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ELECTORAL OFFENCES IN INDIA UNDER
THE INDIAN PENAL CODE, 1860 AND THE REPRESENTATION OF PEOPLE'S ACT, 1951:
A STUDY
Dr. Komal Krishan Mehta 1 Meenakshi 2
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Power is the spoiler of men and it is more so in a country like India, where hungry stomachs produce power hungry politicians." -

J.P. Naik 3

ABSTRACT India being a democratic country, one of the most essential parts of upholding democracy is via conducting elections in fair manner. An election is a crucial element for establishing as well as continuing democracy in every country. Indian Constitution guarantees democratic republic nation to all of its citizens and with this each and every citizen of India has been given the power to choose their own representative through the mode of Elections. Apart from this, the Constitution of India has made certain independent bodies for various purposes, so as to ensure that there is no interference of Legislative or Executive in the working of such independent bodies. Election Commission is one of the Constitutional Authority which has been bestowed with the function to conduct free and fair elections in India.

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Free and fair elections connote that nobody is influenced while exercising their legal right; that they can make and form decisions on their own, and have their personal choice free from the bondage of another, without any malice or undue influence of another.

Thus, free and fair elections are the epitome of a democratic nation.

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Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote and includes bribery, undue influence etc. It is very essential for us to study and understand about electoral offences, penalties and disqualification. This paper therefore deals with various provisions under the Representation of People's Act, 1951 and the Indian Penal Code, 1860 which discusses electoral offences. KEYWORDS: Election Commission, Electoral Offences, Free and

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Fair Elections, Democracy, Indian Constitution, Corrupt Practices, Indian Penal Code, 1860, Representation of People's Act, 1951.

INTRODUCTION

An election is

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considered to be a process to achieve democracy and is an indispensable element in the establishment and continuation of any democracy. India is having a Constitution that guarantees a democratic republic to its citizens. The Constitution of India gives a scheme of democratic bodies/posts as well as an independent constitutional authority bestowed with the function of conduct of free and fair elections, namely the Election Commission. Free and fair election is an indispensable part of the Indian democracy. Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote,

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includes bribery, undue influence etc. It is very essential for us to study and understand about electoral offences, penalties and disqualification. This paper therefore deals with various provisions under the Representation of People's Act, 1951 and the Indian Penal Code, 1860 which discusses electoral offences. 4

With the attainment of Independence on 15th August, 1947 and the adoption of democracy based on adult suffrage, a need for comprehensive legislation to regulate the conduct of elections to various elective bodies, and institutions was felt. Accordingly, the Representation of the People Act, 1951 providing detailed provisions for the conduct of elections both for the Parliament and the State Legislature was enacted. A separate legislation for the election of President and Vice President of India has also been provided. To decide election disputes expeditiously Section 100 of the Representation of People Act, 1951 give original jurisdiction to the High Courts and the civil courts have been barred for entertaining election petitions. The provisions relating to Representation of People Act, 1951 and Chapter 9 A of IPC, 1860 are complementary and should be read together. The Act of 1951 contains certain additional penalties for offences, such as bribery and undue influence, as envisaged under Section 171 E and Section 171 F of Indian Penal Code, 1860. 5

MEANING

Election is a process in which people vote to choose a person or group of people to hold an official position. Election offence is a crime that breaks electoral laws and requires a particular punishment. Penalty is a punishment that is given to someone for doing something which is against a law or rule. However, there are rules guiding the electoral process and anyone who violates these rules is liable on conviction to be penalized.

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Freedom of choice' is called the essence of democratic election. In all democratic countries, election/selection of a particular person of their choice among the other candidates for discharging certain duties is considered to be the natural right of an individual. Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote and includes bribery, undue influence etc. THE ELECTORAL OFFENCES

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Freedom of choice' is called the essence of democratic election. In all democratic countries, election/selection of a particular person of their choice among the other candidates for discharging certain duties is considered to be the natural right of an individual. Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote and includes bribery, undue influence etc. THE ELECTORAL OFFENCES

UNDER INDIAN PENAL CODE, 1860

The electoral offences under the IPC are enumerated in chapter IXA under the heading 'Of Offences Relating to Elections'. This chapter was inserted in the

Code more than 90 years ago in 1920 by the Indian Elections Offences and Inquiries Act, 1920 when the

concept of elections in a limited way was introduced in some of the legislative bodies under the Government of India Act, 1919.

