

Hyderabad
11th December, 2014

PRESS NOTE

Forum for Good Governance took up a study of offence cases booked during recently held general elections. We have collected information through R.T.I. Act from all the police stations of both the states. The information was analyzed and divided into four categories.

1. Violation of model code of conduct cases
2. Money seized cases
3. Gold and other articles seized cases
4. Liquor cases

The details of cases booked (Number of cases)

State	Code violation	Cash seized	Gold and other articles	Liquor seized	Total cases
A.P.	1380	1373	200	2780	5733
T.S.	1199	543	198	2194	4134

In Indian Penal Code there is a separate chapter (chapter IX A) which exclusively deals with “Offences relating to elections”.

Sec. 171-B - Bribery is defined as “giving gratification to any person with a object of inducing him or any person to exercise electoral right”.

Again Sec. 171 E - says “whoever commits the offence of bribery shall be punished with imprisonment up to one year or with fine or both. Provided bribery by ‘Treating’ shall be punished with fine only”.

Explanation: Treating means that forms of bribery where the gratification consist food, drink, entertainment or provisions.

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Now coming to representation of people Act (R.P. Act) sec. 8 says “A person convicted of an offence punishable under 171 (E) shall be disqualified.

The law in its place is very strong but, application and follow up is poor. During election period hundreds of cases are booked under sec. 171 (E). In all the cases the contesting candidate or his agent may not be involved. But in many cases distribution of money to voters can be linked to candidates and the bribery case can be established.

The initial euphoria shown by police in booking cases during elections slowly dies down and ultimately closed/withdrawn/ Action dropped etc. The election commission / The ERO announces on daily basis the amount of money and liquor seized during elections but forgets to pursue the cases once the elections are over. Behind his back, most of the money seized is released subsequently by I.T. department or police. There is no uniform procedure followed regarding handling of money seized. As per Cr. P.C. the money seized should be deposited in the court, but in many places it is handed over to I.T. department. The I.T. department collecting the Tax if due, if not due, collecting advance tax and releasing the money. But, by that time enough damage has already done by over publicizing the seizure of cash.

Forum for Good Governance requests the D.G.P.s of both the states to review the cases booked under sec. 171 (E) and take action for disposal of such cases in court of law. Even if one MLA/MP is disqualified for bribery it will go a long way to reduce the role of money in elections.

Yours Sincerely

M. Padmanabha Reddy
Secretary
Forum for Good Governance