

## 73 Electoral Reforms

### COMMITTEES RELATED TO ELECTORAL REFORMS

The various committees and commissions which have examined our electoral system, election machinery as well as election process and suggested reforms are mentioned here.

1. Joint Parliamentary Committee on Amendments to Election Laws (1971–72).
2. Tarkunde Committee was appointed in 1974 by Jaya Prakash Narayan (JP) during his “Total Revolution” movement. This unofficial committee submitted its report in 1975.
3. Dinesh Goswami Committee on Electoral Reforms (1990)<sup>1</sup>
4. Vohra Committee on the Nexus between Crime and Politics (1993)
5. Election Commission of India Recommendations on Electoral Reforms (1998).
6. Indrajit Gupta Committee on State Funding of Elections (1998)<sup>2</sup>
7. Law Commission of India 170th Report on Reform of the Electoral Laws (1999)
8. National Commission to Review the Working of the Constitution (2000–2002)<sup>3</sup>. It was headed by M.N. Venkatachaliah.
9. Election Commission of India Report on Proposed Electoral Reforms (2004).
10. Second Administrative Reforms Commission of India Report on Ethics in Governance (2007). It was headed by Veerappa Moily.
11. Tankha Committee (Core Committee) was appointed in 2010 to look into the whole gamut of the election laws and electoral reforms.

12. J.S. Verma Committee Report on Amendments to Criminal Law (2013).
13. Law Commission of India 244<sup>th</sup> Report on Electoral Disqualifications (2014).
14. Law Commission of India 255<sup>th</sup> Report on Electoral Reforms (2015).

Based on the recommendations made by the above Committees and Commissions, various reforms have been introduced in our electoral system, election machinery and election process. These can be studied under the following four heads.

- Electoral reforms before 1996
- Electoral reforms of 1996
- Electoral reforms after 1996
- Electoral reforms since 2010

## **ELECTORAL REFORMS BEFORE 1996**

### **Lowering of Voting Age**

The 61<sup>st</sup> Constitutional Amendment Act of 1988<sup>4</sup> reduced the voting age from 21 years to 18 years for the Lok Sabha as well as the assembly elections. This was done in order to provide to the unrepresented youth of the country an opportunity to express their feelings and help them become a part of political process.

### **Deputation to Election Commission**

In 1988<sup>5</sup>, a provision was made that the officers and the staff engaged in preparation, revision and correction of electoral rolls for elections are deemed to be on deputation to the Election Commission for the period of such employment. These personnel, during that period, would be under the control, superintendence and discipline of the Election Commission.

### **Increase in Number of Proposers**

In 1988<sup>6</sup>, the number of electors who are required to sign as proposers in nomination papers for elections to the Rajya Sabha and state legislative council has been increased to 10 per cent of the electors of the constituency or ten such electors, whichever is less. This was done in order to prevent non-serious candidates from contesting frivolously.

### **Electronic Voting Machines**

In 1989<sup>7</sup>, a provision was made to facilitate the use of Electronic Voting Machines (EVMs) in elections. The EVMs were used for the first time in 1998 on experimental basis in selected constituencies in the elections to the Assemblies of Rajasthan, Madhya Pradesh and Delhi. The EVMs were used for the first time in the general elections (entire state) to the Assembly of Goa in 1999.

### **Booth Capturing**

In 1989<sup>8</sup>, a provision was made for adjournment of poll or countermanding of elections in case of booth capturing. Booth

capturing includes: (i) seizure of a polling station and making polling authorities surrender ballot papers or voting machines (ii) taking possession of polling station and allowing only one's own supporters to exercise their franchise (iii) threatening and preventing any elector from going to polling station and (iv) seizure of the place being used for counting of votes.

