



CRFHGR

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ELECTION MANIFESTOS (REGULATION) BILL

Draft Legislation

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INTRODUCTION

Elections and electoral politics are always a challenge, more so in democracies and the more diverse a country is, the more complex our politics tend to become.

In India, given the rich heritage and cultural diversity along with language and identity, a number of regional and local parties emerged for two reasons,

- 1) in order to cater to the needs and mind sets of select groups and communities, and
- 2) a consequence that necessarily emerged due to the mistakes of some leaders both at national level, state level and regional levels.

Problem:

With different things at play during elections, political parties have resorted to wooing voters in innumerable ways that are not just impractical to execute but are both immoral and unethical too from social perspective and from nation's perspective.

Vision:

- (1) To regulate the elements of Election Manifestos during 'all democratic elections' to the public offices across the country, and
- (2) To build a logical framework making the manifestos simple, understandable and effective for all citizens.
- (3) To make political parties and all contesting candidates commit to the fiscal realities of public finance and policymaking.

I. Definition –

1. An Election Manifesto is any document/material in any format which
 - a. is made and released by a political party, its contesting candidates and/or independently contesting candidates 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.
 - b. constitutes the policies, programmes, plans, schemes and agendas of governance and administration in the event of a given political party's (or) contesting candidate's victory in any given election to a public office under the Constitution of India.

Election
Manifesto
Definition

II. Structure and framework for preparation of election manifestos –

2. Any political party, its contesting candidates or any independent political candidate shall, during any election, prepare a manifesto, if any, as per the following criteria –
 - a. List out all the programmes, schemes, measures that the political parties, political candidates intend to implement if elected to government.
 - b. List out an estimate of the cost to the exchequer for the purpose of the implementation of each of the aforementioned programmes, schemes and relief measures.
 - c. List out ways in which financial and human resources shall be procured for the purpose of the implementation of the aforementioned programmes, schemes and relief measures.
 - d. List out the over-all impact on the democratic/public institutions, individuals, communities and societies.
3. It shall not be mandatory for political parties and their contesting candidates to release an election manifesto at the time of by-elections in a given constituency.
4. It shall not be mandatory for independent contesting candidates in a general election (or) by-election to prepare and release an election manifesto.
5. The political parties, its contesting candidates and the independently contesting candidates shall provide the details of the chairperson or in-charge or any other individual in his/her/their official capacity presiding over the manifesto preparation process to the ECI or SEC as applicable.
6. Parliament shall make certain rules under “Election Manifestos (Regulation) Rules” which shall be published through a gazette notification as and when required and shall be applicable across India.
7. The Election Manifestos (Regulation) Rules shall be prepared and released by a Joint Parliamentary Committee of Rules (JPCR) comprising fifteen members in the following manner,

Election
Manifesto
Preparation
Criteria

Applicability to
different types of
candidates and
elections

Disclosure of the
details of the
presiding official
of manifesto
preparation

Rules and the
competent
authority for rule-
making.

- a. Seven members from Rajya Sabha to be nominated by the Chairperson of Rajya Sabha.
- b. Seven members from Lok Sabha to be nominated by the Speaker of Lok Sabha.
- c. At least one member from either of the houses who is an independent (non-affiliated) candidate.
- d. Speaker and Deputy Speaker of Lok Sabha or Chairperson and Deputy Chairperson of Rajya Sabha cannot be the members of this JPCR.
- e. The JPCR shall comprise the representatives of all political parties and at least one independent (non-affiliated) member.
- f. The JPCR shall elect a Chairperson from amongst themselves through voting which is recorded.

III. Election Manifestos Review Directorate –

Election
Manifestos
Review
Directorate

8. A new public office, Election Manifestos Review Directorate (hereinafter known as EMRD) for the purpose of analysis and the subsequent approval/rejection of election manifestos or certain specific programmes, schemes, measures of an election manifesto shall be established under organizational structure of Election Commission of India (ECI) and the corresponding State Election Commissions (SECs).

