

## ELECTION AND BRIBERY

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### ABSTRACT

The purpose of this research paper is to analyse what is the effect of bribery to get votes for elections. Since a lot of money is spent by the candidates, there was a need to analyse how much money is spent where and what are the effects of bribery. The objectives of this study are to determine the amount spent on bribes, effects of bribery and how to reduce it. Our findings suggested that out of the Rs. 3,475 crores spent on bribes out of Rs 50,000 crores spent on elections. The Indian Penal Code's Chapter IX-A addresses offences against elections and stipulates that a fine must be paid, the candidate would be put in jail, and the votes obtained by bribery will be worthless. We also conclude that a shift in perspective is necessary to lessen bribery as people need to understand that they indirectly control the nation's leader as well as the nation itself.

**Keywords:** Indian Elections, Bribery, Offenses against Elections

## INTRODUCTION

Democracy means “rule of the people” and it is of the people, for the people and by the people. Elections are an integral part of India. As a democracy, it is an absolute necessity to carry out fair and free elections as to getting what the people want for their country.

The total value of all the alcohol bottles, drug packets, cash, and metallic biscuits confiscated during the 2014 general elections is estimated by the police to be \$3,458.7 crore, which is a substantial increase over the amount taken during that election. Cash seizures increased by 181.3% while alcohol and drug seizures increased by 15.9% and 355.6%, respectively, over the previous five years.<sup>i</sup>

Chapter IX-A of the Indian Penal Code includes Offenses Related to Elections from Section 171A to 171I. These were introduced by Indian Elections Offenses and Inquiries Act, 1920 on the recommendations of the Joint Select Committee appointed to report to the Govt of India Act 1990. Indian Elections Offenses and Inquiries Act, 1920 was repealed by the Representation of People Act 1951.

Bribes are common now-a-days with a lot of money going into the pockets of the voters which leads to manipulation of who the people vote and is a danger to the integrity of the country.

## REVIEW OF LITERATURE

**Bredereck, R., et. al., in their Research Paper “Complexity of shift bribery in committee elections”** investigate Shift Bribery's parameterized complexity for multiwinner voting procedures. They demonstrate that Shift Bribery is much more difficult in multiwinner settings than in single-winner settings by displaying examples where Shift Bribery is straightforward in single-winner circumstances but difficult to approximate in multiwinner cases. They demonstrate that the non-monotonicity of rules based on approximation methods for the Chamberlin—Courant rule influences the complexity of Shift Bribery at times.<sup>ii</sup>

**Chen, L., et. al. in their Research Paper “Protecting election from bribery: New approach and computational complexity characterization”** initiate research on a related but new subject, the protection challenge, that is, defending elections against bribery. In this case, there

is a defender who is allocated a defence budget and may use it to award some of the voters so that they can no longer be bought. This naturally leads to the bi-level choice dilemma outlined below: Is it possible for a defender with a specified defence budget to safeguard an election from being influenced for buying voters by an attacker with a given assault budget? The computational difficulty of the protection challenge is described by the researchers. They demonstrate that it is substantially more difficult than the bribery problem in general.<sup>iii</sup>

**Dey, P., Misra, N., & Narahari, Y. in their Research Paper “Frugal bribery in voting”** study Frugal and Frugal-\$bribery are two key specific examples of the standard Bribery dilemma in which the briber is frugal in character. Thrifty-bribery and Frugal-\$bribery are forms of bribery in which the briber is frugal by nature. The researchers mean that the briber can only influence voters who profit from the briber's advice. Even with a small number of candidates, the simplest Frugal-bribery problem becomes computationally intractable for many relevant voting procedures save the plurality voting rule.<sup>iv</sup>

## **RESEARCH QUESTIONS**

1. How much money, and how do political parties bribe for votes in elections?
2. What are the effects of committing offenses of bribery for elections?
3. How can we reduce the practise of bribery in handling elections?

## **RESEARCH OBJECTIVE**

1. To analyse the data relating to bribery in elections.
2. To study the effects of committing bribery.
3. To analyse how can we reduce the practise of bribery in handling elections.