It was enacted

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with a view to provide for the punishment of malpractices in

an election and for the conduct of inquiries in disputed elections. Section 171 A of IPC, 1860 is a definition clause and the electoral offences are

bribery at elections (Sec. 171B), undue influence at elections (Sec. 171

C), personation at elections (Sec. 171

D), false statement in connection with an election (

Sec. 171G), illegal payments in connection with an election (Sec. 171

H)

and failure to maintain election accounts (

Sec. 171I). The

ordinary Criminal Courts will have jurisdiction to decide cases under the Indian Penal Code, 1860. 6 These Sections applies not only to the elections of legislative bodies but also to the Membership, Councils, Municipalities, District Board, Panchayats and Other Public Bodies. It provides for the

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punishment of malpractices in connections with elections and attempts to safeguards the purity of the franchise.

In Indian Penal Code, 1860 there are following six offences relating to Elections:-

1. Bribery (

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Section 171B and Section 171E) 2. Undue Influence at an Election (Section 171 C and Section 171 F) 3. Personation at Elections (Section 171D) 4. False Statement in connection with an Election (Section 171 G) 5. Illegal Payment in connection with an Election (Section 171 H) 6. Failure to maintain Election Accounts (Section 171

l).
1.
Bribery 7 As per Section 171(B), a person is said to commit bribery when he
or
she gives gratification to someone with the object of inducing such person with regards to practicing his or her electoral right, or as a reward, after such person has exercised his
or
her electoral right after being induced. The person taking such bribe and being induced into practicing his
or
her electoral right differently is also guilty of the offence of bribery.
For this section, a person is said to give gratification when they offer or attempt to give or
offer or attempt to procure gratification. The person accepting or attempting to get gratification for changing his or her pre-decided

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course and acting according to the wish of the one giving such gratification shall be said to have received gratification.
A person

committing
the offence of bribery
shall be punished with imprisonment which may extend
to one year, or
a fine,
or both, under the provisions of
Section 171(E). However, a person bribed by the act of treating shall have to pay a fine only. "Treating" means providing or accepting food, drink entertainment or provision as gratification.

2.
Undue Influence at an Election 8
Section 171(C) of IPC
deals with undue influence at an election. It refers to
the voluntarily interferes or
an attempts
to interfere with the free exercise of an electoral right.
Interference with the free exercise of an electoral right
as per this provision includes:-
a. Threatening (with injury of any kind)
any candidate or voter or any person in whom a candidate or
voter is interested
in,
or
b. Inducing
or attempting to induce a candidate
or voter to believe that he or

any person in whom he is interested will become or will be rendered an object of Divine displeasure or spiritual censure.

Exercise of a legal right without any mala fide intent to interfere with someone's voting right,

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declaration of public policy or a promise of public action does not

count as interference as per the meaning of this section. As per Section 171(F), undue influence at an election is punishable with imprisonment which may extend to one year, or a fine, or both.

3.

Personating at an Election 9

Section 171(D) says that a person attempting to vote twice or vote by using unfair means is guilty of the offense of personating. Each one is to cast their own vote. For example, a person applying for a voting paper by using someone else's name, whether living or dead, or under a fictitious name, or has voted in such an election and wants to vote again is guilty of personating. A person abetting or attempting to procure a voting paper by using any other person for their cause shall also be guilty of the offense of personating.

It is important to note that

a person authorized to vote as proxy for an elector under any law which is at force at that time shall not be guilty of this offence.

Personating

at an election is punishable

with imprisonment which may extend to one year, or a fine, or both

as per

Section 171(F).

4. False Statement in connection with an Election 10

Section 171(G)

states that

whoever

with intent to affect the result of an election makes or publishes any statement in public, knowing or

believing it to be false or not believing it to be true, and disguising it to be a statement of fact, with an attempt to malign the character or conduct of a candidate, to disrupt the result of elections shall be punishable with fine.

5. Illegal Payments in connection with Elections 11

As per Section 171(H), a person responsible for incurring

or

authorizing expenses to promote their election campaign, which may include holding public meetings, press conferences, advertising, circulars or publications, without any general or special authority in writing of a candidate shall be punishable with a fine which may extend to Rs. 500.

