

DE-LISTING OF POLITICAL PARTIES -POLITY

NEWS: The Election Commission of India (ECI) has initiated steps to **de-list 345** Registered Unrecognised Political Parties (RUPPs) that have not contested elections in the last six years and whose offices could not be physically located.

WHAT'S IN THE NEWS?

Constitutional and Legal Basis

- **Fundamental Right to Form Associations:** Article 19(1)(c) of the Indian Constitution guarantees all citizens the right to form associations or unions, which includes the right to establish political parties.
- **Statutory Empowerment under RPA, 1951:** Section 29A of the Representation of the People Act (RPA), 1951 empowers the Election Commission of India (ECI) to register associations as political parties for the purposes of elections.

Procedure for Registration of Political Parties

- **Submission Timeline:** Any association intending to register as a political party must apply to the ECI within 30 days of its formation.
- **Mandatory Declarations:** The applying party must affirm allegiance to the Constitution of India and uphold the principles of sovereignty, socialism, secularism, democracy, unity, and integrity of the nation.
- **Requirement of Internal Democracy:** Parties must include provisions in their constitution for regular internal elections and democratic functioning, including the election of office bearers.
- **Initial Classification:** Upon registration, such political parties are designated as *Registered Unrecognised Political Parties (RUPPs)* unless they meet criteria for recognition as a national or state party based on electoral performance.

Benefits Enjoyed by RUPPs

- **Tax Exemptions for Donations:** Donations received by RUPPs are eligible for tax exemption under Section 13A of the Income Tax Act, 1961, encouraging financial support.
- **Common Election Symbol:** RUPPs are allowed to apply for a common symbol to contest general elections to the Lok Sabha and State Assemblies, thereby enabling voter recognition.
- **Star Campaigner Privileges:** RUPPs can nominate up to 20 'star campaigners' whose travel expenses are excluded from a candidate's election expenditure limits.

Issues with the Existing Framework

- **Proliferation of Inactive Parties:** As of May 2025, India had over 2,800 RUPPs, but only around 750 contested the 2024 General Elections, indicating that a large number exist only on paper.
- **"Letter Pad" Parties:** Many RUPPs function only for namesake without any political activities, reducing the seriousness and credibility of the party system.

- **ECI's Limited Power to Deregister:** The Supreme Court's 2002 ruling (Indian National Congress v. Institute of Social Welfare) restricts the ECI from deregistering political parties unless in cases of:
 - Registration obtained through fraudulent means,
 - Loss of allegiance to the Constitution,
 - Declaration of the party as unlawful under laws like the Unlawful Activities (Prevention) Act.
- **Misuse of Tax Exemptions:** Several dormant RUPPs continue to receive donations without contesting elections or submitting financial reports, leading to potential money laundering and tax evasion.
- **Lack of Transparency and Internal Democracy:** Many RUPPs do not hold internal elections or follow democratic norms, undermining internal accountability and participatory political culture.

Recommendations for Reform

- **Law Commission's Proposals:**
 - The **170th Report (1999)** and **255th Report (2015)** of the Law Commission recommended legal provisions to **de-register political parties** failing to meet prescribed norms.
 - Suggested criteria include **automatic deregistration** for parties that do not contest elections for **10 consecutive years**.
 - Emphasised the need to **legally mandate internal democracy** within political parties through regular elections and transparent functioning.
- **ECI's 2016 Electoral Reform Suggestions:**
 - Proposed **amendments to the RP Act, 1951** to grant **explicit powers to ECI to deregister** non-compliant parties.
 - Recommended **penal provisions** for non-compliance with transparency norms such as failure to submit audited accounts or donor details.
 - Urged for **withdrawal of tax exemptions and common symbols** from RUPPs that fail to comply with disclosure and activity norms.

What does 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-unrecognized parties**.
 - The **ECI has the power to derecognize a political party** if it violates the provisions of the Indian Constitution or the **Representation of the People Act, 1951**.

- **Grounds for Derecognition of a Political Party as National party (as per ECI):**

- 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 organizational elections on time.

How does Derecognition of Parties differ from Deregistration?

- **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.

- **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; or
 - A party amends its internal Constitution and notifies the ECI that it can no longer abide by the Indian Constitution.

Concluding Remarks

- **Vibrant Yet Vulnerable Democracy:** While India's democratic framework promotes freedom to form political parties, the unchecked expansion of inactive and non-transparent RUPPs poses a threat to electoral integrity and governance quality.
- **Need for Legal Empowerment:** The ECI's ongoing de-listing initiative is a positive step, but without statutory powers to **deregister non-compliant or inactive parties**, its effectiveness remains limited.
- **Call for Comprehensive Reform:** Legal amendments combined with political consensus are essential to reform the party registration system, ensure transparency, enforce internal democracy, and preserve the credibility of India's multi-party democratic system.

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