

Bill No. 138 of 2022

THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2022

By

ADV. DEAN KURIAKOSE, M.P.

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BILL

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

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

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2022.

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.

43 of 1950 2. In section 20 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act),—

Amendment of section 20.

(a) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A). Any citizens of India residing outside India whose name is registered in the electoral roll under section 20A shall be deemed to be ordinarily resident on any date in the constituency in which, but for his extended residence outside India, he would have been ordinarily resident on that date”; and

(b) in sub-section (6), for the words and figures “sub-section (4)” the words and figures “sub-section (4) or sub-section (4A)” shall be substituted. 5

Amendment of
section 20A.

3. In section 20A of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely—

“(3) Every person registered under this section shall, if otherwise eligible to exercise his franchise, be allowed to vote at an election,— 10

(a) in the constituency if he is residing in India; or

(b) at the nearest Indian Embassy if he is residing outside India.”.

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1950 lays down the architecture of electoral democracy in India. It has been instituted to ensure the universal adult suffrage guaranteed under article 326 of the Constitution. The idea of universal adult suffrage has been around for close to two centuries, with it finding different expressions across different countries in the globe. In India, ever since the *Poorna Swaraj* declaration of 1929, the Indian Freedom Struggle had a stated aim of implementing universal adult suffrage in India.

The Representation of the People Act, 1950 and the Representation of the People Act, 1951 were enacted by the Constituent Assembly to ensure this. However, despite a sound legal framework, a lot of people are unable to exercise their suffrage every elections. One large segment in this is the Non-resident Indians, who are forced to travel back to India to cast votes. For a large majority who are economic migrants, getting long leaves to travel back to India or arranging the finances for travel is a difficult task. It is imperative that we allow them to cast votes. The Government should be given a legal mandate to ensure that this is done.

NEW DELHI;
4 July, 2022

DEAN KURIAKOSE

ANNEXURE

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

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Meaning of
"ordinarily
resident".

20. (1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(1A) * * * * *

(1B) * * * * *

(2) * * * * *

(3) * * * * *

(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, shall be deemed to be ordinarily resident on any date in the constituency in which, but for the holding of any such office, he would have been ordinarily resident on that date.

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Special
provisions for
citizens of India
residing outside
India.

20A. (1) Notwithstanding anything contained in this Act, every citizen of India—

(a) * * * * *

(b) * * * * *

(c) * * * * *

(2) * * * * *

(3) Every person registered under this section shall, if otherwise eligible to exercise his franchise, be allowed to vote at an election in the constituency.

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

(Adv. Dean Kuriakose, M.P.)