

**Bill No. XLVII 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 the Representation of the People Act, 1951 (hereinafter referred to as the principal Act) after section 75A, the following section shall be inserted, namely:—

Insertion of  
new section  
75B.

10 “75B. (1) Every elected candidate for a House of Parliament, within ninety days from the date on which he makes and subscribes an oath or affirmation, according to the form set out for the purpose in the Third schedule to the Constitution, for taking his seat in either House of Parliament, furnish the information, relating to—

Declaration  
of travel  
documents  
and foreign  
travels.

(i) the details of the valid travel document held by him;

(ii) the names of the countries visited by him in the previous year, along with nature of the visit, duration, expenses incurred, source of expenditure etc.;

15 (iii) any hospitality or monetary help received by him from foreign government, foreign agency or organisation, foreign national etc.

to the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(2) The information under sub-section (1) shall be furnished every year during the tenure of an elected candidate for a House of Parliament in such form and in such a manner as may be prescribed in the rules made under sub-section (3). 5

(3) The Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may make rules for the purposes of sub-section (2).

(4) The rules made by the Chairman of the Council of the States or the Speaker of the House of the People under sub-section (3) shall be laid as soon as may be after they are made, before the Council of States or the House of the People, the case may be, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the Council of States or the House of the People and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall of no effect. 10 15

(5) The Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may direct that any willful contravention of the rules made under sub-section (1) by an elected candidate for House of Parliament referred to in sub-section (1) may be dealt with in the same manner as a breach of privilege of the Council of States or the House of the People, as the case may be.” 20

*Explanation.*—For the purposes of this section,—

(i) "travel document" means the Passport or any other document required to visit a foreign country;

(ii) "nature of the visit" means any business, academic, educational, leisure purposes etc.; 25

(iii) "foreign government" means any department or government agency controlled by a foreign country or a group of countries;

(iv) "foreign agency or organisation" means any organization, entity, corporate or otherwise with its headquarters outside India, and receiving funds from a foreign government or governments. 30

## STATEMENT OF OBJECTS AND REASONS

Members of Parliament are important public functionaries and transparency about their functioning, sources of their income and expenses is necessary to demonstrate their financial integrity. From time to time, the Parliament has enacted legislation and framed rules to ensure that those elected to Parliament uphold this cherished ideal. Under Section 75A of the Representation of People Act, 1951, all elected Members of Parliament are required to make a detailed declaration of assets and liabilities of the member concerned, his/her spouse and dependent children.

It is also important for the Members of Parliament to inform the Chairman of the Council of States and the Speaker of the House of People, as the case may be, about their foreign visits of private, non-governmental purposes. As public representatives, the Members of Parliament must make complete disclosures about foreign travels including purpose of and expenses incurred on such visits. Foreign hospitality received in any manner from foreign governments or institutions must also be disclosed to the Chairman of the Rajya Sabha or the Speaker of the House of the People, as the case may be, besides seeking prior permission from the Central government as per section 9 of the Foreign Contribution (Regulation) Act, 1976.

The Members are advised by the secretariat of both Houses of Parliament to send information of their visits abroad, stating the purpose and the itineraries, to the respective Secretary-General at least 3 weeks in advance so that the Ministry of External Affairs and the concerned Indian Mission/Post can be informed of the same. Members travelling abroad in their personal capacity are also advised to furnish some information on such foreign travels to never in the absence of a statutory requirement, this advisory has not been adhered to by most Members of Parliament.

Therefore, the Bill seeks to amend the Representation of the People Act, 1951 to make it mandatory for Members of Parliament to disclose the details of their travel documents in their possession and the foreign travels undertaken by them along with details like countries and places visited, duration of travel, expenses incurred, sources of funding, foreign hospitality received, if any etc.

Hence, this Bill.

G.V.L. NARASIMHARAO

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill *inter alia* empowers the Chairman of the Council of States or Speaker of the House of People to make rules to carry out the provision of the Bill. The rules so framed would pertain to matters of administrative detail only, which cannot be laid down in the Bill itself. The delegation is, therefore, normal in character.

RAJYA SABHA

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

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*(Shri G.V.L. Narasimha Rao, M.P.)*