

Bill No. V of 2024

**THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 2024**

**A
BILL**

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

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2024.

Short title and commencement.

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

2. In the Representation of the People Act, 1951, after section 127A, the following new sections shall be inserted, namely,—

43 of 1951.

10

“**127B.** (1) Any person who is found paying for news, or receiving payment for news shall be punished with imprisonment for a term which may extend to three years, and with fine, which may extend to twenty-five lakh rupees.

Paying for news.

(2) Nothing contained in sub-section (1) shall apply to payments made by registered political parties for the management of official publications (print, radio, television and all other electronic media) owned or controlled by them.

(3) To avail of the exemption under sub-section (2), all registered political parties must disclose their interests in any publication in the form and manner notified by the Election Commission of India in this regard. 5

(4) An attempt to commit an act punishable under sub-section (1) shall be punished with imprisonment for a term, which may extend to two years, or with fine, which may extend to ten lakh rupees, or with both. 10

(5) No court shall take cognisance of any offence punishable under this section unless there is a complaint made by order of, or under authority from, the Election Commission of India or the Chief Electoral Officer of the State concerned.

Non-disclosure of interest in political advertising.

127C. (1) Any political advertisement in any media shall carry a disclosure to this effect in the form and manner notified by the ECI in this regard. 15

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to five lakh rupees, or both. 20

Offences by companies.

127D. (1) Where an offence under sub-section (1) of section 127B has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: 25

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. 30

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. 35

Explanation.— For the purpose of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and 40

(b) “director”, in relation to a firm, means a partner in the firm.”

STATEMENT OF OBJECTS AND REASONS

The influence money exerts in corrupting the democratic process is undeniable and sadly, this is true now, more than ever. In our increasingly connected, media heavy world, political advertisements are omnipresent and an essential part of any campaign. Unregulated, they provide a platform for candidates to propagate patent untruths. This severely undermines the right to accurate information based on which a voter can make his or her decision. The seriousness of these issues is amplified by the extent to which it has become a systematic part of promoting one's election. The money spent on unethical paid news and disguised political advertisements, is rising at an exponential rate in both national as well as regional media.

In *PUC v. Union of India* (2003) 4 SCC 399, the Supreme Court held that availability of impartial, proper and relevant information about the election candidates fosters and promotes freedom of speech and expression. Paid news distorts this right. As per the 2010 Press Council Sub-Committee report on Paid News, it was suggested that the act of publishing news items in exchange for consideration should be construed as electoral malpractice with a punishment of minimum 2 years imprisonment. The Election Commission of India in its 2012 circular, which was later incorporated in the Handbook for Media for Lok Sabha General Elections, proposed that the Representation of the People Act, 1951, should be amended to prevent the publishing and abetment to publish any paid news for furthering the prospects of a candidate's election. In 2014, TRAI in its recommendations on media ownership also recommended that the term 'paid news' should be comprehensively defined and a proper framework for scrutinizing complaints and taking punitive actions should be established.

In the United Kingdom, there is a blanket ban on telecasting paid political advertisements on television and radio. This prohibition also extends to any advertisement which tends to influence public opinion on a matter of general controversy. As per the Commonwealth Electoral Act, 1918 of Australia, it is mandatory for unfolding the details of any electoral advertisement, handbill, pamphlet, poster or notice that contains electoral matter. Similarly in Canada, the Canada Election Act, 2000, sets provisions for adequately disclosing the details of any electoral advertising.

Currently, the guidelines for disclosing political paid advertisements are not adequately framed and uniform. To check disguised paid political advertisements, the disclosure provisions have to be made compulsory for all media firms to assist the public in identifying the nature of content (whether sponsored or editorial content) and keep a vigilant track of transactions between the media and election candidates.

Hence, this Bill.

SASMIT PATRA

RAJYA SABHA

A

BILL

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

(Dr. Sasmit Patra, M.P.)