

WRAP Exams · wrapexams.com

Prelims PYQ, Mains model answers, and copy evaluation. Write to the desk for this paper, a doubt, or the AI waitlist.

ask@wrapexams.com · +91 85951 84903 · wrapexams.com

Q1

"There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of peoples Act" Comment.

UPSC Civil Services Mains 2020 · GS II · 10 marks · Governance and Policy

Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Core demand of the question

- "There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the **Representation of Peoples Act**." Comment
- Honour the official stem. Use the **Representation of the People Act**, election petitions, and the President-**Election Commission** route under **Section 8A**
- Keep the comment within a 10-mark length

Revision summary

Corrupt practices are listed in **Section 123** of the **Representation of the People Act, 1951**.

Election petitions in the High Court and **Section 8A** disqualification by the President after the **Election Commission**'s opinion are separate, slow tracks.

A member can sit through much of a term while the petition and the 8A file move.

Lily Thomas made conviction-based disqualification immediate; the corrupt-practice route was not similarly tightened.

Time-bound petitions and a single visible disqualification consequence would match the Act's purpose.

Introduction

Corrupt practice under the **Representation of the People Act, 1951**, is meant to keep a tainted candidate out of the House. The procedure that converts a High Court finding into actual disqualification is slow, split across forums, and easy to game with appeals. Simplification is therefore a democratic need, not a drafting nicety.

Body

What the law already does

- **Section 123 of the RPA lists corrupt practices:** bribery, undue influence, appeal to religion or caste, booth capture, and expenditure beyond the prescribed limit.
- An election petition under **Sections 80-100** lies in the High Court; if the returned candidate is found guilty, the election can be declared void.
- Separate from the petition, **Section 8A** lets the President disqualify a person found guilty of a corrupt practice, after the opinion of the **Election Commission**, for a period that the Commission recommends.

- **Section 8**, by contrast, is the criminal-conviction route that **Lily Thomas v. Union of India (2013)** made immediate upon a two-year-plus sentence, which is why the corrupt-practice track looks even slower beside it.

Why the procedure needs simplification

- An election petition can run past a large part of the five-year term; a member who sits while the case crawls enjoys the fruits of the very practice the Act condemns.
- The High Court finding, the President's order, and the Commission's opinion are three clocks; stay orders and adjournments multiply them.
- Voters, rival candidates, and the Commission cannot read a single timeline; complexity itself becomes a shield.
- Model Code and expenditure cases often die as technical disputes rather than as clean findings of corrupt practice.

What simplification should look like

- A statutory outer limit for election petitions, with day-to-day hearing as the Supreme Court has already urged in principle.
- One disqualification consequence that follows a confirmed finding of corrupt practice, without a long second round unless a constitutional court stays it for recorded reasons.
- Publish the **Section 8A** calendar so the President-Commission step is not an invisible file.
- **Recommendation:** treat corrupt practice as seriously as the **Lily Thomas** conviction rule, or the RPA's moral claim remains a paper threat.

Flow diagram

s.123 corrupt practice -> High Court election petition
 High Court election petition -> Election void
 High Court election petition -> EC opinion s.8A opinion s.8A
 EC opinion s.8A -> President disqualifies
 Delay and stays -> President disqualifies

Conclusion

The RPA already names corrupt practices and gives High Courts and the President tools to disqualify. The procedure is too fragmented and slow for those tools to bite inside one Lok Sabha term. Simplification - time-bound petitions and a single, visible disqualification follow-through - is needed if the Act is to protect the purity of elections rather than the sitting member.

Facts & figures

Representation of the People Act, 1951, Section 123

Defines corrupt practices such as bribery, undue influence, communal appeal and excess expenditure.

Election petition, Sections 80-100

High Court route to void an election; often outlasts a large part of the House term.

Section 8A

President disqualifies a person found guilty of corrupt practice after the **Election Commission's** opinion.

Lily Thomas (2013)

Struck down the three-month cushion after a qualifying criminal conviction; contrast with the slow corrupt-practice track.

Kihoto Hollohan (1992)

Tenth Schedule jurisprudence; a reminder that disqualification law is only as fast as the forum that applies it.

WRAP Exams · Write. Read. Analyse. Practice. · <https://wrapexams.com/upsc/mains-answers/gs-2/2020/there-is-a-need-for-simplification-of-procedure-for-disqualification-of-persons-found-guilty-of-corrupt-practices-under-the-representation-of-peoples-act-comment/> · ask@wrapexams.com · wrapexams.com