

Bill Summary

The Election Laws (Amendment) Bill, 2021

- The Election Laws (Amendment) Bill, 2021 was introduced in the Lok Sabha on December 20, 2021. The Bill amends the Representation of the People Act, 1950 and the Representation of the People Act, 1951 to implement certain electoral reforms. The 1950 Act provides for allocation of seats and delimitation of constituencies for elections, qualifications of voters, and preparation of electoral rolls. The 1951 Act provides for the conduct of elections, and offences and disputes related to elections.
- **Linking electoral roll data with Aadhaar:** The 1950 Act provides that a person may apply to the electoral registration officer for inclusion of their name in the electoral roll of a constituency. After verification, if the officer is satisfied that the applicant is entitled to registration, he will direct the applicant's name to be included in the electoral roll. The Bill adds that the electoral registration officer may require a person to furnish their Aadhaar number for establishing their identity. If their name is already in the electoral roll, then the Aadhaar number may be required for authentication of entries in the roll. Persons will not be denied inclusion in the electoral roll or have their names deleted from the roll, if they are unable to furnish Aadhaar number due to sufficient cause as prescribed. Such persons may be permitted to furnish alternate documents prescribed by the central government.
- **Qualifying date for enrolment in electoral roll:** Under the 1950 Act, the qualifying date for enrolment in the electoral roll is January 1 of the year in which such roll is being prepared or revised. This implies that a person who turns 18 (i.e., eligible to vote) after January 1 can enrol in the electoral roll only when the roll is prepared/ revised the next year. The Bill amends this to provide four qualifying dates in a calendar year, which will be January 1, April 1, July 1, and October 1.
- **Requisitioning of premises for election purposes:** The 1951 Act permits the state government to requisition premises needed or likely to be needed for being used as polling stations, or for storing ballot boxes after a poll has been conducted. The Bill expands the purposes for which such premises can be requisitioned. These include using the premises for counting, storage of voting machines and poll-related material, and accommodation of security forces and polling personnel.
- **Gender-neutral provisions:** The 1950 Act permits certain persons who are ordinarily resident in a constituency to register in electoral rolls. Such persons include those holding a service qualification, such as members of the armed forces or central government employees posted outside India. The wives of such persons are also deemed to be ordinarily residing in the same constituency if they reside with them. The 1951 Act enables the wife of a person holding a service qualification to vote either in person or by postal ballot. The Bill replaces the term 'wife' with 'spouse' in both the Acts.

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