However, if such a person, who has borne expenses not exceeding Rs. 10 without authority manages to obtain authority in writing of the candidate

within days from the date on which such expenses were incurred,

this provision would not be applicable as such person would be deemed to have acted with the permission of the candidate.

6. Failure to keep Election Accounts 12

As per Section 171(I) of the Code,

If

a person who is responsible for keeping an account for the expenses incurred in connection with an election, as per the law which is in force at that time or as per a rule which has the force of law, when fails to do so, shall be punishable with a fine which may extend up to Rs. 500.

JUDICIAL DECISIONS

In

E. Anoop v. State of Kerala, 13 case

the petitioner had allegedly appeared at the polling station at Mokeri Government U.P.

School in Peringalam constituency, and changed his name and presented himself as Kuttikkattu Pavitharan in the polling booth. He did so to obtain a voting paper even though he wasn't the person he claimed to be, nor was he a person belonging to that constituency or booth. The court held him guilty of the offense of personation under Section 171D and 171F.

In the case of

Iqbal Singh v. Gurdas Singh, 14 the respondent was elected from a constituency in Punjab as a Member of Parliament. The petitioner alleged that a minimum of 15,000 invalid votes had been cast, due to which the respondent had been declared elected, and that the accused had allegedly distributed huge sums of money to Harijans under the pretext of aiding them to construct Dharamshalas, and also gave out several gun licenses as gratification to induce voters to vote for them.

The appellant contended that this gratification was liable to be admitted as the corrupt practice of bribery and that the free legal rights of voters had been influenced and tampered with.

The accused failed to establish that 15,000 invalid votes had been cast. According to Rule 56 of Election Rules, a ballot paper devoid of both, the mark and signature of the polling officer shall be invalid. The same was not the case here.

"Gratification", if to be included under bribery, shall only be used to refer to cases where a material advantage is conferred on offering a gift. The license given in this case did not provide any material advantage and hence couldn't be said to be included under bribery. Apart from that, bribery necessitates the existence of bargaining of votes. Since there was no evidence regarding the bargaining of votes in exchange for gun licenses, the issues did not stand ground and the case was dismissed.

In Raj Raj Deb v. Gangadhar, 15 a candidate at an election represented himself as 'Chalanti Vishnu', a representative of Lord Vishnu, before the voters and impressed upon them that anyone not voting for him would commit a sin against the Hindu religion and sacrilege against the deity. He was held guilty under Section 171-F for committing the offence defined under this Section.

In Veeraghavan v. Rajnikanth, case

the respondent, Mr. Rajnikanth is an established film actor with a massive fan following all over Indian and especially in Tamil Nadu. The petitioner, a lawyer in the Supreme Court has accused him of exercising undue influence over people as on the eve of the election, the respondent presented a tele-campaign presentation where he urged the voters to accept Rs 500 or Rs. 1000 from the petitioner, and still not vote for him.

The issue was whether this would attract IPC Section 171B, which deals with bribery and IPC Section 171C, which deals with undue influence.

The speech,

as translated said that the voters of Tamil Nadu couldn't be swayed by these tactics and couldn't be corrupted; therefore, if the opponent offered money as a bargain for votes, do not hesitate and accept it, but still, exercise their legal rights freely as the people of Tamil Nadu could not be bought.

The Court said that the respondent in the speech never advised to demand and receive a bribe. The offending speech wasn't so offending and it had no trace of mandate or imposition of restraint on the voters to refrain from doing what they wished to do. The said sections of IPC were not applicable and the respondent was thereby not guilty of any offence and the case was dismissed.

Bottom of Form

THE ELECTORAL OFFENCES UNDER THE REPRESENTATION OF PEOPLE'S ACT, 1951 Electoral offences have been laid down in Part 8 i.e. from clause 123 to 136 of Representation of People's Act: - 1. Electoral offences relating to Corrupt Practices during Election period [Section 123(1), 123(2), 123(3), 123(3A), 123(B), 123(4), 123(5), 123(6), 123(7), 123(8)].

