERED ON 25.4.2013

**State Funding of Elections**

4939. DR. M. THAMBIDURAI:

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

- (a) whether the Government is considering to implement the proposal of State funding of elections;
- (b) if so, the details thereof and if not, the reasons therefor; and
- (c) the time by which the Government is likely to take a decision in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR): (a) to (c) The issue of electoral reforms in its entirety, which *inter alia* includes the funding of elections, has been referred to the Law Commission of India for its recommendations. The Law Commission had been requested to submit concrete suggestions in this regard within three months from 16th January, 2013. However, the Commission has informed that recommendations on electoral reforms would require extensive consultations within the Law Commission, other stakeholders including Election Commission and Political Parties. Hence, the recommendations of the Law Commission are yet to be received. On receipt of the recommendations, matter will be further examined in consultation with the stakeholders towards a suitable decision in the matter at the earliest.

**APPENDIX VII**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 2623

ANSWERED ON 17.3. 2006

**Amendments in Representation of Peoples Act, 1951**

2623. SHRI KISHANBHAI V. PATEL:

SHRI SUGRIB SINGH:

SHRI ANANTA NAYAK:

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

(a) whether the Government proposes to make amendments in the Representation of Peoples Act, 1951 to decriminalise Indian politics in view prevailing corruption in politics;

(b) if so, whether the Government also propose to formulate any code of conduct in respect of elected representatives of people;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (d) The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, in its meeting held on 23rd August, 2005, decided to take up consideration of "Electoral Reforms" referred to it by the Hon'ble Chairman, Rajya Sabha, for examination and report. As such, the entire matter of electoral reforms, which *inter alia*, includes decriminalisation of the Indian politics, is now before the Committee. The recommendations of the Committee are awaited before the Government could take any action.

**APPENDIX VIII**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 4471

ANSWERED ON 22.4.2010

**Amendment in RPA**

4471. DR. KRUPARANI KILLI:

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

- (a) whether the Government contemplates to amend the Representation of Peoples Act to declare 'paid news' as an electoral malpractice;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY): (a) to (c)  
The information is being collected and will be laid on the Table of the House.

## APPENDIX IX

### GENERAL DISCUSSION DATED 31.08.2010 REGARDING DISCUSSION ON REPRESENTATION OF THE PEOPLES (AMENDMENT) BILL

THE MINISTER OF LAW AND JUSTICE (SHRIM. VEERAPPA MOILY): Madam Speaker, I am highly grateful for the overwhelming support expressed by the hon. Members for this Bill.

Insofar as the provisions which have come before this House in the form of an amendment conferring voting rights to the NRIs, I think, it is undisputed. None of them has disputed any of these provisions. But certain additional information has been sought. I will make an attempt to answer some of them.

Coming to internet voting, we have not introduced that in India. When necessary, when technical feasibility and infrastructure is made available in this country, we may then go to that extent of exercising vote through the internet.

Another question which I would like to answer here is about the option of registering in any constituency. If the option of registering in any constituency is allowed, there may be a danger of multiple registration. We have to find out another solution to resolve this kind of a problem. National Register is a different matter altogether, not related to voting. So, I do not want to deal with it further.

Another question was with regard to the credibility of EVMs. As far as the EVMs are concerned, this issue has been examined a number of times. A Technical Expert Committee headed by Prof. P.V. Indiresan, who was the former Director of IIT, Chennai, totally examined it and then gave a finding that it is tamper proof. Of course, allegations have been made against the EVMs. But till today, nobody is able to disprove this. Of course, this is a matter which is agitating the minds of hon. Members of the House. A number of times it has been replied to and ultimately this is the finding as on today.

श्री लालू प्रसाद (सारण): अच्छी वाली मशीन लाकर आपको दिखा दिया और जो मैनीपुलेशन होती है, उसके बारे में नहीं बोल रहे हैं।... (व्यवधान)

अध्यक्ष महोदया: लालू प्रसाद जी, आप बैठ जाइए। मंत्री जी को बोलने दीजिए।

श्री लालू प्रसाद (सारण): अच्छी वाली मशीन आपको दिखा दी और जो मैनीपुलेशन करते हैं, वह नहीं दिखाया।... (व्यवधान)

अध्यक्ष महोदया: आप बैठ जाइए।

श्री लालू प्रसाद (सारण): इसमें गड़बड़ है।... (व्यवधान)

अध्यक्ष महोदया: आप बैठ जाइए। मंत्री जी को बोलने दीजिए।

SHRI M. VEERAPPA MOILY: It is mentioned by the hon. Members that Election Commission has made 24 proposals for a comprehensive amendment to the election laws. In fact, they have made 22 proposals. Out of these 22 proposals, we have already implemented six proposals through the Representation of People (Amendment) Act of 2009. This very House has passed it.

Insofar as other proposals are concerned, they are before the Departmentally Related Standing Committee. As and when it gives the Report, we will definitely come forth with the amendment....(*Interruptions*)

MADAM SPEAKER: Hon. Minister, you can address the Chair.

SHRI M. VEERAPPA MOILY: It is an ideal situation where we have ID cards for everyone. We are making all-round efforts to ensure that every voter will have an ID card. We will make all those efforts. Of course, attempts have been made before too. But till today that could not be done.

I would like to mention that our Ministry is making all-round efforts to have comprehensive electoral reforms. Maybe within two or three months' time we will be holding two-day national consultation and all those proposals which are coming would be examined. If necessary, we will definitely come forward to this House for a comprehensive amendment of electoral reforms.

With these words, I conclude. I commend the Bill for consideration.

MADAM SPEAKER: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MADAM SPEAKER: Now the House will take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 5 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 5 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI M. VEERAPPA MOILY: I beg to move:

"That the Bill be passed."

MADAM SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

**APPENDIX X**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 1672

ANSWERED ON 7.3.2013

**Amendment in RPA**

1672. SHRI P.C. GADDIGOUDAR:

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

- (a) whether the Government proposes to make amendments in the Representation of People's Act, 1951 to decriminalise politics in view of the allegations of corruptions;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR) (a) to (c): Sub-section (1) of section 8 of the Representation of the People Act, 1951 provide that a person convicted of certain offences specified therein, which *inter alia* includes the Prevention of Corruption Act, 1988 (49 of 1988), shall be disqualified, where the convicted person is sentenced to—(i) only fine, for a period of six years from the date of such conviction; (ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years after his release. The Electoral reforms is a continuous and ongoing process. The issue of electoral reforms in its entirety has been referred to the Law Commission of India on 16th January, 2013 and has been requested to submit its concrete suggestions within three months. On receipt of the recommendations, matter will be further examined in consultation with the stake holders. The Government remains committed to bringing forward a purposive agenda for electoral reforms based upon a broader political consensus.



**APPENDIX XI**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 1048  
ANSWERED ON 29.11.2012  
**Corporate Donation to Political Parties**

1048. SHRI DHANANJAY SINGH:

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

- (a) whether any measures are being taken by the Election Commission of India to monitor all corporate donations to various political parties in the country;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor;
- (d) whether any proposal is being considered by the Election Commission of India or by the Government making it mandatory for all political parties to disclose the sources of their corporate fundings;
- (e) if so, the details thereof; and
- (f) if not, the reasons therefor?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR) (a) and (b): Yes, Madam. Sub-section (1) of section 29C of the Representation of the People Act, 1951 provides that the political parties are required to prepare a report of all the contributions received by them exceeding Rs. 20,000/- in a financial year and required to submit the said report to the Election Commission.

(c) Does not arise.

(d) and (e) Recently, the Election Commission of India forwarded proposal to the Government of India to amend Form 24A, which relates to the furnishing of annual returns of income by political parties under section 139 of the Income-tax Act, 1961 to the Election Commission. The proposal *inter alia* includes provision for declaration by political parties about receipt of funds from foreign sources, Government bodies, etc., for annexing certificate from trusts regarding making contributions, mentioning total amount of contribution received by political parties during the year and making it compulsory for all political parties to file contribution reports including 'Nil' reports by political parties even if there is 'nil' contributions in excess of Rs. 20,000/- from a company or person. The matter is being examined.

(f) Does not arise.

**APPENDIX XII**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 1114

ANSWERED ON 29.11.2012

**Amendment to Form 24A**

1114. DR P. VENUGOPAL:

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

(a) whether the Government has received any proposal to amend Form 24A which makes it mandatory for political parties to file details of funds/donations they receive in excess of Rs. 20,000 every year; and

(b) if so, the details thereof and the action being taken thereon?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR): (a) Yes, Madam.

(b) The proposal *inter alia* includes provision for declaration by political parties about receipt of funds from foreign sources, Government bodies, etc., for annexing certificate from trusts regarding making contributions, mentioning total amount of contribution received by political parties during the year and making it compulsory for all political parties to file contribution reports including 'Nil' reports by political parties even if there is 'nil' contributions in excess of Rs. 20,000/- from a company or person. The matter is being examined.

**APPENDIX XIII**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 4059  
ANSWERED ON 21.3.2013

**Paid News**

4059. SHRI NAMA NAGESWARA RAO:  
SHRI AHIR VIKRAMBHAI ARJANBHAI MAADAM:

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

- (a) whether the Government is aware of substantial increase in the cases of paid news during the elections in the country;
- (b) if so, the number of complaints received by the Election Commission regarding paid news during the recent assembly elections, State/UT-wise; and
- (c) the steps taken by the Government in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR): (a) and (b) During recent elections, the Election Commission has identified several cases of paid news through its District and State Level Media Certification and Monitoring Committees, which are as follows:—

- (i) 211 cases of paid news were reported to District/State level Media certification and Monitoring Committees (MCMCs) during general election to Himachal Pradesh Legislative Assembly, 2012, out of which, 104 cases were found as cases of paid news by respective MCMCs.
- (ii) 563 cases of paid news were reported to District/State level MCMCs during general elections to Gujarat Legislative Assembly, 2012, out of which, 414 cases were found as cases of paid news by respective MCMCs.
- (iii) No complaints on paid news were received by District/State level MCMCs in respect of recently held elections of Meghalaya and Nagaland.
- (iv) 5 complaints on paid news were reported to District/State level MCMCs in respect of recently held general election to Tripura Legislative Assembly, out of which no case was decided as paid news by MCMC.

(c) The Election Commission has intimated that in the cases of paid news, the candidates in whose favour such news reports were published were asked to account for such expense in their election expenditure account whereas in case where print media is involved, these were forwarded to Press Council of India for necessary action. A proposal to make paid news a corrupt practice is being considered by a Group of Ministers.

**APPENDIX XIV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 636  
ANSWERED ON 7.8.2013  
**Paid News in Elections**

636. SHRI L. RAJA GOPAL:

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

(a) the aims and objectives of "name and shame" policy being adopted by the Election Commission (EC) in relation to paid news during elections;

(b) the details of cases of paid news reported during elections in each of the last three years, and the current year, year-wise and State-wise along with the action taken on each of the above cases;

(c) whether instances of political parties indulging in paid news are rampant despite EC's vigil;

(d) if so, the manner in which the Election Commission and the Government are planning to curb the same; and

(e) the current status of the proposal to make paid news a corrupt practice?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL): (a) The Election Commission of India has intimated that they have no policy by the name of 'name and shame' policy.

(b) The details of cases of paid news reported during each of last three years, and the current year as furnished by the Election Commission is attached as 'Annexure.'

(c) The Election Commission of India has intimated that there are instances of political parties indulging in paid news reported in most of the elections till date.

(d) Before announcement of each general election, meeting is taken by the Election Commission of India with political parties and media houses separately to sensitize them in respect of paid news and its measures in this connection. During election process, the Election Commission of India constitutes District and State level Media Certification and Monitoring Committees (MCMCs) to examine the cases of paid news and on the basis of the report of MCMC, the notices are issued to candidates concerned to include expenditure on such items in their account of election expenses. Any further

action against the candidates, who do not include such expenditure in their accounts of election expenses is taken only after scrutiny of their election expenditure accounts, submitted by them under section 78 of the Representation of the People Act, 1951. Thereafter, all the established cases of paid news are also forwarded to Press Council of India (PCI) (for print media) and News Broadcasters Association (for electronic media) for taking necessary action in respect of concerned Media houses.

