

AS INTRODUCED IN THE RAJYA SABHA
ON 18TH DECEMBER, 2009

Bill No. XLIX of 2009

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 2009

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BILL

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

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

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2009. Short title,
extent and
commencement.
- (2) It extends to the whole of India.
- 5 (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.
2. In the Representation of the People Act, 1951, in section 77 clause (3) shall be deleted. Amendment
of section 77
of Act 43 of
1951.

STATEMENT OF OBJECTS AND REASONS

Quiet often than not, the present ceiling on election expenses for State Assemblies and Parliament is flouted by the candidates, and incorrect affidavits are filed by them of all the expenditure incurred in connection with the election process. There is an urgent need to amend the Representation of the People Act so as to make election process and spending of money more transparent and to see that more accounted money flows in the election process and the role of unaccounted money in election process is reduced. The upper ceiling on expenses should be removed, so that a candidate who wants to reveal his entire expenses can do so. The amendment will make the entire election process more truthful and transparent.

Hence this Bill.

Y.P. TRIVEDI

ANNEXURE

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

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77. Account of election expenses and maximum thereof.—(1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between [the date on which he has been nominated] and the date of declaration of the result thereof, both dates inclusive.

Explanation 1.—For the removal of doubts, it is hereby declared that—

(a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating programme of the political party shall not be deemed to be the expenditure in connection with the election incurred or authorised by a candidate of that political party or his election agent for the purposes of this sub-section.

(b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

Explanation 2.—For the purposes of clause (a) of Explanation 1, the expression "leaders of a political party", in respect of any election, means,—

(i) where such political party is a recognised political party, such persons not exceeding forty in number, and

(ii) where such political party is other than a recognised political party, such persons not exceeding twenty in number, whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of the notification for such election published in the Gazette of India or Official Gazette of the State, as the case may be, under this Act:

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii) dies or ceases to be a member of such political party, by further communication to the Election Commission and the Chief Electoral Officers of the States, substitute new name, during the period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for such election, for the name of such person died or ceased to be a member, for the purposes of designating the new leader in his place.

(2) The account shall contain such particulars, as may be prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.

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RAJYA SABHA

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(Shri Y.P. Trivedi, M.P.)