APPENDICES
Appendix A

Jagannath Rao Committee (1971-72): Important Recommendations

Part 1
1. There should be a full-time Joint Chief Electoral Officer in each state.
2. The Chief Electoral Officer and the Joint Chief Electoral officer should not be transferred when a general election is in prospect.
3. The committee did not favour the creation of a separate election department.
4. The District Election Officer should invariably be the Collector.
5. Officers of local authorities should not be eligible to be appointed as Electoral Registration Officer.
6. Electoral Registration Officers or Assistant Electoral registration officers should not be transferred when preparation or revision of the rolls is in progress. Likewise District Election Officers and Returning Officers should not be transferred in the four months preceding a general election.
7. Instead of a single qualifying date for registration (January 1, there should be four qualifying dates (January 1, April 1, July 1 & October 1).
8. The electoral roll should be maintained up-to-date by constant revision.
9. The existing provision prohibiting the revision of the rolls after the last day of nomination should be retained.
10. Part-time teachers should be eligible to be included in the electoral toll for Teachers constituencies.
11. Section 8 of the Representation of the people Act, 1951 should be amended to disqualify persons for certain offences like personation, illegal hiring or use of vehicles, etc.
12. Corrupt practices should be divided into two categories (corrupt practices and illegal practices). For corrupt practices, the disqualification should be six year from the date of declaration of result or two years from which the order takes effect whichever is longer. For
illegal practices the disqualification should be not less than two years from date on which the order takes effect.

13 Any person who has a contract with the Union Government or a State Government or a public undertaking should be disqualified for becoming a member of parliament or a State legislature.

14 The committee did not agree to the proposal to equate the disqualification for failure to lodge a return of election expenses with that for exceeding the maximum limit of election expenditure.

15 The committee did not accept wholly the EC's proposal to divest him of the power to remove a disqualification but recommended that it should be confined to matters in respect of which the EC had the power to disqualify a person, e.g. for failure to lodge return of election expenses.

16 The committee did not agree with a proposal that the term 'office of profit' should be defined in the Representation of people Act, 1951.

17 The committee did not accept wholly the EC's proposal to divest him of the power to remove a disqualification but recommended that it should be confined to matters in respect of which the EC had the power to disqualify a person, e.g. for failure to lodge return of election expenses.

18 The committee did not agree with a proposal that the term 'office of profit' should be defined in the Representation of people Act, 1951.

19 The committee did not agree with the EC's proposal to double deposits to discourage frivolous candidates.

20 The EC should have power to order a fresh poll in case of destruction of ballot boxes or papers and the use of intimidation or coercion at polling station.

21 The committee did not agree to make a provision prohibiting persons obviously below 21 years in age (the minimum voting age at that time) from voting.

22 Inclusion of a provision authorizing a Returning officer to order a recount of votes on his own motion.

23 The declaration of results after counting may be withheld if the EC has issued a direction to this effect or where a candidate or his agent asks for a recount provided the margin of difference between the first two candidates is not more than two per cent.

24 Existing corrupt practices should be split up into two categories, corrupt practices and illegal practices. The disqualification for corrupt practice
should be six years while that for and illegal practice should be from two to six years. (illegal practices include hiring or use of vehicles for the free conveyance of voters and the incurring or authorizing of expenditure in contravention of Section 77A).

24 Coercion and intimidation of voters and impersonation at elections should be treated as electoral offences.

25 The committee did not agree with a proposal to issue a poll-card (identity card) to voters. (The EC was also reported to be opposed to the proposal).

26 Prohibition of public meetings etc. for 72 hours (instead of 48 hrs,) before the conclusion of the poll.

27 Disturbing and election meeting should be made a cognizable offence punishable with imprisonment up to six months or fine or with both. Obligation should be placed on the police to ensure smooth conduct of such meetings.

