

AS INTRODUCED IN LOK SABHA

Bill No. 322 of 2019

THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2019

By

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BILL

further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (I) This Act may be called the Representation of the People (Amendment) Act, 2019.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After section 127A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

Insertion of
new section
127B.

"127B. (I) No person shall print or publish, or cause to be printed or published, an election manifesto unless the manifesto contains:—

Duty to
publish
responsible
manifesto.

10 (a) a rationale for the promises made to any section of citizens or residents of India; and

(b) the general means by which the financial requirements for the promises, schemes and initiatives shall be satisfied.

(2) An election manifesto shall not contain anything, including illustrations, which is repugnant to the ideals and principles enshrined in the Constitution or which is in the nature of a promise seeking to alter the basic structure of the Constitution. 5

(3) Every political party, candidate or his agent, who seeks to publish an election manifesto, shall, before three days of its release, submit three copies of the manifesto to the concerned Chief Electoral Officer along with its English version in case the manifesto is in a language other than English.

(4) While submitting copies of an election manifesto under sub-section (3), every political party, candidate or his agents shall make— 10

(a) a declaration stating that the contents to be published in the manifesto are in consonance with paragraph VIII of the Model Code of Conduct issued by the Election Commission; and

(b) a satisfactory elucidation of the proposed finances and means to meet the financial requirements for the promises and schemes. 15

(5) If in the opinion of the Election Commission the conditions specified in sub-section (4) have not been adequately satisfied by any political party or a candidate or an agent, the Election Commission may exercise its powers under section 146 to satisfy itself of the same. 20

(6) Any political party, candidate or agent or any other person who contravenes the provisions of this section shall be punishable with fine which may extend up to five thousand rupees.”.

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1951 was enacted to provide for the conduct of elections of the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

The Supreme Court in its judgment in the matter of S. Subramaniam Balaji and Anr V. Government of Tamil Nadu and others on July 5th, 2018 noted that there was scope for the misuse of election manifestos to 'shake the roots of free and fair elections to a large degree' and that there was no enactment to govern the contents of election manifestos. The supreme Court, therefore, urged the Election Commission to urgently frame guidelines for the same.

Paragraph VIII of the Model Code of Conduct issued by Election Commission of India states that in the interest of transparency, a level playing field and credibility of promises, it is expected that manifesto also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirement for it. It further states that political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise. Therefore it is essential that promises which are repugnant to the ideals and principles enshrined in the constitution are not permitted to be published with the aim to mislead the electorate.

To further ensure that manifestos are not used to elude the scrutiny of the Model Code of Conduct, the Bill seeks to ensure an accounting of finances for all promises, schemes, and initiatives by the Election Commission. Trust of voters should be sought only on those promises which are possible to be fulfilled.

The Bill seeks to achieve the above objectives.

NEW DELHI;
October 29, 2019.

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further to amend the Representation of the People Act, 1951.

(Shri Lava Sri Krishna Devarayalu, M.P.)