



Forum for Good Governance

Regd. No. 653/2009

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L. No. FGG/LAW/REP/ 153 /2021

Hyderabad
20th December, 2021

To

The Hon'ble Minister of Law & Justice
Government of India
New Delhi

Sir,

Sub:- Election Law Amendment Bill, 2021 – Amendments fall short of requirement – Request for amendments on controlling role of money in Elections and barring persons having criminal record from contesting elections - Reg.

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Forum for Good Governance, a civil society organization working for electoral reforms welcomes the proposed Election Law Amendment Bill, 2021. Linkage of Aadhar with Voter I.D will go a long way to eliminate bogus voters and multiple entries. The other amendments like four qualifying dates for registration and gender neutrality are welcome, but may not solve the problem of role of money in elections and preventing the criminals from participating in elections.

In the past there were many exercises made by the government addressed to electoral reforms. These are –

- i) The Goswami Committee on Electoral Reforms
- ii) The Indrajit Gupta Committee on State Funding of Elections
- iii) The Law Commission's Report on Reforms of the Electoral Laws
- iv) Election Commission reports

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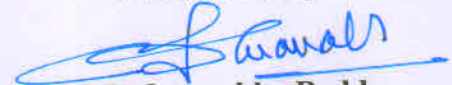
There have been constant references to 3'M's namely Money Power, Muscle Power and Mafia Power and 4 'C's. i.e. Criminalization, Communalization, Corruption and Caste-ism. Basically all of this has vitiated the political atmosphere in the country and even compromised the legitimacy of political process.

Criminalization of Politics is an issue being raised by Election Commission of India from 1998 onwards. Disqualification for criminal offences is provided for in Section 8 of Representation of Peoples Act. As per the said Section, a person is disqualified from contesting elections only on conviction by the Court of Law. There have been several instances of persons charged with serious and heinous crimes like murder, rape, dacoit etc. contesting elections, pending their trial and even getting elected in a large number of cases. This leads to very undesirable and embarrassing situation of law breakers becoming law makers and moving around under police protection. The Election Commission of India proposed that the law should be amended to provide that any person who is accused of an offence punishable for five years or more should be disqualified from contesting elections even when trial is pending, provided charges have been framed against him by the competent court. So far, no action has been taken by Government on the proposal of the Commission.

When the Government of India, initiated to amend election law, we request Hon'able Minister for Law to include suitable amendments to eliminate the money power in elections and also to prevent persons with criminal antecedents from contesting elections. The present bill though welcome will not address the basic problem.

Forum for Good Governance request the Hon'ble Minister for Law and Justice, Government of India to address the serious problems in elections by suitable amendments to the election laws.

Yours Sincerely



M. Padmanabha Reddy

Secretary

Forum for Good Governance

Copy to Prl. Secretary, Prime Minister Office