(e) The Government is committed to bring forward a purposive agenda for electoral reforms which, *inter alia*, include curbing the role of paid news in election. With this end in view, the issue of electoral reforms in its entirety has been referred to the Law Commission of India with a request to consider the issue after taking into consideration the reports of various committees in the past, views of the Election Commission and other stakeholders and suggest comprehensive measures for changes in the law. The Law Commission has been requested to give concrete suggestions at the earliest. On receipt of the recommendations of the Law Commission, matter will be further examined in consultation with the stakeholders.

## ANNEXURE

**Status of Paid News Cases during General Election of Bihar, 2010**

| Name of State/UT | No. of Paid News Cases |
|------------------|------------------------|
| Bihar            | 15                     |

**Status of Paid News Cases during General Election in 2011**

| Sl. No. | Name of State/UT | No. of cases, in which notices to the candidate issued | No. of confirmed cases of Paid News |
|---------|------------------|--|-------------------------------------|
| 1.      | Kerala           | 65   | 65                                  |
| 2.      | Puducherry       | 3  | 3                                   |
| 3.      | Assam            | 42   | 27                                  |
| 4.      | West Bengal      | 15   | 8                                   |
| 5.      | Tamil Nadu*      | 11   | 22                                  |

**Status of Paid News Cases during General Election in 2012**

| Sl. No. | Name of State/UT | No. of cases, in which notices to the candidate issued | No. of confirmed cases of Paid News |
|---------|------------------|--|-------------------------------------|
| 1.      | Uttar Pradesh    | 97   | 97                                  |
| 2.      | Uttarakhand      | 60   | 30                                  |
| 3.      | Punjab*          | 339  | 528                                 |
| 4.      | Goa*             | 63   | 9                                   |
| 5.      | Manipur          | Nil  | Nil                                 |
| 6.      | Gujarat          | 495  | 414                                 |
| 7.      | Himachal Pradesh | 190  | 104                                 |

**Status of Paid News Cases during General Election in 2013**

| Sl. No. | Name of State/UT | No. of cases, in which notices to the candidate issued | No. of confirmed cases of Paid News |
|---------|------------------|--|-------------------------------------|
| 1.      | Tripura          | No   | No                                  |
| 2.      | Meghalaya        | No   | No                                  |
| 3.      | Nagaland         | No   | No                                  |

**Status of Paid News Cases during General Election to Karnataka Assembly elections 2013**

| Name of State/UT | No. of cases, in which notices to the candidate issued | No. of confirmed cases of Paid News |
|------------------|--|-------------------------------------|
| Karnataka        | 93   | 93                                  |

\*Certain cases are still in process. Some are getting modified.

**APPENDIX XV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 680  
ANSWERED ON 26.2.2015

**Paid News in Elections**

680. SHRI P.P. CHAUDHARY:

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

- (a) whether the Government proposes to include the cases of paid news during the elections in the category of crime/offence;
- (b) if so, the details thereof and the time by which it is likely to be effected; and
- (c) if not, the mechanism adopted/proposed to be adopted to check such cases?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA):  
(a) to (c) The issue of electoral reforms in its entirety which, *inter alia*, includes issue relating 'paid news' has been referred to the Law Commission of India for its examination and Report. On receipt of the Report of the Law Commission, the matter will be examined in consultation with the stakeholders.

**APPENDIX XVI**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 604  
ANSWERED ON 7.8.2013

**Ban on Pre-polls and Exit Polls**

604. SHRI M. RAJA MOHAN REDDY:

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

- (a) whether the Election Commission of India proposes to ban the pre-poll election survey as well as exit polls before the ensuing Lok Sabha Elections;
- (b) whether the Government has consulted all the recognised political parties and representatives of electronic and print media in this regard; and
- (c) if so, the details thereof?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL): (a) Section 126A of the Representation of the People Act, 1951 (43 of 1951) provides for restriction on publication and dissemination of result of exit polls. As regards pre-poll election survey, there is a proposal of the Election Commission of India to restrict the publication of opinion polls during elections. The proposal is under consideration of the Government.

- (b) No, Madam.
- (c) Does not arise.



**APPENDIX XVII**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 3436  
ANSWERED ON 12.2.2014

**Ban on Opinion Polls/Advertisements**

3436. DR. NILESH N. RANE:  
SHRI ASADUDDIN OWAISI:

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

- (a) whether the Government proposes to ban opinion polls and advertisements appearing in the print media on the day of polls;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether opinions of other Ministries/political parties/representatives of electronic and print media in this regard have been obtained;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) the time by which a final decision is likely to be taken by the Government in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL): (a) and (b) The issue of electoral reforms in its entirety, which, *inter alia*, includes ban on opinion polls and advertisements in print media on the day of polls, has been referred to the Law Commission of India for its recommendations.

(c) and (d) As per information gathered by the Election Commission of India, most of the political parties have favoured ban on opinion poll.

(e) On receipt of the report containing the recommendations of the Law Commission on electoral reforms, the matter will be further examined in consultation with the stakeholders.

**APPENDIX XVIII**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 4512  
ANSWERED ON 11.8.2014

**Ban on Opinion Polls**

4512. SHRI PRALHAD JOSHI:

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

- (a) whether the Government proposes to impose ban on opinion polls in the country;
- (b) if so, the details thereof along with the action taken by the Government in this regard;
- (c) whether it is likely to curb the freedom of expression of person in a democratic country; and
- (d) if so, the details thereof and the reaction of the Government thereto?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): (a) to (d) The issue of electoral reforms in its entirety, which *inter alia*, includes ban on opinion polls has been referred to the Law Commission of India for its recommendations. Presently there is no proposal with the Government to ban opinion polls.

**APPENDIX XIX**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 968

ANSWERED ON 11.12.2013

**Donations Received by Political Parties**

968. SHRI ARJUN MEGHWAL:

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

(a) whether the Government proposes mandatory audit of the donations received by political parties;

(b) if so, the details thereof;

(c) whether any mechanism has been developed to get the details of donations received by political parties;

(d) if so, the details thereof;

(e) whether the Government has devised/proposes to devise a system for political parties to contest election on public expenditure; and

(f) if so, the details in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL): (a) to (d) Under section 29B of the Representation of the People Act, 1951, every political party may accept any amount of contribution from individuals and companies (other than Government companies) which are voluntarily offered to it. Under Section 29C of the said Act, the parties are required to submit a report with the Election Commission containing the details of the contributors who have contributed a sum of more than rupees twenty thousand in a financial year. There are suggestions for making audit of the accounts of the political parties by the auditor approved by the Comptroller and Auditor General of India and publication of the same. The political parties file their income-tax returns as per law and there is no decision, as of now for mandatory audit of the donations received by the political parties.

(e) and (f) The Government is committed to bring forward a purposive agenda for electoral reforms which, *inter alia*, include funding of election. In the past, the Indrajit Gupta Committee recommended for introducing partial state funding of elections.

However, due to diverse opinion among the political parties on this issue, the recommendations could not be implemented. The issue of electoral reforms in its entirety has been referred to the Law Commission of India with a request to consider the issue after taking into consideration the reports of various committees in the past, views of the Election Commission and other stakeholders and suggest comprehensive measures for changes in the law. The Law Commission has been requested to give concrete suggestions at the earliest. On receipt of the recommendations of the Law Commission, matter will be further examined in consultation with the stakeholders.

**APPENDIX XX**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 4965

ANSWERED ON 25.4.2013

**Donation to Political Parties**

4965. SHRI SHAILENDRA KUMAR:

SHRI JOSE K. MANI:

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

(a) whether the Union Government has considered the necessity to have a more transparent accounting procedure to be followed by political parties relating to donations from both big and small donors either by cheque or cash; and

(b) if so, the response of the Government to the suggestion made by the Election Commission to make amendments in Form 24 A under Income Tax Act, 1961?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR): (a) The Government is concerned about the need to have a transparent accounting procedure to be followed by the political parties relating to donations received by it. One such step towards it has been taken by Government by introduction of the Electoral Trusts Scheme, 2013 for approval of electoral trusts under clause (22AAA) of section 2 of Income Tax Act, 1961 and insertion of new rule 17CA for functioning of electoral trusts for the purpose of section 13B of the said Act. Scheme and rules provide that the electoral trust shall be a company registered under section 25 of the Companies Act, 1956. It provides that 95% contributions received in any financial year shall be distributed to political parties, registered under section 29A of the Representation of the People Act, 1951, within the financial year itself. It is further provided that no contribution shall be received in cash. It is also provided that complete details of the contributors including their Permanent Account Number would be taken by the electoral trusts at the time of receiving any contribution. Therefore, the scheme and the rules provide for a transparent mechanism of contributions to political parties through electoral trusts.

(b) In the interest of greater transparency with regard to contributions received during any financial year by political parties under section 29B of the Representation of the People Act, 1951, they are required to file a report in Form 24A under rule 85B of the Conduct of Elections Rules, 1961 read with section 29C of the said Act. The Election Commission has requested the Government to amend the said Form 24A which is under consideration.

**APPENDIX XXI**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 2069

ANSWERED ON 4.12.2014

**Proxy and e-Voting**

2069. SHRIANTO ANTONY:

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

(a) whether the Representation of the People Act, 1951, has provision for facilitating proxy and e-voting and if so, the details thereof;

(b) whether there is any proposal for extending these facilities to the Non-Resident Indians (NRIs) who are unable to exercise their franchise in India;

(c) if so, the details thereof;

(d) whether the Hon'ble Supreme Court has recently sought the opinion of the Government on the aforesaid matter; and

(e) if so, the details thereof and the response of the Government thereto?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRID.V. SADANANDA GOWDA) (a) Section 60 of the Representation of the People Act, 1951 read with sub-section (8) of section 20 of the Representation of the People Act, 1950 provides for the facility of proxy voting to the members of armed forces of the Union and members of a force to which the provisions of Army Act, 1950 have been made applicable. There is no provision of e-voting in the Representation of the People Act, 1951.

(b) and (c) The proposal extending the facility of proxy voting and e-Postal Ballot System to overseas electors (NRIs) is under consideration of the Government.

(d) Yes, Madam.

(e) The Committee set up by the Election Commission for exploring the options for providing other modes of voting to the overseas electors has, *inter alia* recommended for the voting through e-postal ballot paper and proxy voting as the additional alternative options. The Hon'ble Supreme Court has asked the Government to submit its response to the said report. The matter is under consideration of the Government.

**APPENDIX XXII**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 6094

ANSWERED ON 30.4.2015

**Counting of Votes**

6094. SHRI KODIKUNNIL SURESH:

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

(a) whether the Law Commission has recommended that votes should be merged and counting should be done assembly-wise/constitency-wise instead of area-wise to maintain the secrecy in voting;

(b) if so, the details thereof along with the action taken by the Government thereon;

(c) whether the Government proposes to introduce totalizer vote counting machine; and

(d) if so, the details thereof along with the timeframe set for implementation of the same?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): (a) to (d) The Law Commission of India, in its 255th Report has recommended the use of Totalizer for counting of votes recorded in the Electronic Voting Machines (EVMs). Totalizer facilities mixing of votes recorded in several voting machines and thus prevent disclosure of voting patterns of specific areas, precluding victimization or favouritism towards electors. The recommendations of the Law Commission are under consideration of the Government. Since the matter involves in depth deliberations with various stake-holders, it would be difficult to indicate specific time frame for implementation of the recommendations.

**APPENDIX XXIII**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 2779

ANSWERED ON 23.07.2009

**Deregistration of Political Parties**

2779. DR. VINAY KUMAR PANDEY 'VINNU':

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**

THE MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY): (a) and (b): The Election Commission of India from time to time makes recommendations 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 of 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.

**APPENDIX XXIV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 6191  
ANSWERED ON 30.04.2015

**Registration of Political Parties**

6191. SHRI B. VINOD KUMAR:  
SHRIMATI KOTHAPALLI GEETHA:

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

(a) whether the Government proposes to amend relevant laws to cancel registration of political parties which do not contest specific number of elections over a particular period of time; and

(b) if so, the details thereof?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): (a) and (b) The Law Commission in its 255th Report has recommended for providing for the de-registration of a political party for failure to contest Parliamentary or State elections for ten consecutive years. The recommendations made in the Report are under consideration of the Government.