IV. Structure, composition and functions of Election Manifestos Review Directorate –

Number of
Members in
an EMRD

9. EMRD shall comprise nine persons who are renowned experts in the field of public policy research, public finance, financial planning and management, economics, econometrics (but not limited to) hailing from the intelligentsia, academia, industry, former bureaucrats, civil societies and NGOs.

Composition
of NEMRD

10. The composition of members of National Election Manifestos Review Directorate (NEMRD) shall be as follows
 - a. One Former Union Cabinet Secretary.
 - b. One Former Union Finance Secretary.
 - c. One Former Director/Deputy Director of Central Board of Direct Taxes.
 - d. One Former Director/Deputy Director of Central Board of Indirect Taxes.
 - e. One IIM Director (on a rotation basis).
 - f. One Former RBI Governor/Deputy Governor.
 - g. One Former Chief Economic Adviser to the Prime Minister.
 - h. One representatives from industry bodies like CII, FICCI, ASSOCHAM and NASSCOM etc.
 - i. One representative of civil societies/NGOs.

- Composition of SEMRD
- Selection of Chairperson of EMRD
- Timeline for constitution of EMRD
- Binding consent of EMRD
- EM Release Criteria for National, State, Recognized, Unrecognized political parties & all contesting candidates
- Discretionary powers of ECI in seeking Manifesto from any political party or candidate
11. The composition of members of State Election Manifestos Review Directorate (SEMRD) shall be as follows
 - a. One Former State Chief Secretary.
 - b. One Former State Finance Secretary.
 - c. One Former Commissioner of State's largest Municipal Corporation.
 - d. One Former Chairperson of State Planning Commission
 - e. Two Directors from prominent state Management and Financial Institutions (or) Universities (on a rotation basis).
 - f. One Former Chief Economic Adviser to the Chief Minister.
 - g. One representatives from industry bodies like CII, FICCI, ASSOCHAM and NASSCOM etc.
 - h. One representative of civil societies/NGOs.
 12. The Chief Election Commissioner along-with the other election commissioners of the ECI shall pick-up a Chairperson from amongst the members of EMRD via the means of a preferential vote who then heads their respective EMRDs at national and state level respectively.
 13. An EMRD with its nine members is appointed four months prior to the corresponding general election, mid-term election and bye-election(s) at the national and state-level separately as the case may-be i.e., for parliamentary general election and state legislative assembly election.
 14. All the political parties, their contesting candidates and independently contesting candidates are mandatorily required (provided they release an election manifesto) to share their election manifestos, if any, with the corresponding EMRD in accordance with the timeline prescribed under section – V of this bill.
 15. Any election manifesto of a National/State/Recognized political party shall be released to the general public only after the review and approval of the corresponding EMRD.
 16. Any election manifesto of any registered unrecognized political party, any other type of political party or group, its candidates and independently contesting candidates could be released to general public without the need for review and approval by the corresponding EMRD. However, such parties and candidates should submit a copy of their election manifestos, if any, to the corresponding EMRD and ensure self-compliance and strict adherence to the provisions of this bill and other laws as applicable and shall have to submit a self-declaration through an affidavit stating the same.
 17. Notwithstanding anything mentioned in the clause 14 of section IV above, ECI, or SEC, as the case may be, has the discretionary power to seek the manifesto from any registered unrecognized political party or independently contesting candidates and assign it to the corresponding EMRD for the review and consent.

SEMRD and State Legislatures powers to frame own bye-laws and rules

18. The discretionary power mentioned in the above clause 15 of section IV shall be defined as per “Election Manifestos (Regulation) Rules” that shall be made by the Parliament or State Legislature or the ECI or SEC from time-to-time as the case may be.
19. The SEMRD (State Election Manifestos Review Directorate) is the NEMRD equivalent at the state level that shall be established under the institutional structure of State Election Commissions (SECs) dealing with election manifestos related to municipalities, municipal corporations, panchayats and other local body elections.
20. This bill authorizes the State Legislatures to make laws and bye-laws regarding the functioning of their respective SEMRDs.