28 Hiring or procuring of vehicles and carrying voters in such vehicles should be treated as cognizable offences punishable with imprisonment. The committee even suggested that the use of all mechanically propelled vehicles, i.e. cars should be prohibited on polling days (exceptions for hospital vans, police vehicles, etc.).

29 Other offences for which stringent punishment was proposed: government servants acting as election agents, polling agents, etc; going armed to or near a polling station; removal of ballot papers from a polling station; failure to grant a paid holiday to workers on polling days.

30 The EC may be empowered to recommend to the president or the Governor to cancel a notification for a general or biennial election in certain contingencies like natural disasters, etc.

31 Authorising the EC to give directions and instructions to election officials.
A process should be initiated to shift progressively or the state the burden of legitimate election expenses which today are borne by the candidate or the party.

The present practice of restrictions on election expenses should continue. A distinction should be made between election and personal expenses of a candidate.

The committee did not agree with the recommendation of the Election commission to call upon political parties to render an account of expenses incurred by them.

Unauthorised expenditure by any person other than the candidate or his election agent or his party should be prohibited.

The items which should be included in the return of election expenses should be enumerated. These returns should be submitted within 30 days from the date or the election of the candidate.

Five copies of the electoral roll, forms for the appointment of agents, polling slips, etc. should be supplied to the political parties.

Part II

1 Regional Commissioners provided for in Article 342(4) of the Constitution should be appointed.

2 The existing majority system of election should continue. However the Government should appoint a committee of jurists, constitutional lawyers, etc. to consider the feasibility of adopting other systems such as the list system.

3 The voting age should be reduced from 21 years to 18 years.

4 The new system of counting introduced in 1971, of mixing together all the ballot papers of a constituency before counting, should be continued.

5 Equal time should be given to all recognised parties on the broadcasting media.
6 The government should examine the feasibility of amalgamating the two 'Representation of the People' Acts of 1950 and 1951 into a single Act.

7 The question of prohibiting ministers from using government vehicles should be decided by a convention rather than law.

8 The question of imposing restrictions on the Government about undertaking new schemes of public welfare, after elections are notified should be left to a code of conduct to be considered by political parties.

9 There should be a political council representing all political parties to consider several matters which arise in respect of elections.

10 The committee did not wish to express any opinion on the question of preventing defection.
Appendix B

Important Provisions of the Lok Sabha Bill No. 100 of 1973

1. Appointment of a CEO and a joint CEO for each state who would not be transferred when elections were in prospect. Other officers like the Electoral Registration Officers, etc. would not be transferred when a new electoral roll was being prepared.

2. Prescribing four qualifying dates for inclusion of names of voters in the electoral rolls.

3. Disqualification of persons having any contract with any Government of a public undertaking for being a candidate.

4. Introduction of distinction between corrupt practices and illegal practices with different disqualification periods-six years for corrupt practices and four years for illegal practices.

5. Suo moto power for the EC to declare poll void and for the Returning officers to order a recount of votes.

6. Election expenses to be counted from the date of the notification calling for the election and not the date of nomination of candidates.

7. Introduction of three new Sections 125A, 125B and 125C prescribing more stringent punishment for coercion and intimidation of voters, for personation and doing any unlawful things.

8. Enhancing punishments for offences like disturbing election meeting or illegal hiring of vehicles.

9. Authorising the EC to issue instructions and directions to the election officers.
Appendix C

Important Recommendations of the Tarkunde Committee

1. Enlargement of the EC to a body of three members appointed by the president on the advice of a committee consisting of the Prime Minister, the Leader of the Opposition (or an M.P. selected by the Opposition) and the Chief Justice of India. The committee also criticized the practice of making the office of the CEC a berth for retiring bureaucrats.

2. Appointment of regional or state commissioners.

3. Election rules should come into force only after they are approved by parliament.

4. By-elections to be held within six months of the occurrence of a vacancy.

5. From the announcement or the dissolution of parliament, the Government should work as a caretaker government (A detailed code of conduct was suggested by the committee).