**APPENDIX XXV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 1839  
ANSWERED ON 30.07.2015

**Registration of Political Parties**

1839. SHRIMATI RAMA DEVI:

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

- (a) the details of political parties registered with the Election Commission in the country along with the date of their registration;
- (b) the names of political parties which have not contested any election for the last five years;
- (c) whether the Government/Election Commission proposes to take any steps for de-registration of such political parties and if so, the details thereof;
- (d) whether these political parties file income tax returns showing sources of their income; and
- (e) if so, the details thereof during the last three years and if not, the reasons therefor?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): (a) The Election Commission has informed that as on 24.07.2015, 1866 political parties are registered with the Commission. Out of these 1866 political parties, 56 political parties are recognised (National/State) political parties and the remaining are un-recognised registered political parties. The date of registration of these political has not been compiled.

(b) In the last general election to the House of People held in 2014 (16th Lok Sabha), 464 political parties set up candidates. There would be some parties which contest elections to the Legislative Assemblies and local bodies. The information about the parties contesting elections to local bodies is not available in the Commission.

(c) The Law Commission in its 255th Report has recommended for the de-registration of a political party for failure to contest Parliamentary or State elections for ten consecutive years. The recommendations made in the Report are under consideration of the Government.

(d) and (e) Political parties are required to file their Income Tax Returns under section 139 of Income Tax Act, 1961 before the Income Tax Department. As political parties do not file copy of their income tax returns with the Election Commission of India, such information is not available with the Commission.

**APPENDIX XXVI**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 4899

ANSWERED ON 9.12.2010

**Amendment in Anti-Defection Law**

4899. SHRI K. SUDHAKARAN:

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

(a) whether the Government is planning to amend the Anti-Defection Law, 1985 to make it more democratic and transparent; and

(b) if so, the details thereof?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY): (a) and (b) The Government has identified Anti-Defection Law as one of the core issues for discussion at Regional level and National level consultations on electoral reforms to be concluded in April, 2011. After examining the various suggestions as may be received, the Government will work out the details of necessary legislative changes in the matter.

**APPENDIX XXVII**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 2447

ANSWERED ON 10.03.2011

**Voting Compulsory**

2447. DR. M. THAMBIDURAI:

SHRI SAJJAN VERMA:

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

- (a) whether the Government proposes to make voting compulsory for all;
- (b) if so, the details thereof;
- (c) the steps being taken to ensure transparency in elections; and
- (d) if so, the details thereof?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY): (a) and (b) The issue was considered by the Committee on Electoral Reforms, 1990 (Dinesh Goswami Committee) but the measure was, however, not favoured because of the practical difficulties involved in its implementation.

(c) and (d) With a view to carrying out comprehensive electoral reforms, a Core Committee has been constituted on 1st October, 2010. The Committee would examine, *inter alia*, conduct and better management of elections. The Committee under the aegis of Legislative Department and in co-sponsorship of the Election Commission of India conducted six regional consultations at Bhopal, Kolkata, Mumbai, Lucknow, Chandigarh and Bengaluru, wherein the stakeholders have been consulted, who *inter alia* included leaders and workers of the political parties, legislators, legal luminaries, representatives of NGOs, eminent persons, civil servants (serving and retired), students etc. and views have been gathered. A National Consultation is also scheduled to be held shortly at New Delhi. On the basis of the inputs received/as may be received in all these consultations, legislative process as may be considered necessary will be initiated by the Government in due course.

**APPENDIX XXVIII**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA STARRED QUESTION NO. 66

ANSWERED ON 4.08.2011

**Electoral Reforms**

\*66. SHRI GURUDAS DASGUPTA:

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

(a) whether the Government proposes to bring about comprehensive electoral reforms;

(b) if so, the details thereof; and

(c) the steps being taken by the Government in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID): (a) to (c) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (C) OF LOK SABHA STARRED QUESTION NO. 66 FOR ANSWER ON THE 4TH AUGUST, 2011.

With a view to carrying out comprehensive electoral reforms, a Core Committee has been constituted on the 1st October, 2010 under the Chairmanship of an Additional Solicitor General. The talking points of the Committee included: (i) Criminalisation of Politics; (ii) Funding of Elections; (iii) Conduct and Better Management of Elections; (iv) Regulation of Political Parties; (v) Audit and Finances of Political Parties; (vi) Review of Anti-Defection Law. The Committee under the aegis of Legislative Department and in co-sponsorship of the Election Commission of India conducted seven regional consultations at Bhopal, Kolkata, Mumbai, Lucknow, Chandigarh, Bengaluru and Guwahati, wherein the stakeholders have been consulted, who *inter alia* included leaders and workers of the political parties, legislators, legal luminaries, representatives of NGOs, eminent persons, civil servants (serving and retired), students etc. and views have been gathered. On the basis of the inputs received in all these consultations, legislative process as may be considered necessary will be initiated by the Government in due course.

**APPENDIX XXIX**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 5850

ANSWERED ON 8.09.2011

**Assistance for Contesting Election**

5850. SHRI NEERAJ SHEKHAR:  
SHRIMATI JAYA PRADA:

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

(a) whether the Government proposes to provide certain facilities/assistance to female, SC/ST and Tribal candidates for contesting elections for Parliament and State Legislatures;

(b) if so, the details thereof; and

(c) the status of the proposal formulated in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID): (a) to (c) The question of providing certain facilities/assistance to female, SC/ST and tribal candidates for contesting elections to the Parliament and State Legislatures, is being examined as part of the comprehensive proposals on electoral reforms. Having regard to the financial and other implications of the proposal, it will take some time before a final decision in the matter could be arrived at.

**APPENDIX XXX**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA STARRED QUESTION NO. 158

ANSWERED ON 1.12.2011

**Electoral Reforms**

\*158. DR. MURLIMANO HAR JOSHI:  
SHRI ANANTKUMAR HEGDE:

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

- (a) the details of deficiencies from which the present day electoral system, suffers;
- (b) whether the Government proposes to include the Right to reject and the Right to recall, as a part of ushering electoral reforms;
- (c) if so, the details thereof;
- (d) the other measures under consideration, for cleansing electoral system; and
- (e) the time by which further reforms in the electoral process are likely to be introduced?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID): (a) to (e)  
A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLIES TO PARTS (A) TO (E) OF LOK SABHA  
STARRED QUESTION NO. 158 FOR ANSWERING ON 1ST DECEMBER, 2011

(a) There are certain areas which need to be strengthened so as to plug the loopholes crept into the electoral laws as well as to introduce some need based measures which broadly relate to: (i) Decriminalisation of Politics; (ii) Funding of Elections; (iii) Conduct and Better Management of Elections (iv) Regulation of Political Parties; (v) Audit and Finances of Political Parties; and (vi) Review of Anti-Defection Law.

(b) and (c) The Government intends to include these two proposals for discussions with the all political parties for taking a considered view in the matter.

(d) With a view to carrying out comprehensive electoral reforms, a Core Committee has been constituted on the 1st October, 2010 under the Chairmanship of Additional Solicitor General. The Committee under the aegis of Legislative Department and in-cosponsorship of the Election Commission of India conducted seven regional



consultations at Bhopal, Kolkata, Mumbai, Lucknow, Chandigarh, Bengaluru and Guwahati, wherein the Stakeholders have been consulted, who *inter alia* included leaders and workers of the political parties, legislators, legal luminaries, representatives of NGOs, eminent persons, civil servants (serving and retired), students etc. and views have been gathered. During these consultations several issues have been brought forward which could be pondered upon. The details of these consultations are available on the website of the Ministry of Law and Justice, *i.e.* [www.lawmin.nic.in](http://www.lawmin.nic.in)

(e) As the matter involves deep study and careful consideration in consultations with the political parties before a decision could be arrived at, no rigid time-frame could be given at this stage.

**APPENDIX XXXI**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

LOK SABHA UNSTARRED QUESTION NO. 570

ANSWERED ON 15.03.2012

**Electoral Reforms**

570. SHRI KODIKKUNNIL SURESH:  
SHRI D.B. CHANDRE GOWDA:  
SHRI VIRENDER KASHYAP:  
SHRIMATI J. SHANTHA:  
SHRI SOMEN MITRA:  
SHRI C. SIVASAMI :

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

- (a) whether the Government proposes to bring about comprehensive electoral reforms in the country;
- (b) if so, the details thereof;
- (c) whether it is a fact that the Dinesh Goswami Committee had recommended several measures including giving Model Code of Conduct statutory backing;
- (d) if so, the details of these recommendations of the Dinesh Goswami Committee;
- (e) whether the Government proposes to give Election Model Code of Conduct statutory backing;
- (f) if so, the details thereof; and
- (g) if not, the reasons therefor?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID) : (a) and (b) With a view to carrying out comprehensive electoral reforms, a Core Committee has been constituted on the 1st October, 2010 under the Chairmanship of an Additional Solicitor General. The talking points of the Committee included: (i) Crimilistation of Politics, (ii) Funding of Elections, (iii) Conduct and Better Management of Election, (iv) Regulation of Political Parties; (v) Audit and Finances of Political Parties ; and (vi) Review of Anti-Defection Law. The Committee under the aegis of Legislative Department and in co-sponsorship of the Election Commission of India conducted seven regional consultations at Bhopal, Kolkata, Mumbai, Lucknow, Chandigarh,

Bengaluru and Guwahati, wherein the stakeholders have been consulted, who *inter alia* included leaders and workers of the political parties, legislators, legal luminaries, representatives of NGOs, eminent persons, civil servants (serving and retired), students etc. and views have been gathered. An all party Consultation is also under consideration. On the basis of the inputs received or as may be received in all these consultations, legislative process as may be considered necessary will be initiated by the Government in due course.

(c) and (d) The Dinesh Goswami had recommended several measures including statutory backing for vital and important provisions of the Model Code of Conduct. An extract of these recommendations is attached as Annexure 'A'.

(e) At present there is no such proposal.

(f) and (g) Do not arise.

**APPENDIX XXXII**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA STARRED QUESTION NO. 166  
ANSWERED ON 23.08.2012

**Electoral Reforms**

\*166. SHRI GOPINATH MUNDE:  
SHRI JEETENDRA SINGH BUNDELA:

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

(a) whether the Government has taken note of the suggestions received from the Election Commission of India, State Governments, political parties and other stakeholders in respect of electoral reforms;

(b) if so, the details thereof; and

(c) the steps taken by the Government to bring about electoral reforms in the country?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID): (a) to (c)  
A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLIES TO PARTS (A) TO (C) OF LOK SABHA  
STARRED QUESTION NO. 166 FOR ANSWERING ON THE 23RD AUGUST, 2012.

(a) to (c) With a view to carrying out comprehensive electoral reforms, a Core-Committee was constituted under the Chairmanship of Additional Solicitor General. The talking points of the Committee included (i) De-criminalisation of Politics; (ii) Funding of Elections; (iii) Conduct and Better Management of Elections; (iv) Regulation of Political Parties; (v) Audit and Finances of Political parties; and (vi) Review of Anti- Defection Law. The Committee under the aegis of Legislative Department and in co-sponsorship of the Election Commission of India conducted seven regional consultations at Bhopal, Kolkata, Mumbai, Lucknow, Chandigarh, Bengaluru and Guwahati, wherein the stakeholders have been consulted, who *inter-alia* included leaders and workers of the political parties, legislators, legal luminaries, representatives of NGOs, eminent, persons, civil servants (serving and retired), students etc. and views have been gathered. The details of these consultations have been put on the website of the Ministry of Law and Justice *i.e.* [www.lawmin.nic.in](http://www.lawmin.nic.in). On the basis of the inputs received in these consultations, discussion with all political parties is contemplated.

