

Standing Committee Report Summary

Specific Aspects of Election Process and their Reform

- The Standing Committee on Personnel, Public Grievances, Law and Justice (Chair: Mr. Sushil Kumar Modi) submitted its report on “Specific Aspects of Election Process and their Reform”, on August 4, 2023. The Committee identified three issues of the electoral process: (i) the status of Common Electoral Roll, (ii) false declarations during filing of nomination for elections, and (iii) the minimum age of voting and contesting elections. The Election Commission of India (ECI) proposed establishing a Common Electoral Roll. The Common Electoral Roll is aimed to serve as a centralised repository of voter information that can be accessed by all concerned authorities, including the ECI and State Election Commissions. Key observations and recommendations of the Committee include:
 - **Common Electoral Roll:** The Committee noted that the Common Electoral Roll is intended to streamline resources, minimise efforts, and reduce expenses. However, it identified two issues in implementing it: (i) the current legal framework, and (ii) the constitutional regulations guiding the creation of electoral rolls by the ECI. The Committee expressed concern about the potential impact on state powers, as panchayat elections and municipal elections are under the authority of State Election Commissions. Delimitation of local wards and panchayats is mandated by the state governments and State Election Commissions before every local election. As per the Seventh Schedule of the Constitution, local elections are a state subject. The ECI lacks the authority to direct State Election Commissions. Therefore, it recommended that the ECI should consider the constitutional provisions before preparing the Common Electoral Roll.
 - Further, the Committee noted that implementing the Common Electoral Roll proposed by the central government and the ECI falls outside the scope of Article 325 of the Constitution. It observed that Article 325 mandates the use of separate electoral rolls for elections to Parliament and state legislatures. The Committee advised the central government to carefully assess the potential consequences before taking any actions.
 - **Age of contesting elections:** The Committee observed that reducing the minimum age requirement for candidacy in elections would give young individuals equal opportunities to engage in
- democracy. The Committee noted that in parliamentary democracies like the United Kingdom, Canada, and Australia, the minimum age for contesting in national elections was 18 years old. It suggested reducing the minimum age requirement for candidacy in State Assembly elections. Further, it suggested that both the ECI and the central government prioritise comprehensive civic education programs to equip the youth for political engagement.
 - **Aadhaar linking:** The Committee recommended that citizens should have greater transparency when it comes to the Common Electoral Roll and the integration of Aadhaar with Elector Photo Identity Card (EPIC). It emphasised that the linking of Aadhaar is voluntary and citizens should be made aware that they can exercise their right to vote without Aadhaar linkage. Additionally, the Committee observed that the Aadhaar of non-citizens were linked with EPIC of non-citizens. It recommended that the ECI should establish a legal provision or an alternative mechanism to ensure that non-citizens with Aadhaar are not included in the Common Electoral Roll.
 - **False declarations:** The Committee noted that to ensure free and fair elections, accurate information must be provided to voters. It recommended that the central government set up a verification process for affidavits to inform the ECI of any false data. Further, it observed the importance of involving stakeholders in the regulation-making process for election affidavits.
 - Further, the Committee recommended changes to the Representation of the People Act, 1951. It recommended that false declarations/affidavits should have a clear definition and penalties based on the severity of the act committed. These penalties should be included as a separate provision. Further, it suggested that the ECI should be responsible for legal action against false declarations/affidavits instead of the public.
 - The Committee observed that the current punishment of six months imprisonment for making a false declaration is insufficient and should be increased. It suggested that the punishment for a false declaration should be increased to imprisonment for up to two years and a fine. The penalty should be applied only in exceptional cases and not for minor errors.

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