

Commonwealth Human Rights Initiative, New Delhi.

The Right To Information Act, 2005

A Summary

The Right to Information Bill was introduced in the Lok Sabha in December 2004. It was passed by both houses of Parliament with major amendments in May 2005. The assent of the President was received on June 15 and the Act was notified in the Gazette on June 21. The law will become operational by mid-October 2005.

This law was passed by Parliament to enable citizens to exercise their fundamental right to information held by public authorities all over the country (except Jammu and Kashmir). The RTI Act aims to bring about transparency in the functioning of public authorities, contain corruption and hold Governments and their instrumentalities accountable to people. It creates a process for providing information to people. The RTI Act places a duty on officers to provide information to people both proactively and upon request. It provides for a two-tier appeals mechanism to deal with complaints of unreasonable denial of information by public authorities. This law will have an overriding effect vis-à-vis the *Official Secrets Act, 1923* and all other laws and orders passed by Governments that restrict information flow to people.

Coverage: Chapter I

Geographical: Covers all of India except Jammu and Kashmir (Jammu and Kashmir passed its own *Freedom of Information Act* in 2004)

Jurisdictional: Covers offices of Public Authorities established, owned or substantially financed by the Central Government, the State Governments and the Administration of the Union Territories (will include, Panchayats, municipalities and other local bodies). Any body owned, controlled or substantially financially by these governments is also included. This law will be applicable to all non-government organisations substantially financed directly or indirectly by these governments.

Other Bodies: Information relating to a private body that can be accessed by a public authority under any law in force is also covered by the RTI Act.

Comes into force: Section 1

Most provisions will come into force from the 120th day of enactment. Some provisions will come into force with immediate effect, such as the duty of proactive disclosure, appointment of Public Information Officers and Assistant Public Information Officers and setting up Information Commissions at the Central and State level. *Freedom of Information Act, 2002* will be repealed.

Information means: Section 2

Records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form.

Record means: Section 2

- a) any document, manuscript and file;
- b) any microfilm, microfiche and facsimile copy of a document;
- c) any reproduction of image or images embodied in such microfilm (whether enlarged or not) and
- d) any other material produced by a computer or any other device.

Right to Information means: Section 2

Right to inspect works, documents, records

Right to take notes, extracts or certified copies

Right to take samples

Right to obtain information in electronic form

Right to information whose disclosure is in the public interest

Information which cannot be denied to Parliament or State Legislature shall not be denied to any person.

What is not open? ñ Section 8

- 1) Information that would prejudicially affect the sovereignty, integrity, security, scientific or economic interest and relation with a foreign state
- 2) Information which would lead to commission of an offence
- 3) Information whose release is forbidden by a court or tribunal or disclosure which might constitute contempt of court
- 4) Information whose release may lead to breach of privileges of Parliament or State Legislatures.
- 5) Commercial and trade secrets, intellectual property etc. that would harm competitive position of third party.
- 6) Information available to a person in his fiduciary relationship (information shared between client and lawyer or landlord and tenant or patient and doctor).
- 7) Information received in confidence from a foreign government
- 8) If information disclosure endangers life and physical safety of any person
- 9) If it is about a source of information or assistance given in confidence of law enforcement or security purposes
- 10) If it is likely to impede investigation and prosecution processes
- 11) Cabinet Papers including deliberations of Ministers, Secretaries and other officers
(but decisions and related reasons contained in them will be made public after the decision has been taken and the matter is complete or over)
- 12) Personal or private information ñ subject to larger public interest ñ to be decided by the Public Information Officer.

All exemptions subject to public interest override. If public interest outweighs harm to the public authority information must be disclosed. The power to decide whether public interest is with the Public Information Officer and the Appellate Authorities (see below).

Further grounds for rejection: Section 9

If giving information infringes the copyright of any person other than the State.

Partial Disclosure: Section 10

Partial access to information contained in records covered by exemption clause is allowed.

Time bar on information covered by exemptions ñ Section 8

Upon completion of 20 years, information about any occurrence, event or matter will be given irrespective of exemptions. But information relating to sovereignty, integrity, security, strategic, scientific and economic interests, information which would lead to incitement to commit an offence, Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers and matters relating to the privileges and immunities of legislators and MPs will not be given even after 20 years. Decision of the Central Government is final as regards computation of the time period.

Who is excluded? ñ Section 21 and Schedule

Central Intelligence agencies and security agencies like the IB, RAW, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Enforcement Directorate, Narcotics Control Bureau, Aviation Research Centre, Special Frontier Force, BSF, CRPF, ITBP, CISF, NSG, Assam Rifles, Special Service Bureau, CID Special Branch of Andaman and Nicobar Islands, CID Crime Branch of Dadra Nagar Haveli and Special Branch, Lakshadweep Police. Similar agencies established by the State Governments will also be included.

But information relating to corruption and human rights must be given but only with the approval of the Central or State Information Commission ñ as the case may be.

Competent Authority: Section 2

Speaker of the Lok Sabha at the Centre and the Vidhan Sabhas in the States and Union Territories.

Chairman of the Rajya Sabha and the Legislative Councils in the States (wherever applicable).

Chief Justice of India and Chief Justices of High Courts in the States.

President in the case of other authorities created under or by the Constitution (like the Election Commission of India, SC/ST Commission, Finance Commissions etc.) for the Central level.

The Governor at the level of the States.

Administrator of Union Territories (like Lt. Governor)

These Competent Authorities has the power to make rules for implementing the Act within their jurisdiction.

Public Authority: Section 2

Any body constituted under the Constitution or a law made by Parliament or State Legislatures.

Any body constituted by a notification or order issued by the Central and State Governments.

Includes any body owned or controlled by the Central and State Governments.

Any body constituted by notification issued or order made by the appropriate government.

Any body owned controlled or substantially financed by the appropriate government.

Any non-government organizations substantially financed directly or indirectly by funds provided by the appropriate government.

Third Party: Section 2, 11

Any person other than the requestor of information. This category includes another Public Authority. Third party has the right of appeal against PIO's order (see below).

Public Authority's Duties: Section 4, 6, 7, 11

- 1) To maintain data in a catalogued and indexed form and computerize all appropriate records and facilitate access through a country-wide network on different systems.
- 2) Proactive provisions for information disclosure must be implemented (**see below**).
- 3) Provide reasons for its administrative or quasi-judicial decisions to affected persons.
- 4) Proactive publishing of facts while formulating important policies, or announcing the decisions which affect public.
- 5) Provide assistance to an applicant who is sensorily disabled (eg. visually challenged) to access information or inspect records.
- 6) If information is not provided within the time limit then it must be provided to the applicant free of cost subsequently (when the Appellate Authority orders release of information).
- 7) Take into consideration representation made by third party before deciding on an information request.
- 8) Despite the exemptions allow access to information if disclosure in public interest outweighs the harm to the public authority.

Proactive Disclosure by Public Authorities: Section 4

- 1) The particulars of the organisation, functions and duties of the public authority;
- 2) The powers and duties of its officers and employees;
- 3) The procedure followed in its decision making process, including channels of supervision and accountability;
- 4) The norms set out by it for the discharge of its functions;
- 5) Information regarding the rules, regulations, instructions, manuals and records used by its employees for the discharge of its functions,
- 6) A statement of the categories of the documents held by it or under its control;
- 7) Information regarding any arrangement that exists for consultation or representation, by members of the public, in relation to the formulation of policy or implementation;

- 8) Advice given by the boards, councils, committees and other bodies consisting of two or more persons. Additionally information as to whether the meetings of these are open to the public, or the minutes of such meetings are accessible to the public;
- 9) A directory of its officers and employees;
- 10) The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- 11) The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- 12) The details of the implementation of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes;
- 13) Particulars of recipients of concessions, permits or authorisations granted by it;
- 14) Details of the information available to, or held by it, reduced in an electronic form;
- 15) The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- 16) The names, designations and other particulars of the Public Information Officers.
- 17) Any other information that may be necessary.

This proactive disclosure must be carried out with immediate effect and in any case completed within 120 days of the enactment of this law. Thereafter it must be updated every year.

This information should be easily accessible with the PIO as far as possible in electronic format, free of cost or at such cost of the medium or the print cost price that the Government may prescribe.

Public Information Officer (PIO): Section 5

- 1) PIO must be designated with immediate effect by every Public Authority at the level of administrative units or offices under it.
- 2) Asst. PIO must be designated at the sub-divisional or sub-district level with immediate effect by the Public Authority. (PIO includes APIO in the context of contravention of this law)
- 3) PIO has initial authority to decide whether disclosure of information is in public interest or not (applies to information covered by exemptions under Sec. 8).
- 4) PIO has the authority to decide which parts of a record covered by the exemption clause could be disclosed to the applicant (partial disclosure ñ severability).
- 5) Any officer whose assistance has been sought by the PIO for securing information will also be treated as a PIO and is liable to be punished for not furnishing information in time or for refusing information or for giving wrong information or misleading information.

Duties of a PIO: Sections 7 & 11

- 1) PIO should render assistance to those who cannot write an application.
- 2) Must inform the applicant of the appellate authority who should be approached for review of the decision taken on the fees for supply of information and also the time limit.

- 3) Give information in the form in which it is originally sought subject to resource constraints and preservation of the record in question.
- 4) Give written reasons for rejection of information request, details of the time limit for appeals and the appropriate Appellate Authority.
- 5) If allowing partial access he shall give notice to the applicant stating
 - a) which part will be provided after severing the exempt portions,
 - b) reasons for arriving at this decision including findings on any factual matter relating to the materials on which the findings are based
 - c) name and designation of the person who gave this decision
 - d) details of fees to be deposited
 - e) applicant's rights to seek review of the decision on fee charged or the decision taken including details of the Appellate Authority and the time limit for filing the review/appeal.
- 6) If information sought has been supplied by third party or is treated as confidential by the third party PIO must give written notice to the latter within 5 days of receiving the information request and take its representation into consideration.
- 7) Third party must be given a chance to make a representation (oral or written) before the PIO within 10 days of receiving the notice.