### **Elector's Photo Identity Card (EPIC)**

The use of electors' photo identity cards by the Election Commission is surely making the electoral process simple, smoother and quicker. A decision was taken by the Election Commission in 1993 to issue photo identity cards to electors throughout the country to check bogus voting and impersonation of electors at elections. The electoral roll is the basis for issue of EPICs to the registered electors. The electoral rolls are normally revised every year with 1<sup>st</sup> January of the year as the qualifying date. Every Indian citizen who attain the age of 18 years or above as on that date is eligible for inclusion in the electoral roll and can apply for the same. Once he is registered in the roll, he would be eligible for getting an EPIC. The scheme of issuing the EPICs is, therefore, a continuous and ongoing process for the completion of which no time limit can be fixed as the registration of electors is a continuous and ongoing process (excepting for a brief period between the last date for filing nomination and completion of electoral process) on account of more number of persons becoming eligible for the right of franchise on attaining the age of 18. It is the continuous effort of the Election Commission to provide the EPICs to the electors who have been left out in the previous campaigns as well as the new electors.<sup>8a</sup>

## **ELECTORAL REFORMS OF 1996**

In 1990, the National Front Government headed by V.P. Singh appointed a committee on electoral reforms under the chairmanship of Dinesh Goswami, the then Law Minister. The Committee was asked to study the electoral system in detail and suggest measures for remedying the drawbacks within it. The Committee, in its report submitted in 1990 itself, made a number of proposals on electoral reforms. Some of these recommendations were implemented in 1996<sup>9</sup>. These are explained here.

### **Listing of Names of Candidates**

The candidates contesting elections are to be classified into three categories for the purpose of listing of their names. They are

- (i) Candidates of recognised political parties
- (ii) Candidates of registered-unrecognised political parties
- (iii) Other (independent) candidates

Their names in the list of contesting candidates and in the ballot papers has to appear separately in the above order and in each category these have to be arranged in the alphabetical order.

### **Disqualification for Insulting the National Honour Act**

A person who is convicted for the following offences under the *Prevention of Insults to National Honour Act* of 1971 is disqualified to contest in the elections to the Parliament and state legislature for 6 years.

- (i) Offence of insulting the National Flag
- (ii) Offence of insulting the Constitution of India
- (iii) Offence of preventing the singing of National Anthem

### **Prohibition on the Sale of Liquor**

No liquor or other intoxicants are to be sold or given or distributed at any shop, eating place, hotel or any other place whether public or private within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll. Any person who violates this rule is to be punished with imprisonment up to 6 months or with fine up to ₹2,000 or with both.

### **Number of Proposers**

The nomination of a candidate in a Parliamentary or assembly constituency should be subscribed by 10 registered electors of the constituency as proposers, if the candidate is not sponsored by a recognised political party. In the case of a candidate sponsored by a recognised political party, only one proposer is required. This was done in order to discourage non-serious people from contesting the elections.

### **Death of a Candidate**

Earlier, in case of death of a contesting candidate before the actual polling, the election used to be countermanded. Consequently, the election process had to start all over again in the concerned constituency. But now, the election would not be countermanded on the death of a contesting candidate before the actual polling. However, if the deceased candidate belonged to a recognised political party, the party concerned would be given an option to propose another candidate within seven days.

### **Time Limit for By-Elections**

Now, by-elections are to be held within six months of occurrence of the vacancy in any House of Parliament or a state legislature. But, this condition is not applicable in two cases:

- (i) Where the remainder of the term of the member whose vacancy is to be filled is less than one year; or
- (ii) When the Election Commission in consultation with the Central Government, certifies that it is difficult to hold the by-elections within the said period.

### **Holiday to Employees on the Polling Day**

The registered voters employed in any trade, business, industry or any other establishment are entitled to a paid holiday on the polling day. This rule applies even to the daily wagers. Any employer who violates this rule is to be punished with a fine up to ₹500. However, this rule is not applicable in the case of a voter whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

### **Contestants Restricted to Two Constituencies**

A candidate would not be eligible to contest from more than two Parliamentary or assembly constituencies at a general election or at the by-elections which are held simultaneously. Similar restrictions are imposed for biennial elections and by-elections to the Rajya Sabha and the state legislative councils.

