



Power of ECI to Deregister Political Party

For Prelims: [Election Commission of India \(ECI\)](#), [Model Code of Conduct \(MCC\)](#), [Star campaigners](#), [Political parties](#), [Indian Constitution](#), [Representation of the People Act, 1951](#), [National party](#), [State party](#), [Election Symbols \(Reservation and Allotment\) Order, 1968](#), [Income Tax Act, 1961](#), [Supreme Court](#)

For Mains: [Money laundering](#), [MCC violations](#), [Electoral reforms](#), [Law Commission](#), Issues in De-registration of Political Party

[Source: TH](#)

Why in News?

Recently, the [Election Commission of India \(ECI\)](#) reported on the enforcement of the [Model Code of Conduct \(MCC\)](#), emphasising that [star campaigners](#) are expected to lead by example and not disrupt societal harmony.

- This statement has sparked a debate about the **ECI's authority** to address MCC violations including the ability to deregister parties.

What does the Derecognition of Political Parties Mean?

- **About:**
 - [Derecognition](#) refers to the **withdrawal of recognition** of a political party by the ECI.
 - Such parties are simply declared as [registered-unrecognised parties](#).
 - These parties are eligible to contest the election but **loses the privileges of the recognised party**.
 - The ECI has the power to derecognise a political party if it **violates the provisions of the Indian Constitution** or the [Representation of the People Act, 1951](#).
- **Recognised Party:**
 - A registered party is referred to as a **Registered Unrecognised Political Party (RUPP)**.
 - Political parties are recognised as a **'national'** or **'State'** party under the provisions of The [Election Symbols \(Reservation and Allotment\) Order, 1968 \(Symbols Order\)](#) by the ECI.
 - The criteria for recognition at the 'national' or 'State' level consists of **winning a requisite number of seats** and/or obtaining a required percentage of votes in a general election to [Lok Sabha \(LS\)](#) or [State Assembly \(SA\)](#).
 - At present, there are **six 'national' parties**, and **sixty-one 'State' parties** that have been recognised.
 - These **recognised parties enjoy** additional concessions of having a reserved symbol during elections and **forty 'star campaigners'**.
 - They are also **allowed to freely use state-owned television and radio during polls** since the 1998 Lok Sabha elections.
- **Grounds for Derecognition of a Political Party as a National Party:**
 - If the party fails to secure **at least 6% of the total votes** polled in the general election to

- the LS or the legislative assembly of the state concerned, and if it fails to have at least 4 MPs elected in the last LS polls (also, it doesn't win 1 seat in the LS from the same state.); or
- If it has won at least 2% of the total seats in the LS from at least 3 states.
- If it fails to secure 8% of the total valid votes polled in the state at a General Election to the LS from the state or to the State LA.
- If the party fails to submit its audited accounts to the ECI on time.
- If the party fails to hold its organisational elections (Inner party election) on time.

POLITICAL PARTY SYSTEM

Groups of like-minded individuals voluntarily organise to gain political power through constitutional means, aiming to promote the national interest

▶ **Three Types of Party Systems :** One Party (China), Two Party (USA), Multi-Party (India)

▶ **Parties in India:**

▶ **National (6) :** E.g. Aam Aadmi Party (AAP), Bharatiya Janata Party (BJP), Indian National Congress (INC), Bahujan Samaj Party (BSP), Communist Party of India (Marxist) (CPI-M), and National People's Party

▶ **State :** E.g. DMK, AIADMK, Telugu Desam, Shiv Sena, Asom Gana Parishad, Mizo National Front, etc.

▶ Recognised national/state parties allotted a symbol exclusively reserved for its use in their respective jurisdiction

Criteria for National Party Recognition

▶ Secures 6% of valid votes (VV) polled in any 4 or more states at a general election (GE) to the Lok Sabha (LS)/legislative assembly (LA)+it wins 4 seats in the LS from one or more states

▶ If it wins 2% of seats in LS at a GE (from 3 states)

▶ If it is recognized as a state party in 4 states.

Criteria for State Party Recognition

▶ If it secures 6% of the VV polled in the state at a GE to the LA+ it wins 2 seats in LA of the state concerned; or

▶ If it wins 3% of seats in the LA at a GE to the LA of the state concerned or 3 seats in the LA, whichever is more; or

▶ If it secures 8% of the total VV polled in the state at a GE to the LS from the state or to the LA of the state.