6. Payment from discretionary grants on the eve or elections should be avoided.

7. Allotment of definite time on broadcast media to each party but parties should be allowed to buy additional time.

8. Broadcast media should be made autonomous.

9. Audit of accounts by Chartered Accountant. Amount spent by parties and others should be taken into account in working out candidates expenses.

10. Limited state assistance to candidates including one communication to each voter, free of postage, supply of voters cards, free use of school rooms and other places for meetings and 12 copies of the electoral roll.

11. Donations to a political party up to Rs 1,000 should be exempted from income-tax.
Joint stock companies should not be allowed to contribute to political parties.

A new mixed system of voting on the lines of the German system (but not exactly like it).

Qualifying age for voting to be reduced to 18 years.

There should be four qualifying dates for voting: January 1, April 1, July 1 and October 1.

For every constituency there should be a magistrate to deal with complaints of booth capturing, coercion, etc. and report to the election officer.

Election in all the constituencies should be held on the same day and counting of votes should take place immediately after the poll.

The practice of counting of votes booth-wise should be resumed.

Non-party voters councils should be organized in all constituencies.

There should be an Election Council representation all recognised political parties.

Appeals against the acceptance of nomination papers should be decided by district courts before the date of polling and the decision of the district court should be final.

The power to decide election petitions should remain with the High Court as at present but the High Court should appoint a sufficient number of judges, if necessary, retired judges to hear such petitions and dispose them of in time. Ordinarily there should be no appeal to the Supreme Court against the decision of such Judge.
Appendix D

Important Recommendations of the Goswami Committee

1. The EC should be a multi-member body with three members. The CEC should be appointed by the President in consultation with the Chief Justice of India and the Leader of the Opposition, or if there is no leader of opposition in consultation with the largest group of MPs in the Opposition.

2. The tenure of the CEC and the other commissioners should be for a term of five years or up to the age of 65, whichever is later. They should in no case continue for more than ten years or beyond the age of 65. After retirement they should not be eligible for any appointment under the Government including that of a Governor.

3. The CEO of a state should not be saddled with any other work of the State.

4. Section 28A of the Representation of the people Act, 1951 should be examined with a view to providing the EC with effective and complete control over officers during their period of deputation to the EC (The recommendation is only to 'examine' Section 28A).

5. The question of bringing elections to panchayat raj institutions under the EC should be considered when the details of the P.R. legislation are clear.

6. There should be fresh delimitation of seats on the basis of the 1981 census with rotation of the SC seats.

7. Post offices should be the focal points for the preparation and maintenance of electoral rolls.

8. The staff connected with the preparation of the electoral rolls should be under the control and disciplinary jurisdiction of the EC.

9. There should be a time bound programme for covering the entire country with identity cards.
A person should not be allowed to contest from more than one constituency. A candidate should be nominated by at least ten persons from different parts of a constituency.

The qualifying age for membership of legislatures should be reduced to 21 in the case of state Assemblies and the Lok Sabha and 25 years for Legislative councils and the Rajya Sabha.

Section 29A of the Representation of the People Act, 1951 regarding registration of political parties should be deleted and the question of registration should be left entirely to the EC.

The security deposit for independent candidates should be five times that for party candidates.

The minimum number of votes for non-forfeiture of deposit should be one-fourth of the valid votes polled instead of one-sixth.

The committee did not agree to authorize the EC to withhold a symbol to a party which does not observe the provisions of its Constitution.

Certain provisions of the Code of Conduct should be made statutory but the violation of these provisions should be made only an electoral offence and not a corrupt practice.

The committee recommended statutory provision to prohibit the transfer of officers connected with elections for specified periods; and statutory powers for the EC observers. It did not favour any official role for the non-governmental organizations.

The committee did not support the recommendation of the Tarkunde Committee that state Governments should work as caretaker governments during elections.