### **Prohibition of Arms**

Entering into the neighbourhood of a polling station with any kind of arms<sup>10</sup> is to be considered a cognizable offence. Such an act is punishable with imprisonment of up to two years or with fine or with both. Further, the arms found in possession of the offender are to be confiscated and the related licence is to be cancelled. But, these provisions are not applicable to the returning officer, presiding officer, any police officer or any other person appointed to maintain peace and order at the polling station.

### **Effective Campaigning Period Reduced**

The minimum gap between the last date for withdrawal of candidature and the polling date has been reduced from 20 to 14 days.

## **ELECTORAL REFORMS AFTER 1996**

### **Presidential and Vice Presidential Elections**

In 1997<sup>11</sup>, the number of electors as proposers and seconders for contesting election to the office of the President was increased from 10 to 50 and to the office of the Vice President from 5 to 20. Further, the amount of security deposit was increased from ₹2,500 to ₹15,000 for contesting election to both the offices of President and Vice-President to discourage frivolous candidates.

### **Requisitioning of Staff for Election Duty**

In 1998<sup>12</sup>, a provision was made whereby the employees of local authorities, nationalised banks, universities, LIC, government undertakings and other government-aided institutions can be requisitioned for deployment on election duty.

### **Voting through Postal Ballot**

In 1999<sup>13</sup>, a provision was made for voting by certain classes of persons through postal ballot. Thus, any class of persons can be notified by the Election Commission, in consultation with the government, and the persons belonging to such notified class can give their votes by postal ballot, and not in any other manner, at elections in their constituency or constituencies.

### **Facility to Opt to Vote Through Proxy**

In 2003<sup>14</sup>, the facility to opt to vote through proxy was provided to the service voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act apply. Such service voters who opt to vote through proxy have to appoint a proxy in a prescribed format and intimate the Returning Officer of the constituency.

### **Declaration of Criminal Antecedents, Assets, etc., by Candidates**

In 2003, the election Commission issued an order<sup>15</sup> directing every candidate seeking election to the Parliament or a State



Legislature to furnish on his nomination paper the information on the following matters.

- (i) Whether the candidate has been convicted or acquitted or discharged in any criminal offence in the past? Whether he/she was imprisoned or fined?
- (ii) Prior to six months of filing nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charges were framed or cognizance was taken by a court; if so, the details thereof
- (iii) The assets (immovable, movable, bank balances, etc.) of a candidate and his/ her spouse and that of dependents
- (iv) Liabilities, if any, particularly whether there are any dues of any public financial institution or government dues
- (v) The educational qualifications of the candidate

Furnishing of any false information in the affidavit is now an electoral offence punishable with imprisonment upto six months or fine or both.

### **Changes in Rajya Sabha Elections:**

In 2003, the following two changes were introduced with respect to elections to the Rajya Sabha<sup>16</sup> :

- (i) Domicile or residency requirement of a candidate contesting an election to the Rajya Sabha was removed. Prior to this, a candidate had to be an elector in the state from where he was to be elected. Now, it would be sufficient if he is an elector in any parliamentary constituency in the country.
- (ii) Introducing open ballot system, instead of secret ballot system, for elections to the Rajya Sabha. This was done to curb cross-voting and to wipe out the role of money power during Rajya Sabha elections. Under the new system, an elector belonging to a political party has to show the ballot paper after marking his vote to a nominated agent of that political party.

### **Exemption of Travelling Expenditure**

As per a provision of 2003<sup>17</sup> , the traveling expenditure incurred by the campaigning leaders of a political party shall be exempted

from being included in the election expenses of the candidate.

