



सत्यमेव जयते

**PARLIAMENT OF INDIA
RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE**

SIXTY FIRST REPORT

**Electoral Reforms-Code of Conduct for
Political Parties and Anti Defection Law**

(Presented to the Rajya Sabha on 26th August, 2013)

(Laid on the Table of Lok Sabha on 26th August, 2013)



**Rajya Sabha Secretariat, New Delhi
August, 2013/Bhadrapada, 1935 (Saka)**

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COMPOSITION OF THE COMMITTEE

1. Shri Shantaram Naik — *Chairman*

RAJYA SABHA

2. Dr. Abhishek Manu Singhvi
3. Shri Ram Jethmalani
4. Shri Bhupender Yadav
5. Shri Ramchandra Prasad Singh
6. Shri Sukhendu Sekhar Roy
7. Shri Ram Vilas Paswan
8. Shri Sanjiv Kumar
9. Shri Parimal Nathwani
- @10. Vacant

LOK SABHA

11. Maulana Badruddin Ajmal
12. Shri P.C. Gaddigoudar
13. Shri D.B. Chandre Gowda
14. Shri Shailendra Kumar
15. Shri Jitender Singh Malik
16. Shri Arjun Ram Meghwal
17. Shri Pinaki Misra
18. Shri S. Semmalai
19. Shri S.D. “Shariq”
20. Shrimati Meena Singh
21. Shri Vijay Bahadur Singh
22. Dr. Prabha Kishore Taviad
23. Shri Suresh Kashinath Taware
24. Shri Madhusudan Yadav
- *25. Shri T. R. Baalu
- *26. Shri S. S. Ramasubbu
- *27. Shri N.S.V. Chitthan
- *28. Shri E.T. Mohammed Basheer
- *29. Shri Abhijit Mukherjee
30. Vacant
31. Vacant

@ Vacancy caused due to induction of Shri Jesudasu Seelam in the Council of Minister *w.e.f.* 19th June, 2013.

* Nominated to be Member of the Committee *w.e.f.* 1st May, 2013.

SECRETARIAT

Shri Alok Kumar Chaterjee, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri Ashok K. Sahoo, *Joint Director*

Shrimati Niangkhanem Guite, *Assistant Director*

Shrimati Catherine John L., *Assistant Director*

INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorized by the Committee, present Sixty-first Report on Electoral Reforms-Code of Conduct for Political Parties and Anti-Defection Law. The objective of the Report is to review the working of the Model Code of Conduct enforced by the Election Commission of India during elections and Anti-Defection Laws as contained in the Tenth Schedule of the Constitution.

2. The Committee held discussions on the subject with the Legislative Department, Department of Legal Affairs, Election Commission of India, Law Commission of India and Political Parties to gather information related to the subject and to get acquainted with various problems/issues faced by political parties and candidates during the electoral process.

3. The Committee visited Mumbai, Kolkata, Shillong and held discussions with the State Governments of Maharashtra, West Bengal, Assam, Meghalaya, Manipur, Arunachal Pradesh, Nagaland, Tripura, various political parties, NGOs, individuals and other stakeholders on the subject.

4. The Secretary and Additional Secretary, Legislative Department, Ministry of Law and Justice made a detailed presentation on the subject on 22nd May, 5th June, and 14th June, 2013. The Deputy Election Commissioner made presentation on 16th July, 2013 on the subject. On 24th July, the Committee again heard by Secretary, Legislative Department, Secretary, Department of Legal Affairs, Senior Law Officer, Law Commission of India.

5. While considering the subject, the Committee has relied on following documents/information:-

- (i) Background Note on the subject furnished by the Legislative Department;
- (ii) The Representation of The People Act, 1950;
- (iii) The Representation of The People Act, 1951;
- (iv) The Constitution of India;
- (v) Model Code of Conduct followed by Election Commission of India;
- (vi) Extracts of recommendations/suggestions made by various Committees and Commissions set-up by the Government;
- (vii) Views/suggestions contained in Memoranda received from stakeholders;
- (viii) Written replies to the Questionnaire received from stakeholders; and
- (ix) Written clarifications of the Legislative Department, Ministry of Law and Justice to the questions raised by Members in its meetings.

6. The Committee adopted the Report on 19th August, 2013.

7. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;
19th August, 2013.

SHANTARAM NAIK
Chairman,
Department-related Parliamentary Standing Committee
on Personnel, Public Grievances, Law and Justice

ACRONYMS

AIR	All India Reporter
CrPC	Code of Criminal Procedure
ECI	Election Commission of India
IPC	Indian Penal Code
MCC	Model Code of Conduct
NIT	Notice Inviting Tender
Ors	Others
RP ACT	Representation of People Act
SC	Supreme Court of India
SCC	Supreme Court Cases

REPORT

CHAPTER-I

Model Code of Conduct for political parties

Model Code of Conduct (MCC) for political parties and candidates is a set of norms evolved with the consensus of political parties and enforced by the Election Commission of India. Provisions in that Code of Conduct have been, by and large, adhered to by political parties helping the Election Commission to conduct free and fair elections. The main objective of the Code is to provide a level playing field between contestants during the time of elections.

Genesis and evolution

2.0 The Model Code of Conduct for election was for the first time adopted for Assembly Election of Kerala way back in 1960. In 1962, the Election Commission of India circulated that code amongst all recognised political parties at that time and to State Governments with an advisory to discuss the code with political parties in their States and urge upon them to give their consent and acceptance to the provisions contained in that code on the eve of Third General Election. Political parties generally accepted and followed the provisions of code in that General Election. In 1991, the code was consolidated by the Election Commission and from that time the Commission has been ensuring its strict compliance in letter and spirit for conduct of peaceful, free and fair election. The present code contains guidelines for political parties and candidates. The present code has seven paragraphs which includes general conduct for parties and candidates and also parties in power (**Annexure-I**).

2.1 The general perception about the MCC is that the code is self regulatory and given to themselves by the political parties but the fact is that its violation largely attracts penal action. Even the Election Commission of India is empowered under para 16A of the Election Symbols (Reservation and Allotment) Order, 1968 either to suspend or withdraw the recognition of party after giving that party a reasonable opportunity to defend itself in the event of violation of Model Code of Conduct. Most of the provisions of the code in paras – I, II, III and IV are relatable to provisions contained in one of the three Statutes – Indian Penal Code, 1860, Code of Criminal Procedure, 1973 and Representations of People Act, 1951. Only a few provisions in the Model Code of Conduct do not have statutory backing. Provisions of Model Code of Conduct having statutory back up are given at **Annexure-II**.

Views of Nodal Ministry and Election Commission of India

3.0 The Legislative Department, Ministry of Law and Justice which is nodal Ministry for the Election Commission has submitted that the Model Code of Conduct by its very nomenclature is only a self regulatory code. Often it is said that the code does not have any legal status for the simple reason that on the one hand some of its provisions could be co-related with certain statutory provisions already in the statute book (IPC, CrPC, RP Act, 1951); on the other hand, many of its provisions are generally advisory in nature which does not have specific legal backing of any statutory provisions.

3.1 One of the Deputy Election Commissioners during his deposition before the Committee submitted that the MCC is self regulatory from the point of view of its genesis. It was evolved over a period of time by political parties themselves while the Election Commission has been essentially playing a facilitating role and enforcing it with the consensus of stake holders. Several provisions of

the code have a corresponding echo in Indian Penal Code in the form of electoral offences and in the Representation of People Act, 1951 in the form of electoral practices.

3.2 However, the code is implemented at the time of election more or less in the nature of rule of game to provide level playing field where the Election Commission looks upon itself as an umpire. If it finds that someone is committing a foul, it shows the yellow card and then the game restarts again.

3.3 The Election Commission has expressed its considered view that MCC has become an effective tool in the conduct of free and fair election and should be left as it is. It further added that although statutory back up to the code may make it more effective and strengthen its binding nature, it may complicate the implementation of the code in the middle of elections. The manner in which the odd violations of MCC have been handled by the Election Commission with the speed and urgency that election situation demands, proves that the code has stood the test of time. Therefore, it should be left as an established way of enforcing the code.

3.4 The Department of Legal Affairs added that the provisions in the code having statutory back up are enforceable. Whenever the Election Commission of India enforces the code of conduct, in fact they enforce the statutory provisions of the code. As a norm, the cases of violation of the code are dealt with, within a couple of days.

3.5 The code has sustained its credibility and relevance with the cooperation of political parties which is the vital tool in the mammoth exercise of conduct of free and fair elections. The political parties have shown their sincerity in observance of the code and willingness to mend ways in the event of transgression of MCC which are only instances of aberration of the rule.

Role of Election Commission of India *vis a vis* MCC

4.0 Election Commission of India which enforces MCC is a permanent constitutional body totally insulated from executive and political interference. Article 324 of Constitution vests in Election Commission of India the power of superintendence, direction and control of entire process for conduct of election to Parliament, Legislatures of every State and offices of President and Vice-President of India. Articles 327 and 328 vests the power with Parliament and State Legislature, respectively, to make laws with respect to elections to legislatures. The Representation of People Act, 1950 and the Representation of People Act, 1951 have been enacted under the Article 327 by Parliament to deal with all aspects of conduct of election and post-election disputes. The Apex Court has also held that Article 324 gives plenary power to Election Commission of India but that constitutional provision is supplemented by laws enacted by Parliament. The Supreme Court has also consistently held (in the cases - Mohinder Singh Gill Vs. Chief Election Commissioner (1978) 1 SCC 405: AIR 1978 SC 851), A.C. Jose Vs. Sivan Pillai and Ors (1984) 2 SCC 656) and Kanhiyalal Omar Vs. R.K. Trivedi and Ors (1985) 4 SCC 628: AIR 1986 SC 111) that the ECI has residuary power under the Constitution to act in appropriate manner in the matter of conduct of election where the enacted laws are silent or insufficient to deal with a given situation.