2. Offences relating to Tampering of EVM/Ballot Paper [Section 135, 135A, 136] of RPA, 1951.

3. Electoral offences concerning Public Meeting during Election Period [Section 125, 126, 127 of RP Act]

- 4. Electoral offence against Denying someone the Right to Vote [Section 135B of RP Act]
- 5. Electoral offences related to Breach or Prohibition on, at or near Polling Station, on the date of poll [Section 130, 131, 132 of RP Act]
- 6. Electoral offence related to Pamphlet, Poster, Handbills, Placards,

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which do not bear on its face the name and address of the Printer and Publisher [

Section 127A of RPA, 1951]

- 7. Electoral offence concerning Illegal Hiring or Procurement of any Vehicle [Section 133 RP Act].
- Electoral Offences under Representation of People Act, 1951
 Sections Offences Type Punishment
 Section 125 of RP Act and 153A of IPC, 1860
 Section 126
 Section 127

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Offences Concerning Meeting (Sections 125, 126, 127) Promoting or attempting to promote on ground of religion, race, caste, community or language feeling of enmity or hatred between different classes of citizens of India.

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Prohibition of public meeting during period of forty eight hours ending with the hour fixed for the conclusion of the poll: No person shall: a. Convene, hold or attend, join or address any public meeting or procession in connection with an election or b. Display to the public any election matter by means of cinematography, television or other similar apparatus c. Propagate any election matter to public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of 48 hours ending with the

hours

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fixed for the conclusion of the poll for any election in the polling area.

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Acting or inciting others to act in disorderly manner at a public meeting for the purpose of disturbing the meeting.

- Cognizable
- Non-cognizable
- Cognizable
- 3 Years Imprisonment or fine or both
- 2 years imprisonment or fine or both
- 6 Months imprisonment or fine or both

Section 128
Section 129
Section 134
Section 134 A

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Offences Concerning Officers/Persons involved in Election Duty (Sections 128, 129, 134, 134A) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at and election shall maintain the secrecy of the voting. Its violation constitutes an offence.

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No official connected with conduct of elections shall do any act (other than giving of vote) for the furtherance of the prospects of election of any candidate.

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Breach of official duty, without reasonable cause, by any person involved in any duty in connection with an election.

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Any person in the service of the Government acting as an election agent or a polling agent or a counting agent of a candidate at an election. Non-Cognizable

Cognizable
Cognizable
Non-Cognizable
3 Months imprisonment or fine or both
6 months imprisonment or fine or both
Fine up to Rs.500/-
3

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months imprisonment or fine or both Section 130 Section 131 Section 132 Offences At or Near Polling Station on the Date(s) of Poll (Sections 130, 131, 132) Prohibition on the date(s) of poll: a. Canvassing in or near polling station b. Soliciting the vote of any elector c. Persuading any elector not to vote for any particular candidate or d. Persuading any elector not to vote at an election or e. Exhibiting any notice or sign (other than an official notice) relating to the election.

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Any person shouting in a disorderly manner or using loud-speakers, megaphones etc. so as to disturb the poll, in or around the polling station can be arrested and such apparatus seized by any police officer.

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Misconduct at the Polling Station: For the smooth conduct of poll at the police station. It is necessary that no person should be allowed to misconduct himself at the polling station during the hours fixed for the poll and every person should obey lawful direction of presiding officer.

Cognizable

On the orders of presiding officers, police can arrest the offender

Cognizable

Fine up to Rs. 250/-

3 month imprisonment or fine or both

3 months imprisonment or fine or both

Section 134 B

Offences against Carrying of Arms (Sections 134B)

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No person, other than the returning officer, the presiding officer any police officer or any other person appointed to maintain peace and order at the polling station who is on duty at the polling station shall, on a polling day, go armed with arms. If he does so, he commits an offence.

Cognizable

2 Years imprisonment or fine or both

Section 135

Section 135A

Section 136 Offences against Tampering of EVM/Ballot Papers (Sections 135, 135

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A, 136) If Presiding officer of a polling station has reason to believe that any person has removed ballot paper or EVM out of polling station, such officer may arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

Booth capturing is an offence.

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If any person fraudulently deface or fraudulently destroy any ballot paper or EVM or the official mark on any ballot paper or EVM or puts into any ballot box anything other than the ballot paper, or pastes any papers, tapes etc. on the symbol/ballot button of EVM for the purposes of the election commits an offence.

