

REPRESENTATION OF THE PEOPLE ACT, 1950

43 of 1950

[10th May, 1950]

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STATEMENT OF OBJECTS AND REASONS "Articles 81 and 170 lay down the maximum number of seats in Parliament and in Legislative Assemblies of States, and also certain principles to be followed in allocating seats in the House of the People among the States and in the State Legislative Assemblies, but have left the actual allocation of such seats to be provided by law. Article 171 of the Constitution lays down the maximum and minimum number of seats in the Legislative Council of a State, and also specifies the various methods in which the seats shall be filled, but the actual number of seats to be filled by each such method has been left to be provided by law. The Bill seeks to provide for the allocation of seats in the House of the People and in the Legislative Assemblies and Legislative Councils of States. In allotting seats in the House of the People to the different States and in fixing the total number of seats in the Legislative Assemblies of different States, the present population of each State as on 1st March 1950, estimated in consultation with the Census Commissioner for India, has been taken into account. The Bill also seeks to confer on the President the powers to delimit, after consultation with the Election Commission, the various constituencies for the purpose of elections to fill seats in the House of the People and in the Legislative Assemblies and Legislative Councils of States. It further provides for the registration of electors for Parliamentary Constituencies and for the Assembly and Council Constituencies, and the qualifications and disqualifications for such registration. A special provision has been included for relaxation of the residence qualification in the case of displaced persons who migrated before the 25th day of July, 1949, to India from the territory of Pakistan. Provisions have been made for the preparation of electoral rolls, the period of currency of such rolls, and the revision and correction of such rolls during such period in special cases. Certain action was already taken by the Constituent Assembly Secretariat for the preparation of the electoral rolls for elections to the House of the People and the Legislative Assemblies of the States. A provision has accordingly been included in the Bill for the validation of such acts.-Gaz. of Ind., 1950, Pt. II.S. 2, p. 224. Amending Act 73 of 1950.- Clause (5) of Article 80 of the Constitution provides that the representatives of the States specified in Part C of the First Schedule in the Council of States shall be chosen in such manner as Parliament may by law prescribe. According to the Table of Seats contained in the Fourth Schedule to the Constitution [as amended by the Constitution (Amendment of the First and Fourth Schedules) Order, 1950 issued under Article 391], there have to be ten representatives of Part C States in the Council of States of which four have been allotted to Vindhya Pradesh, one each to Bhopal, Delhi and Kutch, one to Ajmer and Coorg, one to Himachal Pradesh and Bilaspur, and one to Manipur and Tripura. The Bill seeks to amend the Representation of the People Act, 1950 to introduce therein provisions as to the method to be adopted for the choosing of representatives of such States in the Council of States. It is proposed that the seat allotted to the States of Manipur and Tripura should be filled by a person nominated by the President every second year to represent the State of Manipur and the State of Tripura in rotation. The seats allotted to other Part C States are proposed to be filled by election in territorial constituencies by special electorates constituted for the purpose consisting of elected members of local authorities and persons who have passed the matriculation examination or other equivalent examination. A combined electorate for the States of Ajmer and Coorg which have been allotted only one seat between them will not be satisfactory. A special provision has accordingly been included for filling this seat by rotation by holding election every two years in the State of Ajmer and in the State of Coorg. The Bill also seeks to enact the provisions of the Representation of the People (Amendment) Ordinance, 1950 which was promulgated on the 17th day of October, 1950. This provides for the preparation of the first electoral rolls in relation to such electoral units in each State as the Elections Commission may in consultation with the Government of that State direct, and also for the preliminary publication of the electoral rolls by reference to such electoral units instead of constituencies which have not yet been delimited. It also provides that after each constituency in a State has been determined and the claims and objections in respect of the electoral rolls for all the electoral units or parts of such units as comprised in such constituency have been disposed of, the rolls shall be published as the electoral roll for such constituency. These provisions which are designed to expedite the final preparation of electoral rolls and under which action has already been taken in a number of States require to be confirmed by Parliament.-Gaz. of India, 25-11-1950, Pt. II, S. 2, Ext., p. 389. III Amending Act 67 of 1951.- Under the Constitution the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule thereto are comprised within the State of Assam but their administration is carried on by the President through the Governor of Assam as an agent on the same footing as a territory specified in Part D of the First Schedule. These areas have accordingly been taken out of the purview of clause (1) of Article 81 and Article 170 of the Constitution so far as Assam is concerned by the Constitution (Removal of Difficulties) Order No. VIII made by the President under Article 392 of the Constitution. Clause (2) of Article 81 and Article 82 of the Constitution were also amended by the said Order so as to confer power on Parliament to provide for the representation of those areas in the House of the People. No provision has however been made in the Representation of the People Act 1950 for the representation of these areas in the House of the People. Clauses 2 to 5 of the Bill seek to make provisions for the representation of the said areas in the House of the People. Clause 8 of the Bill seek to make a consequential amendment in S.4 of the Representation of the People Act, 1951 (XLIII of 1951). Clauses 6 and 7 of the Bill seek to correct certain minor mistakes in the list of Scheduled Castes in Himachal Pradesh and in the list

