

HC says bribing voters an offence against democracy

Raps Police Lethargy On Bribery Cases

K.Kaushik
@timesofindia.com

Madurai: Observing that distribution of money to voters during elections would defeat the very purpose of democracy, Madras high court directed the Tamil Nadu director general of police (DGP) to file a report on the number of cases registered for distribution of cash to voters during the 2019 and 2024 Lok Sabha elections, 2021 assembly elections and 2022 urban local body elections in the state.

Justice B Pugalendhi also directed the DGP to furnish

details on the number of such cases wherein final reports were filed and also the number of cases which ended in conviction. "Bribery in elections destroys the very basis of a democracy," the judge observed, adding that it is necessary to protect the purity and sanctity of elections and that it can be ensured only by taking stringent action against the culprits.

Justice Pugalendhi then suo motu impleaded the DGP and directed him to file a report. The hearing in the case was adjourned to July 29.

The judge observed that whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both under Section 171(E) of IPC. It is also an offence under Section 123

of the Representation of the People Act, 1950.

Noting that democracy is the basic principle in our Constitution, the judge: "We are proudly declaring that we are the largest democratic country in the world. However, of late, gratifications are being made to the electors in the form of money, food, prizes, etc. In fact, the cases reported for distribution of money/gifts to the voters are rising in every election. The amounts recovered during every election are alarming and it denotes that the very purpose and object of democracy is defeated by the rich and powerful. This would demolish the very basic structure and it would ultimately lead to a form of monarchy, where money would decide the ruler. This can be curtailed only by an effective prosecution

against those who are indulging in such activities."

The police force is the only machinery which can prosecute these cases. However, they are taking sides and are not prosecuting such cases, expecting favours from political parties, Justice Pugalendhi said. It appears that not even a single case has been prosecuted in an effective manner and any conviction has been recorded. Therefore, the persons, who are indulging in bribing, are doing it without any fear of law, the judge observed.

Declining to quash the case, justice Pugalendhi observed that bribing of voters for election is an offence against the society and not against individuals. It cannot be quashed based on the compromise arrived at between the parties."