V. Timelines, evaluation procedures and integrity of the process –

Timeline for EM submission by a party or candidate

21. National, State and Registered Recognized political parties, shall have to submit their election manifestos, if any, to the EMRD four months prior to the date of polling (or) immediately after the constitution of the said EMRD.

22. The contesting candidates from National, State and Registered Recognized political parties shall have to submit their election manifestos, if any, to the corresponding EMRD two months prior to the date of polling.

23. Registered Unrecognized political parties, all other types of political parties, their candidates and independently contesting candidates should submit their election manifestos, if any, to the EMRD two months prior to the date of polling.

24. No election manifesto shall be accepted by the EMRD for review or for any other purposes forty-five days before the date of polling.

Timeline for EM evaluation and response by the EMRD

25. The EMRD shall assess the manifestos in exactly one week and either approve or reject them partially (or) wholly. The decision shall be communicated with the corresponding political parties and contesting candidates along-with the reasons thereof with in six to twelve hours.

Official Channel with-in ECI or SEC enabling EMRD to gather Information.

26. The EMRD shall collect, obtain data and any other information regarding key state financial, non-financial, development, welfare, socio-economic, caste or any other policy indicators from the corresponding ministry/department of the government at the union/state/municipal/panchayat levels through dedicated official channels under ECI and/or SEC as applicable as mentioned in Sections VII, VIII and IX and as prescribed in the “Election Manifestos (Regulation) Rules” in order to approve or reject manifestos either partially or wholly.

Upholding the restrictions imposed on information sharing under certain acts of Indian Parliament

27. All restrictions on sharing certain class/type of data and/or information outside of any ministry/department at any tier of government shall be upheld as per the provisions of Indian Official Secrets Act – 1923 or the Right to Information Act – 2005.

- a. In such an event, the EMRD might seek the source of data and/or information from the chairperson (or) in-charge of the manifesto preparation process of a political party, its contesting candidates and independently contesting candidates.
- b. The EMRD shall have discretion up on the terms of utility of the data/information shared by such a chairperson presiding/presided over the manifesto preparation.
- c. The EMRD shall, accordingly, based on its own internal evaluation, accept (or) reject such a non-official information and, consequently, accept (or) reject the corresponding policy proposals of the election manifesto.

28. Election Manifestos Review Directorate (EMRD) shall comply with the confidentiality and integrity norms throughout the review process.

Integrity and confidentiality of the process

29. EMRD shall ensure that NO part, aspect, element, idea, thought and strategy (or any other aspect) of any political party or contesting candidate is leaked either to the press/media or to other individuals either in their personal, individual or official capacity including to private citizens in any manner.

30. The EMRD shall strive to protect the rights of the parties and candidates to come-up with the latter's own ideas towards development, welfare and reform agenda.

Provision for opting to contest an election without any election manifesto

31. In the event of rejection of an election manifesto either partially or wholly, or, in the event that the time constraints do not permit a political party to obtain requisite approval from the corresponding EMRD regarding an election manifesto and its provisions, then, political parties, their contesting candidates and independent contesting candidates have the option to go for an election without any election manifesto.

EMRD web portal

32. EMRD shall have its own web portal under ECI or SEC, as the case may-be, similar to that of election affidavits web portal for the purpose of general public access. Citizens can view and download election manifestos approved by the EMRD.

VI. Dissolution, re-constitution, tenure and re-appointment criteria of EMRD and its members –

Dissolution and Re-constitution

33. Any EMRD that is constituted for a particular general election or by-election as the case may be shall be dissolved before the date of polling of the corresponding election.

