Polity & Governance · GS - II

Discuss the 'corrupt practices' for the purpose of the Representation of the People Act, 1951. Analyze whether the increase in the assets of the legislators and/or their associates, disproportionate to their known sources of income, would constitute 'undue influence' and consequently a corrupt practice.

EXAM YEAR	PAPER	SUBJECT
2025	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Section 123 RPA, bribery, undue influence, communal appeals, false statements, election expenditure, booth capturing, voter’s right to information, Lok Prahari case, materiality

Model Answer

Introduction

Section 123 of the Representation of the People Act, 1951 identifies acts that undermine free and fair elections as corrupt practices, providing grounds for election disputes and related consequences.

1. Major corrupt practices

They include bribery, undue influence, appeals based on religion/race/caste/community/language, promotion of communal hatred, false statements concerning candidates, illegal assistance by government servants, excessive election expenditure, and booth capturing.

2. Undue influence and disproportionate assets

Section 123(2) defines undue influence as direct or indirect interference with the free exercise of an electoral right.

In Lok Prahari v. Union of India (2018), the Supreme Court held that voters have a right to relevant information about candidates and directed disclosure of sources of income. It also treated non-disclosure of assets and income sources of candidates and associates as capable of constituting undue influence.

However, mere increase in assets is not automatically a corrupt practice. It must involve unexplained/material non-disclosure that affects the voter's informed electoral choice.

Conclusion

Thus, disproportionate assets may attract anti-corruption law independently, while under election law their deliberate and material concealment can constitute undue influence. Transparency therefore strengthens electoral integrity.

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