

Bill No. V of 2019

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 2019

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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.

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

43 of 1951. 5

2. In section 151A of the Representation of the People Act, 1951 to as for clause (a) of the proviso, the following shall be substituted namely:—

Amendment of
Section 151A.

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“(a) The remainder of the term of the person elected to fill the vacancy is less than one year from the estimated date of declaration of the result by the Election Commission explanation: For the purpose of this proviso the estimated date of declaration of the result shall be provided by the Election Commission.”

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to avoid the exorbitant expenditure involved in conduct of bye-elections to fill the vacancy of Member of the Parliament or State Legislatures, if the remaining term of such member in a relation to a vacancy is less than one year subsequent to their estimated date of assumption of office. To maintain that the elections to office for this small duration is not a burden on the exchequer is not an acceptable stand. The Parliament should respect the right of the people to be represented but it should also necessarily take into consideration the money and resources of the people at the disposal. It is necessary to note that this provision is resources of the people at the disposal. It is necessary to note that this provision is working to the detriment of the populace. Moreover, delayed bye-elections are a frequent case usually tending to be held in the latter part of the stipulated six month duration. The onus therefore lies on the Parliament to amend the laws for the betterment of the people and being true to the realities of the democracy along with the principles.

The Bill seeks to achieve the above objects.

K.C. RAMAMURTHY

ANNEXURE

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 OF 1951)

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151A. Notwithstanding anything contained in section 147, section 149, section 150 and section 151, a bye-election for filling any vacancy referred to in any of the said sections shall be held within a period of six months from the date of the occurrence of the vacancy:

Time limit for filling vacancies referred to in sections 147, 149, 150 and 151.

Provided that nothing contained in the this section shall apply if—

(a) the remainder of the term of a member in relation to a vacancy is less than one year, or

(b) the Election Commission in consultation with the Central Government certifies that it is difficult to hold the bye-election within the said period.

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RAJYA SABHA

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BILL

further to amend the Representation of the people Act, 1951

(Shri K. C. Ramamurthy, M.P.)