

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

LOK SABHA

STARRED QUESTION NO. *389

TO BE ANSWERED ON WEDNESDAY, 29th MARCH, 2017

CRIMINALS CONTESTING ELECTIONS

†*389. SHRI GOPAL SHETTY:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government proposes to take measures to exclude the dreaded criminals from contesting elections;
- (b) if so, the details and the present status thereof along with the steps being taken by the Government in this regard;
- (c) whether the Government has received proposals from various stakeholders in this regard; and
- (d) if so, the details thereof and the action taken thereon?

ANSWER

**MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION
TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a) to (d): A statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN RESPECT OF PART (a) TO (d) OF THE LOK
SABHA STARRED QUESTION NO. *389 TO BE ANSWERED ON 29TH MARCH, 2017**

(a) to (d) : The existing laws dealing with the election matters contain sufficient safeguards and provisions for debarring and restricting the persons with criminal background and antecedents from contesting the elections for the Parliament and State Legislatures. Chapter-III in the Representation of the People Act, 1951 contemplates disqualifications on various grounds upon conviction for the criminal offences as also for other kinds of acts and activities, attracting disqualification from contesting elections.

As per sub-section (1) of section 8, any person convicted for the offences under the Acts specified therein and sentenced to fine or imprisonment shall be disqualified from the date of such conviction and shall continue to be disqualified for contesting elections for a further period of six years since his release.

Similarly, as per sub-section (2) of section 8, any person convicted with an imprisonment of not less than six months for the offences specified therein shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

Further, as per sub-section (3) of section 8, a person convicted for any offence and sentenced to imprisonment for not less than two years for offences other than those envisaged in the said section, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

Section 8A provides for disqualification of a person for a period not exceeding six years for corrupt practices in an election, subject to fulfilment of certain conditions. Section 9 provides for disqualification of a person who, having held an office under the Government of India or under the Government of any State has been dismissed for corruption or disloyalty to the State, for a period of five years from the date of such dismissal. Section 9A provides for disqualification of a person, if and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the executions of any works, undertaken by that Government. A person shall be disqualified under section 10, if and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty five per cent share. Section 10A provides for disqualification of a person for a period of three years for failure to lodge account of election expenses within the time and in the manner prescribed, without good reason or justification for the failure.
