

**Bill No. 162 of 2021**

THE ELECTION LAWS (AMENDMENT) BILL, 2021

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BILL

*further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.*

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

CHAPTER I  
PRELIMINARY

5       **1.** (1) This Act may be called the Election Laws (Amendment) Act, 2021.

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

Short title and  
commencement.

## CHAPTER II

## AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment of section 14.	<b>2.</b> In the Representation of the People Act, 1950 (hereafter in this Chapter referred to as the 1950 Act), in section 14, in clause (b), for the words, figure and letters "the 1st day of January", the words, figures and letters "the 1st day of January, the 1st day of April, the 1st day of July and the 1st day of October" shall be substituted.	43 of 1950. 5
Amendment of section 20.	<b>3.</b> In section 20 of the 1950 Act, in sub-section (6),— (i) for the words "The wife", the words "The spouse" shall be substituted; (ii) for the words "if she", the words "if such spouse" shall be substituted.	
Amendment of section 23.	<b>4.</b> In section 23 of the 1950 Act, after sub-section (3), the following sub-sections shall be inserted, namely:— '(4) The electoral registration officer may for the purpose of establishing the identity of any person require that such person may furnish the Aadhaar number given by the Unique Identification Authority of India as per the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016:  Provided that the electoral registration officer may also require the Aadhaar number from persons already included in the electoral roll for the purposes of authentication of entries in electoral roll and to identify registration of name of the same person in the electoral roll of more than one constituency or more than once in the same constituency.  (5) Every person whose name is included in the electoral roll may intimate his Aadhaar number to such authority in such form and manner as may be prescribed, on or before a date to be notified by the Central Government in the Official Gazette.  (6) No application for inclusion of name in the electoral roll shall be denied and no entries in the electoral roll shall be deleted for inability of an individual to furnish or intimate Aadhaar number due to such sufficient cause as may be prescribed:  Provided that such individual may be allowed to furnish such other alternate documents as may be prescribed.  <i>Explanation.</i> —For the purposes of this section, the expression "Aadhaar number" shall have the same meaning as assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.'	10 15 18 of 2016. 20 25
Amendment of section 28.	<b>5.</b> In section 28 of the 1950 Act, in sub-section (2), after clause (hhh), the following clauses shall be inserted, namely:—  "(hhha) the authority and the form and manner of intimation of Aadhaar number under sub-section (5) of section 23;  (hhhb) the sufficient cause and furnishing of alternate documents to be provided by the individual under sub-section (6) of section 23."	30 18 of 2016. 35

## CHAPTER III

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## AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of section 60.	<b>6.</b> In the Representation of the People Act, 1951 (hereafter in this Chapter referred to as the 1951 Act), in section 60, in clause (b), in sub-clause (ii), for the word "wife", occurring at both the places, the word "spouse" shall be substituted.	43 of 1951.
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7. In section 160 of the 1951 Act, in sub-section (1),—

Amendment  
of section  
160.

(i) for clause (a), the following clause shall be substituted, namely:—

5           "(a) any premises are needed or are likely to be needed for the purpose of being used as polling stations, for counting, for storage of ballot boxes, voting machines (including voter verifiable paper audit trail) and poll related material after a poll has been taken, accommodation for security forces and polling personnel; or";

(ii) in the proviso, for the words "Provided that", the following shall be substituted, namely:—

10           "Provided that such premises shall be requisitioned after the issuance of the notification by the Election Commission under section 30 for such election till the date notified under clause (e) thereof:

Provided further that".

## STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1950 (the RP Act, 1950), *inter alia*, provides for the allocation of seats in and delimitation of constituencies for the purpose of election to, the House of the People and the Legislatures of States, the qualifications of voter at such elections and the preparation of electoral rolls, etc. The Representation of the People Act, 1951 (the RP Act, 1951), *inter alia*, provides for the conduct of elections of the Houses of Parliament and to the House or Houses of the Legislatures of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections, etc.

2. The electoral reform is an ongoing and continuous process. The Central Government has been receiving proposals for electoral reforms from various quarters, from time to time, including the Election Commission of India (the Election Commission). Based on the proposals taken up by the Election Commission, it is proposed to amend the provisions of the RP Act, 1950 and the RP Act, 1951. Accordingly, a Bill, namely, the Election Laws (Amendment) Bill, 2021 has been proposed, which provides for—

(i) amendment of section 23 of the RP Act, 1950, enabling for the linking of electoral roll data with the Aadhaar ecosystem to curb the menace of multiple enrolment of the same person in different places;

(ii) amendment of clause (b) of section 14 of the RP Act, 1950 specifying the 1st day of January, 1st day of April, 1st day of July and 1st day of October in a calendar year as qualifying dates in relation to the preparation or revision of electoral rolls;

(iii) amendment of section 20 of the RP Act, 1950 and section 60 of the RP Act, 1951 for substitution of the word "wife" with the word "spouse" making the statutes gender neutral;

(iv) amendment of section 160 of the RP Act, 1951 to enable the requisition of premises that are needed or likely to be needed for the purpose of being used as polling stations, for counting, for storage of ballot boxes, voting machines (including voter verifiable paper audit trail) and poll related material after a poll has been taken accommodation for security forces and polling personnel for such period as are notified under section 30 of the said Act.

3. The Bill seeks to achieve the above objects.

NEW DELHI;  
*The 15th December, 2021.*

KIREN RIJJU.

## FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, is not likely to involve any expenditure of recurring or non-recurring nature from and out of the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to amend section 28 of the Representation of the People Act, 1950 which confers power upon the Central Government to make rules. The matters on which rules may be made, *inter alia*, relate to—(a) the authority and the form and manner of intimation of Aadhaar number under sub-section (5) of section 23; (b) the sufficient cause and furnishing of alternate documents to be provided by the individual under sub-section (6) of section 23.

2. The rules made by the Central Government under section 28 of the Act shall be laid, as soon as they are made, before each House of Parliament.

3. The matters in respect of which rules may be made are matters of procedure or administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

(43 OF 1950)

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PART III

ELECTORAL ROLLS FOR ASSEMBLY CONSTITUENCIES

**14.** In this Part, unless the context otherwise requires,— Definitions.

(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.

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**20.** (1) \* \* \* \* \* Meaning of "ordinarily resident".

(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 be ordinarily resident on in the constituency specified by such person under sub-section (5).

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

(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:—

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(hhh) the procedure for proper verification of facts for inclusion of or striking off, names in the electoral rolls, under sub-section (2) of section 23;

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EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 OF 1951)

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Special procedure for voting by certain classes of persons.

**60.** Without prejudice to the generality of the provisions contained in section 59, provision may be made, by rules made under this Act, for enabling,—

(a)\* \* \* \*

(b) any of the following persons to give his vote either in person or by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, namely:—

(i) any person as is referred to in clause (c) or clause (d) of sub-section (8) of section 20 of the 1950-Act;

(ii) the wife of any such person to whom the provisions of sub-section (3) of section 20 of the 1950-Act apply and such wife being ordinarily residing with that person in terms of sub-section (6) of that section;

\* \* \* \* \*

Requisitioning of Premises, vehicles, etc., for election purposes.

**160.** (1) If it appears to the State Government that in connection with an election held within the State—

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election,

the Government may by order in writing requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

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further to amend the Representation of the People Act, 1950 and the Representation of  
the People Act, 1951.

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*(Shri Kiren Rijju, Minister of Law and Justice)*