of. Scheduled Tribes in Vindhya Pradesh contained respectively in the Sixth and Seventh Schedules to the Representation of the People Act, 1950.-Gaz. of India, 6-10-1951, Pt. II, S. 2. Ext., p. 756. IV Amending Act 72 of 1956.- The Representation of the People (Third Amendment) Act, 1956, was enacted to effect the prompt enrolment as electors of those displaced persons who register themselves as Citizens of India under S.5(1)(a) of the Citizenship Act, 1955, before the 1st November, 1956. It was then thought that the bulk of eligible displaced persons would have been registered as Citizens of India before the 1st November, 1956, but as this expectation was not fulfilled, it was suggested by the Election Commission that an Ordinance should be promulgated extending the said date to the 1st December, 1956, in order to enable a larger number of these recently registered Citizens being brought on the electoral rolls. Accordingly the Representation of the People (Amendment) Ordinance, 1956 (No 9 of 1956) was promulgated. The proposed Bill seeks to replace the Ordinance.-Gaz. of India, 21-11-1956, Pt. II, S. 2, Ext. p. 870. V Amending Act 60 of 1956.- It is proposed to amend the Representation of the People Act, 1950, in order that the displaced persons who migrated from Pakistan can exercise their right of franchise in the next general elections in accordance with the assurance given in Parliament when the Citizenship Bill was under discussion. Under the provisions of the Representation of the People Act, 1950, a person's name cannot be included in the electoral roll of a constituency unless he is a Citizen of India and was ordinarily resident in that constituency, on the 1st March, 1956. The first step required to be taken, therefore, is to register the displaced persons as Citizens of India. The Citizenship Rules have come into force on the 7th July, 1956, and arrangements have been made for the registration of persons as Citizens of India under S.5(1)(a) of the Citizenship Act, 1955. Considering the number of such persons in the various States (and particularly in the West Bengal where it runs into lakhs), the work of registration is not likely to be completed before the end of October, 1956. By that time, the electoral rolls for the year 1956 now under preparation are expected to be ready for final publication in most places. It will not, therefore, be possible, without some special provision, for the election machinery to include in the electoral roll the names of displaced persons who would be registered as Citizens of India under S.5(1)(a) of the Citizenship Act, 1955 of the said Act. 2. In these circumstances, the best course appears to be to amend the Representation of the People Act, 1950, making a special and temporary provision to achieve the object in view. It is proposed that every authority registering as citizens under S.5(1)(a) of the Citizenship Act, 1955, persons ordinarily resident in a constituency should by the 31st December, 1956, send to the electoral registration officer for the constituency a list of all persons so registered who, on the 1st March, 1956, were not less than 21 years of age. On receiving the list, the electoral registration officer shall, after making due inquiries, direct the inclusion in the electoral roll of the names of all persons included in the list who, in this opinion, are entitled to be registered in the electoral roll for the constituency. This special procedure will be available only to those displaced persons who are registered as citizens under S.5(1)(a) of the Citizenship Act, 1955 before 1st November, 1956, and who were ordinarily resident in India in some constituency or other on 1st March, 1956.-Gaz. of India, 1-9-1956, Pt. II, S. 2, Ext., page 809. VI Amending Act 2 of 1963.- The local authorities specified in the Fourth Schedule to the Representation of the People Act, 1950, in pursuance of Art.171(3) of the Constitution of India read with Section 27(2) of the abovementioned Act form the basis of the electorate of local authorities' constituencies of the State Legislative Councils. Unless the lists of these local authorities are kept up-to-date, there are difficulties in the holding of bye-elections from the local authorities' constituencies. Recently there have been changes in the lists of local authorities for Maharashtra, Madras and Uttar Pradesh with inauguration of Panchayat Raj in Maharashtra, District Boards, District Local Boards, and Janapada Sabhas (Rural Circle) have been replaced by Zilla Parishads. In Madras "Class 1 Panchayats" have been reclassified as "Town Panchayats" and in Uttar Pradesh "Kshetra Samitis" have been introduced by the U.P. Kshetra Samitis and Zilla Parishads Act, 1961. The State Governments concerned want these new local bodies to be mentioned in their respective lists of local authorities in the Fourth Schedule. Any change in the lists of these local authorities can only be effected by Parliament by law. Accordingly the Bill seeks to make the necessary changes in the lists of local authorities in the Fourth Schedule to give effect to the above proposals for the State Governments.-Gaz. of India, 5-12-1962, Pt. II, S. 2. Ext., page 1290. VII Amending Act 33 of 1964.- A member of the Armed Forces of the Union is by virtue of Section 20(3) of the Representation of the People Act, 1950, deemed to be ordinarily resident in his home constituency and, therefore, is eligible for registration as a voter in the electoral roll for such constituency, although on account of exigencies of service he may be away from, and not ordinarily resident in, the home constituency at the time of preparation or revision of the electoral roll. As a corollary to this, a member of the Armed Forces of the Union is, by virtue of S.60 of the Representation of the People Act, 1951, entitled to give his vote by postal ballot. 2. Such facilities are not, however, available to the members of the Armed Police Forces of a State, when they are employed on duty outside the State. This is anomalous. It is proposed to remove this anomaly by bringing such members of the Armed Police Forces of a State on a par with the members of the Armed Forces of the Union. 3. The Bill seeks to achieve this object by amending Section 20 of the Representation of the People Act, 1950 and S.60 of the Representation of the People Act, 1951.-Gaz. of India, 7-9-1964, Pt. II, S. 2. Ext. p. 442. VIII Amending Act 14 of 1965.- The local authorities specified in the Fourth Schedule to the Representation of the People Act, 1950, in pursuance of Art.171(3) of the Constitution of India read with Section 27(2) of the abovementioned Act form the basis of the electorate of local authorities' constituencies of the State Legislative Councils. Unless the lists of these local authorities are kept up-to-date, there are difficulties in the holding of bye-elections from the local authorities' constituencies. With the inauguration in the States of Panchayat Raj, the list of local authorities appearing in the Fourth Schedule to the Representation of the People Act, 1950 requires modification. The States of Andhra Pradesh, Mysore and West Bengal have suggested the following changes in the list of local authorities :- 1. Andhra Pradesh. - Entry No. 4 "City and Town Committees" may be deleted. 2. Mysore. ___ "Town Panchayats" may be added to the existing entries. 3. West Bengal.- "District Boards" and "Local Boards" may be substituted by "Zilla Parishads" and "Anchalik Parishads". Also "Town Committees" may be added to the list. Any change in the lists of these local authorities can only be effected by Parliament by law.