**APPENDIX XXXIII**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 2829  
ANSWERED ON 14.08.2012

**Electoral Reforms**

2829. SHRIMATI JAYA PRADA:  
SHRI NAMA NAGESWARA RAO:

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

(a) whether the three member Committee headed by Justice J.S. Verma in its report has stated that electoral reforms in India are integral to the achievement of gender justice and the prevention of sexual offences against women and suggested that the Representation of the People Act, 1951 be amended;

(b) if so, the details thereof and the steps proposed to be taken thereon;

(c) whether the Election Commission has been pushing for reforms and had sent a report in 1998 which was again repeated in 2004 but was ignored by the Government; and

(d) if so, the details in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR): (a) Yes, Madam.

(b) The recommendations of the three member Committee headed by Justice J.S. Verma on electoral reforms alongwith observation of the Election Commission of India's thereon have been forwarded to the Law Commission of India, which is already examining the issue of electoral reforms in its entirety.

(c) and (d) The Government of India has been receiving suggestions on electoral reforms from the Election Commission of India from time to time and have taken certain measures including amendment in election laws. In July, 2004, the Election Commission of India had sent a set of 22 proposals on electoral reforms. Before the Government could take further action, the Chairman, Rajya Sabha on the 27th September, 2004 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. The Government then forwarded the proposals received by it to the Hon'ble Committee for its consideration. In the meanwhile, 5 out of these 22 proposals have been implemented by amending the Representation of the People Act, 1950 and

the Representation of the People Act, 1951 *vide* the Representation of the People (Amendment) Act, 2009. the Hon'ble Committee in its meeting held on 6th May, 2010 dropped the subject "Electoral Reforms" from its agenda.

A Core-committee was also constituted on the 1st October, 2010 under the Chairmanship of Additional Solicitor General. The talking points of the Committee included (i) De-criminalisation of Politics; (ii) Funding of Elections; (iii) Conduct and Better Management of Elections; (iv) Regulation of Political Parties; (v) Audit and Finances of Political Parties; and (vi) Review of Anti-Defection Law. The Committee under the aegis of Legislative Department and in co-sponsorship of the Election Commission of India conducted seven regional consultation and views were gathered.

The issue of electoral reforms, in its entirety, has now been referred to the Law Commission of India with a request to consider the issue after taking into consideration the reports of various committees in the past, views of the Election Commission and other stakeholders and suggest comprehensive measures for changes in the law. The Law Commission has been requested to give concrete suggestions by April this year. On receipt of the recommendation of the Law Commission, matter will be further examined in consultation with the stakeholders.

**APPENDIX XXXIV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA STARRED QUESTION NO. 431  
ANSWERED ON 25.04.2012

**Money and Muscle Power in Elections**

\*431. SHRI VIJAY BAHADUR SINGH:

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

- (a) whether the growing influence of money and muscle power is evident in parliamentary and legislative elections;
- (b) if so, the reaction of the Government thereto;
- (c) whether the Election Commission has suggested any measures to address the issue;
- (c) if so, the details thereof; and
- (d) the steps taken/being taken to conduct free and fair elections in the country?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR): (a) to (e) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLIES TO PARTS (A) TO (E) OF LOK SABHA STARRED QUESTION NO. 431 FOR 25TH APRIL, 2013.

(a) and (b) There is a preception that the influence of money and muscle power in parliamentary and legislative elections is increasing. The Government and the Election Commission are seriously concerned about the role of money and muscle power in elections.

(c) to (e) Government of India has been receiving suggestions/recommendations on electoral reforms from time to time from various bodies including the Election Commission, political parties, eminent persons. State Legislatures and public bodies. With a view to curbing and eliminating the influence of money and muscle power in elections and in the light of the experience gained during elections and suggestions received from time to time, the successive Governments have taken measures to bring electoral reforms by amending the election laws.

To carry out further reforms and with a view *inter-alia* to eliminate the use of unaccounted money and muscle power in elections, the issue of electoral reforms in its

entirety has been referred to the Law Commission with a request to consider the issue after taking into consideration the reports of various committees in the past, views of the Election Commission and other stakeholders and suggest comprehensive measures for changes in the law. The Law Commission had been requested to submit concrete suggestions in this regard within three months from 16th January, 2013. However, the Commission has informed that recommendations on electoral reforms would required extensive consultations within the Law Commission, other stakeholders including Election Commission and Political Parties. Hence, the recommendations of the Law Commission are yet to be received. On receipt of the recommendations, matter will be further examined in consultation with the stakeholders towards a suitable decision in the matter at the earliest.

The measures already taken by Election Commission include opening of separate division in the Election Commission to oversee election expenditure, appointment of Expenditure Observers and Assistant Expenditure Observers, Deployment of Flying Squads and Static Surveillance Teams to keep vigil over movement of cash linked with candidates or political parties, or items of bribe meant for inducement of elections, liquor and other illicit items during election and their seizure, Media Certification and Monitoring Committee to keep a watch on media advertisements and suspected cases of paid news, Maintenance of Shadow Observation Register and Folder of evidence in respect of each candidate, Video Surveillance Team to oversee major items of expenditure, opening of separate bank account by the candidate for the purpose of election expenses and involving the Income Tax Department to keep vigil over movement of cash through the airports, hotels, financial brokers etc. in the constituency during election process. The Election Commission has also issued instruction of all candidates and political parties to avoid cash transactions during election process.



**APPENDIX XXXV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 5034  
ANSWERED ON 25.04.2013

**Electoral Reforms**

5034. SHRI NRIPENDRA NATH ROY:

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

(a) whether the Law Commission of India has submitted its suggestions on electoral reforms in the country;

(b) if so, the salient features of the suggestions and the further steps being taken thereon;

(c) whether the amendment to the People's Representation Act particularly on disqualification of candidates with criminal records is also under consideration; and

(d) if so, the details thereof?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR): (a) The 20th Law Commission was requested to submit concrete suggestions on electoral reforms within three months from 16th January, 2013. However, the Commission has informed that recommendations on electoral reforms would require extensive consultations within the Law Commission, other stakeholders including Election Commission and Political Parties. The Law Commission has started deliberation on the issue and are likely to submit their suggestions to Government soon.

(b) to (d) Do not arise.

**APPENDIX XXXVI**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 573  
ANSWERED ON 14.07.2014

**Improvement in Electoral System**

573. SHRI JAGDAMBIKA PAL :  
SHRI ANURAG SINGH THAKUR :

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

- (a) whether the influence of unfair means in the present electoral system is rapidly rising in the country;
- (b) if so, details thereof along with the steps taken by the Government to check these flaws;
- (c) whether the Government is considering to include 'Right to Reject' and 'Right to Recall' as a part of electoral reforms;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) the remedial measures taken by the Government in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): (a) and (b) There is no empirical data available with the Government to conclude that the influence of unfair means in the present electoral system is rapidly rising in the country.

(c) to (e) The issue of electoral reforms in its entirety, which, *inter alia*, includes issue relating to Right to Reject and Right to Recall, has been referred to the Law Commission of India for its recommendations. On receipt of the recommendations of the Law Commission the matter will further be examined in consultation with the Stakeholders.

**APPENDIX XXXVII**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 3472  
ANSWERED ON 4.04.2014

**Reforms in Electoral Laws**

3472. SHRI C.S. PUTTA RAJU:  
SHRI OM PRAKASH YADAV:

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

- (a) whether the Government proposes to make any changes in laws relating to elections in the country;
- (b) if so, the details thereof;
- (c) whether the Government is considering to make voting compulsory for all voters on pilot basis in few States to test its practicality and if so, the details thereof;
- (d) whether the Government has invited suggestions/comments from various stakeholders in this regard; and
- (e) if so, the details thereof?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): (a) to (e) Amendments in the laws relating to Election is a continuous and ongoing process by which the provisions of such laws are strengthened from time to time. Keeping in view the comprehensive electoral reforms the Government has referred this matter in its entirety, including the compulsory voting along with other issues, to 20th Law Commission and presently the same is under consideration. The Law Commission has sought the views from all the parties on this matter and report thereof is yet to be submitted by the Commission. The matter would be further examined in consultation with all the stakeholders after the recommendations of the Law Commission are received.

**APPENDIX XXXVIII**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 4614  
ANSWERED ON 11.08.2014  
**Electoral Reforms to Check Money Power**

4614. SHRI M.B. RAJESH:

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

(a) whether the influence of money power in Parliamentary and Assembly polls is on the rise in the country;

(b) if so, whether the Election Commission has suggested some measures to control the same;

(c) if so, the details thereof; and

(d) the action taken/being taken by the Government in this regard?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): (a) There is a perception that the influence of money power in Parliamentary and Legislative elections is increasing. The Government and the Election Commission are seriously concerned about the role of money and muscle power in elections.

(b) to (d) The Government of India has been receiving suggestions/recommendations on electoral reforms from time to time from various bodies including the Election Commission, political parties, eminent persons, State Legislatures and public bodies. With a view to curbing and eliminating the influence of money power in elections and in light of the experience gained during elections and suggestions received from time to time, the successive Governments have taken measures to bring electoral reforms by amending the elections laws.

To carry out further reforms and with a view *inter alia* to eliminate the use of money power in elections, the issue of electoral reforms in its entirety has been referred to the Law Commission with a request to consider the issue after taking into consideration the reports of various committees in the past, views of the Election Commission and other stakeholders and suggest comprehensive measures for changes in the law. The recommendations of the Law Commission are yet to be received. On receipt of the recommendations, matter will be further examined in consultation with the stakeholders towards a suitable decision in the matter at the earliest.

The measures already taken by Election Commission include opening to separate division in the Election Commission to oversee election expenditure, appointment of Expenditure Observers and Assistant Expenditure Observers, deployment of Flying Squads and Static Surveillance Teams to keep vigil over movement of cash linked with candidates or political parties, or items of bride meant for inducement of elections, liquor and other illicit items during election and their seizure, Media Certification and Monitoring Committee to keep a watch on media advertisements and suspected cases of paid news, Maintenance of Shadow Observation Register and Folder of evidence in respect of each candidate, Video Surveillance Team to oversee major items of expenditure, opening of separate bank account by the candidate for the purpose of election expenses and involving the Income Tax Department to keep vigil over movement of cash through the airports, hotels, financial brokers etc. in the constituency during election process. The Election Commission has also issued instructions to all candidates and political parties to avoid cash transactions during election process.

**APPENDIX XXXIX, XL, XLI**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA STARRED QUESTION NO. 162  
ANSWERED ON 4.12. 2014

**Electoral Reforms**

\*162. SHRI VINAYAK BHAURAO RAUT:  
SHRI M. RAJA MOHAN REDDY:

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

(a) whether the Government proposes to introduce major electoral reforms in the country including mandatory voting in General Elections as well as in local bodies elections;

(b) if so, the details thereof; and

(c) whether Law Commission has also recommended some reforms in the electoral process and if so, the details thereof along with action taken thereon by the Government?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): (a) to (c) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLIES TO PARTS (A) TO (C) OF LOK SABHA STARRED QUESTION NO. 162 FOR ANSWER ON THE 4TH DECEMBER, 2014

The issue of electoral Reforms in its entirety has been referred to the Law Commission of India for its examination and Report. On receipt of the Report of the Law Commission, the matter will be further examined in consultation with the stakeholders. At present no proposal is under consideration of the Government for mandatory voting in General elections. Local bodies elections are conducted by the State Election Commissions which is a separate constitutional body.

In pursuance of the Ho'n'ble Supreme Court Order dated 16-12-2013 in the W.P. No. 536 of 2011 in the matter of Public Interest Foundation & Ors. Vs Union of India and Anr. pending disposal before it, the Law Commission has submitted its 244th Report containing the following recommendations:—

(i) *Disqualification on framing of charges*

Suggesting insertion of a new section 8B in the Representation of the People Act, 1951, the Law Commission has recommended that:

- (a) Only offences which have a maximum punishment of five years or above ought to be included within the remit of this provision;
- (b) Charges filed upto one year before the date of scrutiny of nominations for an election will not lead to disqualification.
- (c) The disqualification will operate till an acquittal by the trial court, or for a period of six years, whichever is earlier.
- (d) For charges framed against sitting M.Ps, the trials must be expedited so that they are conducted on a day to day basis and concluded within a one year period. If trial is not concluded within one year period then one of the following consequences ought to ensue:
  - The MP/MLA may be disqualified at the expiry of one year period;
  - "OR"
  - The MP/MLA's right to vote in the House as a member, remuneration and other perquisites attached to their office shall be suspended at the expiry of one year period.