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On the orders of the Presiding officers police can arrest the offender. Cognizable Cognizable 1 Year imprisonment or fine or both 3-5

year imprisonment and fine. If by Government Servant 1-3 year imprisonment and fine.

2

years imprisonment or fine, or both, if by any officer or clerk employed on election duty, and 6 months imprisonment or fine

for others

Section 135B Offences against Denying someone Right to Vote (Section 135 B)

Non-granting of paid holiday to the employees entitled to vote on the date of the poll by employer.

Non-Cognizable

Fine up to 500/-

BOOTH CAPTURING, A NEW ADDITION TO THE LIST OF CORRUPTION PRACTICES AND ELECTORAL OFFENCES

Snatching votes by terror and coercion is against the essence of democracy.

In fact this has been one of the major reasons for the disenchantment of the people with the sanctity of the electoral process itself thereby losing their faith in the democratic government. Though the Election Commission has taken sterner measures and

has also

issued direct warnings against booth capturing and rigging including shoot-at-sight orders or countermanding of the poll and rescinding of voting at the booths affected by the booth capturing, it had become a futile exercise. Since the early eighties, complaints regarding booth capturing have been steadily increasing, therefore, Sub- Section (

A)

was inserted in

Section 135 of the Representation of People Act, 1951 specifying

booth capturing

by a candidate or his agent or any other person

as corrupt practice. 16

In 1989

Act, it was provided that for these purposes

Section 123(8)

booth capturing shall have the same meaning as

Section 135A

of RP Act, 1951, which was also newly inserted by the same Act making booth capturing an electoral offence as well.

The said Section 135 A reads as follows; ‘

Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine. 17

There are several reports suggesting that the first polling booth that was captured during an election was in 1957 in the Rachiyahi area of Begusarai district. But it is still not clear if that incident could be termed as Booth Capturing. Booth capturing, a common occurrence in the era of paper ballots, has reappeared in the 2014 Lok Sabha elections. But to an extent, it has been controlled by the introduction of Electronic Voting Machines. The Supreme Court in *Basanagouda v. S.B Amarkhed* has noted that

booth capturing wholly negates the election process and subverts the democratic set up which is the basic feature of the Constitution.

SUGGESTED REFORMS

The Fifth Law Commission proposed certain reforms to the currently existing Chapter IX-A of the IPC relating to substantial changes. However, none of these provisions had been taken into accord and compiled to date. The reforms include-

a.

Amending the definition of ‘electoral rights’- The current definition is exclusive of the right of a candidate to withdraw his/her candidature from elections. The definition should be modified to include the phrase “to withdraw or not to withdraw” his/her candidature.

b. The
Sub Clauses

related to bribery and its prescribed punishment i.e. Section 171B and 171E should be combined as one Section, for a better understanding.

c. The offense of bribery shall be taken seriously and a relatively stringent punishment must be prescribed for it as it certainly interferes, to a large extent, with a smooth and fair election process.

d. The definition of undue influence is to be narrowed down and supposed to include violent means of interfering with the free exercise of legal rights.

e. Similar to the recommendation of bribery,
both sub clauses relating to personation i.e.

IPC Sections 171D and 171F should be combined for a better understanding.

f.
The punishment for making false statements must be made more stringent as it may have adverse impacts on the minds of people and the reputation of the candidate. Instead of dismissing with a fine only, imprisonment for a period extending up to 2 years is suggested.

g. The commission also deleted Section 171F and 171I as they have become redundant and obsolete.
However, none of these recommendations were taken into account by the legislature or the fourteenth law commission.

CONCLUSION

The conclusion emerges that

free and fair elections are the foundation of a democratic form of government. The democratic set up of the Government may be threatened if elections are not held in fair and free

manner. To ensure this purity of electoral process, it becomes essential that the law should extend full protection to the electorates against any fear, injury, misrepresentation, fraud and other undesirable practices which may be indulged in by or on behalf of candidates at an election.

To ensure purity of electoral process as well as the implementation of the law and the rules relating to election, the Constitution of India has by virtue of the provisions contained in Article 324 entrusted this task to an independent authority known as the Election Commission.

The Representation of People Act, 1951 is the main statute which makes provision for controlling such practices.

