

CHAPTER II

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment of section 20.	2. In the Representation of the People Act, 1950, in section 20, in sub-section (6),—	43 of 1950.
	(i) for the words “The wife”, the words “The spouse” shall be substituted;	
	(ii) for the words “if she”, the words “if such spouse” shall be substituted.	5

CHAPTER III

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of section 60.	3. In the Representation of the People Act, 1951, in section 60,—	43 of 1951.
	(i) in clause (b), in sub-clause (ii), for the word “wife”, occurring at both the places, the word “spouse” shall respectively be substituted;	10
	(ii) after clause (b), the following clause shall be inserted, namely:—	
	“(ba) any of the persons as is referred to in section 20A of the 1950-Act to give his vote either in person or by proxy and not in any other manner at any election in a constituency where poll is taken;”.	43 of 1950.

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1950 was enacted to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of election to, the House of the People and the Legislatures of States, the qualifications of voter at such elections, the preparation of electoral rolls, the manner of filling seats in the Council of States to be filled by the representatives of Union territories and matters connected therewith. In the year 1951, the Representation of the People Act was enacted to provide for the conduct of elections of the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

2. Section 20A of the Representation of the People Act, 1950 provides for registration and enrolment of overseas electors in the electoral rolls. The Registration of Electors Rules, 1960 provide that the overseas electors can register themselves in the electoral rolls of their respective constituencies on the basis of self-attested copies of the passport and valid visa, and exercise their franchise in person on production of original passport at the time of voting at the specified polling booths. Thus, the said rules stipulate the physical presence of the overseas electors in the respective polling station in India on the day of polling. This causes hardship to the overseas electors in exercising their franchise by being present in India on the day of polling.

3. In view of the above difficulty faced by the overseas electors, the Government has considered the feasibility of facilitating external mode of voting i.e. voting by proxy, whereby such electors can exercise their franchise from their place of residence abroad. It is, accordingly, proposed to amend section 60 of the Representation of the People Act, 1951 to enable the overseas electors to appoint a proxy to cast the vote in an election on their behalf, subject to certain conditions to be laid down in the Conduct of Election Rules, 1961. This would considerably mitigate the difficulties presently faced by overseas electors in exercising their franchise.

4. It is also proposed to amend section 20 of the Representation of the People Act, 1950 and section 60 of the Representation of the People Act, 1951 to make these provisions gender neutral.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 19th November, 2017.

RAVISHANKAR PRASAD

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules with respect to the matters specified under sub-clause (ba) which, *inter alia*, relate to the manner and the *modus operandi* for exercise of voting rights by overseas electors by way of appointment of a proxy for casting vote on their behalf by carrying out necessary amendments in the Conduct of Election Rules, 1961.

2. Sub-section (3) of section 169 of the Principal Act requires that every rule made under the said Act shall be laid as soon as may be after it is made before each House of Parliament.

3. The matters in respect of which rules may be made are matters of procedural and operational details and it is not practical to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

(43 OF 1950)

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20. (1) * * * *

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall if she be ordinarily residing with such person be deemed to be ordinarily resident on in the constituency specified by such person under sub-section (5).

Meaning of "ordinarily resident".

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EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 OF 1951)

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60. Without prejudice to the generality of the provisions contained in section 59, provision may be made, by rules made under this Act, for enabling,—

Special procedure for voting by certain classes of persons.

(a)* * * *

(b) any of the following persons to give his vote either in person or by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, namely:—

(i) any person as is referred to in clause (c) or clause (d) of sub-section (8) of section 20 of the 1950-Act;

43 of 1950.

(ii) the wife of any such person to whom the provisions of sub-section (3) of section 20 of the 1950-Act apply and such wife being ordinarily residing with that person in terms of sub-section (6) of that section;

43 of 1950.

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LOK SABHA

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BILL

further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

(Shri Ravi Shankar Prasad, Minister of Law and Justice)