Accordingly the Bill seeks to make the necessary changes in the lists of local authorities in the Fourth Schedule to give effect to the above proposals of the State Governments.-Gaz. of India, 29-4-1965, Pt. II, section 2. Ext., p. 363. IX Amending Act XLVII of 1966.- The Election Commission have made a number of recommendations for the amendment of the election law and procedure in its Report on the Third General Elections in India in 1962 and subsequently. After careful examination, the Government have decided to accept those recommendations excepting those relating to election expenditure, increase in security deposit, multiplicity of candidates and deposit in connection with Presidential election. The important recommendations which have been accepted by the Government relate to the following matters :- (i) consolidation of the provisions relating to seats and delimitation orders; (ii) creation of a new officer to be known as the district election officer in the electoral machinery of the country who would be an officer of the Government designated or nominated by the Election Commission in consultation with the State Government and would occupy a position in the electoral hierarchy between the Chief electoral officer of the State and the returning officer for the constituency and be in charge of the preparation and revision of electoral rolls and the conduct of elections; (iii) revision of electoral rolls according to the direction of the Election Commission and not otherwise; (iv) consolidation of the provisions relating to disqualifications for membership and voting; (v) Lessening the rigour of the disqualification resulting from the failure to lodge accounts of election expenses; (vi) conferment of power upon Election Commission to delegate its functions to senior officers of the Commission: (vii) reduction in the time-table for the General Elections by seven days by making suitable changes in the relevant provisions of the 1951 Act; (viii) provision for fresh poll in the case of destruction, loss, etc., of ballot papers at the time of counting: (ix) power of Election Commission in suitable cases to withhold the declaration of results of election; (x) abolition of Election Tribunals and trial of election petitions by High Court: (xi) making free conveyance of voters a corrupt practice and enhancement of the punishment for the offence; (xii) obtaining the assistance of Government employee as a polling or counting agent by a candidate not to be a corrupt practice but penalty for a Government employee acting as an election agent or a polling agent or a counting agent of a candidate to be imposed; (xiii) certain offences by election officers to be cognizable. The Bill is intended to give effect to these recommendations. The notes on clauses explain in detail the various provisions of the Bill.-Gaz. of India, 26-8-1966. Pt. II, section 2, Ext.. p. 692. X Amending Act 88 of 1976.- The Delimitation Commission appointed under Delimitation Act, 1972, has completed the work of final determination of the number and the extent of Parliamentary and Assembly constituencies in respect of all States and Union Territories except the Union Territory of Arunachal Pradesh. Under the provisions of the Government of Union Territories (Amendment) Act, 1975, the Election Commission has issued its order determining the extent of the Parliamentary constituencies and Assembly constituencies in respect of that Union Territory. section 8 and 9 of the Representation of the People Act, 1950 (43 of 1950) empower the Election Commission to consolidate all Orders of delimitation into a single Order and to maintain the said Order up-to-date. Those sections and section 4. section 7 and the First Schedule and the Second Schedule to that Act require amendment so as to bring the position in regard to the number of seats and the reference of Orders of Delimitation up-to-date and to enable the Election Commission to issue a new consolidated order. The Bill seeks to achieve the above object.-Gaz. of India, 13-8-1976, Pt. II, section, 2, Ext., p. 1090. XI Amending Act 8 of 1980.- The Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 comprised of 32 members. All the seats in this Assembly were reserved- 15 each for Sikkimese of Bhutia-Lepcha origin and Sikkimese of Nepali origin and one each for Scheduled Castes and for Sanghas belonging to Monasteries. The Constitution (Thirty-fifth Amendment) Act, 1975 by which Sikkim became a State of India, inserted in the Constitution of a special Article - Article 371-F-with respect to Sikkim for deeming this Assembly to be the first Legislative Assembly of the State of Sikkim under the Constitution, and for making other special provisions with respect to the State. Clause (f) of the said Article 371-F enabled Parliament to make. for the purpose of protecting the rights and interests of different sections of the population of Sikkim, provision for the number of seats in the Legislative Assembly of the State which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State. 2. With a view to facilitating the holding of a General Election for the purpose of constituting a new legislative Assembly for the State of Sikkim on the expiration of the duration of the first Legislative Assembly of the State under the Constitution, a Bill entitled "The Representation of the People (Amendment) Bill, 1979" was introduced in the Sixth Lok Sabha on the 18th May, 1979. The Bill sought to make provision for the readjustment of the assembly constituencies in the State of Sikkim and for the reservation of seats in the Legislative Assembly. The following passage from the Statement of Objects and Reasons appended to this Bill explains the basis on which reservations were provided for in the Bill : "Under the existing arrangements, the seats in the Assembly (the Assembly formed in 1974) are reserved for the Nepalese, Bhutias and Lepchas, the Scheduled Castes and the Sanghas belonging to the monasteries. As a result, other residents of Sikkim are not eligible to contest elections to the Assembly. In the circumstances, it has become necessary to modify the existing setup..... so as to ensure a fair representation to all sections of the population of the State in the Assembly. At the same time it is considered that if the Bhutias and Lepchas who are the original inhabitants of Sikkim, are given representation solely according to their population ratio, their interests may not be properly safeguarded. Accordingly, it has been decided that 12 seatsmay be reserved for Bhutias and Lepchas. In addition the reservation of one seat for the Sanghas may be allowed to continue. The Scheduled Castes population in Sikkim is mostly of Nepalese origin. Based on the population the Scheduled Castes in Sikkim qualify for two seats in the legislative Assembly on the basis of the reservation proposed, the remaining 17 seats in the Legislative Assembly will be general seats open to all electors." The Bill lapsed on the dissolution of the Sixth Lok Sabha. 3. The first Legislative Assembly of Sikkim was dissolved by the Governor of Sikkim on 13th August, 1979. It, therefore, became urgently necessary to make provision for the delimitation of the assembly constituencies in the State and for the reservation of seats in the Assembly for different sections of the

people. Accordingly, an Ordinance on the lines of the Representation of the People (Amendment) Bill, 1979 which lapsed on the dissolution of the Sixth Lok Sabha was promulgated by the President on the 1st September, 1979. On the basis of the provisions of this Ordinance, a General Election for the purpose of constituting a new Legislative Assembly for the State of Sikkim has been held and the new Legislative Assembly has already been duly constituted. It is, therefore, necessary to replace the Ordinance by an Act of Parliament. Hence this Bill.-Gaz. of India, 25-1-1980, Pt. II, section 2, Extra. p. 20. Act 31 of 1987.-In pursuance of Art.171 of the Constitution of India read with section 10 of the Representation of the People Act, 1950 (43 of 1950), the number of seats allocated to the Legislative Councils of States having such Councils and the number of seats to be filled by persons elected by the electorates referred to in clause (3) of Art.171 of the Constitution of India are specified in the Third Schedule to the said Act. Under section 27(2) of the 1950 Act, the Fourth Schedule to that Act specifies the local authorities for purposes of elections to the Legislative Councils, 2. The State Government of Karnataka has informed that the Legislative Assembly of the State has unanimously passed a resolution recommending that the total number of members of the Karnataka Legislative Council be increased to 75. It has also been informed by that State Government that with the coming into force of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 with effect from the 14th August, 1985, the references to "Taluk Development Boards" and "Town Panchayats" in the Fourth Schedule to the Act relating to Karnataka should be changed to "Mandal Panchayats" and "Zilla Parishads" respectively. 3. It is proposed to accept the recommendation of the State Government of Karnataka. The Bill accordingly seeks to make the necessary changes in the number of seats allocated to the Legislative Council of the State of Karnataka in the Third Schedule to the 1950-Act and in the list of local authorities in the Fourth Schedule to that Act.- Gaz. of Ind., 3-8-87, Pt. II. section 2, Ext., p. 2 (No. 30). Act 38 of 1987.-The Bill is a sequel to the amendments proposed to be made in Article 332 of the Constitution by the Constitution (Fifty-eighth Amendment) Bill, 1987, for the purpose of providing for reservation of seats for the Scheduled Tribes in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. 2. The new section 9A proposed to be introduced in the Representation of the People Act, 1950 by clause 2 of the Bill empowers the Election Commission to determine, having regard to the provisions of the Constitution and S.9(l)(d) of the Delimitation Act, 1972, the assembly constituencies in the States of Meghalaya, Mizoram and Nagaland which shall be reserved for the Scheduled Tribes. Such determination with regard to the assembly constituencies in the State of Arunachal Pradesh will be done by the Election Commission under the powers given to it by section 14 of the State of Arunachal Pradesh Act, 1986. 3. The Bill seeks to achieve the above object.-Gaz. of Ind., 26-8-87. Pt. II. section 2, Ext., P. 6 (No. 41). Act 40 of 1987.-The Constitution (Fifty-seventh Amendment) Act, 1987 inserted a new clause (3A) in Article 332 of the Constitution to provide for a formula different from that provided in clause (3) of that article for the reservation of Scheduled Tribes in the Legislative Assembly of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. This clause provides for the determination of the number of seats to be so reserved with reference to the actual number of the seats held by the Scheduled Tribes in the existing Legislative Assemblies of those States on the date of commencement of the Constitution Amendment Act. If all the seats of the existing Legislative Assembly are held by the Scheduled Tribes on such commencement, one seat shall be kept open. Simultaneously, the Representation of the People (Second Amendment) Act, 1987 was also passed by Parliament giving power to the Election Commission to determine the seats to be reserved for the Scheduled Tribes in the State Legislative Assemblies on the basis of the above Constitution Amendment. 2. The determination of the number of seats to be reserved for the Scheduled Tribes in the aforesaid legislative Assemblies would have been a simple matter, if the same had been left to be determined with reference to the factual position on a past date. But it had been consciously and deliberately left to be determined with reference to a future date. This device of determining reserved seats with reference to the factual position on a future date had to take care of the possibility of changes occurring in the position of the various Legislatures by reason of vacancies on account of death, resignation, disqualification or otherwise. Such a situation has in fact arisen in the case of Nagaland Legislative Assembly. To overcome this difficulty, it was decided to further amend the Representation of the People Act, 1950 to specifically indicate therein the number of seats that would be reserved for the Scheduled Tribes in the Legislative Assemblies of all these States. This proposal had also been agreed to by the Election Commission which is of the opinion that although the provisions of the Representation of the People (Second Amendment) Act 1987 empowering the Election Commission to determine the Assembly constituencies would enable it to specify the number of seats also, it may not be possible for it to use its discretion to make any increase in the number of seats in view of the present vacancies in the membership of the Nagaland State legislative Assembly and the wording of the new clause (3A) of Article 332 inserted by the Constitution Amendment. 3. The term of the present Legislative Assembly of the State of Nagaland is coming to an end on the 28th November, 1987 and the Election Commission had to call for elections to that Assembly by the 1st of October. Before the notification calling for the elections is issued, the Election Commission should have finished its work of determination of the seats to be reserved for the Scheduled Tribes in that Assembly. This would involve some procedure and it would take about 10 to 15 days before the orders of such determination are published by it. It was, therefore, necessary to amend the Representation of the People Act, 1950 immediately to achieve the object mentioned above. Accordingly, the President promulgated the Representation of the People (Amendment) Ordinance, 1987 on the 22nd September, 1987 to amend the Representation of the People Act, 1950 to specify that 59 of the 60 seats in the Nagaland Legislative Assembly, 55 of the 60 seats in the Meghalaya Legislative Assembly, 39 of the 40 seats in the Mizoram Legislative Assembly and 39 of the 40 seats in the Arunachal Pradesh Legislative Assembly would be reserved for the Scheduled Tribes in the general elections to those Assemblies which may be held in future. The Bill seeks to replace the aforesaid Ordinance.-Gaz. of Ind., 9-11-87, Pt. II, section 2, P. 7 (No. 48). Act 1 of 1989.- The Election Law, so far as elections to the Parliament and State Legislatures are concerned, is contained in the Representation of the People Act, 1950 and the Representation of the People Act, 1951. The former deals with the matters