### **Free Supply of Electoral Rolls, etc.**

According to a 2003 provision<sup>18</sup>, the Government should supply, free of cost, the copies of the electoral rolls and other prescribed material to the candidates of recognised political parties for the Lok Sabha and Assembly elections. Further, the Election Commission should supply specified items to the voters in the constituencies concerned or to the candidates set up by the recognised political parties.

### **Parties Entitled to Accept Contribution**

In 2003<sup>19</sup>, the political parties were entitled to accept any amount of contribution from any person or company other than a government company. They have to report any contribution in excess of ₹20,000 to the Election Commission for making any claim to any income tax relief. Besides, the companies would get income tax exemption on the amount contributed.

### **Allocation of Time on Electronic Media**

Under a 2003 provision<sup>20</sup>, the Election Commission should allocate equitable sharing of time on the cable television network and other electronic media during elections to display or propagate any matter or to address public. This allocation would be decided on the basis of the past performance of a recognised political party.

### **Introduction of Braille Signage Features in EVMs**

The Commission received representations from the various associations of visually impaired persons for introduction of Braille signage features in the EVMs to facilitate the visually impaired voters to cast their votes without the help of attendant. The Commission considered the proposal in detail and tried the Braille signage feature in the EVMs during the bye-election to the Asifnagar Assembly Constituency of Andhra Pradesh held in 2004. In 2005, it was tried in one of the constituency during the Assembly elections of Bihar, Jharkhand and Haryana. In 2006, it was tried in one of the constituency of the States of Assam, West Bengal, Tamil Nadu, Puducherry and Kerala during Assembly

elections. In 2008, it was tried in all the assembly constituencies of NCT of Delhi during Assembly elections.

The Commission introduced similar Braille signage features on the Electronic Voting Machines during the General Elections to the Fifteenth Lok Sabha (2009) and simultaneous Assembly elections in some States.<sup>20a</sup>

## ELECTORAL REFORMS SINCE 2010

### Restrictions Imposed on Exit Polls

According to a 2009 provision<sup>21</sup>, conducting exit polls and publishing results of exist polls would be prohibited during the election to Lok Sabha and State Legislative Assemblies. Thus, no person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, the result of any exit poll during the period notified by the Election Commission in this regard. Further, any person who contravenes this provision shall be punishable with imprisonment of upto two years or with fine or with both.

“Exit-poll” is an opinion survey regarding how electors have voted at an election or how all the electors have performed with regard to the identification of a political party or candidate in an election.

### Time-Limit for Submitting a Case for Disqualification

In 2009<sup>22</sup>, a provision was made for the simplification of the procedure for disqualification of a person found guilty of corrupt practices. It provided for a three-month time-limit within which the specified authority will have to submit the case of a person found guilty of corrupt practice to the President for determination of the question of disqualification.

### All Officials Included in Corrupt Practice

In 2009<sup>23</sup>, a provision was made for the inclusion of all officials, whether in the government service or not, appointed or deputed by the Election Commission in connection with the conduct of elections, within the scope of corrupt practice of obtaining any assistance by a candidate for the furtherance of the prospects of his election.

### Increase in Security Deposit

In 2009<sup>24</sup>, the amount of security deposit to be paid by the candidates contesting elections to the Lok Sabha was increased from ₹10,000 to ₹25,000 for the general candidates and from

₹5,000 to ₹12,500 for SC and ST candidates. Similarly, the security deposit in the case of elections to the state legislative assembly was increased from ₹5,000 to ₹10,000 for the general candidates and from ₹2,500 to ₹5,000 for the SC and ST candidates. This was done in order to check the multiplicity of non-serious candidates.

### **Appellate Authority within the District**

In 2009<sup>25</sup>, a provision was made for appointment of an appellate authority within the district against the orders of the Electoral Registration Officers, instead of the Chief Electoral Officer of the state. Thus, an appeal against any order of the Electoral Registration Officer of a constituency (during continuous updation of the electoral roll) will now lie before the District Magistrate or Additional District Magistrate or Executive Magistrate or District Collector or an officer of equivalent rank. A further appeal against any order of the District Magistrate or Additional District Magistrate will now lie before the Chief Electoral Officer of the state.

