

Bill No. XXXVII 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 and
commencement.

(2) It shall come into force on such date as the Central Govt. may, by notification in the Official Gazette, appoint.

5 2. For section 66 of the Representation of the People Act, 1951, the following shall be substituted namely:—

Amendment
of Section 66
of Act 43 of
1951.

10 “66. (1) When the counting of votes has been completed, the Returning Officer shall, in the absence of any direction by the Election Commission to the contrary, forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder provided that the winning candidate has secured not less than an absolute majority of the valid votes polled.

Declaration of
results.

15 (2) In the event of no candidate having polled the requisite majority of votes, there shall be a repoll within a week amongst two candidates who have polled highest and the second highest number of votes at the original poll and at the completion of the repoll in accordance with the provision of this Act and the rules made thereunder, the Returning Officer shall declare the result forthwith in accordance with the provisions of sub section (1) of section 66”.

STATEMENT OF OBJECTS AND REASONS

We have adopted Parliamentary system of democracy and the peoples' representatives to the House of the People and State Legislative assemblies are elected through direct election. There is, however, no stipulation regarding the minimum number of votes required to be polled by the winning candidates. In view of the multiplicity of parties in our system and unrestricted number of candidate's allowed to contest elections, the winning candidates in a vast majority of cases poll very low percentage of valid votes polled and can, therefore, hardly be treated as having a true representative character. There is, therefore, a need that a provision be made that the winning candidates should poll absolute majority of valid votes polled.

In the event of no candidate securing the requisite majority of votes, there should be a repoll amongst the two candidates having polled the highest and the next highest number of valid votes. This will make the elected representatives truly having representative character. Accordingly, section 66 of the Representation of the People Act, 1951, is required to be suitably amended.

Hence this Bill.

RAJEEV CHANDRASEKHAR

RAJYA SABHA

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

(Shri Rajeev Chandrasekhar, M.P.)