4.1 Therefore, Article 324 needs to be harmoniously read in the light of other constitutional schemes and R.P. Acts, 1950 and 1951. Legislature can enact law without affecting plenary powers of ECI; at the same time Article 324 which gives plenary power to ECI cannot be abused to acquire legislative power.

4.2 ECI functions as a *quasi-judicial* body in the matter related to election and election disputes. However, its decision is subject to Judicial Review by High Courts and the Supreme Court while acting on election petitions. The jurisdiction of High Court under Article 226 and 227 is excluded during election period in view of Article 329 (b) of the Constitution. By judicial interpretation, the word 'election' under Article 329 (b) connotes the entire election process commencing with the issue of

notification calling the electorate to elect their representatives and culminating with the declaration of election result. By necessary implication, the decision of ECI on the violation of MCC cannot be challenged in High Court and Supreme Court during subsistence of election process but can be challenged in election petition after declaration of election result.

4.3 Giving statutory backing for Model Code of Conduct has been discussed in Dinesh Goswami Report (1990) at paragraph 6. That Committee was of the view that only such provisions of the Model Code of Conduct that are vital and important in nature should be brought under the statute. The following items were proposed to be brought within the ambit of electoral offence:–

- (a) Combining of official visit with work relating to elections or making use of official machinery or personnel in connection with any work;
- (b) Using Government transport, including official aircrafts, vehicles, machinery and personnel in connection with any work relating to elections;
- (c) Restricting or monopolising the use of public places for holding election meetings or use of helipads for air flights in connection with any work relating to elections;
- (d) Restricting or monopolising the use of rest houses, dak bungalow or other Government accommodation or the use of such accommodation including premises appertaining thereto as a campaign office or for holding any public meeting for the purposes of election propaganda;
- (e) Issuing of advertisements at the cost of public exchequer in the newspapers and other media;
- (f) Using official news media for partisan coverage of political news and publicity of achievements with a view to furthering the prospects of any party or candidate;
- (g) Announcing or sanctioning of any financial grants in any form or making payments out of discretionary funds;
- (h) Laying of foundation stones of projects or the inauguration of schemes of any kind or the making of any promises of construction of roads or the provision of any facilities;
- (i) Making of any ad hoc appointments in government or public undertakings during the election period for the furtherance of the prospects of any party or candidate;
- (j) Entering any polling station or place of counting by a Minister except in his capacity as a candidate or as a voter or as an authorised agent; and
- (k) Ban on transfer of officers and staff specified in Section 28A when election is in process.

4.4 Accordingly, the Representation of People (Amendment) Bill, 1990 was introduced on 30th May, 1990 in Rajya Sabha. Clause 15 of that Bill included aforesaid 11 items verbatim, from the report of Dinesh Goswami Committee. The Bill was referred to Joint Select Committee in January, 1991 and debated thereafter in House and eventually withdrawn on 13th June, 1994.

4.5 Parliament inserted Section 29 A in the Representation of People Act, 1951 in 1989 to empower the Election Commission of India to register political parties but power to de-register political parties on account of violation of law has not been given to Election Commission under the said Act. However, the Election Commission on its own has inserted para 16 A on 18th February, 1994 in the Election Symbols (Reservation and Allotment) Order, 1968 assuming power to suspend or withdraw recognition of the party as national or state party in the case of violation of the Model Code of Conduct. It is pertinent to note that the Election Commission of India has been given power to de-register a political party only when that party is declared as unlawful or it was found to obtain registration through fraudulent means, by judiciary.

Period of Enforcement

5.0 Election Commission of India announces the schedule of election in a major press conference a few weeks before the formal process of election is set in motion by it. Thereafter, the Election Commission of India issues a notification for the election and thereby the actual process of election starts. But the MCC for political parties and candidates gets enforced immediately with announcement of election schedule by ECI. The date of announcement of election schedule cannot be more than three weeks anterior to the date of notification, which has been settled by the Apex Court while disposing Special Leave Petition by Union of India against the judgement of Punjab and Haryana High Court in the case of Harbans Singh Jalal vs. Union of India and others pronounced by the latter on 27th May, 1997. The Apex Court, while disposing aforesaid Special Leave Petition, took note of the agreement reached by the Government of India and Election Commission of India to the effect that MCC shall be enforced from the date of announcement of election and the announcement of election will not ordinarily be more than three weeks before the date of notification.

5.1 The MCC remains enforceable from the date of announcement of election till the completion of election i.e. announcement of election result. In general election to Lok Sabha, the MCC applies throughout the country and in the case of election to Legislative Assemblies/Councils, the code applies within the State concerned. During bye-election, developmental work and implementation of schemes are held up in the portion of particular district which is involved in the election process, whereas use of Government machinery and resources for advertisement, tour, etc. is applicable to the whole district. Keeping in view the massive size of the electorate, different climatic conditions and mobilisation of huge paramilitary forces, elections are now-a-days held in multiple phases for ensuring free and fair elections. Normally, the MCC which was to be in force three weeks before the election notification till results are declared, remains in force from the date of announcement which is often more than three weeks before the notification, and continues to remain in force until the election process in respect of all the phases is complete. It has been experienced that when elections are held together in several States that too in three to four phases, the MCC was in force for more than ninety days or more and thereby paralysing the developmental work in States for as many as five to six months.

5.2 The Committee has received various suggestions from stake holders on the issue of duration of enforcement of MCC which are as under:-

- (i) The Model Code of Conduct may be suspended in the case of natural disaster such as flood and drought and other emergency to give relief to the needy;
- (ii) The reduction of period of three weeks to the minimum between the announcement of election schedule and election notification;
- (iii) In case of delay in announcement of result of election enforcement of MCC may be withdrawn after vote is cast.
- (iv) State Government of Tripura suggested to implement MCC from the date of election schedule;
- (v) For developmental work undertaken by Municipal Councils and Zila Parishad may be allowed to continue since those institutions are somehow independent in their functions;
- (vi) Enforcement of MCC should be entrusted to separate machinery under Election Commission with a view to reduce the burden on Election Commission of India as Chief Electoral Officer is pre-occupied with the conduct of free and fair election which is their primary job;
- (vii) Fast track courts to dispose off violation of MCC within a given time;
- (viii) Ongoing work not to be discontinued with the enforcement of MCC;

- (ix) Single phase election in the State instead of multiple phases which will reduce the period of enforcement of MCC;
- (x) The Development work on which Notice Inviting Tender (NIT) followed by award of work order which precedes the announcement of election schedule should not get affected;
- (xi) The State Government also remain in the state of paralysis because the large number of serving bureaucrats was deputed as election observer for different States by Election Commission of India. In that context, it was suggested that retired civil servants may be put on panel to be used as Election Observer which would not affect the administration of the State Government;
- (xii) On the issue of paid news it was pointed out that many media houses are owned by political people and have their political inclination. Separation of print and electronic media was also suggested; and
- (xiii) The office bearers of political party should not have criminal antecedent. This would give good message to people at large because contesting election is the next logical conclusion after becoming the office bearers of a party.

Committee's observations/Recommendations

Statutory backup to Model Code of Conduct

6.0 While most of the provisions of MCC having corresponding provisions in other statutes like IPC, CrPC and RP Act, 1951 are enforceable in the event of their violation, it is erroneous to say that the MCC is of voluntary in nature. Rather application of law in the case of MCC is mandatory. The Committee further observes that the Election Commission of India strictly enforces the provisions of MCC which are relatable to other statutes enacted by Parliament. The Election Commission of India issues warning/censure to the political parties and candidates concerned, in respect of paras which are enforceable or otherwise. But it can even de-recognise the political party as National or State Party under para 16 A of Election Symbols (Reservation and Allotment) Order, 1968 even in the case of violation of those provisions of MCC which are not enforceable.

6.1 The Election Commission claims to have powers to punish political parties by the exercise of plenary power given under Article 324 of Constitution and particularly after amendment of its own order made on 18th February, 1994. The Committee strongly feels that it is, therefore, expedient to enact law for giving statutory back up to MCC leaving no vacuum for ECI to exercise its power which is residuary in nature. The Committee recommends that provisions of Model Code of Conduct may be formed a part of Representation of People Act, 1951 or rules framed thereunder for free and fair elections in the country.

6.2 The instructions/orders issued by Election Commission of India under Article 324 of the Constitution sometimes appears to be encroaching upon legislative power of Parliament. The Committee stresses upon the Government that such instructions/orders issued by Election Commission of India may be suitably incorporated in the Representation of People Act, 1951 or rules framed thereunder.

Power of Election Commission to de-recognize Political Party

7. Under Section 29 (A) Representation of People Act, 1951, the Election Commission of India has been given power to register Political Parties but the power of de-registration of

Political Parties has not been given to Election Commission of India under that law. However, the Election Commission of India has assumed the power under para 16 A of the Election Symbol (Reservation and Allotment) Order, 1968 to de-recognize the Political Parties in the event of violation of Model Code of Conduct. The net effect of de-recognition of political party makes that party almost dysfunctional as its symbol is taken away. The Committee, therefore, recommends that the power to de-recognize Political Parties on account of violation of Model Code of Conduct may be incorporated in the Representation of People Act, 1951 itself.

Enforcement of Model Code of Conduct

8.0 The Model Code of Conduct is enforced from the date of declaration of poll schedule by Election Commission of India and the period between announcement of election schedule and date of notification of election invariably exceeds three weeks. The three weeks gap between announcement of election schedule and issue of notification for election by ECI is due to an agreement between Union Government and ECI and reported to the Apex Court in a case.

8.1 It has been observed that most of the State Governments are under the spell of paralysis of developmental work during the enforcement of MCC which exceeded the period of six weeks particularly in the case of multiple phases of election. In that context, it was pointed out that the date of enforcement of MCC should be from the date of notification of poll, rather than from the date of announcement of election schedule by Election Commission. The Committee, accordingly, is of the considered view that enforcement of MCC be made from the date of notification and not from the announcement of election schedule.

Appeal against decision of Returning Officer

9.0 As the law stands, the decision of Returning Officer in the case of rejection of nomination paper of the candidate is final which can only be challenged in the High Court concerned, as an election petition, after the election results are declared.

