

Regulating expenses



DID you ever wonder why so much money is squandered during urban local body elections? Interestingly, there is no expenditure limit during elections to urban local bodies! Are you amazed by the expenditure incurred by political parties and candidates during elections? Don't be, because expenditure incurred by a political party, associations or any other individuals on behalf of a candidate during elections is not deemed as an expenditure. Legally, there is no requirement to reveal the assets owned and the source of income of the candidate.

A study on 'A campaign for electoral reforms-transparency and probity' by a city-based NGO Public Affairs Centre (PAC) with a focus on citizens responsibilities and policy level interventions shows some of the glaring loopholes existing in the electoral system and has come out with useful suggestions.

Ms Smita Bidarkar of PAC has done the study with inputs from the expert panel comprising Mr Ishwar Bhat, Law Secretary, Government of Karnataka, Mr Rangaiah, former joint chief electoral officer and Mr P S Nagarajan, former state election commissioner.

The Representation of the People Act (RPA), 1951 provides for regulation of election expenses to the House of People and the Legislative Assembly of a state (Chapter VIII, Sec 76). Section 77 states that every candidate or his election agent shall keep a separate and correct account of all expenditure incurred or autho-

SHIVA KUMAR N D discusses The Representation of the People Act (RPA), 1951 which provides for regulation of election expenses

raised between the date on which the candidate was nominated and the date of declaration of results.

Though there is an expenditure limit for both parliamentary and assembly elections, it has been a general experience that candidates do not adhere to the expenditure norms. The expenditure limit varies with different states - for parliamentary constituencies, the highest amount fixed is Rs 4.5 lakh (Andhra Pradesh, Uttar Pradesh, Karnataka and other states) and the lowest being Rs 60,000 (Lakshadweep). In case of assembly constituencies, the highest is Rs 1.5 lakh (Andhra Pradesh, Bihar and other states) and the lowest is Rs 10,000 (Arunachal Pradesh).

The lack of accountability would make candidates and political parties go out of the way to mobilise resources and use them for their electoral gains.

In C Narayanaswamy

Vs. C K Jaffer Sharieff (1994, (SUPP) 3 Sec 170), the Court observed that 'As the law stands in India anybody including a smuggler, criminal or any other anti-social element may spend any amount over the election of any candidate in whom he is interested, and is not deemed to be an expenditure. This encourages corruption by underhand methods. Despite these observations, the legislature has failed to take any corrective measures, the study observes.

Also, Dinesh Goswami prepared a draft amendment bill seeking the deletion of Explanation 1 to Section 77 (1) in which he suggested that voluntary contributions above Rs 10,000 should be recorded by the political party and audited. But this was also not brought into by the Parliament, the study further notes.

It is interesting to note that the



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tax returns of political parties are 'confidential' and is open only to the government of India to issue a notification under Sec 138 (1) (a) (ii) of Income Tax Act to obtain information.

Electoral rolls: At present, there is no mandatory period stated for revising of the electoral rolls which is left to the discretion of ECI. But, the study recommends 'Intensive revision' once in every five years and favours combining second revision every ten years with the census to benefit the exchequer.

Also, the electoral rolls prepared for the parliamentary and assembly constituencies by the Election Commission of India (ECI) are used for urban local bodies also. But, there are chances of continuation of anomalies (in the original rolls) in the adopted rolls. Hence, the study suggests for the preparation and revision of rolls at different levels - local (corporation and district administration), state (State Election Commission) and Central (ECI).

Due to a lack of awareness among people, the death of electors is not reported and hence their names are not deleted from the rolls. As an effective solution, the study recommends the Registrar of Births and Deaths to furnish information regarding deaths twice a year to the electoral registration officer to upgrade the rolls. It also suggests for frequent summary revisions. At present, the qualifying date for inclusion of names in the electoral rolls is January 1. In view of this, it recommended to have four qualifying dates - January 1, April 1, July 1 and October 1 of the year.

The forms for inclusion, deletion and modification of names for any other purpose should be simplified and made accessible to people in local nodal agencies such as post offices, banks or panchayat offices. In checking bogus (in the name of fictitious including the dead) and proxy (in the name of existing voters) voting, the issue of voter identity card gains paramount importance, adds the study.

The PAC has brought out a 'Voter's Guide' explaining the procedures involved in the process. Those who are interested to provide their inputs on the subject may contact 5525452/5525453 or e-mail smitabidarkar@hotmail.com

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