Tenure of members

34. The ECI shall have the powers to re-constitute the said dissolved EMRD at a later point of time again as mentioned under Section 12 of this bill for the purpose of evaluation of election manifestos regarding elections to any other state legislative assembly election or any other by-election at national or state level.

Eligibility and restrictions on Re-appointment

35. The minimum and maximum term limits for any member of any EMRD shall be two and three years respectively.
36. No member is eligible for re-appointment to the same EMRD i.e., a member of NEMRD cannot be re-appointed but can be appointed to an SEMRD up on the discretion of a given SEC.
37. A member of SEMRD cannot be re-appointed to the same SEMRD but can be appointed to NEMRD (or) other State's EMRD subject to the fulfilment of corresponding EMRD's eligibility criteria.
38. No member of an EMRD can, simultaneously, be a member of another EMRD.

VII. Criteria for financial proposals –

Need to provide ways and means to finance the proposals listed in an EM

39. Financial proposal includes any idea, thought, policy, tax proposal or any other reform proposal that intends to increase the revenue of the nation or state or a given territory including the constituencies at village, sub-district, district and/or wards at city level.
40. Every political party/contesting candidate in any election should enlist their financial proposals and the appropriate plans and methods through which they intend to finance/fund such proposals as mentioned in their manifestos.

VIII. Criteria for non-financial proposals –

Regarding non-financial proposals

41. Any proposal that doesn't fall under the sections VII and IX of this bill shall broadly be considered a non-financial proposal for the purpose of this bill.
42. The framework for non-financial proposals shall be supplemented by other bye-laws as per the time and requirement based on consultations with stakeholders by the Union Government and, as the case may be, by the Parliament or any of its committees and published under "Election Manifestos (Regulation) Rules".

IX. Criteria for welfare proposals –

Contours of welfare proposals

43. All welfare proposals should consist of a definitive timeline along with mitigation plans and sunset clauses.
44. Welfare schemes should be supplemented with a periodic impact assessment which includes census data involving beneficiary-centric socio-economic profile.

Impact assessment and defined beneficiaries

45. Manifestos should clearly mention the short-term, medium-term and long-term impact of the listed welfare schemes on the respective government's finances and fiscal management objectives both in present and future.
46. Every political party/contesting candidate shall clearly define the class and group of beneficiaries which/who/whom are supposed to be benefitted by a given welfare scheme, policy and/or programme.

Power of Parliament to cap welfare expenditure

47. The Parliament shall empower the Finance Commission, constituted by the President under Article 280 of Constitution of India, to prescribe a limit on annual welfare expenditure in terms of

a. A fixed limit in terms of percentage (%) of National Gross Domestic Product (GDP) and/or Gross State Domestic Product (GSDP) on the expenditure related to welfare policies, schemes and programmes keeping in mind the fiscal realities across Union and State governments.

b. The fixed limit in terms of percentage (%) of GDP (National/State) can also be determined in relation to the economic growth, existing debt, other fiscal parametres or any such other factors as the Finance Commission may determine.

Power to Finance Commission to set limits of Welfare Expenditure

Revisions to welfare expenditure limits

48. The Finance Commission shall revise the annual welfare expenditure limits every five years factoring-in multiple growth rates across each year of the five-year period for which it has been constituted to prepare and provide financial policy recommendations by the Honourable President of Republic of India.

49. The Parliament, the Election Commission of India and the corresponding State Election Commissions shall publish these limits separately as per their jurisdiction and function by issuing their own corresponding gazette notifications under the “Election Manifestos (Regulation) Rules”.

X. Election Manifesto Performance Report –

Mandatory requirement for certain political parties to release EMPR

50. All National, State and Registered Recognized political parties which either formed the government on their own or have been a part of a coalition government during any time before either at national or at state level shall mandatorily release an Election Manifesto Performance Report provided that they have released any election manifestos during such previous elections.

