

Election Manifestos (Regulation) Bill

❖ Background

All political parties are wooing voters in innumerable ways that are not just fiscally prudent to execute but are both immoral and unethical too from socio-political perspective in mature and developing democratic systems like India. This bill seeks to –

- 1) Regulate the elements of Election Manifestos during 'all democratic elections' to the public offices across the country.
- 2) Build a logical framework making the manifestos simple and understandable for all citizens.
- 3) Make political parties and all contesting candidates commit to the fiscal realities and responsibilities of public finance and policymaking.

❖ Definition, structure & framework of Election Manifesto

- 1) Election Manifestos are defined as any document/material released by any political party or contesting candidate for the purpose of building and driving a public and socio-political discourse in an election to a public office under the Constitution of India.
- 2) It constitutes the policies, programmes, plans, schemes and agendas of governance and administration in the event of a given political party's (or) the contesting candidate's victory in any given election to a public office under the Constitution of India.
- 3) The bill sets certain criteria related to preparation of election manifestos including clearly listing out policies, schemes & programmes related to development and welfare; cost of such policies, schemes & programmes; financing methods; defining beneficiary criteria; impact assessment; resource allocation & utilization,
- 4) It shall not be mandatory for political parties and/or contesting candidates to release an Election Manifesto, however, any election manifesto made should abide by the tenets of this bill.

❖ Setting-up of Election Manifestos Review Directorate (EMRD) in ECI / SECs

- 1) Election Manifestos Review Directorate with nine eminent experts to be established within ECI (Election Commission of India) and SECs (State Election Commissions).

- 2) The EMRD shall evaluate the manifestos based on the tenets of this bill, the terms listed under "Election Manifestos (Regulation) Rules".
- 3) The EMRD shall approve / reject manifestos either partly or wholly, and, all the approved manifestos shall be published on ECI portal within 6-to-12 hours on an ECI/SEC online web portal similar to that of the Candidate Affidavit publication web portal.
- 4) CEC (Chief Election Commissioner) and other ECs (Election Commissioners) shall appoint one of the nine members of EMRD as Chairperson of EMRD.
- 5) No member of an EMRD shall be eligible for reappointment to the same EMRD.
- 6) Minimum term = 2 years; Maximum term = 3 years.

❖ Criteria for financial, non-financial and welfare proposals

- 1) The bill mandates political parties and the contesting candidates to mention about the ways and means in which the schemes and policies mentioned in the Election Manifesto shall be financed.
- 2) The bill empowers the Finance Commission set-up by the Hon'ble President of Republic of India under Article 280 of Indian Constitution to recommend caps on welfare expenditure in terms of % of GDP/GSDP and other criteria as determined by the Finance Commission.
- 3) The bill mandates ECI to publish these capped limits at national and state level so that political parties shall prepare their election manifestos factoring-in the fiscal realities in view of these limits.
- 4) The bill mandates political parties and contesting candidates to provide timelines; clear definition of class/group of beneficiaries; mitigation plans; impact assessment criteria; short-term, middle-term and long-term impact of fiscal management of welfare schemes and explore other sunset clauses in the case of welfare schemes or expenditure related to welfare.

❖ Election Manifesto Progress Report

- 1) The bill mandates all National, State and Registered Recognized political parties to publish an Election Manifesto Performance Report (EMPR) in case they have released any



such manifesto in the immediately preceding election.

- 2) The EMPR comprises the performance and impact reports of each of the policies, schemes, programmes and plans proposed by political parties and their candidates (as applicable) in the corresponding election manifestos of any election.
- 3) A format shall be prescribed regarding the same under the "Election Manifestos (Regulation) Rules".
- 4) These rules are prepared by a Joint Parliamentary Committee on Rules
- 5) In accordance with the existing norms and practices, these rules or any amends as such shall be notified for stakeholder consultation and public feedback from time-to-time as deemed fit either by the Union Government, the Parliament or the Election Commission of India.
- 6) EMPR shall have to be released 3 months prior to the date of polling.
- 7) All eligible political parties and candidates are exempted from releasing an EMPR during bye-elections.

❖ Penalties for Offences

- 1) Penalty to national / state / registered recognized political parties and their candidates for releasing / publication of Election Manifesto without approval from a corresponding EMRD,
 - ₹ 10 lakhs fine
 - 15-year ban on contesting elections
- 2) Penalty to registered unrecognized political parties and all other candidates for releasing / publication of Election Manifesto without approval from a corresponding EMRD,
 - ₹ 5 Lakhs Fine
- 3) In case of breach of trust by EMRD members,
 - Min. 7 years of rigorous imprisonment
 - ₹ 15 lakhs fine
- 4) In case of violations related to publication & propagation by electronic / print / digital media,
 - To be determined based on the existing legislations and other laws.

❖ Publication and propagation of Election Manifestos

- 1) An EMRD and ECI / SEC shall upload and publish any approved election manifesto within 6-12 hours from the time of approval.
- 2) Political parties and contesting candidates shall include the financial outlay of all the policies, programmes and schemes across all the campaign materials across all the formats used in the publicity and outreach.

- 3) All electronic / print / digital media agencies shall conduct exclusive programmes and generate exclusive content to ensure the fair propagation of the ideas, policies, programmes and schemes of all political parties and contesting candidates.

❖ Amendments needed in the Representation of the People Act, 1951

- 1) A new section 19B, to be inserted after 19A, of Part – IV titled "Election Manifestos Review Directorate" providing the legitimacy to the Office of EMRD as proposed in 'Election Manifestos (Regulation) Act' and 'Election Manifestos (Regulation) Rules'.
- 2) Section 31 titled "Public Notice of Election" shall be amended to empower ECI to provide a 6-months of advanced notice for the conduct of elections either to the Lok Sabha or to the State Legislative Assemblies.
- 3) A new section 127B, to be inserted after 127A, namely "Restrictions and Regulation of Election Manifestos" providing the legitimacy to the 'Election Manifestos (Regulation) Act' and 'Election Manifestos (Regulation) Rules'.