(ii) *Filing of false affidavits:*

The Law Commission has recommended the following changes in the Representation of the People Act, 1951:—

- (a) Introduce enhanced sentences of a minimum of two years under section 125A of the Representation of the People Act, 1951 on the filling of false affidavits;
- (b) Include conviction under section 125A as a ground of disqualification under section 8(1) of the Representation of the People Act, 1951.
- (c) Include the offence of filling false affidavit as a corrupt practice under section 123 of the Representation of the People Act, 1951.

The above recommendations of the Law Commission are under examination of the Government.

The Hon'ble Supreme Court in the aforementioned writ matter *vide* its order dated 10-03-2014 had directed that in relation to sitting MPs and MLAs who have charges framed against them for the offences which are specified in section 8(1), 8(2) and 8(3) of the Representation of the People Act, 1951, the trial shall be concluded as speedily and expeditiously as may be possible and in no case later than one year from the date of the framing of charge(s). The Court further directed that in such cases, as far as possible, the trial shall be conducted on a day-do-day basis. If for some extraordinary circumstances the concerned court is being not able to conclude the trial within one year from the date of framing of charge(s), such court would submit the report to the Chief Justice of the respective High Court indicating special reason for not adhering to the above time limit and delay in conclusion of the trial and, in such situation, the Chief Justice may issue appropriate directions to the concerned court extending the time for conclusion of the trial.

The interim directions of the Hon'ble Court have been brought to the notice of all concerned by the Government of India.

श्री विनायक भाऊराव राऊत (रत्नागिरी-सिंधुदुर्ग): अध्यक्ष महोदया, भारत को आजादी मिलने के बाद लोकतंत्र प्रणाली को स्वीकार किया गया और इस लोकतंत्र प्रणाली में परम पूज्य बाबासाहेब अम्बेडकर जी के नेतृत्व में संविधान समिति का निर्माण हुआ, उस संविधान समिति के माध्यम से भारतीय जनता को मतदान का एक सामान्य अधिकार प्राप्त हुआ, जो एक विशेषाधिकार है। लेकिन दुर्भाग्य से यह मतदान प्रक्रिया आज पूरी तरह से सुधर नहीं रही है, इसे दोषरहित करने की जरूरत है।

मेरा प्रश्न यह है कि जैसे केन्द्र सरकार ने उच्चतम न्यायालय में बहुत बड़ी रिपोर्ट पेश की है।

उससे साफ है कि केंद्र सरकार भी इसमें सुधार लाना चाहती है। लेकिन आज की चुनाव प्रणाली में सामाजिक कार्य के बजाय, अच्छे कामों के बजाए धन शक्ति के एक प्रभाव का निर्माण हुआ है। क्या केंद्र शासन, चुनाव आयोग ने इसके नियंत्रण के लिए कुछ उपाय सुझाए हैं? उन सुझावों को अमल में लाने के लिए केंद्र सरकार ने क्या कदम उठाए हैं?

SHRID.V. SADANANDA GOWDA: Madam Speaker, 'electoral reforms' is one of the major issues that is being debated across the country, nowadays. Of course, several steps had been taken earlier. Several Committees and Commissions had given certain suggestions. In January, 2013, all those suggestions, which were given, have been referred to the Law Commission to give a detailed Report. After receiving the Law Commission's Report, we will discuss the matter, in detail.

But one thing is certain that today, the people across the country want to see free and fair elections. It is the intention of the people of this country that money and muscle power in elections have to be reduced.

There are several issues, which are before the Government under its due consideration. But as soon as we get the Report from the Law Commission, we will certainly look into it. We will have discussions with all the stakeholders, political parties and other across the country; and go ahead.

श्री विनायक भाऊराव राऊत (रत्नागिरी-सिंधुदुर्ग): अध्यक्ष महोदया, हिंदुस्तान में कई स्तर के चुनाव होते हैं, जैसे जिला परिषद् है, विधान सभा, लोक सभा, नगरपरिषद् या नगरपालिका। हरेक चुनाव में अलग-अलग चुनाव सूची तैयार की जाती है। मैं आपके माध्यम से मंत्री महोदय से यह जानना चाहता हूँ कि क्या भविष्य में सारे लोकतांत्रिक चुनावों में एक ही मतदाता सूची को अमल में लाया जाएगा या नहीं?

दूसरा, अभी सारे चुनाव ईवीएम के माध्यम से होते हैं। उसके ऊपर कई सवाल खड़े हो रहे हैं। मैं यह जानना चाहता हूँ कि ईवीएम का जो सत्यापन है, उसके लिए एक विश्वसनीयता निर्माण होने के लिए, ईवीएम का जो बटन दबाते हैं, उसके साथ-साथ जानकारी के लिए जो पर्ची आनी चाहिए, क्या उसका भी प्रावधान केंद्र सरकार विधि आयोग के माध्यम से करने वाली है?

SHRI D.V. SADANANDA GOWDA: Madam Speaker, as far as the local bodies elections are concerned, they come under the jurisdiction of the State Election Commission.

The Election Commission of India will conduct elections for the Members of



Parliament and the State Legislatures. There is a thinking before the Government that elections for the Members of Parliament and State Legislatures should be held simultaneously. It is under active consideration of the Government. But only after receiving the Report from the Law Commission, it has to be distributed across the people, and then we will move forward.

As far as Electronic Voting Machines are concerned, we are at it and we want to see that each and every area is taken into consideration so that we should go ahead.

SHRI M. RAJA MOHAN REDDY: Thank you, Madam Speaker. The Election Commission has conducted a number of laudable electoral reforms to strengthen democracy and enhance changes of elections on the recommendations made, from time to time, by the following Committees setup by the Government.

1. Tarkunde Committee, in 1975
2. Goswami Committee in 1990
3. Indrajit Gupta Committee in 1998
4. Election Commission's Recommendations, 1998

But a lot of recommendations, to cleanse the electoral process and check malpractices in elections, are yet to be carried out.

Madam, many parties make tall promises at the time of elections in their manifestos. But they forget them once they get elected. So I would like to know from the hon. Minister as to how he is going to ensure that the elections promises made by the different parties, when they come to power, are adhered to by them.

Also, is there any proposal under consideration of the Government on State funding of elections with a view to check generation and flow of black money in the elections? If so, the details thereof....(*Interruptions*).

SHRI D.V. SADANANDA GOWDA: Madam Speaker, Electoral Reforms Vision Statement has already been prepared....(*Interruptions*) This was referred to the Law Commission to look into the matter. Various issues, including what he said and also the issue of State funding, need to be taken into consideration. Only after the Law Commission's Report, we can discuss the matter in detail....(*Interruptions*).

About 17 issues have been referred to the Electoral Reforms Commission. I can place them before the House....(*Interruptions*) Eligibility of the candidates, what should be done as far as the criminal antecedents of the candidates are concerned, disclosure of the criminal antecedents, negative voting, increasing official limits on campaign expenditure, disclosure of assets and liabilities, curbing the cost of the election expenditure, State funding of elections, changes in preparation of electoral rolls,....(*Interruptions*) curbing of Government sponsored advertisement, restriction of opinion polls, prevention of campaign during 48 hours before elections, avoiding victimization of officers posted for election duties, punishment for electoral offences and adjudication of election disputes, communalization of politics—all these issues have been referred to the Law Commission.

Certainly, this Government is very much eager to see that certain reforms are brought. Along with that, we are also thinking on the lines of giving voting rights to NRIs and mandatory voting....*(Interruptions)* All these issues are before us. Certainly, a radical change needs to be brought in the electoral system and this Government is committed to do it....*(Interruptions)* Only after getting the Report from the Law Commission, we can go ahead...*(Interruptions)*.

SHRI PRALHAD JOSHI (DHARWAD): Madam, thank you for giving me an opportunity to raise a supplementary.

So many Committees have been formed and electoral reforms have also been done from time to time ..*(Interruptions)* In the recent elections in Jammu and Kashmir there was 71 per cent voting because of the best arrangement done by the Central Government. I congratulate the Government and the Election Commission for that...*(Interruptions)*

But what is happening recently is that in many elections the people will have their voter ID cards but their names will be missing. The voters' list is not properly maintained ...*(Interruptions)* For example, in February, 2013, there was a local body election. People, who had voted in that local body election in February, 2013, could not vote in the elections held in April, 2013 because their names were deleted. So many things are happening as far as the electoral list is concerned...*(Interruptions)* What would the Government like to do it to see that electoral roll is properly maintained without victimizing somebody to repeal or add their names? ..*(Interruptions)*.

SHRI D.V. SADANANDA GOWDA: Madam Speaker, several complaints have come as far as this matter is concerned, We have received several complaints across the country...*(Interruptions)* All these matters have been referred to the Election Commission and we want to see that none of the voters is restrained from voting. So this is the intention of the Government. We are at it. The Election Commission has taken serious note of it...*(Interruptions)* We are going one step ahead with regard to this matter.

HON. SPEAKER: Now, Shri Karunakaran.

*(Interruptions)*

HON. SPEAKER: What happened?

*(Interruptions)*

(ends)

HON. SPEAKER: Shrimati P.K. Sreemathi Teacher, Q. No. 163—Not Present..

...*(Interruptions)*

HON. SPEAKER: Shrimati Ranjeet Ranjan. She is not asking her question.

...*(Interruptions)*

HON. SPEAKER: This is not proper. माननीय सदस्य प्रश्न पूछते हैं और इस प्रकार से हल्ला होता है तो यह अच्छी बात नहीं है। I am sorry.

...*(Interruptions)*

HON. SPEAKER: Mr. Minister, Q. No. 163.

**APPENDIX XLII**

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 4901  
ANSWERED ON 23.4 2015

**Electoral Reforms**

4901. SHRI NANA PATOLE:

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

- (a) whether the Election Commission of India has made certain recommendations to the Government regarding electoral reforms; and
- (b) if so, the details thereof alongwith the steps being taken by the Government thereon?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA):  
(a) to (b) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLIES TO PARTS (A) AND (B) OF LOK SABHA QUESTION NO. 4901 FOR ANSWER ON 23rd APRIL, 2015

(a) and (b) The Government of India has been receiving suggestions/ recommendations on electoral reforms from time to time from various bodies including Election Commission of India, political parties, eminent persons in public life etc.

With a view to carry out further reforms, the issue of electoral reforms in its entirety was referred to the Law Commission of India with a request to consider the issue after taking into consideration the reports of various Committees in the past, views of Election Commission and other stakeholders and suggest comprehensive measures for changes in the Law. The Law Commission has since submitted its 244th and 255th Reports containing the following recommendations:

***I. The 244th Report of the Commission:***

Suggesting insertion of a new section 8B in the Representation of the People Act, 1951, the Law Commission has recommended that:—

- (i) *Disqualification on framing of charges*
  - (a) Only offences which have a maximum punishment of five years or above ought to be included with the remit of this provisions.

- (b) Charges filed upto one year before the date of scrutiny of nominations for an election will not lead to disqualification.
- (c) The disqualification will operate till an acquittal by the trial court, or for a period of six years, whichever is earlier.
- (d) For charges framed against sitting MPs/MLAs, the trials must be expedited so that they are conducted on a day-to-day basis and concluded within one year period. If trial is not concluded within one year period then one of the following consequences ought to ensue:
  - The MP/MLA may be disqualified at the expiry of the one year period, or
  - The MP/MLA's right to vote in the House as a member, remuneration and other perquisites attached to their office shall be suspended at the expiry of one year period.

(ii) *Filing of false affidavits*

The Law Commission has recommended the following changes in the Representation of the People Act, 1951:—

- (a) Introduce enhanced sentence of a minimum of two years under section 125A of the Representation of People Act, 1951 on the filing of false affidavits;
- (b) Include conviction under section 125A as a ground of disqualification under section 8(1) of the Representation of People Act, 1951; and
- (c) Include the offence of filing false affidavits as a corrupt practice under section 123 of the Representation of People Act, 1951.