### **Voting Rights to Citizens of India Living Abroad**

In 2010<sup>26</sup>, a provision was made to confer voting rights to the citizens of India residing outside India due to various reasons. Accordingly, every citizen of India - (a) whose name is not included in the electoral roll (b) who has not acquired the citizenship of any other country (c) who is absent from his place of ordinary residence in India owing to his employment, education or otherwise outside India (whether temporarily or not) - shall be entitled to have his name registered in the electoral roll in the Parliamentary / Assembly constituency in which his place of residence in India as mentioned in his passport is located.

### **Online Enrolment in the Electoral Roll**

In 2013, a provision was made for online filing of applications for enrolment in the electoral roll. For this purpose, the Central Government, after consulting the Election Commission, made the rules known as the Registration of the Electors (Amendment) Rules, 2013.<sup>27</sup> These rules made certain amendments in the Registration of Electors Rules, 1960.

## Introduction of NOTA Option

According to the directions of Supreme Court, the Election Commission made provision in the ballot papers / EVMs for None of the Above (NOTA) option so that the voters who come to the polling booth and decide not to vote for any of the candidates in the fray, are able to exercise their right not to vote for such candidates while maintaining the secrecy of their ballot. The provision for NOTA has been made since General Election to State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, NCT of Delhi and Rajasthan in 2013 and continued in the General Election to State Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim in 2014 along with the General Elections to the Sixteenth Lok Sabha (2014).<sup>28</sup>

The voters polled against the NOTA option are not taken into account for calculating the total valid voters polled by the contesting candidates for the purpose of return of security deposits to candidates. Even if the number of electors opting for NOTA options is more than the number of votes polled by any of the candidates, the candidate who secures the largest number of votes has to be declared elected.<sup>29</sup>

In 2001, the ECI had sent a proposal to the Government to amend the law so as to provide for a neutral vote provision for the electors who did not wish to vote for any of the candidates. In 2004, PUCL (People's Union for Civil Liberties) filed a petition seeking a direction to provide the necessary provision in ballot papers and EVMs for protection of the right to not vote for any candidate, secretly. The Supreme Court in 2013 held that the ECI may provide for the None of the Above (NOTA) option on EVMs and ballot papers.<sup>30</sup>

## Introduction of VVPAT

The Voter Verifiable Paper Audit Trail is an independent system attached with the EVMs that allows the voters to verify that their votes are cast as intended. When a vote is cast, a slip is printed and remains exposed through a transparent window for seven seconds, showing the serial number, name and symbol of the candidate. Thereafter, the receipt automatically gets cut and falls into the sealed dropbox of the VVPAT. The system allows a voter

to challenge his/her vote on the basis of the paper receipt. As per rules, the Presiding Officer of the polling booth will have to record the dissent of the voter, which would have to be taken into account at the time of counting, if the challenge is found to be false.<sup>31</sup>

The law for using VVPATs was amended in 2013. In 2013, the Supreme Court of India had permitted the ECI to introduce VVPAT in a phased manner, calling it 'an indispensable requirement of free and fair elections'. The Court had felt that introducing VVPAT would ensure the accuracy of the voting system and also help in manual counting of votes in case of dispute. VVPATs were first used in byelection to the Noksen Assembly Constituency of Nagaland held in 2013. Thereafter, VVPATs have been used in selected constituencies during every General Election to State Legislative Assemblies. VVPATs were used in eight selected Parliamentary Constituencies in the country in the 2014 Lok Sabha Election. EVMs with VVPAT ensure the accuracy and transparency of the voting system.<sup>32</sup>

### **Persons in Jail or Police Custody Can Contest Elections**

In 2013,<sup>33</sup> the Supreme Court upheld an order of the Patna High Court declaring that a person who has no right to vote by reason of being in jail or in police custody, is not an elector and is, therefore, not qualified to contest the elections to the Parliament or the State Legislature. In order to negate this order of the Supreme Court, the following two new provisions<sup>34</sup> have been included in the Representation of the People Act, 1951:

- (i) The first provision expressly provides that by reason of the prohibition to vote (either due to in jail or in police custody), a person whose name has been entered in the electoral roll shall not cease to be an elector.
- (ii) The second provision expressly provides that a Member of Parliament or the State Legislature shall be disqualified only if he is so disqualified under the provisions contained in the Act and on no other ground.