Application Procedure: Section 6

- 1) Apply in writing or electronically in English or local official language of the area where application is being made.
- 2) Reason for seeking information need not be given.
- 3) Pay fees as may be prescribed (if not belonging to the below the poverty line category).

Time Limit: Section 7

- 1) 30 days from the date of application
- 2) 48 hours for information concerning the life and liberty of a person
- 3) Time taken for calculation of fees and intimation of the same to the applicant will be excluded from the 30 day period
- 4) If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to third party to make representation)
- 5) No action on application for 30 days is a deemed refusal

Fees: Section 7

- 1) Application fees to be prescribed which must be reasonable.
- 2) If further fees are required then the same must be intimated in writing with calculation details of how the figure was arrived at.
- 3) Applicant can seek review of the decision on fees charged by the PIO by applying to the appropriate Appellate Authority.

- 4) No fees will be charged from people living below the poverty line. This benchmark will be decided by the appropriate government.
- 5) Applicant must be provided information free of cost if the decision to release information is taken after the time limit.

Appellate Authority (AA): Section 12 , 19

- 1) **Internal Appeal: First appeal** to the officer immediately senior to PIO in the concerned Public Authority within **30 days** from the date of latter's decision. (delay may be condoned by the AA if sufficient cause is shown)
- 2) **External Appeal: Second appeal** to the Central or State Information Commission (**see below**) within **90 days** of the date on which the decision was given or should have been made by the Appellate Authority. (delay may be condoned by the AA if sufficient cause is shown)
- 3) Third Party appeal against PIO's decision must be filed within 30 days before first appeals body and within 90 days of the decision on the first appeal before the appropriate Information Commission.
- 4) Burden of proving that information denial was justified lies with the PIO.
- 5) **Internal appeals** must be disposed of within **30 days** from the date of filing. Extendable by 15 days if necessary but in any case decision must be given within 45 days. **No time limit fixed for Information Commissions to give their decisions.**
- 6) Decision of the IC is binding. But appeal on a point of fact or law can be filed in the High Court or the Supreme Court.

First Level of Appeal:

Appeals against refusal of information request can be filed with an officer senior in rank to the PIO within the same public authority. (Every public authority will have to appoint appellate authorities along with PIOs).

Supervisory Mechanism:

Central Information Commission: Section 12

- 1) Central Information Commission (CIC) to be constituted through Gazette Notification with immediate effect.
- 2) CIC includes **1** Chief Information Commissioner (CIC) and not more than **10** Information Commissioners (IC) who will be appointed by the President of India.
- 3) Oath of Office will be administered by the President of India according to the form set out in the Schedule.
- 4) It will be based in Delhi. Other offices may be established in other parts of the country with approval from the Central Government.
- 5) CIC will exercise its powers autonomously without being subject to directions by any other authority.

Appointment Process and Qualifications: Section 12

- 1) Appointment Committee includes Prime Minister (Chair), Leader of the Opposition in the Lok Sabha and one Cabinet minister to be nominated by the Prime Minister. (if there is no Leader of Opposition then the Leader of the single largest group in Opposition in the Lok Sabha will sit on the Committee)
- 2) Candidates must be eminent person in public life with knowledge and experience in law, science, technology social service, management, journalism mass media or administration and governance.
- 3) No MP or MLA can be appointed CIC or IC during their term of service. They will have to give up that post upon appointment to the Information Commission.

CIC- Terms of Service: Section 13

- 1) CIC appointed for 5 years from date of entering office. IC will remit office upon attaining 65 years of age even if the term of office is not completed.
- 2) CIC is not eligible for reappointment.
- 3) Term may be extended by one more year if recommended by the Appointment Committee.
- 4) Salary will be of the same level as that of the Chief Election Commissioner. This will not be varied to the disadvantage of the CIC during service.
- 5) If candidate is a pensioner at the time of appointment his /her pension will be part of that salary. **[so no double pay]**
- 6) After end of term CIC will be eligible for appointment to other offices of government.

IC Terms of Service: Section 13

- 1) IC will be appointed for a five-year term. IC will remit office upon attaining 65 years of age even if the term of office is not completed.
- 2) Salary will be of the same level as that of the Election Commissioner. This will not be varied to the disadvantage of the IC during service.
- 3) If candidate is a pensioner at the time of appointment his /her pension will be part of that salary. **[so no double pay]**
- 4) IC is eligible for appointment as CIC but will not hold office for more than a total of five years including his/her term as IC.
- 5) After end of term IC will be eligible for appointment to other offices of government.

Removal of CIC and IC: Section 14

- 1) Can be removed on grounds of misbehaviour or incapacity. Making profit from a Governmental contract or a private contract during term of office constitutes misbehaviour. **[But making gains from investment in companies like other people is allowed.]**
- 2) President may make a reference to the Supreme Court to inquire into misbehaviour or incapacity.

- 3) If Supreme Court recommends removal on such grounds then CIC or IC may be removed from office by order of the President.
- 4) But President may also order removal of IC or DIC without reference to the Supreme Court on grounds of ñ
 - a) insolvency
 - b) convicted of an offence involving moral turpitude
 - c) takes up any paid job outside official duties during the term of office
 - d) infirmity of body or mind
 - e) has acquired financial or other interest which is likely to affect his/her functioning as CIC or IC.

State Information Commission: Section 15-17

The State Information Commission must be constituted with immediate effect in all States.

The State Information Commission will have 1 State Chief Information Commissioner (SCIC) and not more than 10 Information Commissioners to be appointed by the Governor.

The Appointments Committee will be headed by the Chief Minister. Other members include the Leader of the Opposition and one Cabinet Minister nominated by the Chief Minister.

The qualifications and terms and conditions of service remain the same as that of the Central Commissioners.

The headquarters of the State Information Commission may be based anywhere in the State concerned and its other offices in other parts of that State.

The salary of the State Chief Election Commissioner will be the same as that of an Election Commissioner. The salary of the State Information Commissioner will be the same as that of the Chief Secretary of the State Government.

The Governor has the power to remove an SCIC or other ICs in the same manner as in the case of the Central Information Commissioners with a reference to the Supreme Court in similar cases and without a reference in other cases spelt above (see Section 14).

CIC/SCIC ñ Powers and Functions: Sections 18-20

- 1) CIC/SCIC has a duty to receive complaints from any person -
 - a) who has not been able to submit an information request because a PIO has not been appointed
 - b) who has been refused information that was requested
 - c) who has received no response to his/her information request within the specified time limits
 - d) if he/she thinks the fees charged are unreasonable
 - e) if he/she thinks information given is incomplete or false or misleading
 - f) and any other matter relating to obtaining information under this law
- 2) Power to order inquiry if there are reasonable grounds.
- 3) CIC/SCIC will have powers of Civil Court such as -

- a) summoning and enforcing attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things
 - b) requiring the discovery and inspection of documents
 - c) receiving evidence on affidavit
 - d) requisitioning public records or copies from any court or office
 - e) issuing summons for examination of witnesses or documents
 - f) any other matter which may be prescribed.
- 4) All records covered by this law (including those covered by exemptions) must be given to CIC/SCIC during inquiry for examination.
- 6) Power to secure compliance of its decisions from the Public Authority includes-
- a) appointing a PIO where none exists (if a public authority has not appointed one)
 - b) publishing information or categories of information
 - c) making necessary changes to the records management, maintenance and destruction procedures of the Public Authority.
 - d) enhancing training provision for officials on RTI.
 - e) Seeking an annual report from the Public Authority on compliance with this law
 - f) Require it to compensate for any loss or other detriment suffered by the requestor
 - g) Impose penalties under this law
 - h) Reject the appeal

Reporting Procedure: Section 25

- 1) CIC will send an annual report to the Central Government on the implementation of the provisions of this law at the end of the year. The SCIC will send a report to the State Government
- 2) Each Ministry has a duty to compile reports from its Public Authorities and send them to the CIC/SCIC.
- 3) Each report will contain details of number of requests received by each Public Authority, number of rejections and appeals, particulars of any disciplinary action taken, amount of fees and charges collected etc.
- 4) Central Government will table the CIC report before Parliament after the end of each year. The concerned State Government will table the report of the SCIC before the Vidhan Sabha (and the Vidhan Parishad wherever applicable)

Penalty Provisions: Section 20

Every PIO will be liable for fine of Rs. 250 per day up to a maximum of Rs. 25,000/- for ñ

- i) *not accepting an application;*
- ii) *delaying information release without reasonable cause;*

- iii) *malafidely denying information;*
- iv) *knowingly giving incomplete, incorrect, misleading information;*
- v) *destroying information that has been requested and*
- vi) *obstructing furnishing of information in any manner.*

The Information Commission (IC) at the Centre and the State levels will have the power to impose this penalty. The Information Commission can also recommend disciplinary action for persistent violation of the law against an erring PIO.

Jurisdiction of Courts: Section 21

Courts are barred from entertaining suits or applications against any order made under this Act except by way of an appeal. Appeals will lie only in the High Court and the Supreme Court as this is an enabling law for exercising a fundamental right.

Some do's for the Central/State Governments: Section 26

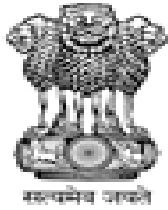
- 1) Develop educational programmes for the public especially disadvantaged communities on RTI.
- 2) Encourage Public Authorities to participate in the development and organization of such programmes.
- 3) Promote timely dissemination of accurate information to the public.
- 4) Train officers and develop training materials.
- 5) Compile and disseminate a User Guide within 18 months for the common person in its official languages.
- 6) Publish names, designation postal addresses and contact details of PIOs and other information such as notices regarding fees to be paid, remedies available in law if request is rejected etc.

Rule Making Power: Section 27, 28

Central, State Governments and the Competent Authorities have the power to make rules for implementing this law.