9.1 It has come to the notice that in cases of erroneous use of power by Returning Officers, there is no remedy available to the affected candidates. Such rulings are utterly incongruous to the true functioning of democracy in the country. Election disputes are adjudicated by the High Court concerned only after the declaration of election result while disposing election petition which takes a longer time to get justice from the Court. By that time the usual five years' term also expires which adversely affects the political prospects of contesting candidates. Since there occurs a judicial delay in such matters, the Committee recommends that some sort of mechanism may be provided to prefer an appeal against the decision of Returning Officer in cases of rejection of nomination paper by the Returning Officers which could provide the opportunity to candidates to get justice in real terms.

Fast Track Court for Election Dispute

10.0 In the matter of election petitions under various provisions of Constitution and Representation of People Act, 1951, the Committee recommends that Fast Track Courts may be setup to dispose off election disputes, within a period of twelve months.

Surrogate Advertisement

11.0 The Committee is disturbed to note that surrogate advertisements are appearing in the form of news items sponsored unofficially by the candidates in the print media to escape

provisions of law. The general public is cheated as the true nature of expenses made on those news items is not disclosed.

11.1 The growing power of money used by candidates to skewing election result in their favour has undermined the democratic norms in the country. The Committee, therefore, recommends that provisions as regards advertisements contained in the Representation of People Act/Rules be enforced in letter and spirit and Press Council of India has to play an effective role in ensuring the enforcement of the law by its members.

Election Expenditure Ceiling Limit

12 Rule 90 of the Conduct of Election Rules, 1961 provide ceiling limit of election expenditure for candidates in different States for Parliament/Assembly Seats. The Committee feels that the actual expenditure on the election has been more than the ceiling fixed by Election Commission and it is alleged that candidates have been concealing election expenditure to escape the obligation laid in the Representation of People Act. The Committee recommends that election expenditure needs to be substantially enhanced and the Rule 90 of Conduct of Election Rules, 1961 may be periodically reviewed to increase/decrease election expenditure for candidates in Parliament/Assembly seats.

Simplification of Nomination papers

13 The nomination proforma appears to be complicated and the candidature of a candidate is sometimes rejected by the Returning Officer due to minor shortcomings/errors while filing of the nomination paper. The contestants in their practical experience have found nomination paper to be cumbersome, requiring simplification. The Committee, therefore, desires that the nomination papers may be simplified to enable any ordinary citizen to file the same without much difficulty.

Allotment of Election Symbols to Independent Candidates

14 The election symbol reserved for national political party is applicable for the whole country, whereas, the symbol reserved for state party is applicable within that state. It means that the symbol reserved for state party can be allotted to another unrecognized party or independent candidate in another State. The symbols which are not reserved are treated as free symbols and can be allotted to unrecognized parties and independent candidates. It may happen that two independent candidates may get same symbol in two different constituencies of a State or two States which create confusion in the minds of electorate while exercising their franchise. In order to avoid this confusion, the Committee would like to recommend that same criteria should be adopted to allot election symbol to individual candidates in different constituencies in the same state as is being done to the national/State parties. The Committee, accordingly, further recommends that in order to give effect to such suggestion, suitable changes may be made in the Election Symbols (Reservation and Allotment) Order, 1968.

Valuation of Assets

15.0. In the course of deliberations of the Committee, the Committee's attention was drawn to the details of assets furnished by the candidates while filing the nomination papers. There was a feeling amongst the Members that the valuation of the assets is done at the present market rate whereas those assets could have been inherited or acquired long back at a much lesser value.

15.1. Considering the value of those assets at present rate, many a times leads to the impression as if, the said property or the assets were acquired through unaccountable sources. In such a situation, candidates fail to offer the reasonable explanation to the people / media when they are questioned. It has been experienced that such aspects damage the reputation of the candidates during the time of elections. In this background, the Committee feels that the valuation of the assets has to be done at the rate when the property was inherited or acquired. The Committee, therefore, calls for necessary amendments in the relevant rules in this context.

CHAPTER-II

Anti-Defection Law:

16.0 Tenth Schedule together with Articles 102 and 192 of Constitution of India are known as Anti-Defection Law. Tenth Schedule of Constitutions in particular sets out provisions as to disqualification from membership of Parliament and the State Legislature on the ground of political defection. It came into force *w.e.f.* 1st March, 1985.

16.1 A member would be disqualified under Tenth Schedule:–

- (a) If he voluntarily gives up membership of his political party;
- (b) Votes or abstain from voting contrary to any direction (whip) without obtaining prior permission and the same has not been condoned by his party.
- (c) When an elected member elected as a candidate from a party joins any other political party after such election.
- (d) The nominated member when joins any political party after expiry of six months from the date that member takes the seat.

16.2 However, there are exceptions from disqualification under Tenth Schedule.

- Disqualification will not apply in case of merger of political parties.
- A Member shall not be disqualified if his original political party merges with another political party.
- After merger such other party or new party or group, as the case may be, shall be deemed to be his political party.
- A Member may claim that he has become the member of such other or new political party or opted to function as a separate group.
- The merger shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger.

16.3 The Speaker or the Deputy Speaker or Deputy Chairman of Council of States/Legislative Council of States shall not be disqualified if he or she:–

- Voluntarily gives up the membership of his/her party and does not rejoin that political party or join any other party so long as he continues to hold such office; and
- Rejoins his/her party having given up membership earlier after he ceases to hold such office.

16.4 The Speaker, Lok Sabha or Legislative Assembly or Chairman of Rajya Sabha/Council is the final authority to decide about the question of disqualification of member of that House and his decision is final under Para 7 to Tenth Schedule. The rules framed by Presiding Officer of the House under that Schedule regulate political defection. However, the apex Court while disposing *Kihoto Hollohon Vs. Zachillhu* (AIR 1993 SC 412) has declared Para 7 of Tenth Schedule as invalid for want of ratification in accordance with the proviso to clause (2) of Article 368 of Constitution. Further the

decision of Speaker/Chairman of the House about disqualification under Tenth Schedule is justiciable and subject to judicial review by High Courts and Supreme Court.

16.5 In another case Speaker Legislative Assembly Vs. Utkal Keshari Parida (AIR 2013 SC 1181), the Supreme Court has held that any person interested in the matter of disqualification of Member would be entitled to bring to the notice of Speaker/Chairman of the House that a Member the House had incurred disqualification under the Tenth Schedule to Constitution which is not available to any outsider other than member of that House under rules framed by Speaker/Chairman of Parliament and State Legislatures.

16.6 Following important suggestions were received during Committee's study visit;-

- Merger of political parties with another political party should not be exempted
- Provision of Anti-Defection Law to be made applicable to Autonomous District Councils in North Eastern Region.
- The nominated members joining political party within the period of six months should also be disqualified as has been the case of independent members.

Committee's Observations/Recommendations

Interference of Judiciary in the working of House

17.0 **The interference of judiciary into the domain and power of Speaker and Chairman of Legislatures on the issue of disqualification of Member of that House has nullified certain rules framed under Tenth Schedule by the Presiding Officer. The said judicial interpretation of Tenth Schedule has impinged upon the power of the Presiding Officer. The matter falling within the domain of Presiding Officers occurring within the precinct of the House should have been left to the House itself rather than judiciary entering into that area thereby affecting the supremacy of the legislature and violating the long standing theory of separation of powers, the Committee observes.**

17.1 **The Committee also observes that the decision of Apex Court on the issue of *locus-standi* has nullified another rule framed by Speaker or Chairman of Legislatures without giving notice to them, in the case of *Speaker, Orissa Legislative Assembly vs. Utkal keshari Parida*. The Committee feels that the aforesaid judgement is a clear case of impingement in the working of the House.**

17.2 **The Committee observes that the Government should get aforesaid judgement of Supreme Court reviewed by Supreme Court in order to safeguard the power and majesty of the Office of Speaker of Lok Sabha and Chairman, Rajya Sabha.**

Different criterion for Independently Elected/Nominated Members

17.3 **During its deliberations with the stakeholders, the Committee noted that six months time has been given to a nominated member to join a political party, whereas an independently elected member cannot join a political party at all. The Committee does not appreciate the different criterion provided in this regard. The Committee suggests for revision of existing provision so as to enable independent members to join a political parties in the same manner as in the cases of nominated members.**

RECOMMENDATIONS/OBSERVATIONS — AT A GLANCE

Statutory backup to Model Code of Conduct

1. While most of the provisions of MCC having corresponding provisions in other statutes like IPC, CrPC and RP Act, 1951 are enforceable in the event of their violation, it is erroneous to say that the MCC is of voluntary in nature. Rather application of law in the case of MCC is mandatory. The Committee further observes that the Election Commission of India strictly enforces the provisions of MCC which are relatable to other statutes enacted by Parliament. The Election Commission of India issues warning/censure to the political parties and candidates concerned, in respect of paras which are enforceable or otherwise. But it can even de-recognise the political party as National or State Party under para 16 A of Election Symbols (Reservation and Allotment) Order, 1968 even in the case of violation of those provisions of MCC which are not enforceable. [Para 6.0]

2. The Election Commission claims to have powers to punish political parties by the exercise of plenary power given under Article 324 of Constitution and particularly after amendment of its own order made on 18th February, 1994. The Committee strongly feels that it is, therefore, expedient to enact law for giving statutory back up to MCC leaving no vacuum for ECI to exercise its power which is residuary in nature. The Committee recommends that provisions of Model Code of Conduct may be formed a part of Representation of People Act, 1951 or rules framed thereunder for free and fair elections in the Country. [Para 6.1]

3. The instructions/orders issued by Election Commission of India under Article 324 of the Constitution sometimes appears to be encroaching upon legislative power of Parliament. The Committee stresses upon the Government that such instructions/orders issued by Election Commission of India may be suitably incorporated in the Representation of People Act, 1951 or rules framed thereunder. [Para 6.2]

