

Bill No. 108 of 2021

THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2021

By

DR. D. RAVIKUMAR, M.P.

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BILL

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

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

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2021.

Short title and commencement.

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

Amendment of
section 62.

2. In section 62 of the Representation of the People Act, 1951, in sub-section (5),—

43 of 1951.

- (a) the words, “or is in the lawful custody of the police” shall be omitted; and
- (b) for the first proviso, the following proviso shall be substituted, namely:

“Provided that nothing in this sub-section shall apply to a person convicted of an offence punishable with imprisonment for a term not more than two years or subjected to preventive detention under any law for the time being in force.”.

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STATEMENT OF OBJECTS AND REASONS

In our country a person who is an under-trial has been deprived of right to vote. However, a person who has committed a grave offence and is on parole or on bail has right to vote.

Section 62 of the Representation of Peoples Act, 1951 deprives convicts and under trials of their Right to vote. The march of time and the development of the law on human rights makes this deprivation arbitrary and unnecessary. The right to vote is an expression of political will, although expressly recognised only under the Representation of Peoples Act, 1951, and it is also a constitutional right under article 326, available to all citizens. Several modern democracies have extended the right to vote to prisoners of varying categories. In a country like ours where a substantial number of people confined in prisons are under-trials, the deprivation of the right to vote aggravates the harms that they already suffer. It is, therefore, propose to extend the right to vote to all prisoners – except those confined in prison pursuant to a conviction for a term of more than two years.

The Bill, therefore, seeks to amend the Representation of the People Act, 1951 with a view to confer voting rights to every under trial who is under custody of the police and person convicted of an offence punishable with imprisonment for a term not more than two years.

Hence this Bill.

NEW DELHI;

July 7, 2021.

D. RAVIKUMAR

ANNEXURE

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 OF 1951)

* * * *

Right to vote.

62. * * * *

(5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force:

Provided further that by reason of the prohibition to vote under this sub-section, a person whose name has been entered in the electoral roll shall not cease to be an elector.

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

(Dr. D. Ravikumar, M.P.)