Aspects of EMPR

51. The Election Manifesto Performance Report, hereinafter referred to as EMPR, is a document listing out all the policies, programmes, schemes and plans mentioned in the previous election manifesto of a given political party and to what extent each of these policies, programmes, schemes and plans have been implemented in the prescribed format as mentioned in the “Election Manifestos (Regulation) Rules”.

Timeline for release of EMPR

52. National, State and Registered Recognized and Registered Unrecognized political parties which fulfil the criterion mentioned in clause 46 of section X shall release the EMPR three months prior to the date of polling of the corresponding general election, state legislative assembly election, mid-term election.

Exemptions
from releasing
EMPR

53. All eligible political parties are exempted from releasing an EMPR during any bye-elections to the parliament and state legislative assembly.

XI. Penalties for offences –

Penalty for
releasing
election
manifesto
without
approval of
EMRD

54. Publication (or) release of any election manifesto by the National, State or Registered Recognized political party or any other political party and its contesting candidates to the general public without the appropriate consent from the corresponding EMRD shall result in a fifteen-year ban on the political party and the contesting candidate from contesting any election by the ECI or SEC as the case may be for the aforesaid period along-with the penalty of ₹10 Lakhs.

Penalty for
releasing EM
violating the
provisions of
this bill

55. For the Registered Unrecognized political party, all other types of political parties, their contesting candidates and independently contesting candidates, any violations found in manifesto preparation and release contrary to the principles and provisions of this bill and other bye-laws related despite the submission of self-declaration affidavit under *clause 16 of section – IV* of this bill shall result in a fifteen-year ban on such political party, group or candidate along-with a penalty of ₹5 Lakhs.

Penalty for
EMRD members
for unethical
behaviour

56. EMRD members and other staff members who violate the confidentiality and integrity norms are liable for a legal action through a formal trial under the criminal breach of trust as envisaged under Indian Official Secrets Act, Indian Penal Code and the Code of Criminal Procedure with a minimum term of rigorous imprisonment for up to seven years and a penalty of Rs. 15 lakhs.

Penalty for
media channels
for publishing
an unapproved
EM

57. Media channels across all formats i.e., print/electronic/digital which publish election manifestos of political parties, their contesting candidates and/or independently contesting candidates that are not approved by the EMRD are liable for legal action under the relevant sections of Cable TV Regulation Act, 1992; Information Technology Act, 2002; Information Technology Rules, 2021 and any other relevant laws and bye-laws that are, for time-being along-with a total ban on all their business activities for up to six months as decided by the ECI or SEC as the case may be.

XII. Publication and propagation of election manifestos –

For political
parties and
contestants to
publicize their
EM across
ALL media
formats

58. EMRD shall publish a given election manifesto on its web portal with-in six-to-twelve hours from the time of approval.

59. For political parties, their contesting candidates and the independent contesting candidates shall publicize their manifestos along-with all the policy aspects and provisions pertaining to the aforementioned financial, non-financial and welfare proposals

- a. in all print/electronic/digital media during the campaign period (as per their convenience).
- b. Through preparation of campaign materials in the form of pamphlets, wall posters, digital photos and videos and other multimedia across a given constituency and on all forms of media.

For media to create awareness drives on EMs and EMPRs

60. All print/electronic/digital media agencies shall conduct exclusive broadcasting programmes involving elaborate description of election manifestos of all political parties and independent contesting candidates, if any, during the campaign period.

61. All print/electronic/digital media agencies shall invite spokespersons from all political parties and independently contesting candidates for a meaningful debate on the issues, ideas, programmes and plans of their corresponding election manifestos.

62. All print/electronic/digital media agencies shall conduct special drives and shows to publicize both the EMs and EMPRs.

63. Civil Society Organizations (CSOs) and Non-government Organizations (NGOs) which are not politically affiliated to any political party or candidate shall conduct special drives at the grassroots level to create awareness on election manifestos and election manifesto performance reports of various parties consequent to the provisions prescribed in the “Election Manifestos (Regulation) Rules”.