pertaining to elections prior to the stage of actual elections and the latter deals with the actual conduct of elections and all matters connected herewith. These two Acts have been amended periodically in order to bring about improvements in the election system in the light of the experience gained in the working of these Acts. 2. Our election system has stood the test of time. Several rounds of elections and bye-elections have been held by the Election Commission and the poll has, on the whole, been free and fair. The people of India have also shown considerable maturity in exercising their right of franchise. 3. The question of introducing electoral reforms and making suitable changes in the election law to prevent the occurrence of corrupt practices, which vitiate the conduct of free and fair elections, have been under consideration for some time now. The experience gained over the years, also emphasises the need for further strengthening the measures for ensuring free and fair elections. The Election Commission has also forwarded several proposals for electoral reforms. 4. The various proposals for electoral reforms were widely debated. Government were keen to bring about necessary electoral reforms, consultations were held with the political parties in order to ascertain their specific views in the matter. Keeping in view the various suggestions, it has been decided to bring about amendments in the existing election laws. 5. The proposals contained in the present Bill are briefly explained below :- i) At present, all the work relating to the preparation, revision and correction of the electoral rolls and the actual conduct of elections, is carried out by the designated officers of the State Governments concerned. It is felt that the provisions of the Representation of the People Act, 1950 and the Representation of the People Act, 1951, in this regard should be clearly defined so that during the relevant period, these officers would, while discharging functions relating to elections, be under the control, superintendence and discipline of the Election Commission. (ii) At present there is no statutory definitions of political party in the Election law. The recognition of a political party and the allotment of symbols for each party are presently regulated under the Election Symbols (Reservation and Allotment) Order, 1968. It is felt that the Election Law should define political party and lay down the procedure for its registration. It is also felt that the political parties should be required to include a specific provision in the memorandum or rules or regulations governing their functioning that they would fully be committed to and abide by the principles enshrined in the preamble to the Constitution. (iii) S.8 of the Representation of the People Act, 1951, deals with disqualification on the ground of conviction for certain offences. It is proposed to include more offences in this section so as to prevent persons having criminal record enter into public life. (ix) For the purpose of preventing frivolous candidates in respect of election to the Council of States and the Legislative Council of States, it is proposed to increase the number of proposers to ten percent, of the total electorate or ten proposers, whichever is less. (v) Technology has made very rapid strides thereby favourably affecting several fields of human activity and leading to betterment all round. It is felt that appropriate modern electronic processes should be deployed, side by side with the existing conventional systems in the voting process. Since the Representation of the People Act, 1951 specifically makes mention only of the ballot paper system of voting, it is proposed to make suitable amendments in the Act in order to facilitate the use of electronic voting machines. (vi) Booth capturing and rigging of elections had been on the increase in the recent past. This evil practice takes different forms, ranging from physical threat to the voter to forcible occupation of polling stations. A large part of our electorate consists of people who are poor and also belong to weaker sections of the society. It is, therefore, necessary to deal with this evil firmly. The Election Law, as it stands, does not contain any provisions to deal with this offence. It has, therefore, been proposed to include specific and penal provisions in the Representation of the People Act, 1951, to deal with this offence and to make it also as a corrupt practice. (vii) The present penalty for disturbing election meetings is only a meagre fine of Rs. 250/-. It is proposed to modify this provision by providing for a term of imprisonment for three months and also enhance the quantum of the fine to Rs. 1,000/-. (viii) The Bill also includes certain consequential amendments.-Gaz. of Ind., 13-12-88, Pt. II, section 2, Ext., P. 113 (No. 61). Act 21 of 1989.- The Constitution (Sixty-First Amendment) Act, 1988 is an historic step in reducing the age of voting from 21 to 18 years and thus providing opportunity of participation to younger generation in the functioning of Parliamentary democracy. It has, therefore, as a consequential measure, become necessary to amend the Representation of the People Act, 1950. 2. The Election Commission started the process of revision of electoral rolls covering all those who have now become eligible to vote. For this purpose, 1st of April, 1989 has been proposed to be the qualifying date. It is, therefore, necessary to amend section 14 of the 1950 Act and to validate the actions taken by the Election Commission in this regard, It is also necessary that section 19 of the 1950-Act should be amended to provide 18 years as the voting age. 3. Opportunity is also being availed of to amend section 9 of the 1950-Act for empowering the Election Commission to consolidate all information relating to Delimitation of Parliamentary and Assembly constituencies, it is also proposed to omit the reference to "Town Committees" in the Fourth Schedule to the 1950-Act so as to keep the same in conformity with the Maharashtra Municipalities Act, 1965. 4. The Bill seeks to achieve the above objects.-Gaz. of Ind., 6-4-89, Pt. II, section 2, Ext., P. 3 (No. 11). Act 2 of 1990.- In respect of General Election for constituting the Ninth Lok Sabha, the Election Commission had recommended that the Presidential notification under S.14(2) of the Representation of the People Act, 1951 might be issued on the 23rd October, 1989 calling upon all Parliamentary constituencies other than those within the State of Assam to elect members in accordance with the provisions of that Act and of the rules and orders made thereunder. In the case of Assam, as the revised electoral rolls had not been published in the final form, the question of holding elections from the Parliamentary constituencies in Assam could be taken up only after such final publication of the revised electoral rolls. The Commission accordingly decided to fix a separate programme in due course with respect to the elections from the Parliamentary constituencies in Assam and recommended that suitable provisions might be made in the Representation of the People Act, 1951 to provide legal cover with regard to the postponing of the elections from the Parliamentary constituencies in Assam. The Representation of the People (Amendment) Ordinance, 1989 was accordingly promulgated by the President on the 21st October, 1989. 2. The Bill seeks to replace the aforesaid Ordinance.-Gaz. of Ind., 20-12-89, Pt. II, section 2, Ext., P. 3 (No. 40).

