

**Bill No. 139 of 2021**

THE REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL, 2021

By

SHRI M.K. RAGHAVAN, 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.

Substitution of  
new section for  
section 61.

2. For section 61 of the Representation of the People Act, 1951, the following section shall be substituted, namely:— 43 of 1951.

Special  
Procedure for  
preventing  
personation of  
Electors.

“61. With a view to preventing personation of electors, provisions may be made by rules made under this Act:—

- (a) for usage of biometric authentication using Aadhaar for each electors before casting his vote so as to identify each electors based on the serial number provided in the electoral roll; 5
- (b) for allowing only those electors whose name and serial number has been verified using the Aadhaar biometric to proceed towards the voting compartment; 10
- (c) for the verification of identity by the Presiding Officer in case of all those electors who do not have Aadhaar or who wish to vote otherwise under traditional means;
- (d) for remote voting including postal ballot by means of electronic ballots to be authorized through Aadhaar based OTP enabled system for electors above the age of sixty years.”. 15

## STATEMENT OF OBJECTS AND REASONS

In the year 1951, the Representation of the People Act was enacted to provide conduct of elections of House of Parliament and to House or Houses of Legislatures of each State, the qualifications and disqualifications of the membership of those Houses, the corrupt practices and other offences at or in connection with such elections and decisions and doubts and disputes arising out of or in connection with such elections.

Section 61 provides for special procedure for preventing personation of electors. The usage of indelible ink was prescribed as a means to prevent personation of electors. However with the advent of modern technologies, a much easier way using electronic mode can be used to prevent personation of electors. The usage of Aadhaar enabled biometric system has helped India in building an efficient PDS system. The same principle can be used to enable identify the electors. This would totally eliminate any chance of personation of electors and would save time of the officials conducting polls. It will ensure that 'No Voter is left behind'.

All those aged sixty years and above may find it difficult to walk to the polling booths. Considering the vulnerabilities in health caused as a result of pandemic, it's always better to keep senior citizens out of the polling booths. They can be given a better alternative to vote based on the OTP enabled system in a secure and safe manner. The need is to do away with the traditional postal ballot system for all employees engaged in election duty and to bring in an electronic system by means of a portal system authenticated *via* an OTP system. The method shall be based on secure encrypted technologies and shall be foolproof.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;  
*July 7, 2021.*

M.K. RAGHAVAN

## MEMORANDUM REGARDING DELEGATED LEGISLATION

~~Clause 2 of the Bill~~ *vide* proposed section 61 empowers the Central Government to make rules regarding special provision for preventing personation of elections. As the rules relate to matters of detail only, the delegation of legislative powers is of a normal character.

ANNEXURE

[EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951]  
(43 OF 1951)

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61. With a view to preventing personation of electors provision may be made by rules made under this Act:—

Special  
procedure for  
preventing  
personation of  
electors.

- (a) for the marking with indelible ink of the thumb or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;
- (b) for the production before the presiding officer or a polling officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him if under rules made in that behalf under the Representation of the People Act, 1950 (43 of 1950), electors of the constituency in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and
- (c) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger or does not produce on demand his identity card before the presiding officer or a polling officer of the polling station.

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*(Shri M.K. Raghavan, M.P.)*