



Bill Summary

The Representation of the People (Amendment and Validation) Bill, 2013

- The Representation of the People (Amendment and Validation) Bill, 2013 was introduced in the Rajya Sabha on August 23, 2013. It was passed by the Rajya Sabha on the same day. The Bill seeks to amend the Representation of People Act, 1951 (RPA, 1951). The two key changes brought about by the Bill are:
 - Even if a person is prohibited from voting due to being in police custody or in jail, as long as his name is entered on the electoral roll he shall not cease to be an elector. This implies that he can file nomination for an election.
 - The definition of “disqualified” in the Act has been amended. Currently, the definition of disqualified means disqualified for either being chosen as or being a Member of Parliament or a State Legislature. The amendment adds a ground to the definition that the disqualification has to be due to conviction for certain specified offences and can be on no other ground. Conviction for one of these offences would result in the person’s name being removed from the electoral roll and he would cease to be an elector.
- This amendment Bill seeks to address the situation arising out of the Supreme Court’s judgment.
- On July 10, 2013, the Supreme Court ruled that a person, who is in jail or in police custody, cannot contest elections to legislative bodies. The RPA, 1951 states that any contestant to an election to legislative bodies has to be an “elector”, i.e., his name should be on the electoral roll and he is not subject to any of the disqualifications mentioned in Section 16 of the Representation of People Act, 1950. Among other things, that section disqualifies anyone from being on the electoral roll if he is disqualified from voting under the provisions of any law relating to corrupt practices and other offences in relation to elections. Another provision in the RPA, 1951 says that anyone in prison or on the lawful custody of the police (other than preventive detention) is not entitled to vote.
- The Supreme Court concluded that a person in jail or police custody is not entitled to vote, and therefore, is not an elector, and thus, cannot contest elections.

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