

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

UNSTARRED QUESTION NO:5003

ANSWERED ON:23.04.2015

ELECTORAL REFORMS

Gutha Shri Sukender Reddy;Kamal Nath Shri ;Owaisi Shri Asaduddin;Reddy Shri Ch. Malla;Scindia Shri Jyotiraditya Madhavrao;Shinde Dr. Shrikant Eknath;Singh Deo Shri Kalikesh Narayan;Singh Shri Bharat

**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**

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 1 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. Totaliser 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 recommendations of the Law Commission are under examination 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.