Polity & Governance · GS - II

“There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of the People Act.” Comment.

EXAM YEAR	PAPER	SUBJECT
2020	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Representation of the People Act, 1951; corrupt electoral practices; Section 8A; Election Commission; judicial delays; electoral integrity; due process; electoral reforms

Model Answer

Introduction

The Representation of the People Act (RPA), 1951, provides for disqualification of elected representatives for specified offences and corrupt electoral practices. Simplifying the procedure can strengthen electoral integrity, provided due process is preserved.

Need for simplification

- **Judicial delays:** Lengthy litigation may allow persons accused of electoral malpractice to continue participating in politics for extended periods.
- **Electoral accountability:** Timely decisions can deter bribery, undue influence and other corrupt practices.
- **Public confidence:** Faster adjudication reinforces citizens' faith in free and fair elections.
- **Legal clarity:** Standardised procedures and clear timelines can reduce uncertainty.

Existing safeguards and concerns

Section 8A of the RPA deals with disqualification for corrupt practices, following the prescribed legal process involving the President and the Election Commission. Other disqualifications arise under separate provisions, including Section 8 for specified convictions.

Simplification should not mean automatic disqualification on unproven allegations. Independent scrutiny, the right to be heard and reasoned decisions are essential to prevent politically motivated complaints.

Way forward

- Establish time-bound procedures for adjudicating electoral offences.
- Strengthen election-related judicial capacity.
- Improve transparency in investigations and decisions.
- Ensure consistency between statutory provisions and judicial remedies.

Conclusion

Procedural simplification is necessary to ensure swift accountability, but it must balance electoral integrity with fairness and the presumption of innocence.

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