Power to Deal With Implementation Difficulties: Section 30

If any difficulty arises in giving effect to the provisions in the Act, the Central Government may make provisions necessary/expedient for removing the difficulty by Order published in the Officials Gazette during the first two years of enactment.



Department of Electronics
and Information Technology,
Government of India



Digital India

A programme to transform India into a digitally
empowered society and knowledge economy

What is Digital India?

- Digital India is a **Programme to prepare India for a knowledge future.**
- The focus is on being **transformative – to realize IT + IT = IT**
- The focus is on making **technology central to enabling change.**
- It is an **Umbrella Programme** – covering many departments.
 - It weaves together a large number of ideas and thoughts into a **single, comprehensive vision** so that each of them is seen as part of a larger goal.
 - Each individual element stands on its own. But is also part of **the larger picture.**
 - It is **coordinated by DeitY, implemented by the entire government.**
 - The weaving together makes the Mission **transformative in totality**
- The Programme:
 - Pulls together many **existing schemes.**
 - These schemes will be **restructured and re-focused.**
 - They will be **implemented in a synchronized manner.**
 - Many elements are only **process improvements with minimal cost.**
- The **common branding** of programmes as **Digital India** highlights their transformative impact.

Vision of Digital India

Centered on 3 Key Areas

- Digital Infrastructure as a Utility to Every Citizen
- Governance & Services on Demand
- Digital Empowerment of Citizens

Vision Area 1: Infrastructure as a Utility to Every Citizen

- **High speed internet** as a core utility
- **Cradle to grave digital identity** -unique, lifelong, online, authenticable
- **Mobile phone & Bank account** enabling participation in digital & financial space
- Easy access to a **Common Service Centre**
- Shareable **private space on a public cloud**
- **Safe and secure Cyber-space**

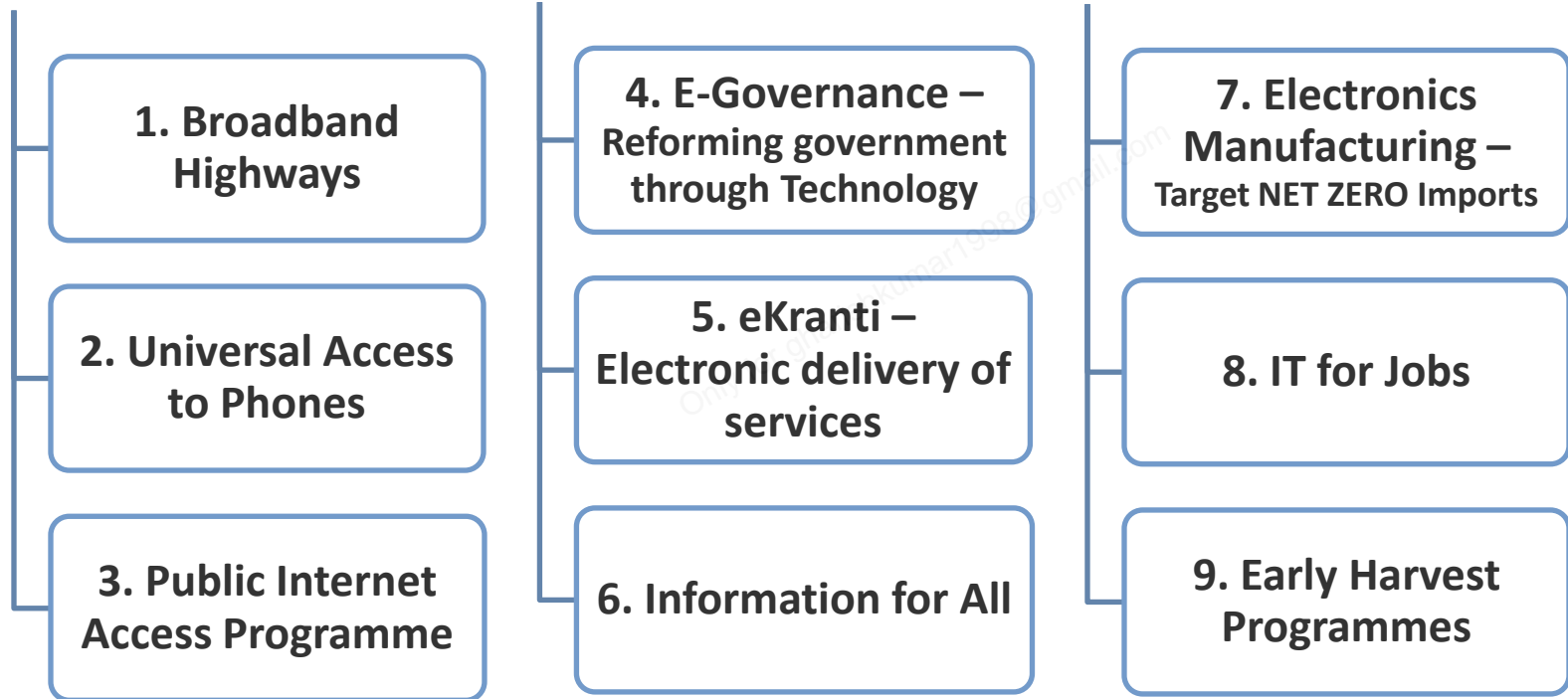
Vision Area 2: Governance & Services On Demand

- **Seamlessly integrated** across departments or jurisdictions
- Services **available in real time** from online & mobile platform
- **All citizen entitlements** to be available **on the cloud**
- Services digitally transformed for improving [Ease of Doing Business](#)
- Making **financial transactions electronic & cashless**
- Leveraging GIS for **decision support systems & development**

Vision Area 3: Digital Empowerment of Citizens

- Universal **Digital Literacy**
- Universally accessible **digital resources**
- **All documents/ certificates to be available on cloud**
- Availability of digital resources / services in **Indian languages**
- **Collaborative digital platforms** for participative governance
- **Portability** of all entitlements through **cloud**

Nine Pillars of Digital India



Pillar 1. Broadband Highways

Broadband for all Rural

- Coverage: 250,000 GP
- Timeline: December 2016
- CAPEX: Rs 32,000 Cr
- Nodal Dept: DoT

1yr: 50,000 GP

2yr: 100,000 GP

3yr: 100,000 GP

Broadband for all Urban

- Virtual Network Operators for service delivery.
- Mandate communication infrastructure in new urban development and buildings.

Changes in Rules to facilitate.

National Information Infrastructure

- Coverage: Nationwide
- Timeline: March 2017
- Cost: Rs 15,686 Cr
- Nodal Dept: DeitY

Integration of SWAN, NKN, NOFN. To be implemented in 2 years

Pillar 2. Universal Access to Mobile connectivity

Universal Access to mobile connectivity

- **Coverage:** Remaining uncovered villages (~ 42,300 villages)
- **Timeline:** FY 2014-18
- **Cost:** Rs 16,000 Cr
- **Nodal Dept:** DoT

Ongoing Programme
Increased network
penetration &
coverage of gaps

Pillar 3. Public Internet Access Programme – National Rural Internet Mission

CSCs –

made viable, multi-functional end-points for service delivery

- **Coverage:** 2,50,000 villages (now 130,000)
- **Timeline:** 3 Years - March 2017
- **Cost:** Rs 4750 Cr
- **Nodal Agency:** DeitY

Ongoing Programme

Reach of Govt. services to all GPs

Post Offices

to become
Multi-Service Centres

- **Coverage:** 1,50,000 Post Offices
- **Timeline:** 2 Years
- **Nodal Agency:** D/o Posts

This should be
long term vision
for POs

Pillar 4. e-Governance: Reforming Government through Technology

- Government **Business Process Re-engineering** using IT to improve transactions
 - Form Simplification, reduction
 - Online applications and tracking, Interface between departments
 - Use of online repositories e.g. school certificates, voter ID cards, etc.
 - Integration of services and platforms – UIDAI, Payment Gateway, Mobile Platform, EDI
- **Electronic Databases** – all databases and information to be electronic, not manual
- **Workflow automation** inside government
- **Public Grievance Redressal** - using IT to automate, respond, analyse data to identify and resolve persistent problems – largely process improvements
- **To be implemented across government - critical for transformation.**

Pillar 5. eKranti - Electronic Delivery of Services

- **Technology for Education – e-Education**
 - All Schools connected with broadband
 - Free wifi in all schools (250,000)
 - Digital Literacy program
 - MOOCs – develop pilot Massive Online Open Courses
- **Technology for Health – e-Healthcare**
 - Online medical consultation
 - Online medical records
 - Online medicine supply
 - Pan-India exchange for patient information
 - Pilots – 2015; Full coverage in 3 years
- **Technology for Planning**
 - GIS based decision making
 - National GIS Mission Mode Project
- **Technology for Farmers**
 - Real time price information
 - Online ordering of inputs
 - Online cash, loan, relief payment with mobile banking
- **Technology for Security**
 - Mobile Emergency Services
- **Technology for Financial Inclusion**
 - Mobile Banking
 - Micro-ATM program
 - CSCs/ Post Offices
- **Technology for Justice**
 - e-Courts, e-Police, e-Jails, e-Prosecution
- **Technology for Security**
 - National Cyber Security Co-ordination Center

Ongoing Programme (NeGP) – will be revamped to cover these elements

Pillar 6. Information for All

- **Online Hosting of Information & documents**
 - Citizens have open, easy access to information
 - Open data platform
- **Government pro-actively engages through social media** and web based platforms to inform citizens
 - MyGov.in
 - **2-way communication** between citizens and government
- **Online messaging** to citizens on special occasions/programs
- **Largely utilise existing infrastructure** – limited additional resources needed

