

Bill No. XLIII of 2014

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2014**

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

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

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2014.

Short title and
Commence-
ment.

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

43 of 1951. 5

2. In section 77 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), for sub-section (3), the following shall be substituted, namely:—

Amendment of
section 77.

"(3) Nothing contained in this Act shall be construed to impose a limit on the amount of expenditure, that can be incurred by a candidate or his election agent in connection with the election."

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3. In section 123 of the principal Act, sub-section (6) shall be omitted.

Amendment of
section 123.

STATEMENT OF OBJECTS AND REASONS

Elections entail significant legitimate expenditure on the part of candidates and political parties who want to convey their message to the people. However, India limits campaign spending and such limit have been set at an impractically low level. A candidate who exceeds the prescribed limit faces disqualification. In practice, such limits prevent honest and correct disclosure of candidates' expenditures and drive election expenditures underground.

These negative impacts of election expenditure limits are counterproductive to healthy democratic competition. Removing election spending limits will promote open, publicly visible expenditure, induce honest reporting by candidates, and curb the use of black money in the electoral process.

Hence this Bill.

M.V. RAJEEV GOWDA

ANNEXURE

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 OF 1951)

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77. Account of election expenses and maximum thereof.—(1) Every candidate at an election shall either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

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123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) "Bribery", that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting for any candidate to withdraw or not to withdraw his candidature.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and for Election and duly entered in the account of election expenses referred to in section 78.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right:

Representation of the People Act, 1951
(Part II.—Acts of Parliament)

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be corrupt practice under this clause.

Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorizing of expenditure in contravention of section 77.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:—

(a) gazetted officers;

(b) stipendiary judges and magistrates;

(c) members of the armed forces of the Union;

(d) members of the police forces;

(e) excise officers;

(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police function; and

(g) such other class or persons in the service of the Government as may be prescribed:

Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reasons), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(8) booth capturing by a candidate or his agent or other person.

RAJYA SABHA

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

(Prof. M.V. Rajeev Gowda, M.P.)