PRELIMINARY

1. Short title :-

This Act may be called The Representation of the People Act, 1950.

2. Definitions :-

¹[*] In this Act unless the context otherwise requires,-

(a) 'article' means an article of the Constitution:

(b) 'Assembly constituency' means a constituency provided ²[by law] for the purpose of elections to the Legislative Assembly of a State:

(c) 'Council constituency' means a constituency provided ³[by law] for the purpose of election to the Legislative Council of State: ⁴[* * * * *]

(d) 'Election Commission' means the Election Commission appointed by the President under Article 324;

(e) 'Order' means an order published in the Official Gazette;

(f) 'Parliamentary constituency' means a constituency provided ⁵[by law] for the purpose of elections to the House of the People;

⁶[(ff) * * * * *]

(g) 'person' does not include a body of persons:

(h) 'prescribed' means prescribed by rules made under this Act:

⁷[(i) 'State' includes a Union Territory:

(j) 'State Government' in relation to a Union Territory means the administrator thereof;]

⁸ [* * * * *]

1. The brackets and figure "(1)" were omitted by the Territorial Council Act, 1956 (103 of 1956), section 65 (1-1-1957).
2. Substituted for the words and figure "by order made under section 9" by the Representation of the People (Amendment) Act, 1956 (2 of 1956), section 2 (1-3-1956).
3. Substituted for the words and figure "by order made under section 11" by 2 A.L.O., 1956 (1-11-1956).
4. clause (cc) was omitted by the Territorial Councils Act, 1956 (103 of 1956), section 65 (1-1-1957).
5. Substituted for the words and the figure "by section 6 or by order made thereunder" by the Representation of the People (Amendment) Act, 1956 (2 of 1956), section 2 (1-3-1956).
6. Omitted by N.E.A. (Reorganisation) A.L.O., 1974, Sch.
7. Substituted for the original clause (i) by North-Eastern Areas (Reorganisation) (Adaptation of Law on Union Subjects) Order, 1974, Schedule.
8. Sub-section (2) was omitted by 2 A.I.O., 1956 (1-1-1956).

PART 2

ALLOCATION OF SEATS AND DELIMITATION OF CONSTITUENCIES

PART 2A

OFFICERS

13A. Chief electoral officer :-

(1) There shall be for each State a chief electoral officer who shall be such officer of Government as the Election Commission may, in consultation with that Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act.

13AA. District election officer :-

(1) For each district in a State, [* * * * *], the Election Commission shall, in consultation with the Government of the State, designate or nominate a district election officer who shall be an officer of Government. Provided that the Election Commission may designate or nominate more than one such officer for a district if the Election Commission is satisfied

that the functions of the officer cannot be performed satisfactorily by one officer.

(2) Where more than one district election officer are designated or nominated for a district under the proviso to sub-section (1), the Election Commission shall in the order designating or nominating the district election officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the chief electoral officer, the district election officer shall co-ordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls for all parliamentary, assembly and council constituencies within the district.

(4) The district election officer shall also perform such other functions as may be entrusted to him by the Election

commission and the chief electoral officer.]

13B. Electoral registration officers :-

(1) The electoral roll [for each parliamentary constituency in the State of Jammu and Kashmir or in a Union Territory not having a Legislative Assembly] shall be prepared and revised by an electoral registration officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf.

(2) An electoral registration officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.]

13C. Assistant electoral registration officers :-

(1) The Election Commission may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.

(2) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.

13CC. Chief Electoral Officers, District Election Officers, etc. deemed to be on deputation to Election Commission :-

The officers referred to in this Part and any other officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission."]

PART 2B

ELECTORAL ROLLS FOR PARLIAMENTARY CONSTITUENCIES

13D. Electoral rolls for parliamentary constituencies :-

(1) The electoral roll for every parliamentary constituency, other than a parliamentary constituency in the State of Jammu and Kashmir or in a Union Territory not having a Legislative Assembly, shall consist of the electoral rolls for all the assembly constituencies comprised within that parliamentary constituency and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency : Provided that for the period referred to in clause (2) of Article 371A, it shall be necessary to prepare and revise separately the electoral roll for that part of the parliamentary constituency of Nagaland which comprises the Tuensang district and the provisions of Part III shall apply in relation to the preparation and revision of the electoral roll of the said part ¹ they apply in relation to an assembly constituency.

(2) The provisions of Part III shall apply in relation to every parliamentary constituency in the State of Jammu and Kashmir or in a Union Territory not having a Legislative Assembly as they apply in relation to an assembly constituency.]

1. Substituted for former S. 13-D by the Representation of the People (Amendment) Act, 1956 (2 of 1956), 1966 (47 of 1966), section 7 (14-12-1966).

PART 3

a[ELECTORAL ROLLS FOR ASSEMBLY b[* * *] CONSTITUENCIES]

14. Definition :-

In this part, unless the context otherwise requires,-

(a) "constituency" means an Assembly constituency [* * *];

(b) "qualifying date", in relation to the preparation or revision of every electoral roll under this Part, means [the 1st day of January] of the year in which it is so prepared or revised.] [Provided that "qualifying date", in relation to the preparation or revision of every electoral roll under this Part in the year 1989, shall be the 1st day of April, 1989.]

15. Electoral roll for every constituency :-

For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Election Commission.

16. Disqualification for registration in an electoral roll :-

(1) A person shall be disqualified for registration in an electoral roll if he-

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent Court; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt ¹ [* * *] practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included : [Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.]

1. Inserted by the Election Laws (Extension to Sikkim) Act, 1976(1001' 1976), S. 2 and Schedule (w.e.f. 9-9-1975).

17. No person to be registered in more than one constituency :-

No person shall be entitled to registered in the electoral roll for more than one constituency ¹ [* *].