All this calls for immediate reforms not only in administrative set up but also in law dealing with corrupt practices as well. It is evident that these age-old punishments have become mostly redundant and not that strict to avoid happening of the offenses. Every participating candidate in elections participates intending to win and sees themselves as the most viable option. To work towards this goal, they may adopt unfair means and tamper with the fair mechanism of carrying out elections. Offences relating to elections need to be taken seriously and the punishment revised to ensure a fair election procedure. Recommendations by the fifth law commission need to be considered and changes made accordingly.

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7

Sections 171 (B) and (E) of the Indian Penal Code, 1860. 8 Sections 171 (C) and (F) of the Indian Penal Code, 1860. 9 Section 171 (D) of the Indian Penal Code, 1860. 10 Section 171 (G) of the Indian Penal Code, 1860. 11 Section 171 (H) of the Indian Penal Code, 1860. 12 Section 171 (I) of the Indian Penal Code, 1860. 13 2007

CrLJ 2968. 14 AIR 1976 SC 27. 15 (1964) 1 Cr 57 (Ori). 16 Retrieved from >https://blog.ipleaders.in/critical-analysis-electoral-offences-india/ < visited on 17 March, 2022. 17 Ibid.

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	SA power of election commission to register FIR and criminal complaints.pdf (D54688638)			
2/31	SUBMITTED TEXT	44 WORDS	100% MATCHING TEXT	44 WORDS
	Free and fair elections connote that nobody is influenced while exercising their legal right; that they can make and form decisions on their own, and have their personal choice free from the bondage of another, without any malice or undue influence of another.		Free and fair elections connote that nobody is influenced while exercising their legal right; that they can make and form decisions on their own, and have their personal choice free from the bondage of another, without any malice or undue influence of another.	
	W https://blog.iplayers.in/offences-relating-elections-ipc/			
3/31	SUBMITTED TEXT	73 WORDS	90% MATCHING TEXT	73 WORDS
	Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote and includes bribery, undue influence etc. It is very essential for us to study and understand about electoral offences, penalties and disqualification. This paper therefore deals with various provisions under the Representation of People's Act, 1951 and the Indian Penal Code, 1860 which discusses electoral offences. KEYWORDS: Election Commission, Electoral Offences, Free and		Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote and includes bribery, undue influence etc. It is very essential for us to study and understand about electoral offences, penalties and disqualification. This paper therefore deals with various provisions under the Representation of People's Act, 1951 and the Indian Penal Code which discusses electoral offences. the distinctions between electoral offences and	
	W https://blog.iplayers.in/critical-analysis-electoral-offences-india/			

4/31**SUBMITTED TEXT**

73 WORDS

90% MATCHING TEXT

73 WORDS

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W <https://blog.iplayers.in/critical-analysis-electoral-offences-india/>

5/31**SUBMITTED TEXT**

98 WORDS

100% MATCHING TEXT

98 WORDS

considered to be a process to achieve democracy and is an indispensable element in the establishment and continuation of any democracy. India is having a Constitution that guarantees a democratic republic to its citizens. The Constitution of India gives a scheme of democratic bodies/posts as well as an independent constitutional authority bestowed with the function of conduct of free and fair elections, namely the Election Commission. Free and fair election is an indispensable part of the Indian democracy. Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote,

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W <https://blog.iplayers.in/critical-analysis-electoral-offences-india/>

6/31**SUBMITTED TEXT**

98 WORDS

100% MATCHING TEXT

98 WORDS

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W <https://blog.iplayers.in/critical-analysis-electoral-offences-india/>

7/31	SUBMITTED TEXT	48 WORDS	100% MATCHING TEXT	48 WORDS
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	W https://blog.iplayers.in/critical-analysis-electoral-offences-india/			

8/31	SUBMITTED TEXT	68 WORDS	100% MATCHING TEXT	68 WORDS
	Freedom of choice' is called the essence of democratic election. In all democratic countries, election/selection of a particular person of their choice among the other candidates for discharging certain duties is considered to be the natural right of an individual. Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote and includes bribery, undue influence etc. THE ELECTORAL OFFENCES		Freedom of choice' is called the essence of democratic election. In all democratic countries, election/selection of a particular person of their choice among the other candidates for discharging certain duties is considered to be the natural right of an individual. Corrupt practices and offences related to election are those which interfere in the free exercise of right to vote and includes bribery, undue influence etc. electoral offences	
	W https://blog.iplayers.in/critical-analysis-electoral-offences-india/			

