

AS INTRODUCED IN THE RAJYA SABHA
ON THE 26TH JULY, 2019

Bill No. XXV of 2019

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2019**

A

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

Short title and commencement.

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

43 of 1951. **2. In** the Representation of the People Act, 1951, (hereinafter referred to as the principal Act) after section 29C, the following sub-section shall be inserted, namely:—

10 "29D. (1) Every political party registered under section 29A and contesting election at the State or national level, shall publish a paper or a list or a manifesto, detailing the public policies that it shall adopt in the administration, or promises or assurances that it shall fulfill in the event of winning such elections, at least six months before elections are due.

Publishing of manifesto.

(2) Each promise, assurance and policy so published by a political party under sub-section (1) shall be treated as a promise made with public by the political party for that election.

(3) Failure to fulfill the promises or assurances or failure to implement the policies declared under sub-section (1) before the end of the term of the political party in Government shall be treated as cheating and shall be subject to trial under the Indian Penal Code, 1860." 5

45 of 1860.

3. In the principal Act, in section 123, after sub-section (8), the following sub-sections shall be inserted namely:—

(9) Publication of a paper or a list or a manifesto by a political party or a candidate contesting an election or their agent or any person with their consent, containing policies, promises and assurances that appear fiscally imprudent and are made without any reasonable basis or convincing reasons which does not withstand the scrutiny by the appropriate authority and *prima facie* appear to have been made only to obtain undue gain in the electoral process by attracting the voters. 10 15

Bribery is already a "corrupt practice" under S/123 (1) of principal Act.

(10) Transfer of individual benefits, including monetary transfers under Direct Benefit Transfer scheme announced by the appropriate government, to an voter or his family members, if arising out of or consequent to a scheme or program commenced by the appropriate Government within six months from general election to the House of People or election to a State Legislative Assembly, as the case may be." 20

Amendment
of section
123.

STATEMENT OF OBJECTS AND REASONS

Every political party wants to get elected and govern. But unfortunately, unable to please the people with a constant to-do list of waging a war on poverty, tackling the issue of rising inequality, spurring the farmer income's, boosting the job creation, catalysing investment growth, plugging infrastructure deficits, and solving the energy crisis etc., they choose to offer them unrealistic manifestos apart from distribution of individual benefits and distribution of freebies to the voters.

There is a general tendency among political parties to attract the electors with individual benefits and making unrealistic promises in their manifestos. People also get attracted to these individual benefits and start believing in such unrealistic policies and show interest in voting them to power. Almost all the regional and national political parties are competing with each other to announce schemes attractive to the people and detrimental to the interest of the nation. Some political parties, inspite of having some interest in the country's future and aversion towards such schemes, are somehow compelled to fall on the same line to impress people and win the public mandate.

The system of announcing or promising freebies, consumer goods benefitting the individual and families and making unrealistic promises to people in a Manifesto without any and promising fiscally imprudent polices should be discontinued. Otherwise, country will face an economic turmoil in future.

Though all the political parties declare their election manifestos, it was not made mandatory under law. Publication of a manifesto much before elections containing the policies and promises and treating the failure in implementation of those promises by the party in government after winning the election as cheating, shall be one of the options to ensure accountability in political parties.

Therefore, the Bill seeks to amend the Representation of the People Act, 1951 to the extent to make it mandatory to publish a manifesto much before elections with only implementable policies and also to declare freebies and consumer goods distribution and making unrealistic promises and assurances in the manifesto without a valid basis, a corrupt practice. Further the Bill also seeks to amend the Act to curtail individual benefits under Direct Benefit Transfer Scheme of the Government before 180 days of general elections or elections to State Assembly by declaring it as one of the corrupt practices.

DR. K.V.P. RAMACHANDRA RAO

RAJYA SABHA

A

BILL

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

(*Dr. K. V. P. Ramachandra Rao, M.P.*)