**II. The 255th Report of the Commission:**

The Law Commission submitted its 255th Report, containing recommendations on other aspects of the electoral reforms which, *inter alia*, include the following important aspects:—

(i) *Paid News and Political Advertisements*

- Insection of the definitions of "paying for news", "receiving payment for news" and "political advertisement" in section 2 of the Representation of the People Act, 1951.
- Insection of section 127B in the 1951-Act by creating an electoral offence of "paying for news"/"receiving payment for News" carrying stringent punishment apart from attracting disqualification for the candidates.
- Insection of "paying for news" as a corrupt practice in Section 123 of the 1951-Act.
- Insection of section 127C in the 1951-Act thereby proposing "Non-disclosure of interest in political advertisement as an electoral offence.

- Insection of section 127D in the 1951-Act describing 'Offences by Companies'.

(ii) *Opinion Polls*

- Amendment of section 126(1)(b) of the 1951-Act, thereby preventing the publication, publicity, or dissemination of any election matter by print or electronic media.
- Insertion of sub-section (2A) 126 of the 1951-Act provding that the cognizance of the offence under said shall be taken by the Court only on the basis of a complaint made by order of or under authority from the Election Commission or the Chief Electoral Officer of the State.
- Insertion of new sections 126C and 126D in the 1951-Act regulating the opinion polls so as to ensure that the credentials of the organisations conducting the poll is made known to the public; the public has a chance to assess the validity of the methods used in conducting the opinion polls; the public is made adequately aware that opinion polls are in the nature of forecasts or predictions, and as such are liable to error, and offences by companies.

(iii) *Totalizer:*

Recommended the use of totalizer for the counting of votes recorded in EVMs by amendment of rule 66A of the Conduct of Election Rules, 1961. Totaliser facilities mixing of votes recorded in serveral voting machines and thus prevents disclosure of voting patterns of specific areas, precluding victimization or favouritism towards electors.

The recommendations of the Law Commission are under examination of the Government.

**APPENDIX XLIII**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 5003  
ANSWERED ON 23.4.2015

**Electoral Reforms**

5003. SHRI KAMAL NATH:  
SHRI GUTHA SUKENDER REDDY:  
SHRI CH. MALLAREDDY:  
SHRI ASADUDDIN OWAISI:  
SHRI JYOTIRADITYA M. SCINDIA:  
SHRI BHARAT SINGH:  
DR. SHRIKANT EKNATH SHINDE:  
SHRI KALIKESH N. SINGH DEO:

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

- (a) whether the Law Commission of India has recently submitted its report on 'Electoral Reforms';
- (b) if so, the salient features of the recommendations made in the report;
- (c) the reaction of various stakeholders including Election Commission of India to the said recommendations; and
- (d) the time-frame set by the Government for examination and implementation of the said recommendations?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA):  
(a) to (d) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLIES TO PARTS (A) to (D) OF LOK SABHA QUESTION NO. 5003 FOR ANSWER ON 23RD APRIL, 2015.

(a) to (d) Yes Madam. The Law Commission of India has submitted the following recommendations in its 244th and 255th Reports:—

*I. The 244th Report of the Commission:*

Suggesting insertion of a new section 8B in the Representation of the People Act, 1951, the Law Commission has recommended that:—

(i) *Disqualification on framing of charges*

- (a) Only offences which have a maximum punishment of five years or above ought to be included within the remit of this provision.
- (b) Charges filed upto one year before the date of scrutiny of nominations for an election will not lead to disqualification.
- (c) The disqualification will operate till an acquittal by the trial court, or for a period of six years, whichever is earlier.
- (d) For charges framed against sitting MPs/MLAs, the trials must be expedited so that they are conducted on a day-to-day basis and concluded within one year period. If trial is not concluded within one year period then one of the following consequences ought to ensue:
  - The MP/MLA may be disqualified at the expiry of the one year period, or
  - The MP/MLA's right to vote in the House as a member, remuneration and other perquisites attached to their office shall be suspended at the expiry of one year period.

(ii) *Filing of false affidavits*

The Law Commission has recommended the following changes in the Representation of the People Act, 1951:—

- (a) Introduce enhanced sentence of a minimum of two years under section 125A of the Representation of People Act, 1951 on the filing of false affidavits;
- (b) Include conviction under section 125A as a ground of disqualification under section 8(1) of the Representation of People Act, 1951; and
- (c) Include the offence of filing false affidavits as a corrupt practice under section 123 of the Representation of People Act, 1951.

II. *The 255th Report of the Commission:*

The Law Commission submitted its 255th Report, containing recommendations on other aspects of the electoral reforms which, *inter alia*, include the following important aspects:—

(i) *Paid News and Political Advertisements*

- Insertion of the definitions of "paying for news", "receiving payment for news" and "political advertisement" in section 2 of the Representation of the People Act, 1951
- Insertion of section 127B in the 1951 Act by creating an electoral offence of "paying for news"/"receiving payment for News" carrying stringent punishment apart from attracting disqualification for the candidates.
- Insertion of "paying for news" as a corrupt practice in Section 123 of the 1951 Act.

- Insertion of section 127C in the 1951 Act thereby proposing "Non-disclosure of interest in political advertisement" as an electoral offence.
- Insertion of section 127D in the 1951 Act describing 'Offences by Companies'.

(ii) *Opinion Polls*

- Amendment of section 126(1)(b) of the 1951-Act, thereby preventing the publication, publicity or dissemination of any election matter by print or electronic media.
- Insertion of sub-section (2A) in section 126 of the 1951 Act providing that the cognizance of the offence under said section shall be taken by the Court only on the basis of a complaint made by order of or under authority from the Election Commission or the Chief Electoral Officer of the State.
- Insertion of new sections 126C and 126D in the 1951 Act regulating the opinion polls so as to ensure that the credentials of the organisations conducting the poll is made known to the public; the public has a chance to assess the validity of the methods used in conducting the opinion polls; the public is made adequately aware that opinion polls are in the nature of forecasts or predictions, and as such are liable to error, and offences by companies.

(iii) *Totalizer*

Recommended the use of totalizer for the counting of votes recorded in EVMs by amendment of rule 66A of the Conduct of Election Rules, 1961. Totalizer facilitates mixing of votes recorded in several voting machines and thus prevents disclosure of voting patterns of specific areas, precluding victimization or favouritism towards electors.

The recommendation of the Law Commission are under examination of the Government. Since the matter involves in-depth deliberations with various stakeholders, it would be difficult to indicate specific time-frame for implementation of the recommendation.



**APPENDIX XLIV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT  
LOK SABHA UNSTARRED QUESTION NO. 557  
ANSWERED ON 23.7. 2015

**Electoral Reforms**

557. SHRI ASHWINI KUMAR:  
SHRI ELUMALAI V.:  
SHRI BIDYUT BARAN MAHATO:

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

- (a) whether the Election Commission has recommended to hold Lok Sabha and State Legislative Assemblies elections simultaneously;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether the Government proposes to introduce 'right to reject' and 'right to recall' as part of electoral reforms and if so, the details thereof; and
- (d) the present status of Report Nos. 244 and 255 submitted by the Law Commission on electoral reforms and the time by which these are likely to be implemented?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRID. V. SADANANDA GOWDA): (a) and (b) The Standing Committee on Personnel, Public Grievances, Law & Justice is examining the matter in consultation with all stakeholders.

(c) The Law Commission has submitted its 255th Report on the issue of "Electoral Reforms". However, the Law Commission has not recommended the 'Right to Reject' and 'Right to Recall' in the said Report.

(d) The recommendations made by the Law Commission in its 244th and 255th Report are under examination of the Government. Since the matter involves in-depth deliberations with various stakeholders, it would be difficult to indicate specific time-frame for implementation of the recommendations.

**APPENDIX XLV**  
GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LOK SABHA UNSTARRED QUESTION NO. 2008  
ANSWERED ON 10.12.2015

**Electoral Reforms**

2008. ADVOCATE NARENDRA KESHAV SAWAIKAR:  
SHRI HARIOM SINGH RATHORE:

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

(a) whether the Government has assessed or has any data regarding the total expenditure incurred by the Government on conducting various elections in the country during each of the last three years and the current year;

(b) if so, the details thereof;

(c) whether the Government has examined the Law Commission Report Nos. 244 and 255 on electoral reforms and if so, the details and outcome thereof;

(d) whether the Government has taken any decision regarding holding of simultaneous elections to Lok Sabha and State Legislative Assemblies and use of totalizer machines for counting of votes and if so, the details thereof; and

(e) if not, the time by which the electoral reforms are likely to be implemented in the country?

**ANSWER**

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA):  
(a) to (e) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN RESPECT OF LOK SABHA UNSTARRED QUESTION NO. 2008 FOR 10.12.2015.

(a) to (b) As per the policy of the Government, the expenditure incurred on the Lok Sabha Election (be it General or Bye-elections) is entirely borne by the Central Government when such elections are held independently. However, the expenditure on State/Union Territory Legislative Assemblies is shared on a half and half basis only when these elections are held simultaneously with the Lok Sabha elections. For conduct of General election to Lok Sabha, the State/Union Territory (with Legislature) Governments propose their demands to the Central Government as provisional estimates. The Central Government releases the funds to the State/Union Territory Government keeping in view the demands received from them availability of funds. This exercise is of a routine nature and funds are released on a year-to-year basis. The

State/Union Territory Governments incur the expenditure for conduct of General elections to Lok Sabha from their Consolidated Fund and thereafter make a claim for reimbursement of the incurred amount to the Central Government. The election accounts are settled only after receipt of the Audit Certificates from the Office of the Accountant-General of the respective State/Union Territory Governments. However, the provisional releases made to State/Union Territory Governments during the last three years *i.e.* 2012-13, 2013-14 and 2014-15 are as given below:—

*(Figures in crore)*

| Year    | Provisional Release |
|---------|---------------------|
| 2012-13 | 190.37              |
| 2013-14 | 328.60              |
| 2014-15 | 510.00              |

(c) and (d) The 244th and 255th Reports of the Law Commission of India on Electoral Reforms are currently being examined by a Task Force with a view to prepare a roadmap for implementation of the various recommendations.

(e) The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice is examining the issue of simultaneous elections to Lok Sabha and State Legislative Assemblies. Use of Totalizer for counting of votes is one of the recommendations of the Law Commission, which is currently under examination. Since the matter involves wide consultations and deliberations with various stakeholders, no specific time-frame can be indicated for implementation of the recommendations.