The committee recommended introduction of electronic machines and mobile polling stations.

Inclusion of intimidation, coercion, etc. as a part of the offence of booth capturing.

By-elections should be held within six months unless a general election is due within a year of the occurrence of the vacancy.
Improving the system of postal ballot and facility of proxy votes for army personnel or diplomatic services.

Poll to be countermanded only if a candidate of a recognised party dies.

The present provision requiring a candidate for a Rajya Sabha seat to be a voter in the State from which he seeks election may continue.

The two explanations to section 77 should be deleted (It is not clear whether this will bring expenditure by the party within the ambit of election expenses).

There should be a ban on donations by companies.

A beginning should be made with state assistance to candidates sponsored by recognized parties in the form of fuel, additional copies of the electoral rolls, payment for microphones and voters identify slips.

No state financial assistance to parties on annual basis.

Appointment of ad hoc judges for the disposal of election petitions.

More stringent punishments for electoral offences.

Personation to be made an electoral offence.

Lodging of false account of election expenses and failure to maintain accounts to be electoral offences punishable with imprisonment.

Violation of the model Code of Conduct should be made an electoral offence.

Suggestion to disqualify persons found guilty of moral turpitude or persons detained under the National Security Act with the approval of the judicial advisory committee not recommended by the committee.

The disqualification of a legislator for defection should be left to the president or the Governor (as the case may be) and not to the Speaker.

The question of changing the electoral system should be examined by a committee of experts.
Appendix E

Election Commission of India

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

General Conduct

1. No party or candidate shall indulge in any activity which may aggravate existing differences, 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 leaders or worker of other parties. Criticism of other parties or other workers based on unverified allegations or on 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 parties" and offences under the election law, such as the bribing of votes, intimidation of voters, impersonation of voters, canvassing within 100 meters of a polling station, 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 stations.

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. Organizing 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 candidates 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 meeting and processions organized by the other parties. Workers or sympathizers of one political party shall not create disturbances at public meetings organized 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 being held by another party. Posters issued by one party shall not be removed by workers of another party.

Meetings

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

2. A party or candidate shall ascertain in advance if there are any restrictive or prohibitor orders 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 of 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 licence.

4. Organizers 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. Organizers themselves shall not take action against such persons.

**Processions**

1. A party or candidate organizing a procession shall beside beforehand the time and place of the starting of the procession, the route to be followed and the time and place at which the processions will terminate. There shall ordinarily be no deviation from the programme.

2. The organizers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.

3. The organizers 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 organizers 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 organized 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 organizers 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 members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

Poling Day

All political parties and candidates shall:

1 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;

2 Supply to their authorized workers suitable badges or identity cards;

3 Agree that the identity slips supplied by then to voters shall be on plain (white) papers and shall not contain any symbol, name of the candidate or the name of the party;

4 Refrain from serving or distributing liquor on polling day and during the twenty-four hours proceeding it;

   (i) Not allow unnecessary crowds 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 candidate;

   (ii) Ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatables shall be served or crowds allowed at the camps; and
(iii) Co-operate with the authorities in complying with the restrictions to be imposed on the playing of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

Polling Booth

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

Observers

The Election Commission is appointing observers if the candidates or their agents have any specific complaint or problem regarding the conduct of the election they may bring the same to the notice of the observer.

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 purpose of its electronic 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 electioneering work;

(b) Government transport including official aircraft, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) Public places such as a maidans etc., for holding election meetings, and use of helipads for air flight in connection with elections, 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 house, dak 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 purpose of election propaganda;

(iv) Issue of advertisement at cost of the 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 the elections are announced by the Commission, Minister and other authorities shall not:

(a) Announce any financial grants in any form or promises thereof; or

(b) 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.;

(d) make ad hoc appointments in government Public Undertakings etc.; which may have the effect of influencing the voters in favour of the party in power.

(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 authorized agent.