Power of Election Commission to de-recognize Political Party

4. Under Section 29 (A) Representation of People Act, 1951, the Election Commission of India has been given power to register Political Parties but the power of de-registration of Political Parties has not been given to Election Commission of India under that law. However, the Election Commission of India has assumed the power under para 16 A of the Election Symbol (Reservation and Allotment) Order, 1968 to de-recognize the Political Parties in the event of violation of Model Code of Conduct. The net effect of de-recognition of political party makes that party almost dysfunctional as its symbol is taken away. The Committee, therefore, recommends that the power to de-recognize Political Parties on account of violation of Model Code of Conduct may be incorporated in the Representation of People Act, 1951 itself. [Para 7]

Enforcement of Model Code of Conduct

5. The Model Code of Conduct is enforced from the date of declaration of poll schedule by Election Commission of India and the period between announcement of election schedule and date of notification of election invariably exceeds three weeks. The three weeks gap between announcement of election schedule and issue of notification for election by ECI is due

to an agreement between Union Government and ECI and reported to the Apex Court in a case. [Para 8.0]

6. It has been observed that most of the State Governments are under the spell of paralysis of developmental work during the enforcement of MCC which exceeded the period of six weeks particularly in the case of multiple phases of election. In that context, it was pointed out that the date of enforcement of MCC should be from the date of notification of poll, rather than from the date of announcement of election schedule by Election Commission. The Committee, accordingly, is of the considered view that enforcement of MCC be made from the date of notification and not from the announcement of election schedule. [Para 8.1]

Appeal against decision of Returning Officer

7. As the law stands, the decision of Returning Officer in the case of rejection of nomination paper of the candidate is final which can only be challenged in the High Court concerned, as an election petition, after the election results are declared. [Para 9.0]

8. It has come to the notice that in cases of erroneous use of power by Returning Officers, there is no remedy available to the affected candidates. Such rulings are utterly incongruous to the true functioning of democracy in the country. Election disputes are adjudicated by the High Court concerned only after the declaration of election result while disposing election petition which takes a longer time to get justice from the Court. By that time the usual five years' term also expires which adversely affects the political prospects of contesting candidates. Since there occurs a judicial delay in such matters, the Committee recommends that some sort of mechanism may be provided to prefer an appeal against the decision of Returning Officer in cases of rejection of nomination paper by the Returning Officers which could provide the opportunity to candidates to get justice in real terms. [Para 9.1]

Fast Track Court for Election Dispute

9. In the matter of election petitions under various provisions of Constitution and Representation of People Act, 1951, the Committee recommends that Fast Track Courts may be setup to dispose off election disputes, within a period of twelve months. [Para 10.0]

Surrogate Advertisement

10. The Committee is disturbed to note that surrogate advertisements are appearing in the form of news items sponsored unofficially by the candidates in the print media to escape provisions of law. The general public is cheated as the true nature of expenses made on those news items is not disclosed. [Para 11.0]

11. The growing power of money used by candidates to skewing election result in their favour has undermined the democratic norms in the country. The Committee, therefore, recommends that provisions as regards advertisements contained in the Representation of People Act/Rules be enforced in letter and spirit and Press Council of India has to play an effective role in ensuring the enforcement of the law by its members. [Para 11.1]

Election Expenditure Ceiling Limit

12. Rule 90 of the Conduct of Election Rules, 1961 provide ceiling limit of election expenditure for candidates in different States for Parliament/Assembly Seats. The Committee feels that the actual expenditure on the election has been more than the ceiling fixed by

Election Commission and it is alleged that candidates have been concealing election expenditure to escape the obligation laid in the Representation of People Act. The Committee recommends that election expenditure needs to be substantially enhanced and the Rule 90 of Conduct of Election Rules, 1961 may be periodically reviewed to increase/decrease election expenditure for candidates in Parliament/Assembly seats. [Para 12]

Simplification of Nomination papers

13. The nomination proforma appears to be complicated and the candidature of a candidate is sometimes rejected by the Returning Officer due to minor short comings/errors while filing of the nomination paper. The contestants in their practical experience have found nomination paper to be cumbersome, requiring simplification. The Committee, therefore, desires that the nomination papers may be simplified to enable any ordinary citizen to file the same without much difficulty. [Para 13]

Allotment of Election Symbols to Independent Candidates

14. The election symbol reserved for national political party is applicable for the whole country, whereas, the symbol reserved for state party is applicable within that state. It means that the symbol reserved for state party can be allotted to another unrecognized party or independent candidate in another State. The symbols which are not reserved are treated as free symbols and can be allotted to unrecognized parties and independent candidates. It may happen that two independent candidates may get same symbol in two different constituencies of a State or two States which create confusion in the minds of electorate while exercising their franchise. In order to avoid this confusion, the Committee would like to recommend that same criteria should be adopted to allot election symbol to individual candidates in different constituencies in the same state as is being done to the national/State parties. The Committee, accordingly, further recommends that in order to give effect to such suggestion, suitable changes may be made in the Election Symbols (Reservation and Allotment) Order, 1968. [Para 14]

Valuation of Assets

15. In the course of deliberations of the Committee, the Committee's attention was drawn to the details of assets furnished by the candidates while filing the nomination papers. There was a feeling amongst the Members that the valuation of the assets is done at the present market rate whereas those assets could have been inherited or acquired long back at a much lesser value. [Para 15.0]

16. Considering the value of those assets at present rate, many a times leads to the impression as if, the said property or the assets were acquired through unaccountable sources. In such a situation, candidates fail to offer the reasonable explanation to the people / media when they are questioned. It has been experienced that such aspects damage the reputation of the candidates during the time of elections. In this background, the Committee feels that the valuation of the assets has to be done at the rate when the property was inherited or acquired. The Committee, therefore, calls for necessary amendments in the relevant rules in this context. [Para 15.1]

Interference of Judiciary in the working of House

17. The interference of judiciary into the domain and power of Speaker and Chairman of Legislatures on the issue of disqualification of Member of that House has nullified certain

rules framed under Tenth Schedule by the Presiding Officer. The said judicial interpretation of Tenth Schedule has impinged upon the power of the Presiding Officer. The matter falling within the domain of Presiding Officers occurring within the precinct of the House should have been left to the House itself rather than judiciary entering into that area thereby affecting the supremacy of the legislature and violating the long standing theory of separation of powers, the Committee observes. [Para 17.0]

18. The Committee also observes that the decision of Apex Court on the issue of *locus-standi* has nullified another rule framed by Speaker or Chairman of Legislatures without giving notice to them, in the case of *Speaker, Orissa Legislative Assembly vs. Utkal keshari Parida*. The Committee feels that the aforesaid judgement is a clear case of impingement in the working of the House. [Para 17.1]

19. The Committee observes that the Government should get aforesaid judgement of Supreme Court reviewed by Supreme Court in order to safe-guard the power and majesty of the Office of Speaker of Lok Sabha and Chairman, Rajya Sabha. [Para 17.2]

Different criterion for Independently Elected/Nominated Members

20. During its deliberations with the stakeholders, the Committee noted that six months time has been given to a nominated member to join a political party, whereas an independently elected member cannot join a political party at all. The Committee does not appreciate the different criterion provided in this regard. The Committee suggests for revision of existing provision so as to enable independent members to join a political parties in the same manner as in the cases of nominated members. [Para 17.3]

MINUTES

XII
TWELFTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Wednesday, the 22nd May, 2013 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Shantaram Naik — *Chairman*

RAJYA SABHA

2. Shri Sukhendu Sekhar Roy
3. Shri Ram Vilas Paswan
4. Shri Sanjiv Kumar

LOK SABHA

5. Shri D.B. Chandre Gowda
6. Shri Shailendra Kumar
7. Shri Arjun Ram Meghwal
8. Shri Pinaki Misra
9. Shri S. Semmalai
10. Shri S.D. Shariq
11. Shrimati Meena Singh
12. Shri N.S.V. Chittan
13. Shri E.T. Mohammed Basheer

SECRETARIAT

Shri Deepak Goyal, *Joint Secretary*

Shri K.P. Singh, *Director*

Shrimati Niangkhanem Guite, *Assistant Director*

Shrimati Catherine John L., *Assistant Director*

2. The Chairman welcomed the Secretary, Legislative Department, Ministry of Law & Justice and senior officers of the Department in the meeting and requested the Secretary to make a presentation on the subject – “Electoral Reforms-Code of Conduct for political parties and Anti-Defection Law.

3. The Secretary, while making a power point presentation on the subject elaborated on the various aspects of code of conduct. He stated that the code of conduct of political parties can be dealt in three parts, namely, conduct by parties during elections, conduct of parties in its general functioning and conduct of parties in Parliament. He further stated that although there is no statutory backing for the Model Code of Conduct, they are scrupulously adhered to by all the political parties and candidates in elections. He informed the Committee that the Model Code of Conduct comes into effect the day

the Election Commission announces or declares the schedule of any election and continues to be effective till the completion of election. In a country-wide general election to the Lok Sabha, the Model Code of Conduct applies throughout the country and in the case of Legislative Assembly elections, the code applies in the State when election is being held.

4. The Members of the Committee were not in agreement with the Secretary's statement that the Model Code of Conduct does not have a statutory backing and also the fact that it is voluntary in nature to be followed by the political parties. The Members were very categorical while saying that it would not be appropriate to treat the Model Code of Conduct for political parties to be without the statutory backing as the fact is that each para of the Model Code of Conduct has some law statute on which it rests. Every para, if violated, is relatable to the provisions of Representation of Peoples Act or some two other law thereby diluting its voluntary character. The Secretary agreed to the Members point of view. Members also felt that Model Code of Conduct needs to be enforced independently. Considering the time constraint during the course of elections, its enforceability independently is very much desirable and the legal recourse may follow separately.

5. Members were also concerned about the abuse of Model Code of Conduct by the Government of the day and they called for adequate precautions in that regard. The Members desired to know the mandate of Election Commission with regard to supervision and conduct of elections under Article 324 of the Constitution of India and orders issued by the Commission under this provision. The Members desired that a note in this regard may be submitted to the Committee.