1. Inserted by the Election Laws (Extension to Sikkim) Act, 1976(1001' 1976), S. 2 and Schedule (w.e.f. 9-9-1975).

18. No person to be registered more than once in any constituency :-

No person shall be entitled to be registered in the electoral roll for any constituency more than once.

19. Conditions of registration :-

Subject to the foregoing provisions of this Part. every person who-

(a) is not less than [eighteen years] of age on the qualifying date, and

(b) is ordinarily resident in a constituency,

shall be entitled to be registered in the electoral roll for that constituency.]

20. Meaning of "ordinarily resident" :-

¹ [(1) A person shall not be deemed to be ordlything resident in a constituency on the ground only that he owns, or is in possession of. a dwelling therein.

(1A) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(1B) A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.]

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

[(3) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that dale.]

(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply. [* * *] shall be deemed to be ordinarily resident [* * *] on any date in the constituency in which, but for the holding of any such office [* * *] he would have been ordinarily resident [* * *] on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the prescribed manner, that [but for his having the service qualifica- tion] or but for his holding any such office [* * *] as is referred to in sub-section (4) he would have been ordinarily resident in a specified place [* * *] on any date, shall in the absence, of evidence to the contrari, be [accepted as correct.]

(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 he ordinarily resident [* * *] in the constituency specified by such person under sub-section (5) :

[(7) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf of the Central Government in consultation with the Election Commission.

(8) In sub-sections (3) and (5) "service qualification" means-

(a) being a member of the armed forces of the Union; or

(b) being a member of a force to which the provision of Arms Act, 1950, have been made applicable whether with or without modifications; or

(c) being a member of an armed police force of a State, who is serving outside that State: or

(d) being a person who is employed under the Government of India, in a post outside India.]

1. Inserted by the Election Laws (Extension to Sikkim) Act, 1976(1001' 1976), S. 2 and Schedule (w.e.f. 9-9-1975).

21. Preparation and revision of electoral rolls :-

(1) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

[(2) The said electoral roll-

(a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date-

(i) before each general election to the House of People or to the Legislative Assembly of a State; and

(ii) before each by-election to fill a casual vacancy in a seat allotted to the constituency, and

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission : Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.)

(3) Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit : Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.]

22. Correction of entries in electoral rolls :-

If the electoral registration officer for a constituency, on application to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency-

(a) is erroneous or defective in any particular.

(b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or

(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll. the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry : Provided that before taking any action on any ground under clause (a) or clause (h) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.]

23. Inclusion of names in electoral rolls :-

(1) Any person whose name is not included in the electoral roll of a constituency may apply to the electoral registration officer for the inclusion of his name in that roll.

(2) The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein: Provided that if the applicant is registered in the electoral roll of any other constituency, the electoral registration officer shall inform the electoral registration officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll.

(2) The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll. direct his name to be included therein : Provided that if the applicant is registered in the electoral roll of any other constituency, the electoral registration officer shall inform the electoral registration officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll.

(3) No amendment, transposition or deletion of any entry shall be made under Section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making, nominations for an election in the constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election.]

24. Appeals :-

An appeal shall lie within such time and in such manner as may be prescribed-

(a) to the chief electoral officer, from any order of the Electoral Registration Officer under section 22 or section 23 [*].

[(b) * * *]].

25. Fee for applications and appeals :-

Every application under section 22 or section 23 and every appeal under section 24 shall be accompanied by the prescribed fee which shall, in no case, be refunded.]

25A. Conditions of registration as elector in Sangha constituency in Sikkim :-

Notwithstanding anything contained in section 15 and Section 19, for the Sangha constituency in the State of Sikkim, only the Sanghas belonging to monasteries, recognised for the purpose of the elections held in Sikkim in April, 1974, for forming the Assembly for Sikkim, shall be entitled to be registered in the electoral roll, and the said electoral roll shall, subject to the provisions of section 21 to Section 25, be prepared or revised in such manner as may be directed by the Election Commission, in consultation with the Government of Sikkim."]

26. Preparation of electoral rolls for Assembly Constituencies :-

Omitted by Act 2 of 1956, S. 17(1-3-1956).]

27. Preparation of electoral rolls for Council Constituencies :-

(1) In this section "local authorities' constituency." "graduates constituency" and "teachers constituency", mean a constituency for the purpose of elections to a Legislative Council under sub-section (a), sub-clause (b) and sub-clause (c) respectively, of clause (3) of Article 171.

¹[(2) For the purpose of elections to the Legislative Council of a State in any local authorities constituency-

(a) the electorate shall consist of members of such local authorities' exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to that State in the Fourth Schedule:

(b) every member of each such local authority within a local authorities constituency shall be entitled to be registered in the electoral roll for that constituency:

(c) the electoral registration officer for every local authorities' constituency shall maintain in his office in the prescribed manner and form the electoral for that constituency corrected up-to- date;

(d) in order to enable the electoral registration officer to maintain the electoral roll corrected up-to- date, the chief executive officer of every local authority (by whatever designation such officer may be known shall immediately inform the electoral registration officer about every change in the membership of that local authority; and the electoral registration officer shall, on receipt of the information, strike off from the electoral roll the names of persons who have ceased to be, and include therein the names of persons who have become members of that local authority; and

(e) the provisions of section 15 , Section 16 , Section 18 , Section 22 and Section 23 shall apply in relation to local authorities constituencies as they apply in relation to assembly constituencies.]

(3) For the purpose of elections to the Legislative Council of a State in the graduates constituencies and the teachers' constituencies, the State Government concerned may, with the concurrence of the Election Commission, by notification in the Official Gazette, specify-

(a) the qualifications which shall be deemed to be equivalent, to that of a graduate of a university in the territory of India, and

(b) the educational institutions, within the State not lower in standard than that of a secondary school.

²[(4) The provisions of section 15 , Section 16 , Section 18 , Rule 21, Section 22 and Section 23 shall apply in relation to graduates constituencies and teachers' constituencies as they apply in relation to assembly constituencies.]

(5) Subject to the foregoing provisions of this section,-

³[* * * *]

⁴[(a)] every person who ⁵[is] ordinarily resident in a graduates' constituency and has, for at least three years " [before the qualifying date], been either a graduate of a university in the territory of India or in possession of any of the qualifications specified under clause (a) of sub-section (3) by the State Government concerned, shall be entitled to be registered in the electoral roll for that constituency.

⁴[(b)] every person who ⁵[is] ordinarily resident in a teachers' constituency and has, within the six years immediately [before the qualifying date] for a total period of at least three years, been engaged in teaching in any of the educational institutions specified under clause (b) of sub-section (3) by the State Government concerned shall be entitled to be registered to the electoral roll for that constituency.

⁸ [(6) For the purposes of sub-sections (4) and (5), the qualifying date shall be the 1 st day of November of the year in which the preparation or revision of the electoral roll is commenced.]

1. Substituted for the original sub-section (2) by the Representation of the People (Amendment) Act, 1956 (2 of 1956), S. 18 (1-3-1956).

2. Substituted for original sub-section (4), Substituted for the original sub-section (2) by the Representation of the People (Amendment) Act, 1956 (2 of 1956), S. 18 (1-3-1956).