## FINDINGS

### *Related Data of Bribes*

The 2019 elections held in India, which took place between April 11 and May 19, cost an astronomical Rs 50,000 crore (\$7 billion). “Most of the jump in spending will come in use of social media, travel and advertising,” said N. Bhaskara Rao, chairman of the Centre for Media Studies. According to Rao, social media spending will certainly increase significantly, jumping from Rs 250 crore in 2014 to roughly Rs 5,000 crore. Helicopter, bus, and other forms of transportation will be used more frequently by travelling candidates and party employees, according to his group's forecasts, which are based on field interviews, government statistics, contracts awarded, and other research.<sup>v</sup>

Between 1998 and 2019, spending on the last six Lok Sabha elections increased by over six times, from Rs 9,000 in 1998 to over Rs 55,000 crore in 2019. The projections are based on front-end costs and expenses incurred after the Election Commission published its notification on March 11. They were created using what the CMS refers to as a perception, experience, and estimating approach.<sup>vi</sup>

The EC-affiliated law enforcement organisations made a record number of seizures during the elections. A total of Rs 3,475 crore worth of cash and other goods were taken during the elections, according to the commission's seizure report from May 24, 2019, which is nearly three times the amount seized during the entire 2014 Lok Sabha election. This included cash worth Rs. 844 crore, alcohol worth Rs. 304 crore, drugs/narcotics worth Rs. 1,279 crore, gold worth Rs. 987 crore, and other goods or gifts worth Rs. 60 crores.<sup>vii</sup>

### *Effects of Committing Bribery*

According to Section 171B of the Indian Penal Code, a person is said to commit bribery when someone receives satisfaction with the intent to convince the recipient to exercise his or her right to vote, or as a reward after the recipient has done so after being induced. The act of accepting a bribe and being persuaded to exercise one's electoral rights in a different manner constitutes bribery.<sup>viii</sup> When someone offers, attempts to give, offers, or attempts to obtain gratification, that person is said to give gratification for the purposes of this section. When a

person changes their predetermined route and acts in accordance with the wishes of the person providing them with gratification, they are said to have received gratification.<sup>ix</sup>

In the case law Charan Lal Sahu vs Giani Zail Singh, certain statements were made regarding bribery. It was stated that if bribery is caused by the candidate themselves or by someone to whom the candidate gave their consent to, and the election was affected due to it, then the candidate's election will become void.<sup>x</sup> The same reasoning was given by the court in the case Shiv Kirpal Singh vs Shri V. V. Giri.<sup>xi</sup>

According to Section 171E, anyone found guilty of bribery faces up to a year in prison, a fine, or both; however, anyone who accepts a bribe through the act of giving one will simply be required to pay a fine. "Treating" refers to giving or taking something as a reward, such as food, drink, entertainment, or a provision.<sup>xii</sup>

According to Section 171(h), anyone who incurs or authorises expenses to promote their election campaign, including organising public gatherings, news conferences, advertisements, circulars, or publications, without the candidate's express written consent is subject to a fine that might reach Rs. 500.<sup>xiii</sup>

However, this provision would not be applicable as the person would be deemed to have acted with the candidate's permission if the person who has borne expenses up to Rs. 10 without authority manages to obtain the candidate's authority in writing within days of the date on which such expenses were incurred.<sup>xiv</sup>

### ***Recommendations to reduce Bribery***

Stopping such a massive manipulative force such as bribery is difficult. It will include various policy changes, laws, raids etc. which can be exhausting and a long tedious process. The data collected only refers to seizures, therefore it is difficult to say if the higher rates are due to increased use of these sneaky tactics or more vigilance on the part of the police. The same is true of this year's higher overall statistic for seizures in India. It may be as simple as improved work on the side of the EC, police, and other authorities. In order to conduct searches, the Central Board of Indirect Taxes and Customs had particularly instructed tax officers to communicate information with other governmental organisations in real-time. Political interference is simple to suspect, as it is with all such issues. The axe of the government may

have fallen harder on some than on others, similar to demonetization, which hasn't stopped currency from being used like election confetti. But the key issue is that it is illegal to provide people financial incentives in exchange for their votes. Such corruption undermines our democracy and distorts the fundamental nature of elections. However, we cannot rely on the morality of politicians to solve the issue. Voters must eventually make it known to candidates that they will not be bought with their votes.<sup>xv</sup>

## CONCLUSION

From the secondary research conducted, we find out that most of the money that the candidates spend on is for buying liquor, drugs and other kind by the way of which these candidates bribe the fellow people of the country into voting for them. It is a real problem as it poses a threat to the main idea of democracy which was “For the people, of the people, by the people” as these votes are by the means of bribery and undue influence. Chapter IX-A of the Indian Penal Code talks about crimes against elections and has stated that fine needs to be paid, candidate will be imprisoned and the votes that the candidate will get through bribery will become void. To reduce bribery, mindset needs to be changed. People must know that the country’s leader and the country indirectly is in their hands. If everyone is influenced by such acts by the candidates then there will be no ethical elections. People must know what they are voting for.

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## ENDNOTES

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