## APPENDIX XLVI

(Vide para 5 of the Report)

### EXTRACTS FROM MANUAL OF PRACTICE & PROCEDURE IN THE GOVERNMENT OF INDIA, MINISTRY OF PARLIAMENTARY AFFAIRS, NEW DELHI

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|                           |  |
|---------------------------|--|
| Definition                | <p>8.1 During the course of reply given to a question or a discussion, if a Minister gives an undertaking which involves further action on the part of the Government in reporting back to the House, it is called an 'assurance'. Standard list of such expressions which normally constitute assurances and as approved by the Committees on Government Assurances of the Lok Sabha and the Rajya Sabha, is given at <i>Annex 3</i>. As assurances are required to be implemented within a specified time-limit, care should be taken by all concerned while drafting replies to the questions to restrict the use of these expressions only to those occasions when it is clearly intended to give an assurance in these terms.</p> <p>8.2 When an assurance is given by a Minister or when the Presiding Officer directs the Government to furnish information to the House, it is extracted by the Ministry of Parliamentary Affairs from the relevant proceedings and communicated to the department concerned normally within 10 working days of the date on which it is given.</p>   |
| Deletion from the list of | <p>8.3.1 If the administrative department has any objection to treating such a statement as an assurance or find that it would not be in the public interest assurances to fulfil it, it may write to the Lok Sabha, Rajya Sabha Secretariat direct with a copy to the Ministry of Parliamentary Affairs within a week of the receipt of such communication for getting it deleted from the list of assurances. Such action will require prior approval of the Minister.</p> <p>8.3.2 Departments should make request for dropping of assurances immediately on receipt of statement of assurances from the Ministry of Parliamentary Affairs and only in rare cases where they are fully convinced that the assurances could not be implemented under any circumstances and there is no option left with them but to make a request for dropping. Such requests should have the approval of their Minister and this fact should be indicated in their communication containing the request. If such a request is made towards the end of the stipulated period of three months, then it should invariably be accompanied with a request for extension of time. The department should continue to seek extension of time till a decision of the Committee on Government Assurances is received by them. Copy</p> |

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|   | of the above communications should be simultaneously endorsed to the Ministry of Parliamentary Affairs.   |
| Time limit for fulfilling an assurance        | 8.4.1 An assurance given in either House is required to be fulfilled within a period of three months from the date of the assurance. This time-limit has to be strictly observed.   |
| Extension of time for fulfilling an assurance | 8.4.2 If the department finds that it is not possible to fulfil the assurance within the stipulated period of three months or within the period of extension already granted, it may seek further extension of time direct from the respective Committee on Government Assurances under intimation to the Ministry of Parliamentary Affairs as soon as the need for such extension becomes apparent, indicating the reasons for delay and the probable additional time required. Such a communication should be issued with the approval of the Minister.   |
| Registers of assurances                       | 8.5.1 The particulars of every assurance will be entered by the Parliament Unit of the department concerned in a register as at <i>Annex 4</i> after which the assurance will be passed on to the concerned section.<br><br>8.5.2 Even ahead of the receipt of communication from the Ministry of Parliamentary Affairs, the section concerned should take prompt action to fulfil such assurances and keep a watch thereon in a register as at <i>Annex 5</i> .<br><br>8.5.3 The registers referred to in paras 8.5.1 and 8.5.2 will be maintained separately for the Lok Sabha and the Rajya Sabha assurances, entries therein being made session-wise.   |
| Role of Section Officer and Branch Officer    | 8.6.1 The Section Officer in-charge of the concerned section will: <ul style="list-style-type: none"> <li>(a) scrutinise the registers once a week;</li> <li>(b) ensure that necessary follow-up action is taken without any delay whatsoever;</li> <li>(c) submit the registers to the branch officer every fortnight if the House concerned is in session and once a month otherwise, drawing his special attention to assurances which are not likely to be implemented within the period of three months; and</li> <li>(d) review of pending assurances should be undertaken periodically at the highest level in order to minimise the delay in implementing the assurances.</li> </ul> 8.6.2 The branch officer will likewise keep his higher officer and Minister informed of the progress made in the implementation of assurances, drawing their special attention to the causes of delay. |

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| Procedure for fulfillment of an assurance  | <p>8.7.1 Every effort should be made to fulfil the assurance within the prescribed period. In case only part of the information is available and collection of the remaining information would involve considerable time, an implementation report containing the available information should be supplied to the Ministry of Parliamentary Affairs in part scrutinize of the assurance, within the prescribed time-limit. However, efforts should continue to be made for expeditious collection of the remaining information for complete implementation of the assurance at the earliest.</p> <p>8.7.2 Information to be supplied in partial or complete fulfillment of an assurance should be approved by the Minister concerned and 15 copies thereof (bilingual) in the prescribed proforma as at <i>Annex 6</i>, together with its enclosures, along with one copy each in Hindi and English duly authenticated by the officer forwarding the implementation report, should be sent to the Ministry of Parliamentary Affairs. If, however, the information being furnished is in response to an assurance given in reply to a question etc., asked for by more than one member, an additional copy of the completed proforma (both in Hindi and English) should be furnished in respect of each additional member. A copy of this communication should be endorsed to the Parliament Unit for completing column 7 of its register.</p> <p>8.7.3 The implementation reports should be sent to the Ministry of Parliamentary Affairs and not to the Lok/Rajya Sabha Secretariat. No advance copies of the implementation reports are to be endorsed to the Lok Sabha/Rajya Sabha Secretariat either.</p> |
| Laying of the implementation report on the Table of the House                                      | <p>8.8 The Ministry of Parliamentary Affairs, after a scrutiny of the implementation report, will arrange to lay it on the Table of the House concerned. A copy of the statement, as laid on the Table, will be forwarded by the Ministry of Parliamentary Affairs to the Member as well as the department concerned. The Parliament Unit of the department concerned and the concerned section will, on the basis of this statement make a suitable entry in their registers.</p>  |
| Obligation to lay a paper on the Table of the House <i>vis-a-vis</i> assurance on the same subject | <p>8.9 Where there is an obligation to lay any paper (rule/order/notification, etc.) on the Table of the House and for which an assurance has also been given, it will be laid on the Table, in the first instance, in fulfillment of the obligation, independent of the assurance given. After this is done, a report in formal implementation of the assurance indicating the date on which the paper was laid on the Table will be sent to the Ministry of Parliamentary Affairs in the</p>  |

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|   | prescribed proforma ( <i>Annex 6</i> ) in the manner already described in para 8.7.2.   |
| Committees on Government Assurances LSR 323,324 RSR 211-A | 8.10 Each House of Parliament has a Committee on Government assurances nominated by the Speaker/Chairman. It scrutinized the implementation reports and the time taken in the scrutinized of Government assurances and focuses attention on the delays and other significant aspects, if any, pertaining to them. Instructions issued by the Ministry of Parliamentary Affairs from time to time are to be followed strictly. |
| Reports of the Committees on Government Assurances        | 8.11 The department will, in consultation with the Ministry of Parliamentary Affairs, scrutinize the reports of these two Committees for remedial action wherever called for.   |
| Effect on assurances on dissolution of the Lok Sabha      | 8.12 On dissolution of the Lok Sabha, all assurances, promises or undertakings pending implementation are scrutinized by the new Committee on Government Assurances for selection of such of them as are of considerable public importance. The Committee then submits a report to the Lok Sabha with a specific recommendation regarding the assurances to be dropped or retained for implementation by the Government.      |

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**MINUTES**  
COMMITTEE ON GOVERNMENT ASSURANCES  
(2015-16)  
**(SIXTEENTH LOK SABHA)**  
NINTH SITTING  
**(15.03.2016)**

The Committee sat from 1500 hrs. to 1600 hrs. in Committee Room "139", Parliament House Annexe, New Delhi.

PRESENT

Dr. Ramesh Pokhriyal 'Nishank' — *Chairperson*

MEMBERS

2. Shri Rajendra Agrawal
3. Shri E. Ahamed
4. Shri Tariq Anwar
5. Shri Naran Bhai Kachhadia
6. Shri Bahadur Singh Koli
7. Shri A.T. Nana Patil

SECRETARIAT

1. Shri R.S. Kambo — *Joint Secretary*
2. Shri S.C. Chaudhary — *Director*
3. Shri T.S. Rangarajan — *Additional Director*
4. Shri S.L. Singh — *Deputy Secretary*

WITNESSES

**Ministry of Law and Justice (Legislative Department)**

1. Dr. G. Narayana Raju, Secretary
2. Dr. Reeta Vasishtha, Additional Secretary
3. Shri Jose Thomas, Consultant



## Ministry of Parliamentary Affairs

1. Shri Manoharan, Deputy Secretary
2. Shri A.B. Acharya, Under Secretary

At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them of the day's agenda. The Committee then took oral evidence of the representatives of the Ministry of Law and Justice (Legislative Department) regarding some of the pending Assurances from 7th session of 14th Lok Sabha to 6th session of 16 Lok Sabha pertaining to the Ministry (Annexure-I). The Committee took up for review the following 45 Assurances of the Ministry of Law and Justice (Legislative Department):

**A. State Funding of Elections**

- (i) SQ No. 02 dated 17.02.2006 (Shri Kirti Vardhan, MP) regarding 'State Funding of Elections'
- (ii) USQ No. 1143 dated 07.03.2008 regarding 'Approval for Election Expenses'
- (iii) USQ No. 2657 dated 23.07.2009 regarding 'State funding of Elections'
- (iv) USQ No. 666 dated 24.11.2011 regarding 'State Funding for Polls'
- (v) USQ No. 1762 dated 07.03.2013 regarding 'Funding of Elections'
- (vi) USQ No. 4959 dated 25.04.2013 regarding 'State funding of Elections'.

**B. Amendment in People Representation Act, 1951**

- (vii) USQ No. 2623 dated 17.03.2006 regarding 'Amendment in People Representation Act, 1951'
- (viii) USQ No. 4471 dated 22.04.2010 regarding 'Amendment in RPA'
- (ix) General Discussion dated 31.08.2010 regarding 'Discussion on Representation of the People (Amendment) Bill'
- (x) USQ No. 1672 dated 07.03.2013 regarding 'Amendment in RPA'
- (xi) USQ No. 1048 dated 29.11.2012 regarding 'Corporate Donation to Political Parties'
- (xii) USQ No. 1114 dated 29.11.2012 regarding 'Amendment to Form 24A'

**C. Paid News**

- (xiii) USQ No. 4059 dated 21.03.2013 regarding 'Paid News'
- (xiv) USQ No. 636 dated 07.08.2013 regarding 'Paid news in Elections'
- (xv) USQ No. 680 dated 26.02.2015 regarding 'Paid News in Elections'

**D. Ban on Pre-polls, Exit Polls and Opinion Polls/Advertisements**

- (xvi) USQ No. 604 dated 07.08.2013 regarding 'Ban on Pre-polls and Exit Polls'

(xvii) USQ No. 3436 dated 12.02.2014 regarding 'Ban on Opinion Polls/ Advertisements'

(xviii) USQ No. 4512 dated 11.08.2014 regarding 'Ban on Opinion Polls'

**E. Donations to Political Parties**

(xix) USQ No. 968 dated 11.12.2013 regarding 'Donations Received by Political parties'

(xx) USQ No. 4965 dated 25.04.2013 regarding 'Donations to Political Parties'

**F. Proxy and e-Voting**

(xxii) USQ No. 2069 dated 04.12.2014 regarding 'Proxy and e-Voting'

**G. Counting of Votes**

(xxi) USQ No. 6094 dated 30.04.2015 regarding 'Counting of Votes'

**H. Registration and Deregistration of Political Parties**

(xxiii) USQ No. 2779 dated 23.07.2009 regarding 'Deregistration of Political Parties'

(xxiv) USQ No. 6191 dated 30.04.2015 regarding 'Registration of Political Parties'

(xxv) USQ No. 1839 dated 30.07.2015 regarding 'Registration of Political Parties'

**I. Amendment in anti-Defection Law**

(xxvi) USQ No. 4899 dated 09.12.2010 regarding 'Amendment in anti-defection Law'

**J. Voting compulsory**

(xxvii) USQ No. 2447 dated 10.03.2011 regarding 'Voting Compulsory'

**K. Electoral Reforms**

(xxviii) SQ No. 66 dated 04.08.2011 (Shri Gurudas Dasgupta, MP) regarding 'Electoral Reforms'

(xxix) USQ No. 5850 dated 08.09.2011 regarding 'Assistance for Contesting Election'

(xxx) SQ No.158 dated 01.12.2011 (Dr. Murli Manohar Joshi, MP) regarding 'Electoral Reforms'

(xxxi) USQ No. 570 dated 15.03.2012 regarding 'Electoral Reforms'

(xxxii) SQ No. 166 dated 23.08.2012 (Shri Gopinath Munde, MP) regarding 'Electoral Reforms'

(xxxiii) USQ No. 2829 dated 14.03.2013 regarding 'Electoral Reforms'

(xxxiv) SQ No. 431 dated 25.04.2013 (Shri Vijay Bahadur Singh, MP) regarding 'Money and Muscle Power in Elections'

- (xxxv) USQ No. 5034 dated 25.04.2013 regarding 'Electoral Reforms'
- (xxxvi) USQ No. 573 dated 14.07.2014 regarding 'Improvement in Electoral System'
- (xxxvii) USQ No. 3472 dated 04.08.2014 regarding 'Reforms in Electoral Laws'
- (xxxviii) USQ No. 4614 dated 11.08.2014 regarding 'Electoral Reforms to Check Money Power'
- (xxxix) SQ No. 162 dated 04.12.2014 (Shri Vinayak Bhaurao Raut, MP and Shri Mekapati Rajamohan Reddy, MP) regarding 'Electoral Reforms'
  - (xl) SQ No. 162. dated 04.12.2014 (Supplementary by Shri Vinayak Bhaurao Raut, MP) regarding 'Electoral Reforms'
  - (xli) SQ No. 162 dated 04.12.2014 (Supplementary by Shri Vinayak Bhaurao Raut, MP) regarding 'Electoral Reforms'
  - (xlii) USQ No. 4901 dated 23.04.2015 regarding 'Electoral Reforms'
  - (xliii) USQ No. 5003 dated 23.04.2015 regarding 'Electoral Reforms'
  - (xliv) USQ No. 557 dated 23.07.2015 regarding 'Electoral Reforms', and
  - (xlv) USQ No. 2008 dated 10.12.2015 regarding 'Electoral Reforms'.