9/31	SUBMITTED TEXT	68 WORDS	100% MATCHING TEXT	68 WORDS
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	W https://blog.iplayers.in/critical-analysis-electoral-offences-india/			

10/31	SUBMITTED TEXT	12 WORDS	100% MATCHING TEXT	12 WORDS
	with a view to provide for the punishment of malpractices in			
	SA 123.docx (D116515856)			

11/31	SUBMITTED TEXT	16 WORDS	65% MATCHING TEXT	16 WORDS
<p>punishment of malpractices in connections with elections and attempts to safeguards the purity of the franchise.</p>				
<p>SA 123.docx (D116515856)</p>				

12/31	SUBMITTED TEXT	65 WORDS	62% MATCHING TEXT	65 WORDS
<p>Section 171B and Section 171E) 2. Undue Influence at an Election (Section 171 C and Section 171 F) 3. Personation at Elections (Section 171D) 4. False Statement in connection with an Election (Section 171 G) 5. Illegal Payment in connection with an Election (Section 171 H) 6. Failure to maintain Election Accounts (Section 171</p>				
<p>SA plag check llm-1-85.pdf (D136432045)</p>				

13/31	SUBMITTED TEXT	22 WORDS	65% MATCHING TEXT	22 WORDS		
<table border="0"> <tr> <td>course and acting according to the wish of the one giving such gratification shall be said to have received gratification. A person</td> <td>course and acting according to the will of the person giving such satisfaction shall be deemed to have received A person</td> </tr> </table>					course and acting according to the wish of the one giving such gratification shall be said to have received gratification. A person	course and acting according to the will of the person giving such satisfaction shall be deemed to have received A person
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<p>W https://www.lawcolumn.in/critical-analysis-on-electoral-offences-in-india/</p>						

14/31	SUBMITTED TEXT	13 WORDS	87% MATCHING TEXT	13 WORDS		
<table border="0"> <tr> <td>declaration of public policy or a promise of public action does not</td> <td>declaration of public policy or a promise of public action shall not</td> </tr> </table>					declaration of public policy or a promise of public action does not	declaration of public policy or a promise of public action shall not
declaration of public policy or a promise of public action does not	declaration of public policy or a promise of public action shall not					
<p>W https://images.assettype.com/barandbench-kannada/2022-05/2ad951a0-a320-48bb-a6ca-c7e7f1188180/Hir ...</p>						

15/31	SUBMITTED TEXT	17 WORDS	90% MATCHING TEXT	17 WORDS
<p>which do not bear on its face the name and address of the Printer and Publisher [</p>				
<p>SA PRIYA DISS.docx (D50951087)</p>				

16/31	SUBMITTED TEXT	32 WORDS	93% MATCHING TEXT	32 WORDS
<p>Offences Concerning Meeting (Sections 125, 126, 127) Promoting or attempting to promote on ground of religion, race, caste, community or language feeling of enmity or hatred between different classes of citizens of India.</p>				
<p>SA 13B171.docx (D38127471)</p>				

17/31	SUBMITTED TEXT	133 WORDS	93% MATCHING TEXT	133 WORDS
<p>Prohibition of public meeting during period of forty eight hours ending with the hour fixed for the conclusion of the poll: No person shall: a. Convene, hold or attend, join or address any public meeting or procession in connection with an election or b. Display to the public any election matter by means of cinematography, television or other similar apparatus c. Propagate any election matter to public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of 48 hours ending with the</p>				
<p>SA 13B171.docx (D38127471)</p>				

18/31	SUBMITTED TEXT	14 WORDS	100% MATCHING TEXT	14 WORDS
<p>fixed for the conclusion of the poll for any election in the polling area.</p>				
<p>SA 13B171.docx (D38127471)</p>				

19/31	SUBMITTED TEXT	20 WORDS	100% MATCHING TEXT	20 WORDS
<p>Acting or inciting others to act in disorderly manner at a public meeting for the purpose of disturbing the meeting.</p>				
<p>SA 13B171.docx (D38127471)</p>				