3. Original Clause (a) omitted, Substituted for original sub-section (4), Substituted for the original sub-section (2) by the Representation of the People (Amendment) Act, 1956 (2 of 1956), S. 18 (1-3-1956).

4. Clauses (b) and (c) were re-lettered as (a) and (b) respectively, Original Clause (a) omitted, Substituted for original sub-section (4), Substituted for the original sub-section (2) by the Representation of the People (Amendment) Act, 1956 (2 of 1956), S. 18 (1-3-1956).

5. Substituted for 'the words on the qualifying date was' by the Representation of the People (Amendment) Act, 1961 (40 of 1961), S. 4 (20-9-1961).

8. Substituted for former sub-section (6), Substituted for the words 'before that date', Substituted for 'the words on the qualifying date was' by the Representation of the People (Amendment) Act, 1961 (40 of 1961), S. 4 (20-9-1961).

27A. Constitution of electoral colleges for the filling of seats in the Council of States allotted to Union Territories :-

(1) [For the purpose of filling any seat] or seats in the Council of States allotted to any ¹[Union Territory] ¹[* * *] in the Fourth Schedule to the Constitution there shall be an electoral college for each such territory.

³[* * * * *]

⁴[* * * * *]

⁵ [(3) The electoral college for the Union territory of Delhi shall consist of the elected members of the Legislative Assembly constituted for that territory under Government of National Capital Territory of Delhi Act, 1991]

[(4) [The electoral college for the Union Territory of Pondicherry] shall consist of elected members of the Legislative Assembly constituted for that territory under Government of Union Territories Act, 1963].

[(5)* * *]

1. Substituted for former clause (a) by the Representation of the People (Amendment) Act. (47 of 1966), S. 12 (14-12-1966).
3. Clause (d) was omitted by the Representation of the People (Amendment) Act. 1960 (20 of 1960), Section 3 (8-5-1960).
4. Substituted for the original clause (h) by the Representation of the People (Amendment) Act, 1956 (2 of 1956), section 24 (1-3-1956).
5. Substituted for the former sub-section (3) by the Representation of the People (Amendment) Act, 1976 (88 of 1976), Section 6(2-9-1976).

27B. Electoral college constituencies :-

Omitted by Territorial Councils Act, 1956 (with effect from 1-1-1957).]

27C. Delimitation of Electoral College constituencies :-

Omitted by Territorial Council Act, 1956 (with effect from 1-1-1957).]

27D. Power to alter or amend orders :-

Omitted by s.65 of the Territorial Councils Act, 1956 (with effect from 1-1-1957).]

27E. Procedure as to orders delimiting constituencies :-

Omitted by the Representation of the People (Amendment) Act, 1956 (II of 1956), Section 22 (1-3-1956).]

27F. Electoral rolls for Council of States constituencies :-

Omitted by the Representation of the People (Amendment) Act, 1956 (II of 1956), Section 22 (1-3-1956).]

27G. Termination of membership of electoral college for certain disqualifications :-

If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college.

27H. Manner of filling of seats in the council of States allotted to union territories :-

¹[* * *] The seat or seats in the Council of States allotted to any ²[Union territory] [* * *] in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for ³[that territory] ⁴ [* * *] in accordance with the system of proportional representation by means of the single transferable vote : [Provided that the person who immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, is filling the seat allotted to the Part C States of Manipur and Tripura shall, as from such commencement be deemed to have been duly elected to fill the seat allotted to the Union territory of Tripura.]

1. See the Registration of Electors Rules, 1960-S.O. 2750 dated 10-1-1960 published in Gazette of India, 1960, Extra: Pt. II, Section 3(ii), page 633. These rules came into force on 1st January, 1961.
2. Substituted for former clause (a) by the Representation of the People (Amendment) Act. (47 of 1966), S. 12 (14-12-1966).
3. Clause (d) was omitted by the Representation of the People (Amendment) Act. 1960 (20 of 1960), Section 3 (8-5-1960).
4. Substituted for the original clause (h) by the Representation of the People (Amendment) Act, 1956 (2 of 1956), section 24 (1-3-1956).

27I. Special provisions for the filling of the seats in the Council of States allotted to the States of Ajmer and Coorg and the States of Manipur and Tripura :-

Omitted by the Adaptation of Laws (No. 2) Order 1956]

27J. Power to electoral colleges to elect notwithstanding vacancies therein :-

No election by the members of an electoral college ¹[* * *] under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college ² [* * *].

1. See the Registration of Electors Rules, 1960-S.O. 2750 dated 10-1-1960 published in Gazette of India, 1960, Extra: Pt. II, Section 3(ii), page 633. These rules came into force on 1st January, 1961.

2. Substituted for former clause (a) by the Representation of the People (Amendment) Act. (47 of 1966), S. 12 (14-12-1966).

27K. Electoral colleges for certain States for which Legislative Assemblies have been constituted :-
Omitted by the Adaptation of Laws (No. 2) Order, 1956.]

PART 5
GENERAL

28. Power to make rules :-

(1) The Central Government may after consulting the Election Commission, by notification in the Official Gazette, make rules¹ for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

² [(a) the determination of ordinary residence under sub-section (7) of section 20 .

(aa) the particulars to be entered in the electoral rolls;]

(b) the preliminary publication of electoral rolls [* * *]:

(c) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred.

[* * * * *]

(e) the manner in which notices of claims or objections shall be published.

(f) the place, date and time at which claims or objections shall be heard and the manner in which claims or objections shall be heard and disposed of;

(g) the final publication of electoral rolls:

[(h) the revision and correction of electoral rolls and inclusion of names therein:]

(i) any other matter required to be prescribed by this Act.

[(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Inserted by the Representation of the People (Amendment) Act, 1958 (58 of 1958), Section 11 (30-12-1958).

2. Substituted by the Representation of the People (Amendment) Act, 1966(21 of 1996). S. 2 (1-8-1996).

29. Staff of local authorities to be made available :-

Every local authority in a State shall, when so requested by the chief electoral officer of the State, make available to any electoral registration officer such staff as may be necessary for the performance of any duty in connection with the preparation and revision of electoral rolls.]

30. Jurisdiction of civil Courts barred :-

No civil Court shall have jurisdiction-

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or

(b) to question the legality of any action taken by or under the authority of an Electoral Registration Officer, or of any decision given by any authority appointed under this Act for the revision of any' such roll.

31. Making false declarations :-

If any person makes in connection with-

(a) the preparation, revision or correction of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.]

32. Breach of official duty in connection with the preparation, etc., of electoral rolls :-

(1) If any electoral registration officer, assistant electoral officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause guilty of any act or omission in breach of such official duty, he shall be punishable ¹ [with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine.]

(2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.

(3) No Court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the Election Commission or the Chief Electoral Officer of the State concerned.]