6. The Members pointed out that a plethora of orders were issued by Election Commission in the course of elections thereby making it difficult for the contesting candidates to ensure compliance of those orders. They felt that the process needed to be rationalised.

7. The Members also raised several other concerns. The Secretary, Legislative Department, assured that he would submit point-wise clarifications in writing for consideration of the Committee.

8. The Committee, however, could not hear the Secretary's views on the Anti Defection Law owing to paucity of time and decided to take this issue on a later date.

(The Witnesses then withdrew)

9. * * *

10. The Committee felt the need to ascertain the views of State Governments, CEOs, and other stakeholders on Model Code of Conduct and Anti Defection Laws. The Committee also desired to have feedback from some Government Institutes or the effectiveness of vigilance administrator.

11. Accordingly, the Committee decided to undertake a study visit to Mumbai, Kolkata and Shillong from 30th June to 7th July, 2013 in connection with:-

(i) Electoral Reforms – Code of Conduct for Political Parties and Anti-Defection Law; and

(ii) * * *

12. The Committee, accordingly, authorised the Chairman to seek necessary permission of Hon'ble Chairman for undertaking the said study visit.

13. A verbatim record of the meeting was kept.

14. The meeting adjourned at 12.11 P.M.

XIII
THIRTEENTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Wednesday, the 5th June, 2013 in Committee Room 'E', Basement, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Shantaram Naik — *Chairman*

RAJYA SABHA

2. Shri Jesudasus Seelam
3. Shri Sukhendu Sekhar Roy
4. Shri Ram Vilas Paswan
5. Shri Parimal Nathwani

LOK SABHA

6. Shri P.C. Gaddigoudar
7. Shri D.B.Chandre Gowda
8. Shri Shailendra Kumar
9. Shri Arjun Ram Meghwal
10. Shri Pinaki Misra
11. Shri S. Semmalai
12. Shri Vijay Bahadur Singh
13. Dr. Prabha Kishore Taviad
14. Shri T.R. Baalu
15. Shri S.S. Ramasubhu
16. Shri N.S.V. Chittan
17. Shri E.T. Mohammed Basheer
18. Shri Abhijit Mukherjee

SECRETARIAT

Shri Deepak Goyal, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri Ashok K. Sahoo, *Joint Director*

Shrimati Catherine John L., *Assistant Director*

2. At the outset, the Chairman welcomed the Members, Additional Secretary along with senior officers of Legislative Department to the meeting. Referring to the Anti-Defection Law, he mentioned that Tenth Schedule of the Constitution needed to be strengthened as that Schedule had not achieved the desired goal of checking political defection. He also requested the Additional Secretary, *inter-alia*,

to apprise the Committee of the constitutional validity of some of the paragraphs of Tenth Schedule which have been challenged in the Court of law.

3. The Additional Secretary made a power point presentation, *inter-alia*, highlighting grounds of disqualification of Members of Parliament or Legislative Assembly, various Judicial pronouncements on the issue of *locus standi*, unattached Members, etc.

4. Members sought the logic behind stipulated period of six months given to nominated Members to join any political party without attracting the provisions of Tenth Schedule. On the issue of *locus standi* under Tenth Schedule, it was mentioned that the judgment of Supreme Court in the case of Speaker Odisha Legislative Assembly Vs. Utkal Keshari Parida (2013) has direct impact on the power and authority of Hon'ble Speaker, Lok Sabha, Hon'ble Chairman, Rajya Sabha and Speakers of twenty other Legislative Assemblies, Rules of which are similar in nature. Members desired that the aforesaid order of Supreme Court should have been reviewed by the Government of India, in order to safeguard the power and majesty of the office of Speaker, Lok Sabha and Chairman, Rajya Sabha. Referring to another judgment, it was also pointed out that the Speaker's decision is final in the case of political defection under Paragraph 6 of Tenth Schedule which has also been questioned by the Court of Law under judicial review which requires further examination in right perspective. Majority Members were of the view that judicial interpretation of certain provisions of Tenth Schedule has impinged powers of the presiding officers and it is expedient to uphold supremacy of the Legislature. They were of the view that the matter resting within the domain of the Presiding Officer and happening within the precincts of the House should have been left to the House itself.

5. A view was expressed that Speaker of the House who happens to be neutral, sometimes favour the party in power in the case of political defection results in judicial interference. In that context, recommendations of the Goswami Committee and the Commission set up to review the Constitution Reports wherein the decision of disqualification of a Member on account of defection should be made by President or Governor on the advice of Election Commission was cited, which could also be studied by the Committee. It was felt that the Secretaries of Election Commission, Department of Legal Affairs, Parliamentary Affairs and Legislative Department may be called together for a fruitful discussion on the subject in the next sitting of the Committee.

6. It was also pointed out that the disqualification on account of defection is not uniform as nominated Member have been given option of joining political parties within a period of six months which is discriminatory. He was of the view that nominated Member, like independent Members, may be disqualified upon joining any political party after being elected to the House. The rationale for treating individual and bulk defection differently under Tenth Schedule was also sought from Legislative Department.

7. The witness responded to each of the queries raised by the Committee and assured that he would submit point-wise clarifications in writing to the questions which due to paucity of time could not be orally replied to during the proceedings of the meeting.

(The witnesses then withdrew)

8. The Committee decided to hear national and regional political parties on the subject in its next meeting to be held on 14th June, 2013.

9. A verbatim record of the proceedings of the meeting was kept.

10. The meeting adjourned at 4.18 P.M.

XIV
FOURTEENTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.30 P.M. on Friday, the 14th June, 2013 in Main Committee Room, Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Shantaram Naik — *Chairman*

RAJYA SABHA

2. Shri Jesudasu Seelam
3. Shri Sukhendu Sekhar Roy
4. Shri Ram Vilas Paswan

LOK SABHA

5. Shri P.C. Gaddigoudar
6. Shri Shailendra Kumar
7. Shri Arjun Ram Meghwal
8. Shri S. Semmalai
9. Shrimati Meena Singh
10. Shri Vijay Bahadur Singh
11. Dr. Prabha Kishore Taviad
12. Shri E.T. Mohammed Basheer
13. Shri Abhijit Mukherjee

SECRETARIAT

Shri Deepak Goyal, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri Ashok Kumar Sahoo, *Joint Director*

Shrimati Catherine John L., *Assistant Director*

WITNESSES

Non-Official Witnesses

I. Samajwadi Party

Prof. Ramgopal Yadav, General Secretary

II. Janata Dal (United)

Shri Javed Raza, General Secretary

Official Witness

Ministry of Law and Justice (Legislative Department)

Shri N.L. Meena, Additional Secretary.

2. At the outset, the Chairman welcomed Members to the meeting. Touching upon agenda for the sitting, he mentioned that six political parties had been invited for interaction with the Committee out of which only two political parties *i.e.* Samajwadi Party and Janta Dal (United) had come. The Indian National Congress have communicated that a similar subject is under consideration of that party and the resultant document would be made available to the Committee after the party completes its deliberations. He then invited the representative of Samajwadi Party and requested him to make presentation on the Model Code of Conduct for Political Parties and Anti-Defection Law. He specifically referred to the decision of Supreme Court in the case of *Speaker, Odisha Legislative Assembly vs. Utkal Keshari Parida (2013)* where Supreme Court has allowed any individual to bring to the notice of the Presiding Officer of the House about the defection. He posed a question whether, under the Tenth Schedule of the Constitution, this provision was available to the members of the Legislative only.

3. On the subject of electoral reforms, the representative of Samajwadi Party referred to recommendations of the Indrajeet Gupta Committee Report on the issue of State funding of elections to make party workers having limited resources to contest election, which is yet to receive attention of the Government.

4. On the criminalization of politics, he stated that an individual who was charge-sheeted but not finally convicted in the Court of Law should not be prevented to contest an election as anybody can be falsely charge-sheeted by his/her political opponent in connivance with police officer in a particular police station. On that issue, he mentioned that nexus between bureaucrats, judges and industrialists on the one hand and criminals on the other as discussed in N.N. Vohra Committee Report may be analyzed thread bare while discussing nexus between politicians and criminals. The decision of Chief Information Commissioner declaring political parties as Public Authority needs a review because the details relating to election expenditure are made available to the Election Commission of India which could be easily accessed.

5. On the issue of Anti-Defection Law, he was of the view that the decision of Speaker/Chairman of the Legislature should be final as mentioned in the Tenth Schedule of the Constitution and judicial intervention was un-called for. Referring to the *Speaker, Orissa Legislative Assembly Vs. Utkal Keshari Parida [AIR 2013 SC 1181]* case, he requested the Committee to recommend to the Government of India to file a review petition.

6. Misuse of electronic voting machine during mock polling on the eve of actual polling, compulsory voting to increase participation of the electorate, curbing surrogate advertisement (paid news) were other issues, having direct bearing on the Model Code of Conduct, which were raised in the Committee, Members felt that the logic of prescribing a period of six months for a nominated Member to join any political party under Tenth Schedule needed to be reviewed. The un-attached Member who has been expelled from Political Party for indiscipline should also be brought within the ambit of the Anti-defection Law.

7. Thereafter, Shri. Javed Raza apprised the Committee of the views of his party on the subject matter. He elaborated on the recent phenomenon of paid news in the media to influence electoral results and requested the Committee to look into the same seriously. He highlighted the issues of criminalization of politics and the issue of bringing political parties under the purview of Right to Information Act.