Pillar 7. Electronics Manufacturing

Target NET ZERO IMPORTS by 2020

- **Target NET ZERO Imports is a striking demonstration of intent**
- **Ambitious goal** which requires coordinated action on many fronts
 - Taxation, Incentives
 - Economies of Scale, Eliminate cost disadvantages
 - **Focused areas – Big Ticket Items**
 - FABS, Fab-less design, Set top boxes, VSATs, Mobiles, Consumer & Medical Electronics, Smart Energy meters, Smart cards, micro-ATMs
 - Incubators, clusters
 - Skill development
 - Government procurement
- There are many ongoing programs which will be fine-tuned.
- **Existing Structures inadequate to handle this goal. Need strengthening.**

Pillar 8. IT for Jobs

Train people in smaller towns & villages for IT sector jobs

- Coverage: 1 Crore students
- Timeline: 5 years
- Cost: Rs 200 Cr for weaker sections
- Nodal Agency: DeitY

New Scheme

IT ready workforce

IT/ITES in NE

- Scope: Setting up of BPO per NE State
- Coverage: NE States
- Nodal Agency: DeitY

ICT enabled growth in NE

Train Service Delivery Agents to run viable businesses delivering IT services

- Coverage: 3,00,000
- Timeline: 2 Years
- Nodal Agency: DeitY

Ongoing

Skilled VLEs and Viable CSCs

Telecom service providers to train rural workforce to cater to their own needs

- Coverage: 5,00,000
- Timeline: 5 Years
- Nodal Agency: DoT

Telecom ready workforce

Pillar 9. Early Harvest Programmes

IT platform for messages

- Coverage: Elected representatives, All Govt employees
- 1.36 Cr mobiles and 22 Lakh emails
- Mass Messaging Application developed

Targeted Mass
messaging since
July 14

Government Greetings to be e-Greetings

- Basket of e-Greetings templates available
- Crowd sourcing of e-Greetings thru MyGov
- e-Greetings Portal ready by 14 August 2014

1st e-Greeting
from PM on 15th
Aug 2014

Biometric attendance

- Coverage: All Central Govt. Offices in Delhi
- Operational in DeitY & Initiated in Urban Development
- On-boarding started in other depts
- Procurement of devices – tender issued

To be completed
by Oct 2014

Pillar 9. Early Harvest Programmes

Wi-fi in All Universities

- Scope: All universities on NKN
- 400 additional Universities
- Cost: Rs 790 Cr

Approval - Oct 2014
Implementation
done by Dec 2015

Secure email within government

- Phase I upgradation for 10 Lakh employees done
- Ph II for 50 Lakh employees by March 2015
- Cost: Rs 98 Cr

Email to be primary
mode of
communication

Standardize government email design

- Standardised templates under preparation

To be ready by
October 2014

Pillar 9. Early Harvest Programmes

Public wifi hotspots

- **Coverage:** Cities with pop > 1 Mill., tourist centres
- **Nodal Agency:** DoT/ MoUD

**Digital Cities
Completed by Dec
2015**

School Books to be eBooks

- **Nodal Agency:** MHRD/ DeitY

**Completed by Mar
2015**

SMS based weather information, disaster alerts

- **DeitY's Mobile Seva Platform ready**
- **Nodal Agency:** MoES (IMD) / MHA (NDMA)

**In place by Dec
2014**

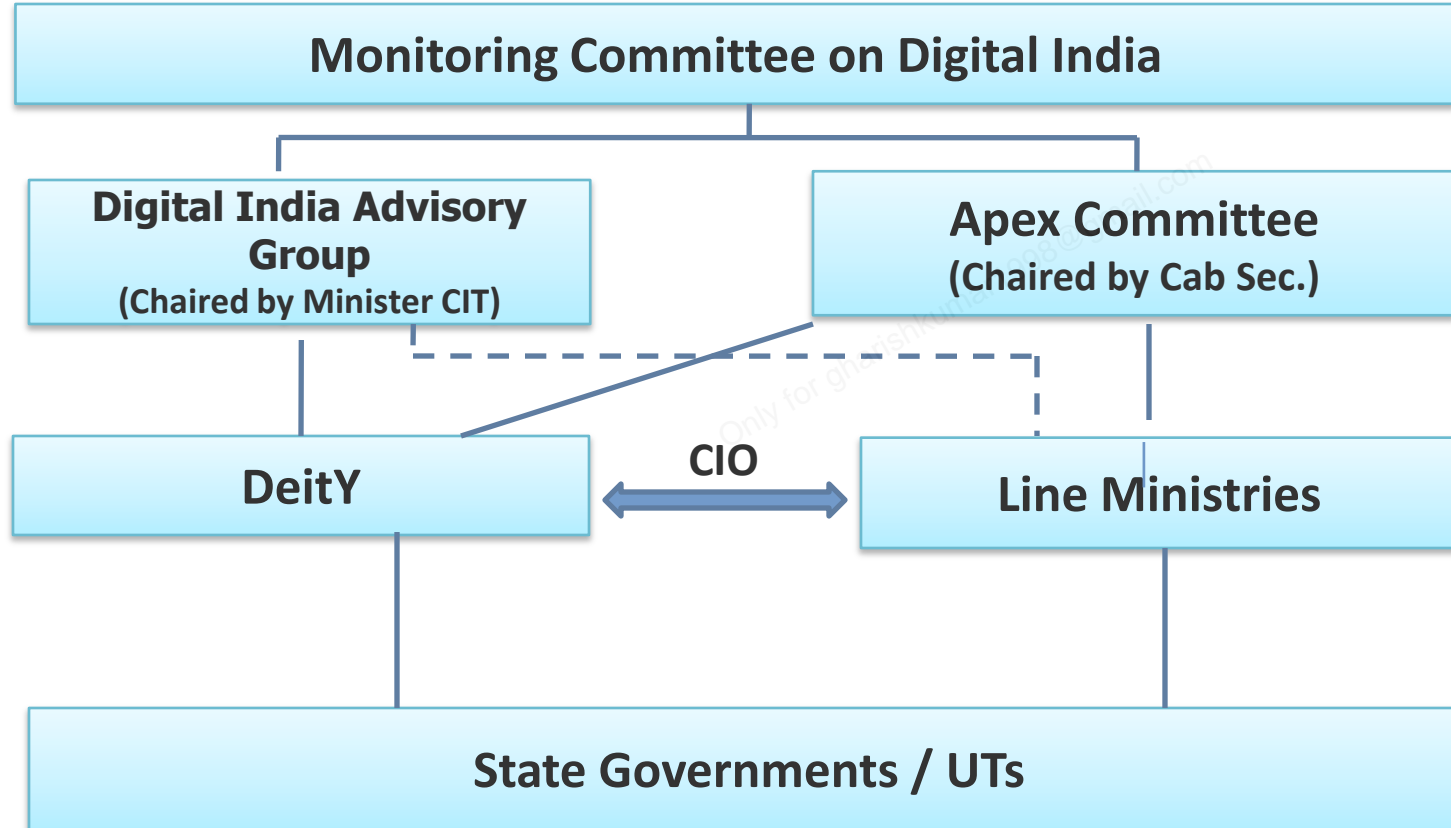
National Portal for Lost & Found children

- **Nodal Agency:** DeitY/ DoWCD

**In place by Oct
2014**

DIGITAL INDIA

Institutional Mechanisms at National Level



Composition of Monitoring Committee on Digital India

- **Prime Minister – Chairman**
- Finance Minister
- Minister of Communications & IT
- Minister of RD
- Minister of HRD
- Minister of Health

Special Invitees:

- Principal Secretary to PM
- Cabinet Secretary
- Secretaries of Expenditure, Planning, DoT and Posts
- Secretary, DeitY – Convener

DIGITAL INDIA

MINISTER
(Communications & IT)

SECRETARY
(DeitY)

Reorganisation of NIC

CIOs in important Ministries

Addl. Secretary
(e-Gov)

Joint Secretary
(Electronics Hardware
Manufacturing)

Joint Secretary
(Personnel, Admn. &
Industry Promotion S/W)

Addl. Secretary
(Digital India)

Electronic Manufacturing –
Target Net Zero Imports

Joint Secretary
(e-Gov)

Electronic Delivery of
Services - eKranti

Joint Secretary
(Infrastructure
Development)

Public Internet Access
Programme

Joint Secretary
(Capacity Building &
Digital Enablement
of Citizens)

Technology for Jobs

Information for All

Joint Secretary
(IT applications in un-
covered areas &
Process Re-engineering)

E-Governance: Reforming
Government through
Technology

Estimated Costs and Impacts

■ Overall Costs of Digital India

- ~ Rs 100,000 Cr in ongoing schemes (only DeitY, DOT & not incl. those in other line Ministries)
- ~ Rs 13,000 Cr for new schemes & activities

■ Impact of Digital India by 2019

- Broadband in 2.5 lakh villages, universal phone connectivity
- Net Zero Imports by 2020
- 400,000 Public Internet Access Points
- Wi-fi in 2.5 lakh schools, all universities; Public wi-fi hotspots for citizens
- Digital Inclusion: 1.7 Cr trained for IT, Telecom and Electronics Jobs
- Job creation: Direct 1.7 Cr. and Indirect at least 8.5 Cr.
- e-Governance & eServices: Across government
- India to be leader in IT use in services – health, education, banking
- Digitally empowered citizens – public cloud, internet access

Challenges & Changes Needed

- **Program on this scale never conceived**
- **Each Pillar/program has own challenges**
- **Human Resource Issues**
 - NIC - not equipped for a fraction of this task (obsolesce) - needs revamping & restructuring
 - DeitY – needs program managers – at least 4 more officers at senior levels
 - **Ministries – Need a Chief Information Officer / Chief Technology Officer (CIO/CTO)**
 - Could begin with CIOs 10 major Ministries
 - Can be anyone – from within or outside government
 - To be patterned as AS & FAs – dual reporting
- **Financial Resource Issues**
 - Mostly structured around ongoing programs : Better focus, need some restructuring
 - Some others are process improvements or better utilisation of resources
 - A few new programs may be needed – particularly in Electronics manufacturing and Skill Development
- **Coordination Issues**
 - Program covers many other departments
 - Need commitment and effort
 - Leadership and support critical for success

