

Bill No. VI of 2024

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2024**

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BILL**

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

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

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| 1. | (1) This Act may be called the Representation of the People (Amendment) Act, 2024. | Short title and commencement. |
| 5 | (2) It shall come into force at once. | |
| 43 of 1951 | 2. In section 86 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (7), for the words “endeavour shall be made to conclude the trial within six months”, the words “shall be concluded within six months”, shall be substituted. | Amendment of section 86. |
| 10 | 3. In Section 116A of the principal Act, after sub-section (2), the following new sub-section shall be inserted, namely:

“(3) Every appeal preferred under sub-section (2) shall be disposed of within six months from the date of its filing and the proceedings shall be conducted on day-to-day basis.” | Amendment of section 116A. |

STATEMENT OF OBJECTS AND REASONS

Elections are perennial phenomena in our country; be it the General Elections to the Lok Sabha and Legislative Assemblies, elections to the Rajya Sabha and Legislative Councils or Bye-elections. As is the case everywhere, elections are fervently contested in our country and there are a lot of stakes involved in all these elections.

2. The Election Commission has been vested with the task of conducting the elections. As per the provisions of the Representation of the People Act, 1951 (RP Act, 1951), all the candidates/ parties have to adhere to the norms fixed for contesting these elections. At times, when these norms are violated, the aggrieved party is free to approach the High Court, which has been given the original jurisdiction in this regard, for deciding election disputes.

3. The grounds on which the election of a candidate can be challenged are outlined in the RP Act, 1951. Although Section 86 of the RP Act, 1951 provides that all endeavours shall be made by the High Court to conclude the trial within 6 months, in practice, it has been observed that, the decision on election petitions are pronounced when the term of the elected person is about to expire or has already expired. After announcement of the decision of the High Court, the aggrieved party is entitled to approach the Supreme Court under Section 116 A of the RP Act, 1951. In that section, there is no time limit being prescribed within which the appeal has to be disposed of.

4. In 2015, in the case of Mohd. Akbar Vs. Ashok Sahu and Others, the Supreme Court had expressed its concern over the delay in the disposal of election petitions. The Court had observed that very rarely, the election disputes are resolved during the tenure of the winning candidate, thereby reducing the adjudicating process into a mockery of justice. The Court had suggested that each High Court should have a dedicated bench for deciding election petitions. Recently, in 2023, in the case of Rajendra Kumar Vs. Kuwar Bhartendra Singh, the Allahabad High Court has observed that often the delay is such that the election petition becomes infructuous, or if it survives, it would only be for academic purposes. The Court has further observed that the High Courts have to be more careful and have to endeavour to decide election petition at the earliest, so that it may not render it infructuous due to efflux of time.

5. Even after all these, the situation in most of the election petitions is the same and it takes considerable time to decide the petitions. It is high time that a period be fixed for both High Courts as well as the Supreme Court within which they should dispose of election petitions and appeals thereon respectively.

6. The Bill seeks to stipulate a maximum period of six (6) months from the date of filing of the election petition or appeal, as the case may be, for both the courts to decide on and dispose them of.

Hence, this Bill.

A.D. SINGH

ANNEXURE

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 of 1951)

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86. (7) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial. Trial of election petitions.

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116A. (1) Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the Supreme Court on any question (whether of law or fact) from every order made by a High Court under section 98 or section 99. Appeals to Supreme Court

(2) Every appeal under this Chapter shall be preferred within a period of thirty days from the date of the order of the High Court under section 98 or section 99:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

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RAJYA SABHA

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BILL

further to amend the Representation of the People Act, 1951

(Shri A.D. Singh, M.P.)