▶ If it secures 6% of the VV polled in the state at a GE to the LS from the state concerned+ it wins 1 seat in the LS from the state concerned; or

▶ If it wins 1 seat in the LS for every 25 seats or any fraction thereof allotted to the state at a GE to the LS from the state concerned; or



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Note

- Under **Paragraph 16A of the Symbols order, 1968**, the ECI has the power to **suspend or withdraw recognition of a recognised political party** for its failure to observe MCC or follow lawful directions of the Commission.

What does the Deregistration of the Political Party Mean?

▪ **About:**

- Deregistration refers to the cancellation of the registration of a political party.
 - However, the ECI is not empowered to de-register parties.
- Once a political party is deregistered, it cannot contest elections.

▪ **Registered Parties:**

- **Section 29A** of the [Representation of the People Act, 1951 \(RP Act\)](#) lays down the requirements for registration of a political party with the ECI.
- Any political party that seeks registration should submit a copy of its constitution.
 - Such document should declare that the party shall **bear true faith** and allegiance to the Constitution of India.
 - It should also bear allegiance to the **principles of socialism, [secularism](#), and democracy**, and uphold the sovereignty, unity and integrity of India.
- **Registered political parties enjoy the following legal benefits:**
 - Tax exemption for donations received under Section 13A of the [Income Tax Act, 1961](#).
 - **Common symbol** for contesting general elections to the Lok Sabha/State Assemblies
 - **Twenty 'star campaigners'** during the election campaign.
- As per the ECI, there are **2,790 active registered political parties in India**.

▪ **Grounds for Deregistration of a Political Party:**

- A party can only be de-registered if:
 - Its registration was obtained by fraud
 - It is declared illegal by the Central Government
 - A party revises its internal Constitution and refuses to comply with the Indian Constitution.

▪ **Power of ECI:** The **RP Act does not give the ECI the authority to deregister** a political party for not contesting elections, holding inner-party elections, or submitting required returns.

- The [Supreme Court](#) in the **Indian National Congress vs the Institute of Social Welfare, 2002**, held that the ECI does not have the power to **de-register any political party under the RP Act**.

What is the Need of Deregistration of Political Parties?

- **Less than one-third of Registered Unrecognized Political Parties (RUPPs) participate in elections.**
 - It raises concerns over the **possible misuse of income tax exemption** and donations collected being used for money laundering.
- Recognized political parties often **breach the MCC, but the ECI can only bar leaders from campaigning for a brief period.**
 - The MCC prohibits exploiting caste and communal sentiments for votes, as well as voter bribery and intimidation.
- Deregistration mechanisms ensure **electoral integrity** and accountability by **removing inactive entities, thus enhancing transparency** and fairness.
- The proliferation of **registered but inactive political parties undermines democracy** by diluting the electoral process, **lacking genuine participation**.

Way Forward

- The ECI in its **memorandum for [electoral reforms \(2016\)](#)** has suggested an amendment to the law that **would empower the ECI to deregister a party**.
- The [Law Commission](#) in its **255th report (2015) on 'Electoral reforms'** has also recommended amendments for **de-registration of a political party if it fails to contest elections for 10 consecutive years**.
- In **2016, the commission** initiated an effort to **identify registered, unrecognized political parties** that hadn't fielded candidates from 2005 to 2015, aiming to discourage the formation of paper political parties solely for tax exemption benefits.
 - Similar **exercise can be carried out on regular basis** to weed out the inactive parties.
- Former chief election commissioner **T.S. Krishnamurthy** proposed the **National Electoral Fund** as a **potential alternative to state funding**, allowing contributions from all donors and

distributing **funds to parties based on election results to discourage inactive political parties.**

- The **170th Law Commission report** recommended introduction of **Section 78A in the RPA** and proposed penalties for political parties defaulting in the maintenance of accounts.
 - In continuance of the same and for **greater transparency ECI must be given the power to audit the accounts of the political parties.**

Drishti Mains Question:

Q. Critically analyse the challenges faced by the Election Commission in regulating political parties' conduct during elections and suggest reforms to enhance its efficacy in maintaining electoral integrity.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains

Q. There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of Peoples Act". Comment **(2020)**

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