THANK YOU

4. e-Governance: Reforming Government through Technology

Business Process Re-engineering — using IT to improve transactions

- Coverage: All dept(s)
- Timeline: Over 3 Years
- Nodal Agency: DARPG / DeitY / Line Ministries / State Governments

All depts undertaking GPR

Electronic Storage of Information

- Coverage: All dept(s)
- Timeline: Over 2 Years
- Nodal Agency: DeitY /Line Ministries /State Governments

All depts having electronic DB hosted on cloud

Workflow automation

- Coverage: Inside Government & citizen centric services
- Timeline: Over 3 Years
- Nodal Agency: DeitY /Line Ministries /State Governments

All depts having automated w/f

4. e-Governance: Reforming Government through Technology

Electronic Storage – of information

- Coverage: All dept(s)
- Timeline: in phase manner
- Nodal Agency: DeitY/Line Ministries/State Governments

Govt. data hosted in
GI Cloud “MeghRaj”

Public Grievance Redressal –

IT to leverage in
complaint mgmt & ensure
visibility to govt.
processes

- Coverage: All dept(s)
- Nodal Agency: DARPG/Line Ministries/State Governments

Automated Public
Grievance
Redressal

6. eKranti - Electronic Delivery of Services

Expand Mission Mode Projects

- Coverage: from 31 MMPs to 100 MMPs
- Timeline: Over 2 Years
- Nodal Agency: DeitY

43 MMPs by 2014

Revamp Existing MMPs

- Convergence: Infrastructure and Services
- Communications: Data Exchange & open APIs
- Leveraging Common Platforms & Cloud

Integrated Services

Technology for Education (e-Education)

- **Scope:** All Schools connected with broadband, Free wifi in all schools & MOOCs (Massive Online Open Courses)
- Coverage: 250,000 Schools
- Timeline: 2 Years
- Nodal Agency: MHRD

eLearning

6. eKranti - Electronic Delivery of Services

Digital Literacy program – CSCs/ others

- **Coverage:** 50,00,000
- **Timeline:** 5 Years
- **Cost:** Rs 500 Cr
- **Nodal Agency:** DeitY

Digital
Inclusion

Technology for Health- e-Healthcare

- **Scope:** Online consultation, records, supply and pan-India exchange for patient information
- **Coverage:** Nationwide
- **Timeline:** Pilot by 2015 and full implementation in 3 years
- **Nodal Agency:** MoHFW

Complete online
medical records
by 2020

Technology for Farmers

- **Scope:** Real time price info, Online ordering, cash, loan, relief payment with mobile banking
- **Coverage:** Nationwide
- **Timeline:** Pilot by 2015 and full implementation in 3 years
- **Nodal Agency:** MoAgri/ DeitY/ Fertilizers/ DFS

Direct Impact
on Agriculture
sector &
Farmers

6. eKranti - Electronic Delivery of Services

Technology for Security

- Mobile Emergency services/ alerts

- **Coverage:** All Control Rooms
- **Nodal Agency:** MHA (NDMA) and MoES (IMD)

Alerts on real time basis

Technology for Financial Inclusion

- **Scope:** Mobile Banking, Micro-ATM programme, CSCs
- **Coverage:** Nationwide
- **Timeline:** 2015 end
- **Nodal Agency:** DFS, DoT and DeitY

Financial Services to citizens

6. eKranti - Electronic Delivery of Services

Technology for Justice

- **Scope:** e-Courts, e-Police, e-Jails, e-Prosecution
- **Coverage:** Nationwide
- **Timeline:** 2015 end
- **Nodal Agency:** DFS, DoJ and DeitY

Justice in fast track mode

Technology for Better Planning

- GIS based Decision Making
- Social Media (MyGov)
- Data Analytics and BI
- National GIS Mission Mode Project

Better Implementation

Technology for Security

- National Cyber Security Coordination Center
- Cost: Rs 1100 Cr

Safe & Secure e-Transactions

3. Electronics Manufacturing

TARGET NET ZERO IMPORTS by 2020

- **Duties, Taxes & Incentives**
 - Eliminate cost disadvantages
 - Manufacturing
 - Fabless design
- **Big Ticket Items**
 - IT, Telecom equipments, Mobiles, Consumer & Medical Electronics, LED, Solar, Automotives etc
- **Defense Electronics**
 - Focus on indigenous manufacturing
- **Innovation**
 - Through Industries
- **National Electronics Mission**
 - Creation of an empowered body
 - Institutional Capacity
- **Clusters**
 - Facilitating Infra for manufacturing
- **Wafer Fabs**
 - Indigenous manufacturing of critical electronic components in 2 years
- **Skill Development**
 - Vocational / Shop floor
 - Graduate / Post Graduate and PHDs

3. Electronics Manufacturing

Incentives

- M-SIPS
- Rationalizing taxes & duties
- Preferential market access
- Incentives for fabless design (NEW)
- Cost : Rs 24000 Cr

60 Bn turnover over 6 years
Direct Employment: 1.5 Million
Indirect Employment: 6 Million

Clusters

- Coverage: 5 Greenfield EMCs operational
- Timeline: 5 years
- Cost: Rs 1,500 Cr (Govt share Rs 500 Cr)

Infrastructure for electronics manufacturing

Promoting Innovation

- Electronic Development Fund
- PhD Scheme
- National Centres of Excellence (emerging technologies)
- Incubators
- Cost: Rs 5,000 Cr

Electronics Products with IP in India

3. Electronics Manufacturing (Contd.)

Wafer Fabs

- Coverage: 2 Fabs
- Timeline: 3 years
- Cost: Rs 12,419 Cr + Rs 23,347 Cr + Rs 1,400 Cr over XII, XIII and XIV Plan periods