2. In view of its relative importance and having maximum number of Assurances, the Committee *inter-alia* took up the subject of 'Electoral Reforms'. The Committee were informed that Electoral Reforms is a time consuming and lengthy process. Out of 60 Assurances in Lok Sabha pertaining to the Legislative Department, 45 Assurances mainly relate to Electoral Reforms on which the Department is seeking extension of time periodically from time to time. These Electoral Reforms involve so many aspects and comments of various stakeholders and hence, a number of Committees including Goswami Committee, Vohra Committee and Intrejit Gupta Committee had been constituted to examine the matter. Apart from these Committees, Law Commission Report in 1998 and a National Commission to review the working of the Constitution have given different recommendations on different aspects of Electoral Reforms such as the issue of the Criminalisation, State funding, paid news etc. Since different Committees have given different recommendations on various aspects of Electoral Reforms, the Legislative Department thought it better to refer all these recommendations to the Law Commission in 2013 for a holistic examination and make a consolidated recommendation for the Government to go ahead. Subsequently, the Law Commission submitted two Reports-244th and 255th Reports on this subject in 2014 and 2015 respectively with a number of recommendations on various issues including de-criminalisation of politics.

3. The Ministry informed the Committee that they found two different aspects in the recommendations of the Law Commission *i.e.* the substantive issues and the procedural issues. Substantive issues mean those issues which the Law Commission has completely/partly recommended or rejected for implementation. In case of the procedural aspect, it was further to be determined as to how the recommendations of the Law Commission are to be implemented *i.e.* by way of amending which acts

or by bringing constitutional amendments, etc. For this purpose, the Ministry has constituted a Task Force in order to examine all the recommendations of the Law Commission and to suggest which Acts need to be amended and to provide a roadmap for proceeding further. The Task Force has since completed its final report on the 244th Law Commission Report and is examining the 255th Report. The Ministry assured that after, complete submission of the Task Force Reports, the Government would take action on those Reports.

4. The Committee expressed their disappointment at the delay in implementing the Assurances on the issue of Electoral Reforms and also drew the attention of the representatives of the Ministry to the fact that the issues of paid news, state funding of elections etc. are fundamental to democracy and democratic governance. The Committee were also desirous of knowing the issues which can be sorted out by an administrative decision, consultation and the issues on which the recommendations of the various Committees on Electoral Reforms have to be implemented. The Ministry stated that stakeholders need to be consulted and opinion of legal luminaries, NGO's and political parties have to be taken. After reaching consensus of various political parties and getting Cabinet approval, a Bill would be tabled in the Parliament. As this is a time consuming process, the Ministry requested for dropping of all the 45 Assurances regarding Electoral Reforms as done by the Committee on Government Assurances, Rajya Sabha which dropped 21 Assurances on the subject. The Committee impressed upon the representatives of the Ministry that the issues of Electoral Reforms contained in these Assurances are crucial for strengthening Parliamentary democracy and hence, sincere efforts must be made to expedite the fulfillment of the same. The Ministry agreed to take action to implement these Assurances even by effecting constitutional amendment if the situation so warrants. The Committee pointed out that the delay in implementing Electoral Reforms has been weakening the fundamentals of democracy in the country and the Ministry could have implemented those reforms which have been approved by the Law Commission. Expressing their unhappiness over the delay, the Committee directed the Ministry to fix targets for Law Commission to complete the task assigned. The Ministry assured that as regards 244th Report, they would take up the process for implementation of the recommendations given by the Law Commission in that report. The Committee urged the Ministry to implement the recommendations in a time bound manner. The Committee further directed the Ministry that matters which are pending for administrative decisions must be taken up and finalized at the level of the Ministry at the earliest. The Committee also expressed their anguish over the failure of the Ministry to furnish Status Report on any of the 45 Assurances taken up for the day.

5. The representatives of the Ministry of Law and Justice (Legislative Department) thereafter withdrew.

6. A verbatim record of the proceedings has been kept.

*The Committee then adjourned.*

*Annexure*

STATEMENT OF PENDING ASSURANCES RELATING TO ELECTORAL REFORMS  
OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)  
FROM 7TH SESSION OF 14TH LOK SABHA TO 6TH SESSION OF  
16TH LOK SABHA

| S.No. | SQ/USQ No. and dated  | Subject  |
|-------|---|--|
| 1.    | SQ No. 02<br>dated 17.02.2006<br>(Shri Kirti Vardhan Singh, MP) | State Funding of Elections                                     |
| 2.    | USQ No. 1143<br>dated 07.03.2008                                | Approval for Election Expenses                                 |
| 3.    | USQ No. 2657<br>dated 23.07.2009                                | State Funding of Elections                                     |
| 4.    | USQ No. 666<br>dated 24.11.2011                                 | State Funding for Polls  |
| 5.    | USQ No. 1762<br>dated 07.03.2013                                | Funding of Elections   |
| 6.    | USQ No. 4939<br>dated 25.04.2013                                | State Funding of Elections                                     |
| 7.    | USQ No. 2623<br>dated 17.03.2006                                | Amendment in People Representations Act,<br>1951               |
| 8.    | USQ No. 4471<br>dated 22.04.2010                                | Amendment in RPA   |
| 9.    | General Discussion<br>dated 31.08.2010                          | Discussion on Representation of the<br>People (Amendment) Bill |
| 10.   | USQ No. 1672<br>dated 07.03.2013                                | Amendment in RPA   |
| 11.   | USQ No. 1048<br>dated 29.11.2012                                | Corporate Donation to Political Parties                        |
| 12.   | USQ No. 1114<br>dated 29.11.2012                                | Amendment to Form 24A  |
| 13.   | USQ No. 4059<br>dated 21.03.2013                                | Paid News  |
| 14.   | USQ No. 636<br>dated 07.08.2013                                 | Paid News in Elections   |

| S.No. | SQ/USQ No. and dated  | Subject                                 |
|-------|---|---|
| 15.   | USQ No. 680<br>dated 26.02.2015                                 | Paid News in Elections                  |
| 16.   | USQ No. 604<br>dated 07.08.2013                                 | Ban on Pre-Polls and Exit Polls         |
| 17.   | USQ No. 3436<br>dated 12.02.2014                                | Ban on Opinion Polls/Advertisements     |
| 18.   | USQ No. 4512<br>dated 11.08.2014                                | Ban on Opinion Polls                    |
| 19.   | USQ No. 968<br>dated 11.12.2013                                 | Donations Received by Political Parties |
| 20.   | USQ No. 4965<br>dated 25.04.2013                                | Donations to Political Parties          |
| 21.   | USQ No. 2069<br>dated 04.12.2014                                | Proxy and e-Voting                      |
| 22.   | USQ No. 6094<br>dated 30.04.2015                                | Counting of Votes                       |
| 23.   | USQ No. 2779<br>dated 23.07.2009                                | Deregistration of Political Parties     |
| 24.   | USQ No. 6191<br>dated 30.04.2015                                | Registration of Political Parties       |
| 25.   | USQ No. 1839<br>dated 30.07.2015                                | Registration of Political Parties       |
| 26.   | USQ No. 4899<br>dated 09.12.2010                                | Amendment in Anti-Defection Law         |
| 27.   | USQ No. 2447<br>dated 10.03.2011                                | Voting Compulsory                       |
| 28.   | SQ No. 66<br>dated 04.08.2011<br>(Shri Gurudas Dasgupta, MP)    | Electoral Reforms                       |
| 29.   | USQ No. 5850<br>dated 08.09.2011                                | Assistance for Contesting Election      |
| 30.   | SQ No. 158<br>dated 01.12.2011<br>(Dr. Murli Manohar Joshi, MP) | Electoral Reforms                       |
| 31.   | USQ No. 570<br>dated 15.03.2012                                 | Electoral Reforms                       |

| S.No. | SQ/USQ No. and dated  | Subject                                |
|-------|---|--|
| 32.   | SQ No. 166<br>dated 23.08.2012<br>(Shri Gopinath Munde, MP)   | Electoral Reforms                      |
| 33.   | USQ No. 2829<br>dated 14.03.2013  | Electoral Reforms                      |
| 34.   | SQ No. 431<br>dated 25.04.2013<br>(Shri Vijay Bahadur Singh, MP)  | Money and Muscle Power in Elections    |
| 35.   | USQ No. 5034<br>dated 25.04.2013  | Electoral Reforms                      |
| 36.   | USQ No. 573<br>dated 14.07.2014   | Improvement in Electoral System        |
| 37.   | USQ No. 3472<br>dated 04.08.2014  | Reforms in Electoral Laws              |
| 38.   | USQ No. 4614<br>dated 11.08.2014  | Electoral Reforms to Check Money Power |
| 39.   | SQ No. 162<br>dated 04.12.2014<br>(Shri Vinayak Bhaurao Raut, MP<br>and Shri Mekapati Rajamohan<br>Reddy, MP) | Electoral Reforms                      |
| 40.   | SQ No. 162<br>dated 04.12.2014<br>(Supplementary by Shri Vinayak<br>Bhaurao Raut, MP)                         | Electoral Reforms                      |
| 41.   | SQ No. 162<br>dated 04.12.2014<br>(Supplementary by Shri Vinayak<br>Bhaurao Raut, MP)                         | Electoral Reforms                      |
| 42.   | USQ No. 4901<br>dated 23.04.2015  | Electoral Reforms                      |
| 43.   | USQ No. 5003<br>dated 23.04.2015  | Electoral Reforms                      |
| 44.   | USQ No. 557<br>dated 23.07.2015   | Electoral Reforms                      |
| 45.   | USQ No. 2008<br>dated 10.12.2015  | Electoral Reforms                      |

**MINUTES**

**THIRD SITTING**

**MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT  
ASSURANCES (2016-2017) HELD ON 14 DECEMBER, 2016 IN CHAIRPERSON  
CHAMBER'S ROOM NO. 133, PARLIAMENT HOUSE ANNEXE,  
NEW DELHI**

The Committee sat from 1015 hours to 1050 hours on Wednesday, 14 December, 2016.

**PRESENT**

Dr. Ramesh Pokhriyal 'Nishank' — Chairperson

**MEMBERS**

2. Shri Rajendra Agrawal
3. Prof. Sugata Bose
4. Shri Prahlad Singh Patel
5. Shri C.R. Patil
6. Shri Sunil Kumar Singh

**SECRETARIAT**

1. Shri R.S. Kambo — *Additional Secretary*
2. Shri S.L. Singh — *Deputy Secretary*

At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them regarding day's agenda. Thereafter, the Committee considered and adopted the following seven (07) draft Reports without any amendment:

- (i) Draft 41st Report regarding review of pending Assurances pertaining to the Ministry of New and Renewable Energy
- (ii) Draft 42nd Report regarding review of pending Assurances pertaining to the Ministry of Environment, Forest and Climate Change
- (iii) Draft 43rd Report regarding review of pending Assurances pertaining to the Ministry of Health and Family Welfare (Department of Health and Family Welfare)
- (iv) Draft 44th Report regarding review of pending Assurances pertaining to the Ministry of Defence (Department of Defence)



- (v) Draft 45th Report regarding requests for dropping of Assurances (acceded to)
- (vi) Draft 46th Report regarding requests for dropping of Assurances (not acceded to)
- (vii) Draft 47th Report regarding review of pending Assurances pertaining to the Ministry of Law and Justice (Legislative Department)

2. The Committee also authorized the Chairperson to present the Reports during the current session of the Lok Sabha.

*The Committee then adjourned.*

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