

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

**RAJYA SABHA
UNSTARRED QUESTION NO. 277**

TO BE ANSWERED ON THURSDAY, 3rd FEBRUARY, 2022

RAISING OF CEILING ON ELECTION EXPENDITURE

277. Shri Sushil Kumar Gupta:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether it is a fact that Government has approved raising of ceiling on the election expenditure by a candidate;
- (b) if so, the details thereof;
- (c) the manner in which Government will ensure that the expenditure limit allowed is adhered to in letter and spirit; and
- (d) steps being taken to ensure that candidates get level playing field for election campaign?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a) and (b): On the recommendation of the Election Commission of India, the Government vide notification S.O. 72(E), dated the 6th January, 2022, has increased the maximum limit of expenditure by a candidate for Parliamentary Constituency and Assembly Constituency of State/Union territory elections. In respect of larger States/Union territories, it has been increased for Parliamentary Constituency and Assembly Constituency Elections from 77 Lakh and Rs. 30.8 lakh to 95 Lakh and 40 Lakh respectively, and in respect of smaller States/Union territories, it has been increased for Parliamentary Constituency and Assembly Constituency Elections from 59.4 Lakh and Rs. 22 lakh to 75 Lakh and 28 Lakh respectively.

(c) : The Election Commission of India (ECI) has informed that under section 77 of the Representation of the People Act, 1951, every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof and under section 78 of the Representation of the People Act, 1951, every contesting candidate within 30 days from the date of election of the returned candidate lodge with the District Election Officer an account of his election expenses (true copy) of the account kept by him or by his election agent under section 77 of the Act.

The ECI has further stated that if it is satisfied that a person: (a) has failed to lodge an account of election expenses within the time and in the manner required by or under the said Act; and (b) has no good reason or justification for the failure, the Election Commission of India shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

(d): The ECI has informed that it is seriously concerned about the menace of 'Money Power' which disturbs the level playing field in elections. Besides legal provision the ECI has taken several steps to monitor the election expenses of the contesting candidates and issued comprehensive guidelines in the past and updated in "Compendium of Instructions on Election Expenditure Monitoring (October, 2021) which have also been issued for ongoing General Elections to Legislative Assemblies of 5 States of Uttar Pradesh, Punjab, Uttarakhand, Manipur and Goa, 2022. The same is available on Commissions' website.

In order to keep election expenses within the ceiling prescribed by the Law (The Conduct of Elections Rules, 1961) and also to maintain level playing field among candidates the ECI has directed to maintain the day to day account register in the prescribed manner and to get it inspected before the election authorities 3 times during election period. The ECI has prescribed the Shadow Observation Register to keep records of major expenses of the candidates by the election authorities and reporting thereof in case of discrepancy viz. under reporting of expenses etc. noticed

by them to the candidates for corrective measures. The appointment of Expenditure Observers, Assistant Expenditure Surveillance Teams and Observers, Video Viewing Teams, Accounting Teams, Complaint, Monitoring and Call Centre, Media Certification and Monitoring Committee on paid News, deployment of Flying Squads and Static Surveillance Teams for Election Expenditure Monitoring. The Election Commission of India has also prescribed Standard Operating Procedure for Flying Squads and Static Surveillance Teams to keep vigil over unaccounted money and also to keep vigil over money and other illicit items which may vitiate level playing field. The Election Commission of India has directed that Election Expenditure of the Candidates shall be done through the dedicated bank account opened for election expenses purpose by the candidate through electronic mode in case amount exceeds Rs. 10,000. The ECI has requisitioned the services of various enforcement agencies viz. CBDT, CBIC, DGIT(Inv.), State Excise Department, State Police Department, Narcotics Control Bureau, DRI, ED, FIU-IND, BCAS, RPF, Department of Post, BSF, SSB, ITBP, Coast Guard, Assam Rifles to facilitate effective monitoring of election expenditure. Besides it, enforcement of Model Code of Conduct allows the level playing field on ground. The ECI has created IT tools like 'SUVIDHA' to facilitate permission for campaign on first-cum-first serve basis. Also, the ECI has directed the Chief Electoral Officers to make available the facilities for campaign as equitable basis. Also, the ECI has doubled the allocated time for campaign on Door Darshan and All India Radio for all recognised parties.