Semiconductor
CHIPS for strategic /
commercial use

Skill Development

- Coverage: 4,00,000
- Timeline: 5 years
- Cost: Rs 575 Cr

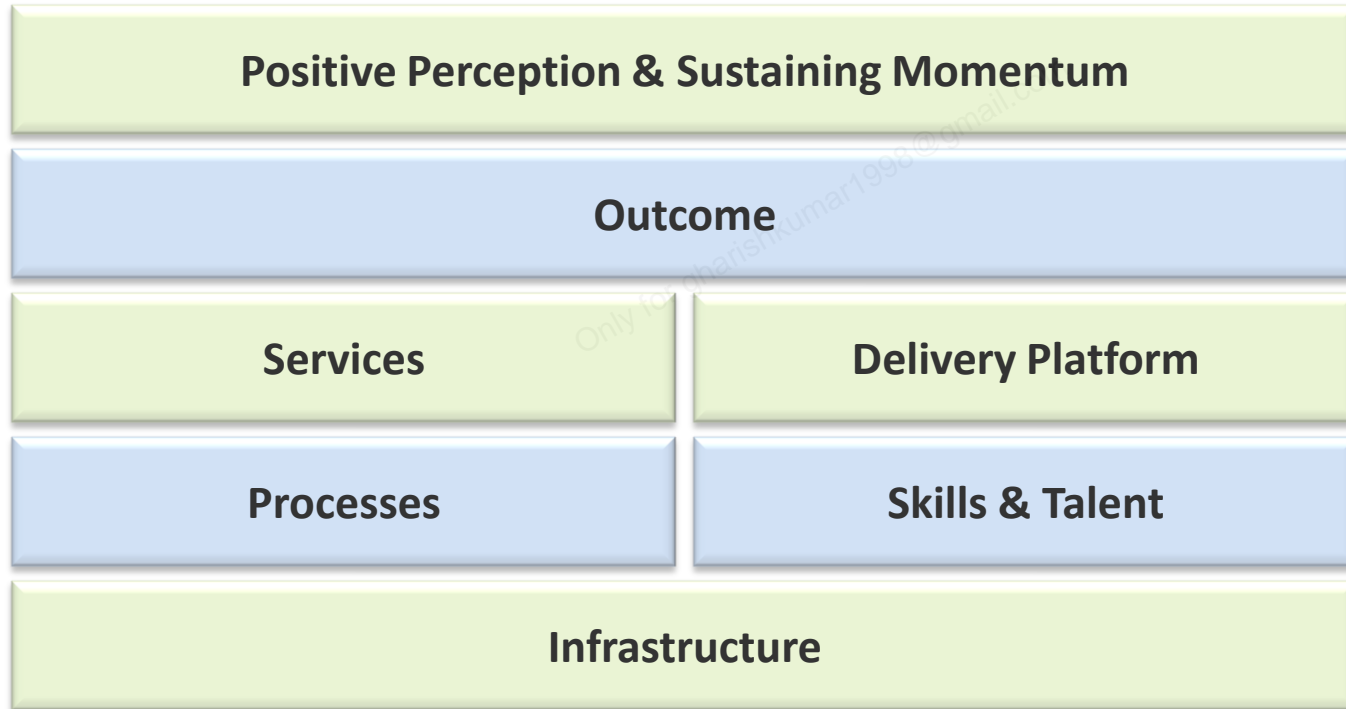
4 Lakhs workforce
ready for Electronics

National Electronics Mission

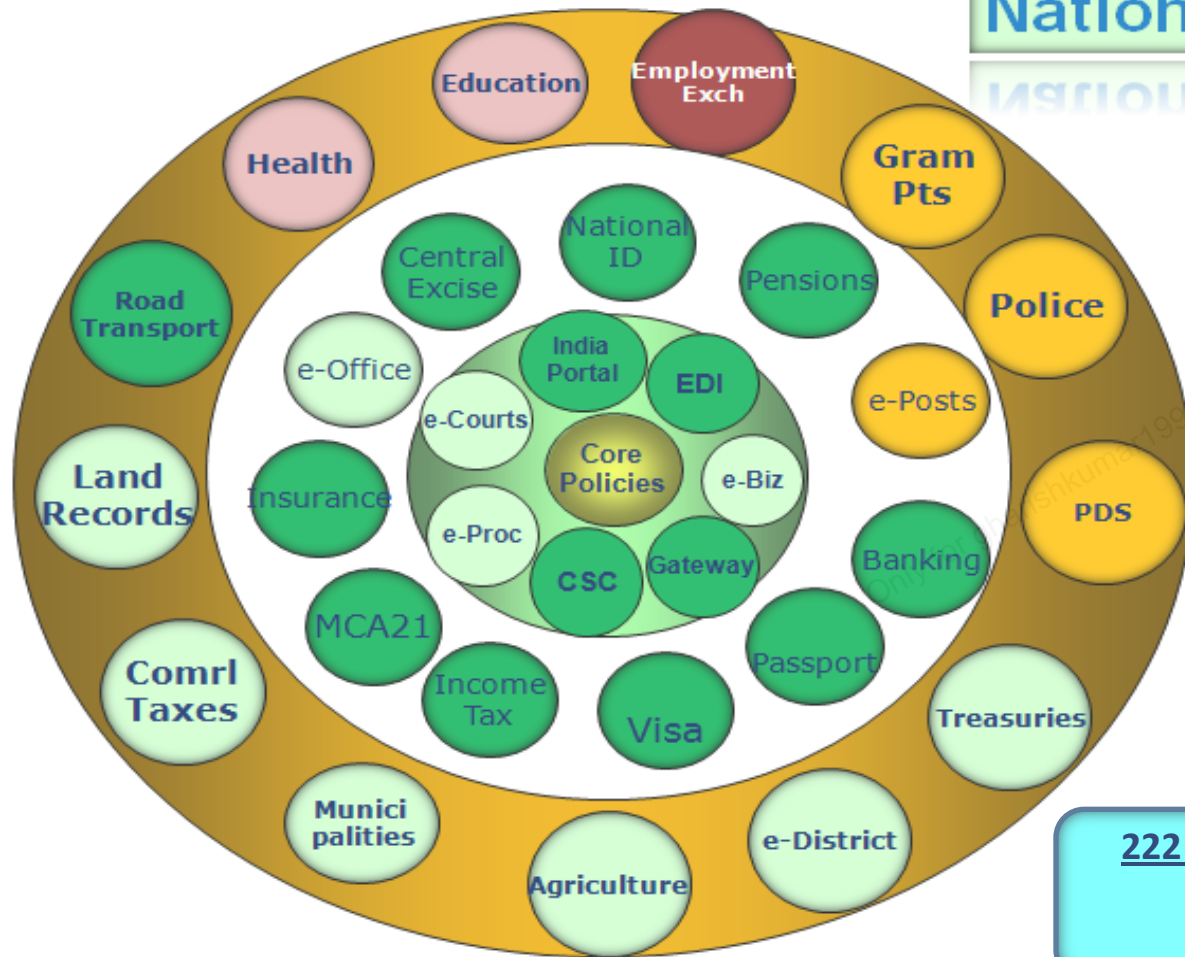
- Empowered Inter-ministerial body to expedite implementation
- Approval in 6 months

Fast track
implementation

To prepare India for a knowledge world, the Digital India initiative aims to build and sustain all associated critical elements..



National e-Governance Plan



222 Services provided (out Of 252 planned)

Over 11 Cr e-Txns/month
(from Jan'14-July'14)

India's Rank on Ease of Doing Business – 134 (World Bank Ranking 2014)

Sr. No.	Component	Rank (2014)
1	Starting a Business	179
2	Dealing with Construction Permits	182
3	Getting Electricity	111
4	Registering Property	92
5	Getting Credit	28
6	Protecting Investors	34
7	Paying Taxes	158
8	Trading Across Borders	132
9	Enforcing Contracts	186
10	Resolving Insolvency	121

ELECTIONS :-

RPA - 1950	RPA – 1951
Voter's qualification	Administrative machinery
Preparation of electoral rolls	Election related offences, disputes.
Provision of delimitation	Disqualifications
Allocation of seats etc.	Registration & Recognition of Political Parties

ELECTION RELATED PROVISIONS IN CONSTITUTION (Brief Overview):-

Article 324 – Direction, Superintendence and control of the Electoral Rolls , Elections. (LS, RS, SLA, SLC, President, Vice President) in Election Commission of India.

Establishment of Election Commission of India

Article 325 – No Person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race caste or sex.

Article 326 – Universal Adult Suffrage (Indian Citizens above 18 years of age) (Disqualification subject to law by appropriate legislature on grounds of non residence, unsoundness of mind, crime or corrupt or illegal practice)

Article 327 – Power of Parliament to make laws w.r.t. Parliamentary and State Legislature (Elections, Electoral Rolls , Delimitation and all other matters) (Parliament enacted RPA 1950 & RPA 1951)

Article 328 – the State Legislature is also empowered to make laws – (In so far as provision in that behalf is not made by Parliament)

Article 329 –

- The validity of any law relating to Delimitation made under Article 327 or Article 328 shall not be called into question in any court.
- No Election shall be called in question except by an election petition to such authority and in such manner provided by or under law by appropriate legislature.

GLOSSARY OF THE TERMS USED

(Source : Election Commission of India Manual on Model Code of Conduct).

1. Assistant Electoral Registration Officer: The Election Commission may appoint one or more persons as Assistant Electoral Registration Officers to assist an Electoral Registration Officer to prepare the electoral roll of the Constituency under his charge. Every Assistant Electoral Registration Officer shall, subject to the control of Electoral Registration Officer, be competent to perform all or any of the functions of Electoral Registration Officer.
2. Assistant Returning Officer: The Election Commission may appoint one or more persons as Assistant Returning Officer to assist a Returning Officer in conduct of election for the Constituency under his charge. Every Assistant Returning Officer shall, subject to the control of Returning Officer, be competent to perform the functions assigned in the statutes.
3. Booth Capturing: Booth capturing means unauthorised casting of votes by some person other than the genuine voter either by intimidating or

threatening the polling officials to surrender the ballot papers or by preventing the voters from going to the polling stations.

4. Booth Level Officer: Booth Level Officer is a local Government/ SemiGovernment official, familiar with the local electors and generally a voter in the same polling area, who assists in updating the roll using his local knowledge. He, under the overall supervision of Electoral Registration Officer, is responsible for field verification, collection of information/data regarding electors and preparation of roll of a part of electoral roll in respect of the polling area, assigned to him.
5. Bribery: Bribery may be described as an inducement to a person, by wrong means, to do or not to do a thing which he may otherwise have not done or done. In the context of elections, bribery is the most common and rampant form of corrupt practice. It is any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or any election agent, with the object of inducing a person to stand or not to stand or to withdraw or not to withdraw from being a candidate at an election, or an elector to vote or refrain from voting at an election.
6. Chief Electoral Officer: Chief Electoral Officer is an officer of the State Government, who supervises the work relating to preparation of electoral roll and conduct of all elections to Parliament and the Legislature of the State, subject to the overall superintendence, direction and control of the Election Commission.
7. Constituency: As amended from time to time, the Delimitation Order defines the territorial extent of each Assembly Constituency and the Parliamentary Constituency. A number of Assembly Constituencies comprise a Parliamentary Constituency. All Assembly and Parliamentary Constituencies are territorial, i.e. have fixed geographical boundaries. An exception is the Sangha Assembly Constituency in Sikkim which comprises of monks residing in recognised monasteries all over the State of Sikkim.

8. Corrupt Practice: A corrupt practice is committed by a candidate, or by someone else with his consent. It has effect of vitiating the whole election and can result in the said election being declared void. Corrupt practices at elections are specified in Section 123 of the Representation of the People Act, 1951.
9. District Election Officer: The Election Commission designates the head of district administration, variously known as Collector, Deputy Commissioner or District Magistrate, as District Election Officer of the district concerned. Subject to the superintendence, direction and control of Chief Electoral Officer, District Election Officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls, and conduct of elections to all Parliamentary, Assembly and Council Constituencies within the district. District Election Officer is responsible for providing polling stations and the publication of the list of polling stations and for providing polling staff at elections.
10. 10. Election Manifesto: An election manifesto is a published document containing declaration of the ideology, intentions, views, policies and programmes of a political party, keeping an eye, in particular, on forthcoming elections and published and publicised on the eve of elections.
11. Electoral Offence: Electoral offence is a criminal act relatable to an election specified under the Indian Penal Code. Commission of an electoral offence can be taken cognizance of as soon as it is committed in the same manner in which any other criminal activity is investigated and tried.
12. Electoral Registration Officer: For the purpose of preparation and revision of electoral rolls of a constituency, the Election Commission, in consultation with the Government of the State, designates/nominates an officer of the State Government concerned, as Electoral Registration Officer. Electoral Registration Officer is the statutory authority to prepare the electoral roll of the Constituency under his charge.

13. Electoral Roll: Ordinarily known as 'voter list', electoral roll is a list of persons registered as electors residing in a constituency. For proper management, electoral roll of a constituency is divided into several parts which contain details of electors of the corresponding polling areas.
14. EPIC: Electors Photo Identity Card (EPIC) is issued by Electoral Registration Officer to all electors registered in the electoral roll of the Assembly Constituency under him, for establishing the identity of the concerned elector at the time of poll.
15. False Statement: False statement is publication by a candidate or his agent or any other person with consent of the candidate or his election agent, of any statement of fact which is false or not true, in relation to personal character or conduct of any candidate calculated to prejudice the prospects of that candidate's election.
16. Freebie: Freebie is 'something given without charge'. In common parlance, freebies are the promises of giving certain tangible materials such as bicycles, laptops, TVs or facilities like electricity connection, water connection or food grains on nominal price or without any cost to a targeted group of electorate like people below poverty line, women, students, disabled people etc.
17. Gratification: Gratification means something valuable including all pecuniary benefits, entertainment and employment, which is calculated to satisfy a person's aim, object or desire. It refers to a gift made of something which gives material advantage to its recipient.
18. Impersonation: If a person votes in the name of any other person, whether living or dead, or in a fictitious name, or if having voted once, votes in his own name, he commits the offence of impersonation at that election. Impersonation is an electoral offence.