Consequently, the persons in jail or in police custody are allowed to contest the elections.



## **Immediate Disqualification of Convicted MPs and MLAs**

In 2013,<sup>35</sup> the Supreme Court held that chargesheeted Members of Parliament and MLAs, on conviction for offences, will be immediately disqualified from holding membership of the House without being given three months' time for appeal, as was the case before.

The concerned Bench of the Court struck down as unconstitutional Section 8 (4) of the Representation of the People Act (1951) that allows convicted lawmakers a three-month period for filing appeal to the higher court and to get a stay of the conviction and sentence. The Bench, however, made it clear that the ruling will be prospective and those who had already filed appeals in various High Courts or the Supreme Court against their convictions would be exempt from it.

The Bench said: "A reading of the two provisions in Articles 102 and 191 of the Constitution would make it abundantly clear that Parliament is to make one law for a person to be disqualified for being chosen as, and for being, a Member of either House of Parliament or Legislative Assembly or Legislative Council of the State. Parliament thus does not have the power under Articles 102 and 191 of the Constitution to make different laws for a person to be disqualified for being chosen as a member and for a person to be disqualified for continuing as a Member of Parliament or the State Legislature."

The Bench said: "Section 8 (4) of the Act which carves out a saving in the case of sitting members of Parliament or State Legislature from the disqualifications under the Act or which defers the date on which the disqualification will take effect in the case of a sitting member of Parliament or a State Legislature is beyond the powers conferred on Parliament by the Constitution."

The Bench held: "Looking at the affirmative terms of Articles 102 and 191 of the Constitution, we hold that Parliament has been vested with the powers to make law laying down the same disqualifications for person to be chosen as a member of Parliament or a State Legislature and for a sitting member of a House of Parliament or a House of a State Legislature. We also hold that the provisions of Article 101 and 190 of the Constitution expressly prohibit Parliament to defer the date from which the



disqualification will come into effect in case of a sitting member of Parliament or a State Legislature. Parliament, therefore, has exceeded its powers conferred by the Constitution in enacting sub-section (4) of Section 8 of the Act and accordingly sub-section (4) of Section 8 of the Act is ultra vires the Constitution<sup>36</sup> .”

In order to nullify the above ruling of the Supreme Court, the Representation of the People (Second Amendment and Validation) Bill, 2013 was introduced in the Parliament. However, the Bill was later withdrawn by the Government.

### **Ceiling on Election Expenditure**

Increased In 2014<sup>37</sup> , the Central Government raised the maximum ceiling on election expenditure by candidates for a Lok Sabha seat in bigger states to ₹70 lakhs (from earlier ₹40 lakhs). In other states and union territories, it is ₹54 lakhs (from earlier ₹16–40 lakhs).

Similarly, the limit for an Assembly seat in the bigger states was increased to ₹28 lakhs (from earlier ₹16 lakhs). In other states and union territories, it is 20 lakhs (from earlier ₹8–16 lakhs).

The State-wise limits are mentioned in [Table 73.1](#) at the end of this chapter.

### **Photos of Candidates on EVMs and Ballot Papers**

According to an Election Commission order, in any election being held after May 1, 2015, the ballot papers and EVMs will carry the picture of the candidate with his or her name and party symbol to avoid confusion among the electorates in constituencies where namesakes are contesting.