8. Members took note of the points made by the witness and sought various clarifications.

(The witnesses then withdrew)

9. A verbatim record of the proceedings of the meeting was kept.
10. The Committee adjourned at 5.14 P.M.

XV
FIFTEENTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Tuesday, the 16th July, 2013 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Shantaram Naik — *Chairman*

RAJYA SABHA

2. Shri Sukhendu Sekhar Roy
3. Shri Ram Vilas Paswan

LOK SABHA

4. Shri P.C. Gaddigoudar
5. Shri D.B. Chandre Gowda
6. Shri Shailendra Kumar
7. Shri Pinaki Misra
8. Shri S. Semmalai
9. Shri S.D. Shariq
10. Shri Vijay Bahadur Singh
11. Dr. Prabha Kishore Taviad
12. Shri Ramasubbu
13. Shri E.T. Mohammed Basheer
14. Shri Abhijit Mukherjee

SECRETARIAT

Shri Alok Chatterjee, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri Ashok Kumar Sahoo, *Joint Director*

Shrimati Catherine John L., *Assistant Director*

WITNESSES

I. Election Commission of India

- (i) Shri Sudhir Tripathi, Deputy Election Commissioner; and
- (ii) Shri S.K. Mendiratta, Legal Advisor

II. Legislative Department (Ministry of Law and Justice)

Shri P.B. Singh, Joint Secretary and Legislative Counsel

2. The Chairman welcomed, the Members of the Committee, Deputy Election Commissioner and senior officers of the Election Commission of India and the Legislative Department to the meeting. He then requested the Deputy Commissioner to place before the Committee, the views of the Election Commission of India on the subject "Electoral Reforms – Code of Conduct for Political Parties & Anti-Defection Law".
3. The Deputy Election Commissioner, while elucidating upon the Model Code of Conduct, stated that it is a self-regulatory code that is enforced by the Election Commission and that its main objective is to provide for a level playing field between the different contestants during time of elections. He asserted that the very essence of the Code is the swiftness with which violations thereof, are taken note of and remedial action is initiated. He traced the evolution of the Code to the February, 1960 Legislative Assembly election in Kerala and stated that it owes its genesis to a list of do's and don'ts which were voluntarily adopted by the political parties, with the Election Commission essentially playing a facilitating role, and with the consensus of the concerned stakeholders. He also stated that in 1979, the Election Commission, in consultation with the political parties, further amplified the code, adding a new Section placing restrictions on the party in power so as to prevent cases of abuse of position of power to gain undue advantage over other parties and candidates and that the code in its present form was again consolidated and reissued in 1991. The witness apprised the Committee that the Election Commission took pro-active measures to ensure strict compliance of the Code in letter and spirit since the Tenth general election to the Lok Sabha in 1991.
4. On the issue of duration of enforcement of the Code, he referred to the Special Leave Petition filed by the Union of India against the judgment of the Punjab and Haryana High Court in *Harbans Singh Jalal vs. Union of India and Others* and stated that it has been judicially settled and also accepted across the board by political parties that, the Code may be enforced from the date of announcement of the election schedule and that the announcement of the election will not ordinarily be more than three weeks before the scheduled date of notification of elections. He clarified that the Code continues to be in force till the completion of the election and that in case manifestos come into being even prior to the date of elections, it would be applicable to manifestos also, from the date of announcement of elections.
5. While touching upon the issue of granting statutory back up to the Model Code of Conduct, the witness expressed the view that such a step was bound to complicate the enforcement of the Code in the middle of elections due to the possibility of lingering of legal battles over violations of the Code, thereby, rendering the exercise infructuous. He stressed on the need for preserving the present character of the Code in order to ensure that it is an effective tool in the conduct of free and fair elections.
6. Responding to the queries raised by the Chairman and Members of the Committee, the witness clarified that Para 16A of the Election Symbols (Reservation and Allotment) Order, 1968 empowers the Election Commission to de-recognise the political parties and not to de-register them.
7. While expressing concern about various instances of alleged high handedness of the concerned officials while implementing the Model Code of Conduct, the Members underlined the need for the Election Commission acting as a guide to the political parties, rather than an authority with absolute powers. They pointed out that on numerous occasions, the period between the announcement and notification of elections extended to more than three weeks. The Members also voiced their reservation to the judgment of the Supreme Court in *Orissa Legislative Assembly vs. Utkal Keshari Parida [AIR 2013 SC 1181]* and encroachment into the domain of presiding officers of Legislature by the judiciary.
8. The Members also expressed their concern on the finality of decision of Returning Officers during the nomination filing process in the elections. While expressing concern, the Members cited

examples of cases where the Returning Officer's arbitrariness caused inconvenience to candidates as well as voters and in some cases influenced the outcome of election result. Borrowing services of civil servants from States to act as election observer officiating the on going working administration in order to avoid such situation the services of retired Civil Servants as Election Observers may be considered.

9. The Chairman asked the witnesses to send written replies within seven days to the questions which could not be answered during the proceedings of the meeting due to paucity of time.

(The witnesses then withdrew)

10. A verbatim record of the proceedings of the meeting was kept.

11. The Committee adjourned at 4.42 P.M.

XVI
SIXTEENTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Friday, the 24th July, 2013 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Shantaram Naik — *Chairman*

RAJYA SABHA

2. Shri Sukhendu Sekhar Roy
3. Shri Ram Vilas Paswan

LOK SABHA

4. Shri P.C. Gaddigoudar
5. Shri D.B. Chandre Gowda
6. Shri Shailendra Kumar
7. Shri Arjun Ram Meghwal
8. Shri Pinaki Misra
9. Shri S. Semmalai
10. Shri S.D. Shariq
11. Shrimati Meena Singh
12. Shri Vijay Bahadur Singh
13. Dr. Prabha Kishore Taviad
14. Shri S.S. Ramasubbu

SECRETARIAT

Shri Alok Chatterjee, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri Ashok Kumar Sahoo, *Joint Director*

Shrimati Catherine John L., *Assistant Director*

WITNESSES

I. Legislative Department

Shri P.K. Malhotra, Secretary

II. Department of Legal Affairs

- (i) Dr. Brahm Avtar Agrawal, Secretary
- (ii) Shri D. Bhardwaj, Joint Secretary and Legislative Counsel
- (iii) Shri Mahendra Khandelwal, Addl. Government Advocate

III. LAW COMMISSION OF INDIA

Dr. Pawan Sharma, Additional Law Officer

2. The Chairman of the Committee welcomed Members present and representatives of Legislative Department, Department of Legal Affairs and Law Commission of India. He then requested the Secretary, Department of Legal Affairs to share his views on the subject “Electoral Reforms – Code of Conduct for Political Parties & Anti-Defection Law”. Thereafter, Secretary, Legislative Department and Senior Law Officer, Law Commission of India were invited to place their views on the subject.

3. While speaking on the subject under consideration, the Secretary, Department of Legal Affairs submitted that the subject under consideration falls under the domain of the Legislative Department and the Department of Legal Affairs examines and opines on the constitutionality and legality of the proposal referred by the nodal Ministry/Department. However, while expressing his personal opinion on the subject, he agrees with the views of the Election Commission on issue of giving statutory status to the Model Code of Conduct. He also opined that, the present position of enforcement of the Model Code of Conduct from the date of announcement of election also appears to be sound. As regards the Anti-Defection Law, he did not see any difficulty in the present position, which has emerged after certain judicial pronouncements.

4. Thereafter, Secretary, Legislative Department put forward his views on the subject. He reiterated his views already expressed during the last two meetings of the Committee. He opined that most of the provisions of the Code of Conduct are covered by the statutory provisions and the Election Commission actually enforces the Code of Conduct, having the statutory backup, in other statute enacted by Parliament. On the question of voluntary nature of the Model Code of Conduct, he clarified that the Election Commission has taken this stand under Article 324, which gives plenary powers to the Election Commission.

5. While placing her views, Senior Law Officer, Law Commission of India submitted that a Consultation paper on Electoral Reform has been put on its website and comments/suggestions from public has been invited thereon. However, she submitted that the report is still in its initial stage and the Commission has already sought extension from the Government. Some Members suggested the Commission to publicise adequately the consultation paper amongst legislators and other stakeholders for wider participation.

6. The Members were concerned about the finality of the decisions of Returning Officers during the elections and sometimes minor mistakes on the part of candidates or the partiality of Returning Officers leading to rejection of the nomination of the candidates. They were of the view that there should be provision of appeal against the decisions of the Returning Officers, especially during the nomination filing process. The Chairman requested the Law Commission to submit interim reports on the issues of enforcement of Model Code of Conduct and faster adjudication of improper rejection of nomination papers by the Returning Officer.

7. As regards anti-defection law *locus standi* under the Tenth Schedule, particularly after the judgement of the Supreme Court in the case of *Speaker, Orissa Legislative Assembly vrs. Utkal Keshari Parida*, which provided that any interested person can bring to the notice of the Speaker the fact that a Member of the House has incurred disqualification under the Tenth Schedule was also discussed. Members were of the opinion that the Government should file review petition in the Supreme Court. The Members were also concerned with the misuse of media in the form of surrogate/paid news. Members were also concerned with the recent decision of the Supreme Court of India declaring Section 8(4) of the RP Act, 1951 *ultra vires* desires its review by a larger Bench of Supreme Court. Some Members raised their reservations with the para 16 A of Election Symbols (Reservation and Allotment) Order, 1968 which empowers Election Commission of India either to suspend or withdraw the recognition of political party after giving that party a reasonable opportunity

in the event of violation of Model Code of Conduct. The Members were of the opinion that an Election Tribunal may be set-up to adjudicate and dispose of election disputes within a period of twelve months. Further they were of the view that the nomination process may be simplified so as to avoid undue harassment suffered by candidates during elections. The Members also raised the issue of cash movements during elections and opined that clear guidelines may be framed to avoid confusions in this regard.

8. Some Members were of the view that exit polls may be banned as it influences the choice of electorates in favour of a particular candidate.

9. The Chairman asked the witnesses to send written replies within seven days to the questions which could not be answered during the proceedings of the meeting due to paucity of time.