19. Inducement: Inducement is persuasion, promise and gratification offered through a third person, direct or indirect, to a voter to vote or refrain from voting. The voter may not be a direct party in the bargain between the candidate/ his election agent and the third person but must be shown to have an indirect interest in it.
20. Model Code of Conduct: The Model Code of Conduct is a set of norms for guidance of political parties and candidates during election period, evolved with the consensus of political parties. The Election Commission ensures its observance by political parties including the ruling parties and candidates during the period of elections so that nobody can disturb the level playing field for all political parties involved in the electoral process.
21. Party in Power: The party in power is the political party which is in government at the center or in the state. The Model Code of Conduct intends that no action should be taken by a party in power in close proximity to the date on which the elections are announced so as to derive any benefit therefrom during the elections.
22. Photo Voter Slips: For convenience of voters on day of poll, pre-printed official voter slips, containing photograph of voter and details available in the photo roll such as Number and Name of Constituency, Part No., Name, Gender, EPIC No., Relatives name, Serial No., Polling Station No. and Name and Date, Day and Time of poll, are distributed to all enrolled voters by District Administration. Photo Voter Slips are duly authenticated by Electoral Registration Officer and distributed through Booth Level Officer as per the schedule for distribution prepared by Returning Officer. The undistributed Photo Voter Slips shall be kept by Booth Level Officer. No photocopy of Photo Voter Slip is allowed for distribution purpose. Any unauthorized distribution/possession of Photo Voter Slip shall be considered as violation of provisions of the Representation of the People Act, 1951 and Indian Penal Code.

23. Polling Station: Polling station is the room/hall fixed for holding poll where the electors of the concerned polling area cast their votes on the day of poll. It is also referred to as 'polling booth'.
24. Returning Officer: The Election Commission, in consultation with the Government of the State, designates/nominates an officer of the State 5 "No voter to be left behind" Government concerned, as Returning Officer for a constituency for election to State Legislature or Parliament.
25. Screening Committee: To examine references of Model Code of Conduct from various departments of State Government, a Screening Committee is constituted in every State during elections. The Screening Committee is headed by Chief Secretary and consisted of two other members. After clearance from the Screening Committee, the Model Code references are sent for the approval of the Election Commission through the Chief Electoral Officer of that State.
26. SVEEP: Systematic Voters' Education and Electoral Participation (SVEEP) is a programme initiated by the Election Commission in 2011 to increase voter awareness and facilitate electoral participation through voter registration and turnout in the youths, women, tribal and other marginalized sections of the society.
27. Threat of Divine Displeasure/Spiritual Censure: Any inducement or attempt to induce electors to believe that they would become object of divine displeasure or spiritual censure, if they cast votes or refrain from casting votes in favour of a particular candidate.
28. Threat of Injury: The most common form of undue influence is to force a voter to vote or not for a particular candidate, or not to vote in an election at all by making threats of physical injury in case of any defiance of such dictate. Such threats of physical injury may not be confined only to the voter concerned but may also be directed against the third person, like, members of voter's family or any relatives or friends.

29. Undue Influence: Undue Influence, a major corrupt practice, implies to any direct or indirect interference or attempt to interfere on the part of a candidate or his election agent, with the free exercise of any electoral right. It amounts to a threatening to any candidates or any elector or any person in whom the candidate or elector is interested with injury of any kind including social ostracism and excommunication or expulsion from any caste or community.

MODEL CODE OF CONDUCT –:

- But no statutory backing.
- In Union of India Vs Harbans Singh Jalal and Others the Supreme Court Validated Model Code of Conduct.
- S. Subramaniam Balaji v/s Government of Tamil Nadu & Others wherein the court observed that Model Code becomes enforceable from the date of announcement of the election programme.
- It remains in force till the completion of election process.
- In February 2014, an additional Part VIII was added to Model Code to regulate the issue of election manifestos by political parties pursuant to judgement dated 5th July 2013 of the Supreme Court in S. Subramaniam Balaji v/s the Government of Tamil Nadu & Others.
- Prepared after consultation of Political Parties
- Model Code of Conduct for guidance of political parties and candidates is a small but unique document.
- It contains the following 8 parts:-
- (i) Part I of Model Code lays stress on certain minimum standards of good behaviour and conduct of political parties, candidates and their workers and supporters during the election campaigns.
- (ii) Parts II and III deal with the holding of public meetings and taking out processions by political parties and candidates.

- (iii) Parts IV and V describe as to how political parties and candidates should conduct themselves on the polling day and at the polling booths.
- (iv) Part VI exhorts political parties and candidates to bring their complaints to the notice of the observers appointed by the Election Commission for remedial action.
- v) Part VII deals with the parties in power. This part is, in essence, the flesh and blood of Model Code, which deals with several issues relating to Government and its Ministers, such as visits of Ministers, use of Government transport and Government accommodation, announcements of various schemes and projects etc.
- (vi) The newly added Part VIII says that election manifestoes shall not contain anything repugnant to the ideals and principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit of other provisions of Model Code.
- It is there to provide the level playing field to all Political parties and negate any special advantage to the ruling party.
- MCC was prepared by ECI after deliberation with political parties and using its powers under Article 324 for free and fair Elections.
- The following malpractices mentioned in Model Code are listed as 'corrupt practices' and 'electoral offences' in the Indian Penal Code and the Representation of the People Act, 1951:- (Source : MCC, ECI Website).
- (i) Indulgence in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes 13 “No voter to be left behind” and communities, religious or linguistic is a corrupt practice

under Section 123 (3A) of the Representation of the People Act, 1951.

- (ii) Appeal to caste or communal feeling for securing votes and use of Mosques, Churches, Temples or other places of worship as forum for election propaganda is both a corrupt practice and an electoral offence under Section 123 (3) and Section 125 of the Representation of the People Act, 1951, respectively.
- (iii) Bribery to voters is both a corrupt practice and an electoral offence under Section 123 (1) of the Representation of the People Act, 1951 and Section 171B of the Indian Penal Code, respectively.
- (iv) Intimidation of voters is an electoral offence under Section 135A (C) of the Representation of the People Act, 1951.
- (v) Impersonation of voters is an electoral offence under Section 171D of the Indian Penal Code.
- (vi) Canvassing within 100 meters of polling stations is an electoral offence under Section 130 of the Representation of the People Act, 1951.
- (vii) Holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll is an electoral offence under Section 126 (1) of the Representation of the People Act, 1951.
- (viii) Transport and conveyance of voters to and from polling stations is both a corrupt practice and an electoral offence under Section 123 (5) and Section 133 of the Representation of the People Act, 1951, respectively.
- (ix) Creating obstruction in or breaking up meetings and processions of one political party by workers of other parties OR creating disturbances at public meetings of one political party by workers or sympathisers of other political parties by putting questions orally or in writing or by distributing leaflets of their own party OR taking out processions by one party along places at which meetings are held by another party OR removing posters of one party by workers of another

party is an electoral offence under 14 “No voter to be left behind” Section 127 of the Representation of the People Act, 1951.

- (x) Serving or distributing liquor on polling day and during the forty eight hours preceding it is an electoral offence under Section 135 (c) of the Representation of the People Act, 1951.

ELECTION COMMISSION OF INDIA

- Article 324
- Constitutional Body
- Established on 25th January 1950
- CEC + EC – same powers, same salary, same service conditions, decision by majority
- CEC – removed as Judge of Supreme Court
- EC – removed on recommendation of CEC
- **Composition** – CEC + other Election Commissioners which President Time to Time fix.
- **Tenure** – 65 years – 6 years(1 term)
- Regional Commissioners may be appointed by President in consultation of Election Commission.
- Conditions of the service of Chief Election Commissioner shall not be varied to his disadvantage after his appointment.

Political Parties & Election Symbols Order – 1968

- A recognised political party shall either be a National party or a State party.
- Conditions for recognition as a State Party – A Political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled:
 - (i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or
 - (ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or
 - (iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or
 - (iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State or
 - (v) At the last general election to the House of the People from the State, or at the last general election to the Legislative

Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.}

- Conditions for recognition as a National Party – A political party shall be eligible to be recognised as National party, if, and only if, any of the following conditions is fulfilled:
 - (i) The candidates set up by the party, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in each of those States at that general election; and, in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States; or
 - (ii) At the last general election to the House of the People, the party has won at least two percent of the total number of seats in the House of the People, any fraction exceeding half being counted as one; and the party's candidates have been elected to that House from not less than three States; or
 - (iii) The party is recognised as State party in at least four States.
 -
- The Election Commission of India decides over the disputes related to symbols in case of a –
 - Split
 - Any dispute between 2 or more groups in the party.
 - A state recognised political party has symbol reserved in the entire state
 - Same goes for a National Party that is recognised – symbol reserved in entire country

(If a new party gets National Recognition and there is already a Recognised Political Party in the state with the same symbol, then the State Recognised Party will have that common symbol and National Party would be given alternative)

- This is all guided by Election Symbols Order, 1968
- A registered Party is different from recognised Party (All parties are Registered but then on the basis of performance they are recognised or remain non recognised)

- **ELECTORAL BONDS**

- The concept of electoral bonds was introduced through the Finance Act of 2017.
- The National Commission to review the working of Constitution also highlighted the High Cost of Elections as the reason for corruption.
- RBI designated SBI as the bank to sell bonds.
- It must be exchanged (submitted) within 15 days i.e. they are valid for 15 days from the date of issuance.
- Must be bought after complying KYC Norms.
- The amended Section 182 of the Companies Act 2013 removes the requirement by companies to declare contributions made to political parties through Electoral Bonds.
- Previously, the companies can maximum contribute up to 7.5% of average last three years average profit – this provision has been done away with. No such restriction now.
- Conditions for Electoral Bonds: Only parties registered under the RPA 1951, which secured not less than one per cent of the votes polled in the last General Election to the House of the People or the Legislative Assembly of the State.