The June 2015 by polls to six seats in five states were the first elections where photographs of candidates were used on ballot papers.

The Commission has noted that there are many cases where candidates with same or similar names contest from the same constituency. Although appropriate suffixes are added to the names of candidates in the event of two or more candidates having same name, the Commission considers that additional measures are required for removing confusion in the minds of electors at the time of voting.

The photograph will appear between the name of the candidate and his or her election symbol.

The Commission explained that if a candidate fails to provide the photograph, it “shall not be a ground for the rejection” of the nomination of the candidate”.

The candidates will now be required to submit their recent photograph, either black and white or coloured, to the election authorities at the time of filing nomination. No uniforms would be allowed and caps and dark glasses have to be avoided.<sup>38</sup>

### **Ceiling on Cash Donations Lowered:**

In 2017 budget, the limit for anonymous cash donations by any individual to a political party has been lowered from ₹20,000 to ₹2,000. This means that now the political parties cannot receive more than ₹2,000 as cash donations. However, they are not required to inform the Election Commission of India the details of persons who donate under ₹2,000. They must keep records of persons making above ₹2,000 donations.

### **Cap on Corporate Contributions Lifted:**

In 2017 budget, the limit on corporate contributions from 7.5 per cent of the net profit of a company's past three financial years has been removed. This means that now a company can donate any amount of money to any political party. Further, the obligation of the company to report such donations in its profit and loss account has also been lifted.

### **Introduction of Electoral Bonds:**

In 2018, the central government notified the Electoral Bond Scheme. This scheme was announced in the 2017 budget. It is touted as an alternative to cash donations made to the political parties. It is aimed at bringing clean money and substantial transparency into the system of political funding. The salient features of the scheme are:

- (i) The electoral bond means a bond issued in the nature of promissory note which is a bearer banking instrument and does not carry the name of the buyer or payee.
- (ii) The electoral bonds may be purchased by a citizen of India or entities incorporated or established in India.

- (iii) The electoral bonds can be used for making donations to only those registered political parties which have secured not less than one per cent of the votes polled in the last general election to the Lok Sabha or the State legislative Assembly.
- (iv) The electoral bonds can be encashed by an eligible political party only through a bank account with the authorized bank.
- (v) The electoral bonds are issued in the denomination of ₹1,000, ₹10,000, ₹1,00,000, ₹10,00,000 and ₹1,00,00,000.
- (vi) The information furnished by the buyer is treated confidential by the authorized bank and is not to be disclosed to any authority for any purposes, except when demanded by a competent court or upon registration of criminal case by any law enforcement agency.

### Foreign Funding Allowed:

In 2018 budget, the receiving of foreign funds by the political parties has been allowed. In other words, the political parties can now receive funds from the foreign companies. Accordingly, the Foreign Contribution (Regulation) Act, 2010, has been amended. Under this amendment, the definition of a foreign company has been modified.

**Table 73.1** *Limit on Election Expenditure (As declared in 2014)*

Sl. No.	Name of State or Union territory	Maximum limit of election expenses in any one	
		Parliamentary constituency	Assembly constituency
I. STATES		₹	₹
1	Andhra Pradesh	70,00,000	28,00,000
2	Arunachal Pradesh	54,00,000	20,00,000
3	Assam	70,00,000	28,00,000
4	Bihar	70,00,000	28,00,000
5	Goa	54,00,000	20,00,000

