

Bill No. XXXIII of 2016

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 2016

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BILL

further to amend the Representation of the People Act, 1950.

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

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2016. Short title
and
commencement.
- (2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.
2. In section 16 of the Representation of the People Act, 1950 in sub-section(2) after
the existing proviso, the following proviso shall be inserted, namely:— Amendment of
section 16 of
Act 43 of
1950.
 - 10 “Provided further that in the matter of electoral rolls maintained in the State of
Goa, no name shall be struck off by the Election Commission or any authority under
the Election Commission on reasons of an elector losing his Indian citizenship merely
on ground that his birth stands registered in Portugal on account of any decree or
order passed by the appropriate authority in Portugal, permitting people of Goa born
before the liberation of the territory, to register their births in that country, unless by a
specific judgement or order, the Election Commission is directed to do so.”

STATEMENT OF OBJECTS AND REASONS

Thousands of Goans born in "Estado da India", *i.e.* Goa, Daman & Diu, prior to 19.12.1961, and in Dadra & Nagar Haveli, prior to 21.08.1954 and their births registered in the Civil Registration Offices of these territories before the above mentioned dates have been given a facility by the Portuguese Government by issuing an order in 2006, to register their birth in Portugal.

There is an urgent need to protect thousands of other Indian citizens who were residing in the erstwhile Union Territory of Goa, Daman and Diu and Dadra and Nagar Haveli who got their births registered in Portugal, in the last seven to eight years in the bonafide belief that such a registration will help them to go to Europe freely, without any hassles. Some others, believed that the facility may help them easy access to the foreign universities. There was, apparently, no intention, of the most of the applicants that, in the process, they would lose the Indian citizenship.

The issue has taken a complicated turn as these thousands of Indian citizens are likely to be considered as non-citizens and/or there is a danger of their losing Indian citizenship if, the provisions of the Citizenship Act, 1955 are not interpreted by taking into this background.

The Government gave an assurance in the Rajya Sabha that a solution would be found out for the vexed problem, and that the Government is keen to solve the problem. However, the Government has now announced the creation of an authority to examine each of the affected person's cases, to decide on the citizenship issue. This is going to consume a considerable time. As elections are fast approaching, there is a need to protect the names of these citizens from deletion by the Election Commission. Therefore, it is proposed to amend the Representation of people Act, 1950 so that no name shall be deleted by the Commission from the electoral rolls maintained in the State of Goa.

All these aspects are going to badly affect fundamental rights of a vast number of Goans, more particularly voters belonging to minority community, as they will be sent back from the polling booths.

Hence this Bill.

SHANTARAM NAIK

ANNEXURE

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

(No. 43 OF 1950)

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16. (1) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:

Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

Disqualifications
for
registration in
an electoral
roll.

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RAJYA SABHA

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further to amend the Representation of the People Act, 1950

(Shri Shantaram Naik, M.P.)