Positives –

- i. KYC Norms would need the channelizing of black money
- ii. In addition to Electoral Bonds Provisions like not taking more than 2,000 cash will end the use of Black Money
- iii. Money being channeled to Political Parties are documented, and accounted in banks which may be retrieved by enforcement agencies

Challenges –

- Anonymity
- Only SBI designated giving upper hand to ruling party to gain information.
- Removal of 7.5 Percent Cap
- Now, even Foreign Companies having majority stake companies can contribute.

• STATE FUNDING OF ELECTIONS

State Funding of elections has been a long pending issue and it is extremely important for free and fair elections.

The Corporate Funding brings with itself certain negatives such as –

- Heavily in favour of National Parties and parties that are ruling
- The corporates expect policy favour.
- This will lead to better accountability as the secrecy will pave way for transparency

The INDRAJEET GUPTA COMMITTEE ON State Funding of Elections made certain recommendations:-

- i. State Funding should be in form of KIND
- ii. Only to Recognised Political Parties
- iii. Complete account should be with the Election Commission of India

CHALLENGES –

1. Limited fiscal capacity of the State
2. If given to Recognised Parties, the Registered Parties would cry foul of violative of Principle of Equality

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SIMULTANEOUS HOLDING OF ELECTIONS

The issue got into limelight after our Honourable Prime Minister urged in to this regard.

Positives –

- Saves time
- Saves energy
- MCC is enforced for a very limited time
- Populist measures and compulsions shall be avoided
- Nation will save huge amount of money
- Stability will lead to better decision making and analysis of future government actions (certainty)

Challenges –

- Constitution needs to be amended to ensure that there is a Confidence Motion along with every No-Confidence Motion
- States may not agree to such proposals.
- Some experts argue that it will give edge to National Party
- National Parties with huge resources at their bay would be at a higher pedestal to meet the exigencies of simultaneous elections
- Some experts also believe that the National Parties will also reap electoral dividend compared to state parties (people may give vote to same party in Centre, State)

NONE OF THE ABOVE – NOTA

- Apex Court in *People's Union in Civil Liberties Case, 2013* – ruled that Rule **49(O) of Conduct of election Rules, 1961** is ultra vires with the Article 19 of the Constitution.(Also arbitrary classification violative of Article 14).
- Apex Court directed that –
 - Provision of NOTA shall be introduced in ECI
 - Right to vote implies RT Reject, RT be neutral due to his choice, belief
 - Right to reject has its ramification from Freedom of Speech and Expression.(Although technically the candidate is not rejected.)
 - Right to Secrecy is an integral part of free and fair elections.
 - Arbitrary distinction between a person who voted and one who chose not to vote on basis of secrecy is violative of Article 14.

POSITIVES –

- a. Voter participation would be high due to the option of NOTA
- b. Voter's frustration is exhibited through NOTA
- c. Political Parties may realise over a period of time and it may compel them to bring in better candidates

Dissent if the safety value of Democracy and NOTA is a form of dissent

NEGATIVES –

- a. Merely a cosmetic provision will not lead to the defeat of candidate.
- b. NOTA should also be clubbed with the Right to Recall.

OPINION POLL – EXIT POLL

EXIT POLL	OPINION POLL
Explicitly provided in Section 126(a) of the RPA, 1951 that restricts the dissemination of voter's choice taken after they have voted	They are as such are not banned explicitly through RPA, 1951, but the provisions of Section 126 in RPA, 1951 (not explicitly given)
It is banned	The Opinion Polls are banned under this provision 48 hours before the polling ends
This also empowers the ECI to ban any such exit poll and the provision also has fine / imprisonment / both in case of violation	
The Election Commission of India bans Exit Poll in pursuance of the Act from the first day of the 1 st phase to half an hour after the voting ends in the last phase	

PROXY VOTING AND NRI VOTING

- NRI – Non-Residential Indians – living outside India.
- NRI – register and has to come and vote physically.
- India doesn't support e-voting as of now.
- The Postal Voting facility is available to government servants posted outside, Army Personnel (wife of army personnel is allowed) and other classes defined by ECI in consultation with the Government. (Section 60 of RPA 1951).
- The overseas staying NRIs can register through Form 6A.
- The ECI, in December 2020 has for the first time expressed that it is technically and administratively ready to implement

an electronically transmitted postal ballot system

- This will be done through ETPBS, it is yet to be finalised, how the votes will be transmitted to the RO.
- As per RPA, 1950, an NRI can vote at his place of residence, as mentioned in his/her passport by being physically present at the polling booth on the polling day, so as of now, proxy voting and E-voting is not extended to NRIs, this will increase the voter participation and also concretise democracy.
- The present system is that the RPA allows certain categories of voters, to cast their vote as per Section 60 of RPA, 1951 and rules made therein
-

ELECTRONIC VOTING MACHINES

- The EVM was mooted by the Election Commission of India in 1977 and 1st time machine was used in North Paravur Constituency in Kerala
 - The RPA-1951 was amended to provide for voting through machines –
 - Section 61A of RPA, 1951 provides for Voting Machines at Elections.
 - J. Jayalithaa and Ors vs. Election Commission of India (Supreme Court Validated EVM'S).
- a. Time saved
 - b. Energy saved
 - c. Environment – paper reduction
 - d. Better accuracy, less chances of interference
 - e. Time gap between 2 voters eliminates the chances of booth capturing (90 secs)

Challenges –

- a. The challenge and suspicion towards EVM have reduced its credibility which needs to be restored for the faith of the common person
- b. EVMs challenged by the ECI though has been successful in

eliminating the mistrust and fear but the rumours spread by political parties have added fuel to the fire

- c. Any party losing elections have got into culture of accusing the EVMs.

VOTER VERIFIED PAPER AUDIT TRIAL

- The VVPAT is a machine attached to the EVMs that reflects the vote given in form of 3 information –
 - Name of the candidate
 - Party symbol
 - Serial
- This paper is then automatically dropped in a box which can be verified later in case of anomaly between EVM and VVPAT votes
- The Apex Court before 17th Lok Sabha Elections directed that VVPAT shall be matched with EVM for 5 polling booths every Assembly Constituency before the declaration of results by the RO. PAID NEWS AND SOCIAL MEDIA

Paid News (PCI) –

- Any news analysis in Print media or electronic media for consideration in kind or cash
- The Election Commission of India is also taking steps to establish committees at district level to look into complaints of Paid News
- The expenditure should be included in the Candidate's filed expenditure after elections
- Law Commission of India has recommended for provision of Paid News explicitly in RPA 1951.

Social Media –

- The arrival of www and internet has changes communication

forever in an unprecedented manner.

- The menace of social media during elections has led to ECI taking strong steps
- ECI has a meeting with Internet and Mobile Association of India that led to deviation of Code of Ethics for self-regulation.
- Term social media – not mentioned in the RPA
- The meeting led to agreement between ECI and major social media houses (Facebook, WhatsApp, etc.,) to notify ECI under sec.126 of RPA – 1951 in case of any campaign within that 40 hours ban limit
- The social media Houses also exhibited their intent to self-regulate and collectively work with ECI in achieving the mandate of fair election not marred by communal clashed or posts of similar kind and polarisation over Internet.

UMESH SIMHA COMMITTEE ON SOCIAL MEDIA –

- Constituted under leadership of Senior Deputy Election Commissioner Mr. Umesh Simha
- Committee was to review and suggest modification and changes in provisions of Sec.126 of RPA-1951 and provisions of Model Code of Conduct
- The committee dealt with the issue and suggested that S.126 of the RPA embodies the principle of “*Election Silence*”
- The provisions of election Silence should be extended to cover –
 - Print and Social Media
 - Cable channels
 - Internet
 - Online version of print media
- The social media agencies must be asked to label political

advertisements from other content and maintain an account of expenditure incurred by political parties / candidates for advertisement

- Committee also suggested that political parties must release their manifesto at least 72 hours ~~before~~ the polling ends in 1st phase.

CRIMINALISATION OF POLITICS

Main reasons for criminalisation –

- Vote Bank Politics (Caste, Religion factor)
- Corruption and money power
- Acceptance among masses
- Lack of idealism.

The Apex Court in 2002 (ADR Case) – ruled that the Nomination papers shall include criminal antecedents, educational qualifications and financial information to assets, liabilities etc.,

- Apex Court in *People's Union for Civil Liberties Case* provided for NOTA button in EVM.
- This has led to venting of citizen's anger and their exhibition of dissent in case of all the candidates not accepted to them.
- *Lily Thomas v. Union of India, 2013* – struck down Section 8(4) of RPA, 1951, that allowed the convicted politicians to escape disqualification by acceptance of an appeal in a Higher Court. This has led to a situation where politicians are immediately disqualified on conviction.

Corrupt Practices are mentioned in Section 123 of RPA 1951.

Electoral Offences

- Section 125, RPA 1951 :- Promoting enmity between classes in connection with election.
- Section 125 A , RPA 1951 :- Penalty for false affidavit.

LAW COMMISSION OF INDIA – also recommended that cases against the politicians must be fast tracked and should be decided within a year.

Union Government in 2017 informed that it is setting Fast Track Courts across the country. (Special Fast Track Courts have been established to expedite the cases against elected representatives).

WAY FORWARD –

- Stricter implementation of MCC
- The political parties must look into the suggestions by the Apex Court to stay away from giving tickets to people with criminal antecedents
- The nexus between corporates – politicians – state officials must be broken and loopholes in RPS (No explicit provision to countermand elections in event of money distribution) etc., must be addressed by legislature
- There should be inner-party democracy.

INNER PARTY DEMOCRACY –

- Includes transparency and openness in governance of a party, organisational elections, selection of candidates, etc.,
- According to NCRWC Report on Electoral Processes and Political Parties – No electoral reforms can be effective without reforms in Political Party system
- 2nd ARC – 2008 Report on Ethics and Governance – underlines the importance of inner party democracy
- No whip in elections of President, Rajya Sabha.