

AS INTRODUCED IN LOK SABHA

Bill No. 75 of 2015

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 2015

By

SHRI BAIJAYANT PANDA, M.P.

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BILL

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

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called Representation of People (Amendment) Act, 2015.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

Substitution
of new
section for
section 70.

2. For section 70 of the Representation of the People Act, 1951, the following section shall be substituted, namely:— 43 of 1951.

Election to
more than one
seat in either
House of
Parliament or
in the House
or either
House of the
Legislature of
a State.

"70. If a person is elected to more than one seat in either House of Parliament or in the House or in either House of the Legislature of a State, then,—

(a) if he, within the prescribed time, does not resign from all, except one of the seats, by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such authority or officer as may be prescribed, his election to all the seats shall be deemed to be void and, in such a situation, the Election Commission shall declare the runner-up candidates to be elected from such seats; and 5
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(b) if he, within the prescribed time, resigns from all, except one seat, by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such authority or officer as may be prescribed, the Election Commission shall declare the runner-up candidates of such resigned seats, to be elected".

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1951 provides for the conduct of elections to the Houses of Parliament and to the Houses of Legislature of each State. Section 33 of the Act allows candidates to contest elections from up to two seats in either House of Parliament and either House of the State Legislature. Section 70 of the Act provides that in the event that a candidate is declared elected from both seats in either House of Parliament and/or either House of the Legislature of a State, he or she has to resign from all except one seat, which in effect triggers bye-elections.

This provision is often used as safety-net to ensure electoral success. More often than not, election of a candidate from more than one seat necessitates bye-elections. The exchequer has to bear additional cost of conducting these bye-elections. More importantly, the resignation of the elected candidate from all but one seat significantly affects the public morale.

The Bill, therefore, seeks to amend the Representation of People Act, 1951 with a view to provide that if a candidate is elected to more than one seat in either House of Parliament or in the House or either House of Legislature of a State and resigns from all, except one seat, the candidates securing the second highest number of votes from such resigned seats shall be declared elected. In the event, he does not resign from any of the elected seats, his election to all the elected seats shall be void and the candidates securing the second highest votes shall be declared elected from such seats.

The Bill indirectly penalises political parties which use this provision as political insurance and at the same time seeks to prevent an additional burden on the exchequer by mitigating resultant bye-elections. In effect, the Bill imposes costs on political parties for taking undue advantage of the law to their benefit and, as such, is an attempt to dis-incentivise political parties from manoeuvring the system to their benefit.

Hence this Bill.

NEW DELHI;
November 11, 2014.

BAIJAYANT PANDA

ANNEXURE

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(ACT NO. 43 OF 1951)

* * * * *

Election to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State.

70. If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State, then, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such other authority or officer as may be prescribed, all the seats shall become vacant.

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(Shri Baijayant Panda, M.P.)