(The witnesses then withdrew)

10. A verbatim record of the proceedings of the meeting was kept.

11. The Committee adjourned at 4.22 P.M.

XVII
SEVENTEENTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Monday, the 19th August, 2013 in Room No. '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

1. Shri Shantaram Naik — *Chairman*

RAJYA SABHA

2. Shri Bhupender Yadav
3. Shri Sukhendu Sekhar Roy

LOK SABHA

4. Shri Shailendra Kumar
5. Shri Arjun Ram Meghwal
6. Shri S. Semmalai
7. Shrimati Meena Singh
8. Shri Vijay Bahadur Singh
9. Dr. Prabha Kishore Taviad
10. Shri S.S. Ramasubbu
11. Shri N.S.V. Chitthan
12. Shri E.T. Mohammed Basheer

SECRETARIAT

Shri Alok Chatterjee, *Joint Secretary*

Shri K.P. Singh, *Director*

Shri Ashok Kumar Sahoo, *Joint Director*

Shrimati Catherine John L., *Assistant Director*

WITNESSES

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Consideration and adoption of draft Sixty-first Report

2. The Chairman of the Committee welcomed the Members to the meeting. The Committee then took up for consideration its draft Sixty-first Report on the subject "Electoral Reforms – Code of Conduct for Political Parties and Anti-Defection Law". The Members expressed their views on the draft Report and the Committee adopted the same with some minor modifications.

*** Relates to some other matter.

3. The Committee then authorised the Chairman and in his absence, Shri Sukhendu Sekhar Roy to present the Report in the Rajya Sabha and Shri Shailendra Kumar, and in his absence Dr. Prabha Kishore Taviad to lay the same on the Table of the Lok Sabha, on 26th August, 2013.

4. * * *

5. * * *

6. * * *

7. * * *

8. * * *

9. A verbatim record of the proceedings of the meeting was kept.

10. The meeting adjourned at 4.37 P.M.

ANNEXURES

**Model Code of Conduct for the Guidance
of Political Parties and Candidates**

I. General Conduct

- (1) No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
- (2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.
- (3) There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.
- (4) All parties and candidates shall avoid scrupulously all activities which are “corrupt practices” and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.
- (5) The right of every individual for peaceful and undisturbed home-life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organising demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
- (6) No political party or candidate shall permit its or his followers to make use of any individual’s land, building, compound wall etc., without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.
- (7) Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by other parties. Workers or sympathisers of one political party shall not create disturbances at public meetings organised by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meetings are held by another party. Posters issued by one party shall not be removed by workers of another party.

II. Meetings

- (1) The party or candidate shall inform the local police authorities of the venue and time any proposed meeting Well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

- (2) A Party or candidate shall ascertain in advance if there is any restrictive or prohibitory order in force in the place proposed for the meeting if such orders exist, they shall be followed strictly. If any exemption is required from such orders, it shall be applied for and obtained well in time.
- (3) If permission or license is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or license.
- (4) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organisers themselves shall not take action against such persons.

III. Procession

- (1) A Party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinary be no deviation from the programme.
- (2) The organisers shall give advance intimation to the local police authorities of the programme so as to enable the letter to make necessary arrangement.
- (3) The organisers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by the competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
- (4) The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.
- (5) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
- (6) If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organisers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose the parties shall contact the police at the earliest opportunity.
- (7) The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements especially in moments of excitement.
- (8) The carrying of effigies purporting to represent member of other political parties or their leaders, burning such effigies in public and such other forms demonstration shall not be countenanced by any political party or candidate.

IV. Polling Day

All Political parties and candidates shall –

- (i) co-operate with the officers on election duty to ensure peaceful and orderly polling and

complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;

- (ii) supply to their authorized workers suitable badges or identity cards;
- (iii) agree that the identity slip supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or the name of the party;
- (iv) refrain from serving or distributing liquor on polling day and during the forty eight hours preceding it;
- (v) not allow unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid Confrontation and tension among workers and sympathizers of the parties and the candidate;
- (vi) ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatable shall be served or crowd allowed at the camps; and
- (vii) co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

V. Polling Booth

Excepting the voters, no one without a valid pass from the Election Commission shall enter the polling booths.

VI. Observers

The Election Commission is appointing Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer.

VII. Party in Power

The party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular—

- (i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work.
- (b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;
- (iii) Rest houses, dark bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;

- (iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;
 - (v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and
 - (vi) From the time elections are announced by Commission, Ministers and other authorities shall not —
 - (a) announce any financial grants in any form or promises thereof; or
 - (b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or
 - (c) make any promise of construction of roads, provision of drinking water facilities etc.; or
 - (d) make any *ad-hoc* appointments in Government, Public Undertakings etc., which may have the effect of influencing the voters in favour of the party in power.
- Note :** The Commission shall announce the date of any election which shall be a date ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.
- (vii) Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorised agent.

Provisions of Model Code of Conduct Having Statutory Back-up

Provision in Model Code of Conduct	Corresponding statutory provision
1	2
Paragraph 1 General Conduct	
(1) Activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic;	Sub-section (3A) of section 123, RP Act, 1951 [Corrupt practices] Section 125, RP Act, 1951 [Promoting enmity between classes in connection with election] Section 153A, Indian Penal Code [Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony] Section 298, Indian Penal Code [Uttering words, etc., with deliberate intent to wound the religious feelings of any person]
(2) Restricted criticism of other political parties;	Section 499, Indian Penal Code [Defamation]
(3) No appeal to caste or communal feelings for securing votes; no use of Mosques, Churches, Temples or other places;	Section 171C, Indian Penal Code [Undue influence at elections]
(4) Avoid corrupt practices and offences under the election law;	Section 123, RP Act, 1951 [Corrupt practices]
(5) Right of every individual for peaceful and undisturbed home-life shall be respected; restriction on organizing demonstrations or picketing;	Section 268, Indian Penal Code [Public nuisance]
(6) No use of individual's land, building, compound wall, etc. without his permission;	Section 441, Indian Penal Code [Criminal trespass]
(7) Not to create obstruction in or break up meetings and procession organized by other parties.	Section 339, Indian Penal Code [Wrongful restraint]

Paragraph II Meetings

- (1) Information to local police about the venue and time of any proposed meeting;
- (2) Ascertain about imposition of any restrictive or prohibitory order in force in the place proposed for the meeting; exemption thereof;
- (3) Permission for the use of loudspeakers or any other facility;
- (4) Soliciting assistance of the police for taking action against errant persons.

Section 176, Indian Penal Code
[Omission to give notice or information to public servant by person legally bound to give it]

Paragraph III Procession

- (1) Earmarking of time, place and route of procession; no deviation therefrom;
- (2) Advance intimation to the local police;
- (3) Ascertain about the imposition of any restrictive orders in the localities whereby the procession has to pass; careful adherence thereto;
- (4) No block or hindrance to traffic during the passage of procession;
- (5) Position of procession on the road and compliance of directives of police;
- (6) No clash or cause hindrance to traffic if procession of two or more political parties has to pass over the same route; assistance of local police should be availed of for arriving at satisfactory arrangement;
- (7) Maximum control on the articles to be carried by processionists to avoid misuse;
- (8) No carrying or burning of effigies purporting to represent member of other political

Section 126, RP Act, 1951
[Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll]

Section 144, Code of Criminal Procedure, 1973
[Power to issue order in urgent cases of nuisance or apprehended danger]

Section 339, Indian Penal Code
[Wrongful restraint]

Section 339, Indian Penal Code
[Wrongful restraint]

parties in public and such other forms of demonstration.

Paragraph IV Polling Day

Co-operate with Polling staff on duty;
workers to bear badges or identity cards;
the identity slips supplied to voters should not contain any symbol, name of candidates/party;
No serving or distributing of liquor;
Simple candidate's camp; No crowd, etc.

Section 135C, RP Act, 1951

[Liquor not to be sold, given or distributed on polling day]

Paragraph V Polling Booth

Entry only with valid pass from Election Commission except the voters.

Paragraph VI Observers

Any complaint or problem regarding conduct of election is to be brought to the notice of Observer.

Paragraph VII Party in Power

The party in power shall ensure that no cause is given for any complaint of misusing of official position for the purposes of its election campaign which includes non-combining of official visit with electioneering work by the Ministers; no use of govt. vehicles; no monopoly over rest houses, dak bungalows or other govt. accommodation; issue of advertisement at the cost of public exchequer; no sanction of grant/payments out of discretionary funds, etc.

ANNEXURE-III

List of Reports presented by the Committee

Report No.	Subject of the Report	Date of Presentation
1	2	3
1 st	Report on Demands for Grants (2004 05) of the Ministry of Personnel, Public Grievances and Pensions.	Presented to Rajya Sabha on 26.08.2004 and Laid on the Table of Lok Sabha on 26.08.2004.
2 nd	Report on Demands for Grants (2004 05) of the Ministry of Law and Justice.	-do-
3 rd	Report on the Right to Information Bill, 2004.	Presented to Rajya Sabha on 21.03.2005 and Laid on the Table of Lok Sabha on 21.03.2005.
4 th	Report on the Andhra Pradesh Legislative Council Bill, 2004.	Presented to Rajya Sabha on 24.03.2005 and Laid on the Table of Lok Sabha on 24.03.2005.
5 th	Report on Demands for Grants (2005-06) of the Ministry of Personnel, Public Grievances and Pensions.	Presented to Rajya Sabha on 20.04.2005 and Laid on the Table of Lok Sabha on 20.04.2005.
6 th	Report on Demands for Grants (2005-06) of the Ministry of Law and Justice.	-do-
7 th	Report on the Hindu Succession (Amendment) Bill, 2004.	Presented to Rajya Sabha on 13.05.2005 and Laid on the Table of Lok Sabha on 13.05.2005.
8 th	Report on the Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation in Posts and Services) Bill, 2004.	Presented to Hon'ble Chairman, Rajya Sabha on 29 th June, 2005 and forwarded to Hon'ble Speaker, Lok Sabha on 29 th June, 2005. Presented to Rajya Sabha on 26.07.2005 and Laid on the Table of Lok Sabha on 26.07.2005.
9 th	Report on the Arbitration and Conciliation (Amendment) Bill, 2003.	Presented to Rajya Sabha on 04.08.2005 and Laid on the Table of Lok Sabha on 04.08.2005.

