
1. RPA (Representation of People's Act) Act 1951

Why in News?

- The Supreme Court (SC) has recently said that providing false information about electoral Candidates Qualification is not a Corrupt Practice under RPA (Representation of People's Act) Act 1951.

Highlights

- The SC was hearing a petition, challenging a 2017 Allahabad High Court ruling, which held that declaration of false information pertaining to education qualification does not interfere with the free exercise of electoral rights of the electors.
- The petition said that the electoral candidate committed a “corrupt practice” under Section 123(2) by interfering in the free exercise of electoral rights of the voters by not disclosing his liabilities and correct educational qualifications in his affidavit of nomination.
- It also argued that a “corrupt practice” under Section 123(4) was committed by the candidate in publishing a false statement of fact about his character and conduct to influence the outcome of his election, knowingly.
- The SC declared the Petition as “null and void”, saying that providing false information about a candidate's qualifications cannot be considered a “Corrupt Practice” under Sections 123 (2) and Section 123 (4) of the RPA, 1951.
- It defines ‘corrupt practices’ to include bribery, undue influence, false information, and promotion or attempted promotion of “feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language” by a candidate for the furtherance of his prospects in the election.
- It deals with ‘undue Influence’ which it defines as “any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person, with the consent of the candidate or his election agent, with the free exercise of any electoral right.” This could also include threats of injury, social ostracism and expulsion from any caste or community.
- It extends the ambit of “corrupt practices” to the intentional publication of false statements which can prejudice the outcome of the candidate's election. Under the provisions of the Act, an elected representative can be disqualified if convicted of certain offences; on grounds of corrupt practices; for failing to declare election expenses; and for interests in government contracts or works.