

Representation of People Amendment Bill 2010

The table below compares the amendments introduced to the Representation of People Bill 2010 as introduced in the Rajya Sabha with the Representation of people Amendment Bill 2006, which was withdrawn, and the recommendations of the Standing Committee on Personnel, Public Grievances, Law and Justice:

Representation of People (Amendment) Bill 2006	Standing Committee Report Suggestions	Representation of People (Amendment) Bill 2010
<p>The Representation of the People Act, 1950 makes detailed provisions for elections and lays down the conditions required to register as a voter in a constituency. The conditions of registration include that a citizen should be “ordinarily resident” of a constituency.</p> <p>The Representation of the People (Amendment) Bill, 2006 expands the definition of “ordinarily resident” to include citizens who are away from their residence for employment, education or any other purpose, and enable them to vote and stand for elections.</p>	<p>The Bill does not define the term “temporarily” although it seeks to create a class of citizens among the temporarily absent class itself. Therefore, it recommended that the clause in the Bill should be re-worded to: “A citizen of India, who has not acquired citizenship of any other country, shall be deemed to be resident in India in any constituency of his choice notwithstanding his residence outside India whatever its duration.”</p>	<p>The Bill allows for all citizens to be enrolled in the electoral rolls in the constituency in which his place of residence in India as mentioned in his passport.</p> <p>The Electoral officer has to undertake the required verification for enrolment</p> <p>The procedure for registration and the time period within which the registration shall take place is to be specified by the Government in consultation with the Election Commission.</p>
	<p>The term non-resident Indian (NRI) is not defined.</p> <p>The Committee recommends that the term NRI needs to be defined precisely.</p>	<p>Permits registration in electoral rolls of persons who are (a) citizens of India, (b) not enrolled in electoral rolls, (c) have not taken up the citizenship of any other country, and (d) are absent from the ordinary place of residence.</p>
	<p>The Representation of the People Act, 1950 contains a number of exemptions to the term “ordinarily resident”. The Committee recommends that it may be more appropriate if all exemptions were provided at a single place in a single exemption clause.</p>	<p>Not addressed</p>
	<p>Suggests that the Bill should include details regarding the manner of allotment of non-resident Indians, the mode of voting, and the conditionalities for contesting elections.</p>	<p>Provisions in the Bill restricted only to addition on electoral rolls</p>
	<p>On the question of whether NRIs should be able to contest elections or not, the Ministry should take a stand on the issue and lay down some additional qualifications for contesting certain offices so that the contingencies where NRIs could contest for the post of President and Vice President were prevented.</p>	<p>Not Addressed</p>

<p>The Citizenship (Amendment) Acts, 2003 and 2005 specifically state that overseas citizens of India cannot contest for the posts of President or Vice President, or be a Judge of Supreme Court and High Courts, a Member of Parliament, Legislative Assembly or Council. However, the Bill does not appear to specify these issues in case of NRIs.</p>	<p>Not Addressed</p>
<p>The 1960 Rules provides for notice and a reasonable opportunity to be heard before a person's name is deleted, in actual practice, the names are deleted without following the procedure. The Committee expressed concern over large scale deletion of names and recommended that the procedure for deletion of names should be strictly followed.</p>	<p>The Bills specifies that deletion from electoral rolls can happen only after due verification and the procedure for the same must be specified</p>
<p>Since the present law requires the physical presence of the voter while casting his vote, the Committee feels that only a minimal number of NRIs would vote in such circumstances. Therefore, it recommended that the Ministry explore various options available in order to achieve the purpose of the Bill i.e. enabling the NRIs to participate in the democratic process of the country in a meaningful manner.</p>	<p>Not Addressed</p>
<p>The mode of casting of votes by all category of voters who may not be physically present (armed forces, para-military forces, armed police force serving outside and officials posted on foreign missions and NRIs), should be made uniform.</p>	<p>Not Addressed</p>

Sources: 16th Report of the Standing Committee on Personnel, Public Grievances, Law and Justice; The Representation of The People (Amendment) Bill, 2010, as introduced in the Rajya Sabha; PRS.

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