1. Substituted by the Representation of the People (Amendment) Act, 1966(21 of 1996). S. 2 (1-8-1996).

SCHEDULE 1

Allocation of seats in the House of the People

of the State/Union territory	Number of seats in the House as constituted on 1-1-1973	Number of seats in the House as constituted on 1-1-1973 subsequently	Total	Reserved	for the Scheduled Castes	for the Scheduled Tribes
1. Andhra Pradesh.	41	6	47	2		
2. Assam.	14	1	15	2		
3. Bihar.	24	2	26	4		
4. Gujarat.	24	2	26	4		
5. Haryana.	9	2	11	10		
6. Himachal Pradesh.	6	6	12			
7. Jammu and Kashmir.	6	6	12			
8. Karnataka.	27	4	31	28		
9. Kerala.	19	19	38			
10. Madhya Pradesh.	37	5	42	8		
11. Maharashtra.	45	3	48	3		
12. Manipur.	2	1	3			
13. Meghalaya.	2	1	3			
14. Nagaland.	1	1	2			
15. Orissa.	20	3	23	5		
16. Punjab.	13	3	16	13		
17. Rajasthan.	23	4	27	3		
18. Sikkim.	1	1	2			
19. Tamil Nadu.	17	1	18			
20. Tripura.	2	1	3			
21. Uttar Pradesh.	85	18	103	85		
22. West Bengal.	12	1	13			
23. Jammu and Kashmir.	6	6	12			
24. Arunachal Pradesh.	1	1	2			
25. Chandigarh.	1	1	2			
26. Dadra and Nagar Haveli.	1	1	2			
27. Delhi.	1	1	2			
28. Goa, Daman and Diu.	1	1	2			
29. Lakshadweep.	1	1	2			
30. Mizoram.	1	1	2			
31. Pondicherry.	1	1	2			
Total	522	77	599	41	542	78

SCHEDULE 2

Total number of seats in the Legislative Assemblies

of the State/Union territory	Number of seats in the Legislative Assembly as constituted on 1-1-1973	Number of seats in the Legislative Assembly as constituted on 1-1-1973 subsequently	Total	Reserved	for the Scheduled Castes	for the Scheduled Tribes
1. Andhra Pradesh.	287	40	327	11		
2. Assam.	114	8	122	10		
3. Bihar.	145	29	174	16		
4. Gujarat.	168	11	179	12		
5. Haryana.	124	29	153	12		
6. Himachal Pradesh.	68	16	84	15		
7. Jammu and Kashmir.*	76	6	82	3		
8. Karnataka.	136	11	147	12		
9. Kerala.	136	11	147	12		
10. Madhya Pradesh.	294	39	333	61		
11. Maharashtra.	270	15	285	17		
12. Manipur.	60	1	61	19		
13. Meghalaya.	60	1	61	19		
14. Nagaland.	52	1	53	16		
15. Orissa.	140	22	162	34		
16. Punjab.	104	1	105	147		
17. Rajasthan.	184	31	215	200		
18. Sikkim.	1	1	2	32		
19. Tamil Nadu.	234	42	276	60		
20. Tripura.	60	1	61	17		
21. Uttar Pradesh.	425	89	514	425		
22. West Bengal.	16	1	17	294		
23. Jammu and Kashmir.	6	6	12			
24. Arunachal Pradesh.	1	1	2			
25. Chandigarh.	1	1	2			
26. Dadra and Nagar Haveli.	1	1	2			
27. Delhi.	1	1	2			
28. Goa, Daman and Diu.	1	1	2			
29. Lakshadweep.	1	1	2			
30. Mizoram.	1	1	2			
31. Pondicherry.	1	1	2			

* Under the Constitution of Jammu and Kashmir, the number of seats in the Legislative Assembly of that State excluding the 24 seats ear occupied territory is 76 out of which 6 seats have been reserved for the Scheduled Castes in pursuance of the Jammu and Kashmir Repres Act, 1957

Reserved for Sanghas

SCHEDULE 3

Allocation of seats in the legislative Councils

Name of State	Number to be elected or nominated under Article 171 (3)	Total	Article 171 (3) number of seats
1. Andhra Pradesh.	90	31	121
2. Bihar.	96	34	130
3. Madhya Pradesh.	90	31	121
4. Gujarat.	81	15	96
5. Haryana.	124	29	153
6. Himachal Pradesh.	68	16	84
7. Jammu and Kashmir.*	76	6	82
8. Karnataka.	124	29	153
9. Kerala.	136	11	147
10. Madhya Pradesh.	294	39	333
11. Maharashtra.	270	15	285
12. Manipur.	60	1	61
13. Meghalaya.	60	1	61
14. Nagaland.	52	1	53
15. Orissa.	140	22	162
16. Punjab.	104	1	105
17. Rajasthan.	184	31	215
18. Sikkim.	1	1	2
19. Tamil Nadu.	234	42	276
20. Tripura.	60	1	61
21. Uttar Pradesh.	425	89	514
22. West Bengal.	16	1	17
23. Jammu and Kashmir.	6	6	12
24. Arunachal Pradesh.	1	1	2
25. Chandigarh.	1	1	2
26. Dadra and Nagar Haveli.	1	1	2
27. Delhi.	1	1	2
28. Goa, Daman and Diu.	1	1	2
29. Lakshadweep.	1	1	2
30. Mizoram.	1	1	2
31. Pondicherry.	1	1	2

SCHEDULE 4

Local Authorities for purposes of elections to Legislative Councils

- Andhra Pradesh; 1. Municipalities. [2. Zilla Parishads.] 3. Cantonment Boards. [4. * * *] [5. Panchayat Samities.] [BIHAR 1. Nagar Parishads. 2. Cantonment Boards. 3. Nagar Panchayats. 4. Zila Parishads. 5. Panchayat Samitis. 6. Nagar Nigams (Corporations). 7. Gram Panchayats.] [* * * *] Karnataka: [1. City Municipal Corporations. 2. City Municipal Councils. 3. Town Municipal Councils. 4. Town Panchayats. 5. Zilla Panchayats. 6. Taluk Panchayats. 7. Gram Panchayats. 8. Cantonment Boards.] [Madhya Pradesh: [1. Municipalities. 2. Janapada Sabhas. 3. Mandal Panchayats. 4. Cantonment Boards. 5. Notified Area Committees. 6. Town Area Committees.] [.....]] Maharashtra[1. Municipalities. 2. Cantonment Boards. [3. * * * *] 4. Zilla Parishads.] [* * * *] Uttar

Pradesh: [1. Municipal Corporations 2. Municipal Councils. 3. Zilla Panchayats. 4. Nagar Panchayats. 5. Kshetra Panchayats. 6. Cantonment Boards.] [****]

SCHEDULE 5

Number of Members of electoral colleges

.- (Repealed by the Government of Union Territories Act, 1963 (20 of 1963), Section 57 and Sch. 11 (1-7-1963).

SCHEDULE 6

Scheduled Castes in certain Union Territories

.- (Repealed by the Representation of the People (Amendment) Act, 1956 (2 of 1956), Section 27(1-356).

SCHEDULE 7

Scheduled Tribes in certain Union Territories

.- [Repealed by the Representation of the People (Amendment) Act, 1956(2 of 1956), Section 27 (1-3-19561]