1	2	3
10 th	Report on the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2005.	Presented to Rajya Sabha on 04.08.2005 and Laid on the Table of Lok Sabha on 04.08.2005.
11 th	Report on the National Tax Tribunal Bill, 2004.	-do-
12 th	Report on the Contempt of Courts (Amendment) Bill, 2004	Presented to Rajya Sabha on 29.08.2005 and Laid on the Table of Lok Sabha on 29.08.2005.
13 th	Report on the Prevention of Child Marriage Bill, 2004.	Presented to Rajya Sabha on 29.11.2005 and Laid on the Table of Lok Sabha on 29.11.2005.
14 th	Report on Demands for Grants (2006-07) of the Ministry of Personnel, Public Grievances and Pensions.	Presented to Rajya Sabha on 22.05.2006 and Laid on the Table of Lok Sabha on 22.05.2006.
15 th	Report on Demands for Grants (2006-07) of the Ministry of Law and Justice.	-do-
16 th	Report on the Representation of the People (Amendment) Bill, 2006.	Presented to Rajya Sabha on 04.08.2006 and Laid on the Table of Lok Sabha on 04.08.2006.
17 th	Report on the Administrative Tribunals (Amendment) Bill, 2006.	Presented to Rajya Sabha on 05.12.2006 and Laid on the Table of Lok Sabha on 05.12.2006.
18 th	Report on the Electoral Reforms (Disqualification of persons from contesting elections on framing of charges against them for certain offences)	Presented to Rajya Sabha on 15.03.2007 and Laid on the Table of Lok Sabha on 15.03.2007.
19 th	Report on Demands for Grants (2007-08) of the Ministry of Personnel, Public Grievances and Pensions.	Presented to Rajya Sabha on 10.05.2007 and Laid on the Table of Lok Sabha on 14.05.2007.
20 th	Report on Demands for Grants (2007-08) of the Ministry of Law and Justice.	-do-
21 st	Report on the Judges (Inquiry) Bill, 2006, Ministry of Law and Justice (Department of Justice).	Presented to Rajya Sabha on 17.08.2007 and Laid on the Table of Lok Sabha on 17.08.2007.

1	2	3
22 nd	Report on the Gram Nyayalayas Bill, 2007, Ministry of Law and Justice, Legislative Department.	Presented to Rajya Sabha on 06.09.2007 and Laid on the Table of Lok Sabha on 06.09.2007.
23 rd	Report on the Government's Policy of Appointment on Compassionate Ground Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)	Presented to Rajya Sabha on 07.09.2007 and Laid on the Table of Lok Sabha on 07.09.2007.
24 th	Report on Working of Central Bureau of Investigation (CBI) Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)	Presented to Rajya Sabha on 11.03.2008 and Laid on the Table of Lok Sabha on 11.03.2008.
25 th	Report on Demands for Grants (2008-09) of the Ministry of Personnel, Public Grievances and Pensions.	Presented to Rajya Sabha on 29.04.2008 and Laid on the Table of Lok Sabha on 29.04.2008.
26 th	Report on Demands for Grants (2008-09) of the Ministry of Law and Justice.	-do-
27 th	Report on Action Taken Replies on Law's Delays : Arrears in Courts (85 th Report of Home Affairs)	-do-
28 th	Report on The Supreme Court (Number of Judges) Amendment Bill, 2008	Presented to the Hon'ble Chairman, Rajya Sabha on 04.08.2008. Laid on the Tables of the Rajya Sabha and Lok Sabha on 22 nd October, 2008
29 th	Report on Public Grievances Redressal Mechanism	Presented to Rajya Sabha on 23.10.2008 and Laid on the Table of Lok Sabha on 23.10.2008.
30 th	Report on Constraints being faced by Kendriya Bhandar	-do-
31 st	Action Taken Replies of the Government on the Recommendations/observations contained in the 25 th Report on Demands for Grants (2008-09) of the Ministry of Personnel, Public Grievances and Pensions	Presented to Rajya Sabha on 19.12.2008 and Laid on the Table of Lok Sabha on 19.12.2008.
32 nd	Action Taken Replies of the Government on the recommendations/observations contained in the 26 th Report on Demands for Grants (2008-2009) of the Ministry of Law and Justice	Presented to Rajya Sabha on 19.12.2008 and Laid on the Table of Lok Sabha on 19.12.2008.

1	2	3
33 rd	Report on the Representation of the People (Second Amendment) Bill, 2008	Presented to Rajya Sabha on 18.02.2009 and Laid on the Table of Lok Sabha on 18.02.2009.
34 th	Report on the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008.	Presented to Rajya Sabha on 18.02.2009 and Laid on the Table of Lok Sabha on 18.02.2009.
35 th	Report on the “Action Taken Replies of the Government on the Recommendations/ Observations contained in the 29th Report of the Committee on “Public Grievances Redressal Mechanism”	Presented to Rajya Sabha on 17.12.2009 and Laid on the Table of Lok Sabha on 17.12.2009.
36 th	Report on “The Constitution (One Hundred and Eighth Amendment) Bill, 2008”.	Presented to Rajya Sabha on 17.12.2009 and Laid on the Table of Lok Sabha on 17.12.2009.
37 th	Action Taken Replies of the Government on the recommendations/observations contained in the 24th Report on “Working of Central Bureau of Investigation (CBI)”	Presented to Rajya Sabha on 9.03.2010 and Laid on the Table of Lok Sabha on 9.03.2010.
38 th	Report on Demands for Grants (2010-11) of the Ministry of Personnel, Public Grievances and Pensions.	Presented to Rajya Sabha on 29.04.2010 and Laid on the Table of Lok Sabha on 29.04.2010.
39 th	Report on Demands for Grants (2010-11) of the Ministry of Law and Justice.	-do-
40 th	Report on The Personal Laws (Amendment) Bill, 2010.	Presented to Rajya Sabha on 04.08.2010 and Laid on the Table of Lok Sabha on 04.08.2010.
41 st	Report on Action Taken Replies of the Government on the recommendations/ observations contained in the 23 rd Report of the Committee on “Government’s Policy of Appointment on Compassionate Ground”.	-do-
42 nd	Report on Action Taken Replies of the Government on the recommendations/ observations contained in the 30th Report of the Committee on “Constraints Being Faced by Kendriya Bhandar”.	Presented to Rajya Sabha on 29.11.2010 and Laid on the Table of Lok Sabha on 29.11.2010.
43 rd	Report on Action Taken Replies of the Government on the recommendations/	-do-

1	2	3
	observations contained in the 38 th Report on Demands for Grants (2010-11) of the Ministry of Personnel, Public Grievances and Pensions.	
44 th	Report on The Constitution (One Hundred and Fourteenth Amendment) Bill, 2010.	Presented to Rajya Sabha on 9.12.2010 and Laid on the Table of Lok Sabha on 9.12.2010.
45 th	Report on The Marriage Laws (Amendment) Bill, 2010.	Presented to Rajya Sabha on 1.03.2011 and Laid on the Table of Lok Sabha on 1.03.2011.
46 th	Report on The Public Interest Disclosure and Protection to Persons Making the Disclosures Bill, 2010	Presented to the Hon'ble Chairman, Rajya Sabha on 09.06.2011. Laid on the Tables of the Rajya Sabha on 11.08.2011 and Lok Sabha on 10.08.11.
47 th	Report on the Judicial Standards and Accountability Bill, 2010	Presented to Rajya Sabha on 30.08.2011 and Laid on the Table of Lok Sabha on 30.08.2011.
48 th	Report on the Lokpal Bill, 2011.	Presented to Rajya Sabha on 9.12.2011 and Laid on the Table of Lok Sabha on 9.12.2011.
49 th	The Administrators-General (Amendment) Bill, 2011	Presented to the Hon'ble Chairman, Rajya Sabha on 02.02.2012. Laid to Rajya Sabha and Lok Sabha on 20.03.2012.
50 th	The Prevention of Bribery of Foreign Public Officials and Officials of Public International Organisations bill, 2011	Presented to Rajya Sabha on 29.03.2012 and Laid on the Table of Lok Sabha on 29.03.2012.
51 st	Report on Demands for Grants (2012-13) of the Ministry of Personnel, Public Grievances and Pensions.	Presented to Rajya Sabha on 21.05.2012 and Laid on the Table of Lok Sabha on 21.05.2012.
52 nd	Report on Demands for Grants (2012-13) of the Ministry of Law and Justice.	-do-
53 rd	Report on The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011	Presented to Rajya Sabha on 28.08.2012 and Laid on the Table of Lok Sabha on 28.08.2012.
54 th	Report on The Administrative Tribunals (Amendment) Bill, 2012.	Presented to Rajya Sabha on 17.12.2012 and Laid on the Table of Lok Sabha on 17.12.2012.

1	2	3
55 th	Report on The Registration of Births and Deaths (Amendment) Bill, 2012	Presented to Rajya Sabha on 27.02.2013 and Laid on the Table of Lok Sabha on 27.02.2013.
56 th	Action Taken Replies of the Government on the recommendations/observations contained in the 51 st Report on Demands for Grants (2012-13) of the Ministry of Personnel, Public Grievances and Pensions	Presented to Rajya Sabha on 21.03.2013 and Laid on the Table of Lok Sabha on 20.03.2013.
57 th	Action Taken Replies of the Government on the recommendations/observations contained in the 52nd Report on Demands for Grants (2012-13) of the Ministry of Law and Justice	-do-
58 th	Report on Demands for Grants (2013-14) of the Ministry of Law and Justice.	Presented to Rajya Sabha on 25.04.2013 and Laid on the Table of Lok Sabha on 26.04.2013
59 th	The Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Bill, 2013	Presented to Rajya Sabha on 2.05.2013 and Laid on the Table of Lok Sabha on 2.05.2013
60 th	Report on the Demands for Grants (2013-14) of the Ministry of Personnel, Public Grievances and Pensions.	Presented to Rajya Sabha on 3.05.2013 and Laid on the Table of Lok Sabha on 3.05.2013