For NGOs and CSOs to conduct special awareness drives on EMs and EMPRs

XIII. Salaries, emoluments and costs incurred by the EMRD –

64. The salary, emoluments, perks and other service conditions of the members of EMRD including the chairperson shall be determined by the Parliament and/or state legislative assembly, as the case may be.

65. Costs incurred by the NEMRD and its members, staff, employees and the emoluments thereof for the purpose of general election to parliament and state legislative assembly shall be borne by the ECI and, as such, the parliament shall appropriate the finances of ECI during the election year to ensure smooth and hassle-free functioning of the said office.

66. Costs incurred by the SEMRD for the purpose of general election to municipal corporations, municipalities and panchayats shall be borne by the corresponding State Election Commission and, as such, the state legislative assembly shall appropriate the finances of SEC during the election year to ensure a smooth and hassle-free functioning of the said office.

Amendments to Representation of People Act, 1951

A new section, 19B, to be inserted after 19A of Part IV, namely –

19B. Election Manifestos Review Directorate

- 1) A new public office, Election Manifestos Review Directorate (hereinafter known as EMRD) for the purpose of analysis and the subsequent approval/rejection of election manifestos or certain specific programmes, schemes, measures of an election manifesto shall be established under organizational structure of Election Commission of India (ECI) and the corresponding State Election Commissions (SECs).
- 2) The structure, composition, functioning, powers and all other matters associated with this EMRD shall be as prescribed by the Election Manifestos (Regulation) Act, and, the Election Manifestos (Regulation) Rules prescribed by the parliament from time-to-time.

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Amendments to Section 31, replacing with the following text,

31. Public notice of election – The Election Commission of India shall issue the notification for general election to the House of the People and/or the State Legislative Assembly with exact date of polling and the dates for filing, withdrawal and scrutiny of nominations of candidates under section 30 of this act six months in advance to the conclusion of the said House of the People and/or the State Legislative Assembly for the purpose of proper scrutiny, release, propagation and meaningful debate on election manifestos by different political parties and candidates.

A new section, 127B, to be inserted after 127A, namely –

127B. Restrictions and Regulation of Election Manifestos –

Neither any political party nor any of the contesting candidates will release an election manifesto (if any) that doesn't comply with the provisions of the Election Manifestos (Regulation) Act that is to be, or has already been, enacted and the Election Manifestos (Regulation) Rules to be published under the aforementioned act.



STATEMENT OF OBJECTS & REASONS

Election Manifestos are meant to present a roadmap and vision of political parties towards the electorate. Merely making statements and announcing popular schemes for the purpose of wooing voters to win elections without any understanding of the prevailing fiscal realities, financial challenges of the state and other practical considerations constitute a lack of ethics on behalf of the political parties and its candidates.

If we are clear about regulation of promises in election manifestos, then, the next logical step would be to determine the who, what and how of this regulation. It is upon the parliament to empower the ECI by equipping it with adequate expertise, independence, transparency and accountability framework to ensure that all political parties and contesting candidates have a level-playing field and people are not taken for fantasy rides in the names of populist schemes and unrealistic development programmes.

An Election Manifestos Review Directorate, comprising experts from myriad areas would ensure that election manifestos are carefully evaluated before their release. This bill aims to build institutional support to achieve that purpose. The bill also seeks to build a conducive environment for meaningful debate and deliberation among the voters on the merits/demerits of policies, programmes and schemes of the election manifesto. Also, it provides a timeline for political parties to prepare and submit their election manifestos to ECI for review by the EMRD. Clearly and specifically define the beneficiaries of a particular scheme or programme so that voters can make informed decisions. Once, an election manifesto is cleared for public release, they will be released to the public followed by full-fledged public debates around policies of the said manifesto. The bill also imposes reasonable restrictions on media to not publicize anything that is not a part of an official election manifesto approved by ECI, or, as the case may be, SEC.

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