6	Gujarat	70,00,000	28,00,000
7	Haryana	70,00,000	28,00,000
8	Himachal Pradesh	70,00,000	28,00,000
9	Jammu and Kashmir	70,00,000	—
10	Karnataka	70,00,000	28,00,000
11	Kerala	70,00,000	28,00,000
12	Madhya Pradesh	70,00,000	28,00,000
13	Maharashtra	70,00,000	28,00,000
14	Manipur	70,00,000	20,00,000
15	Meghalaya	70,00,000	20,00,000
16	Mizoram	70,00,000	20,00,000
17	Nagaland	70,00,000	20,00,000
18	Odisha	70,00,000	28,00,000
19	Punjab	70,00,000	28,00,000
20	Rajasthan	70,00,000	28,00,000
21	Sikkim	54,00,000	20,00,000
22	Tamil Nadu	70,00,000	28,00,000
23	Tripura	70,00,000	20,00,000
24	Uttar Pradesh	70,00,000	28,00,000
25	West Bengal	70,00,000	28,00,000
26	Chhattisgarh	70,00,000	28,00,000
27	Uttarakhand	70,00,000	28,00,000
28	Jharkhand	70,00,000	28,00,000
29	Telangana	70,00,000	28,00,000
<b>II. UNION TERRITORIES</b>			
1	Andaman and	54,00,000	—

	Nicobar Islands		
2	Chandigarh	54,00,000	—
3	Dadra and Nagar Haveli	54,00,000	—
4	Daman and Diu	54,00,000	—
5	Delhi	70,00,000	28,00,000
6	Lakshadweep	54,00,000	—
7	Puducherry	54,00,000	20,00,000

## NOTES AND REFERENCES

1. See “Electoral Reforms of 1996”, discussed later in this chapter.
2. In 1998, the BJP-led Government appointed an eight-member committee on state funding of elections under the chairmanship of Indrajit Gupta, a former Home Minister. The committee submitted its report in 1999. It upheld the argument for introduction of state funding of elections. It stated that state funding of elections is constitutionally and legally justified and is in public interest.
3. For recommendations of the commission in this regard, see [Chapter 80](#).
4. This came into force on March 28, 1989. Consequently, amendments were also made in the *Representation of the People Act* of 1950 and 1951.
5. *Representation of the People (Amendment) Act* of 1988.
6. *Ibid.*
7. Amendment to the *Representation of the People Act* of 1951 with effect from March 15, 1989.
8. Section 58-A has been inserted in the *Representation of the People Act* of 1951 by Act 1 of 1989.
- 8a. Annual Report 2013–14, Ministry of Law and Justice, Government of India, p.67.

9. *Representation of the People (Amendment) Act*, 1996, with effect from August 1, 1996.
10. As defined in *Arms Act*, 1959.
11. *Presidential and Vice-Presidential Elections (Amendment) Act*, 1997.
12. *Representation of the People (Amendment) Act*, 1998.
13. *Representation of the People (Amendment) Act*, 1999.
14. *Election Laws (Amendment) Act*, 2003 and Conduct of Elections (Amendment) Rules, 2003.
15. Order dated March 27, 2003.
16. *Representation of the People (Amendment) Act*, 2003.
17. *Election and Other Related Laws (Amendment) Act*, 2003.
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
- 20a. Election Commission of India circular dated 12<sup>th</sup> February, 2009.
21. *Representation of the People (Amendment) Act*, 2009, with effect from February 1, 2010.
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Representation of the People (Amendment) Act*, 2010, with effect from February 10, 2011.
27. The amendment was notified vide S.O. 3242 (E) dated 24<sup>th</sup> October, 2013.
28. Electoral Statistics : Pocket Book 2015, Election Commission of India, p.96.
29. *Ibid.*
30. India Votes : The General Elections 2014, Election Commission of India, p.18.
31. *Ibid.*
32. *Ibid.*
33. *Chief Election Commissioner vs. Jan Chaukidar* (2013).
34. Vide the *Representation of the People (Amendment and Validation) Act*, 2013.

35. *Lily Thomas vs. Union of India* and *Lok Prahari vs. Union of India* (2013).
36. *The Hindu*, “MPs, MLAs to be disqualified on date of criminal conviction”, July 10, 2013.
37. Conduct of Election Rules, 1961 as amended in 2014, with effect from February 28, 2014.
38. *The Economic Times*, “Electronic Voting Machines to carry photos of candidates : CEC”, September 9, 2015.