

Bill No. 229 of 2019

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 2019

By

SHRI FEROZE VARUN GANDHI, M.P.

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BILL

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

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2019.

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 1951

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

Amendment
of section 62.

(a) the words, "or is in the lawfull 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 five years or subjected to preventive detention under any law for the time being in force:".

STATEMENT OF OBJECTS AND REASONS

There are more than 4 lakh prisoners in the country (419,623, including pre-trial and remand prisoners, according to the National Crime Records Bureau, on 31 December 2015). A person who is an under-trial has no right to vote, but a person who has committed a grave offence and is on a parole, or on a bail has a right to vote. This is a nothing but miscarriage of justice. In a country like India, where the constitution has guaranteed equal rights and equal protection of the same, it seems obnoxious and superfluous if the country does not protect the political rights of its citizens.

The Representation of the People Act, 1951 was enacted to provide for the conduct of elections of the Houses of Parliament and House or Houses or the Legislature 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 and the decision on doubts and disputes arising out of or in connection with such elections.

For the purpose of deepening of democracy, it is our duty that we confer the right to elect one's representatives to those who deserve it. Anything less than that it is a hollow system which needs to be rectified with immediate effect. Countries across the world have provided voting rights to people under trial and to prisoners having duration of imprisonment less than five years. So what is stopping us to provide the same.

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 to the person convicted of an offence punishable with imprisonment for a term not more than five years.

Hence this Bill.

NEW DELHI;
July 3, 2019.

FEROZE VARUN GANDHI

ANNEXURE

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

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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.

(Shri Feroze Varun Gandhi, M.P.)