20/31	SUBMITTED TEXT	45 WORDS	95% MATCHING TEXT	45 WORDS
<p>Offences Concerning Officers/Persons involved in Election Duty (Sections 128, 129, 134, 134A) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at and election shall maintain the secrecy of the voting. Its violation constitutes an offence.</p>				
<p>SA 13B171.docx (D38127471)</p>				

21/31	SUBMITTED TEXT	27 WORDS	100% MATCHING TEXT	27 WORDS
<p>No official connected with conduct of elections shall do any act (other than giving of vote) for the furtherance of the prospects of election of any candidate.</p>				
<p>SA 13B171.docx (D38127471)</p>				

22/31	SUBMITTED TEXT	19 WORDS	100% MATCHING TEXT	19 WORDS
<p>Breach of official duty, without reasonable cause, by any person involved in any duty in connection with an election.</p>				
<p>SA 13B171.docx (D38127471)</p>				

23/31	SUBMITTED TEXT	27 WORDS	91% MATCHING TEXT	27 WORDS
<p>Any person in the service of the Government acting as an election agent or a polling agent or a counting agent of a candidate at an election. Non-Cognizable</p>				
<p>SA 13B171.docx (D38127471)</p>				

24/31	SUBMITTED TEXT	115 WORDS	88% MATCHING TEXT	115 WORDS
<p>months imprisonment or fine or both Section 130 Section 131 Section 132 Offences At or Near Polling Station on the Date(s) of Poll (Sections 130, 131, 132) Prohibition on the date(s) of poll: a. Canvassing in or near polling station b. Soliciting the vote of any elector c. Persuading any elector not to vote for any particular candidate or d. Persuading any elector not to vote at an election or e. Exhibiting any notice or sign (other than an official notice) relating to the election.</p>				
SA 13B171.docx (D38127471)				

25/31	SUBMITTED TEXT	35 WORDS	91% MATCHING TEXT	35 WORDS
<p>Any person shouting in a disorderly manner or using loud-speakers, megaphones etc. so as to disturb the poll, in or around the polling station can be arrested and such apparatus seized by any police officer.</p>				
SA 13B171.docx (D38127471)				

26/31	SUBMITTED TEXT	47 WORDS	88% MATCHING TEXT	47 WORDS
<p>Misconduct at the Polling Station: For the smooth conduct of poll at the police station. It is necessary that no person should be allowed to misconduct himself at the polling station during the hours fixed for the poll and every person should obey lawful direction of presiding officer.</p>				
SA chandra mohan.docx (D37657563)				

27/31	SUBMITTED TEXT	52 WORDS	100% MATCHING TEXT	52 WORDS
<p>No person, other than the returning officer, the presiding officer any police officer or any other person appointed to maintain peace and order at the polling station who is on duty at the polling station shall, on a polling day, go armed with arms. If he does so, he commits an offence.</p>				
SA 13B171.docx (D38127471)				

28/31	SUBMITTED TEXT	53 WORDS	99% MATCHING TEXT	53 WORDS
<p>A, 136) If Presiding officer of a polling station has reason to believe that any person has removed ballot paper or EVM out of polling station, such officer may arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.</p>				
<p>SA 13B171.docx (D38127471)</p>				

29/31	SUBMITTED TEXT	56 WORDS	88% MATCHING TEXT	56 WORDS
<p>If any person fraudulently deface or fraudulently destroy any ballot paper or EVM or the official mark on any ballot paper or EVM or puts into any ballot box anything other than the ballot paper, or pastes any papers, tapes etc. on the symbol/ballot button of EVM for the purposes of the election commits an offence.</p>				
<p>SA 13B171.docx (D38127471)</p>				

30/31	SUBMITTED TEXT	19 WORDS	70% MATCHING TEXT	19 WORDS
<p>On the orders of the Presiding officers police can arrest the offender. Cognizable Cognizable 1 Year imprisonment or fine or both 3-5</p>				
<p>SA 13B171.docx (D38127471)</p>				

31/31	SUBMITTED TEXT	23 WORDS	95% MATCHING TEXT	23 WORDS
<p>years imprisonment or fine, or both, if by any officer or clerk employed on election duty, and 6 months imprisonment or fine</p>				
<p>SA 13B171.docx (D38127471)</p>				