

# Representation of People Act 1951

## [UPSC Notes]

### What is the Representation of Peoples Act 1951?

In congruence with Article 327 of Part 15 of the constitution, Parliament passed the Representation of People's Act 1951. The Representation of People's Act deals with:

- The actual conduct of elections of the house of Parliament and to the house or House of the Legislature of each state.
- The qualification and disqualification for membership of those houses,
- and election disputes arising out of such elections.

### Background of Representation of Peoples Act 1951

Part 15 deals with the electoral systems of the country and Article 327 of the Indian Constitution empowers Parliament to make laws related to elections from time to time. It ensures a free and fair election in the country. The state legislature may also make a law if Parliament has not made any law on the subject. Hence, to conduct free and fair elections in the country, the government introduced the Representation of the People's Act 1950, which was the first to regulate elections in the country.

### Amendments to RPA Act 1951

The following are the Amendment of the Representation of Peoples Act-

#### Representation of Peoples Act 1950

The Representation of People's Act 1950 provides:

- Allocation of a number of seats to the state in the house of the people.
- Delimitation of the constituencies for the purpose of election to the house of the people and the legislature of the state.
- Power of the Election Commission to maintain the delimitation order up to date.
- Qualification of voters at such elections.
- The preparation of electoral rolls for different constituencies.

## Representation of Peoples Act 1951

The Representation of the Peoples Act of 1951 establishes

- Qualification and disqualification for the membership of the Parliament and state legislatures and also to provide grounds for disqualification.
- Disqualification on the ground of corrupt practices, corruption, or disloyalty, for failure to lodge an account of election expenses.
- Notification for the general election to the House of the People and legislature and biennial election to the Council of States and the state Legislative Council.
- Administrative machinery for the conduct of elections.
- Registration of political parties.
- The actual conduct of the election

## Representation of Peoples Act 1966

Election tribunals are abolished under the Representation of the Peoples Act of 1966. In connection with the same, the election was transferred to the High Court, while the Supreme Court heard directly the cases of disputes regarding the election of the President and Vice-President.

## Representation of Peoples Act 1988

Because of the increased cases of booth capturing and Electronic Voting Machines (EVMs) fraud, the Representation of People's Act 1988 came with a provision to postpone or abrogate the polling.

## Representation of Peoples Act 2002

- The Representation of People's Act 2002 Amendment provides the provision of the right to information for the people by inserting section 33A.
- Every elected candidate for the House of Parliament must provide information about his assets and liabilities within 90 days of taking his oath or affirmation.
- There is also a provision for a penalty for filing false affidavits by the insertion of a new section 125A.

## Representation of Peoples Act 2010

- On August 21, 2010, the Minister of Law and Justice, Shri M. Veerappa Moily, introduced the Representation of People's Act 2010.
- The Bill allows for all citizens to be enrolled in electoral rolls in the constituency in which their place of residence in India is mentioned in their passport.
- A required verification is needed for the enrollment of the electoral officer.
- The Bill allows the registration on the electoral rolls of a person who is:
  - Citizens of India.
  - Not enrolled in the electoral rolls.

- Don't have the citizenship of another country.
- Are absent from the ordinary place of residence.

## Salient Features of Representation of Peoples Act 1951

The following are the highlights of the Representation of the Peoples Act 1951:

- A person convicted of any offense and sentenced to at least two years in prison is disqualified from the date of his conviction and remains disqualified for a period of six years after his release.
- There is a provision for the appointment of a presiding officer (District Election Officer) for polling stations.
- Disqualification for corrupt practices, dismissal for corruption or disloyalty, or failure to file an election expense account; if the election commission is satisfied.
- Every political party may accept any amount of contribution offered to it by any person or company other than a government company. Furthermore, no political party shall be permitted to accept any foreign contributions.
- If a party secures 6% of valid votes in four or more states at a general election or to a state legislative assembly and, in addition, wins four Lok Sabha seats from any state or any of the states, (a party wins 2% of seats in Lok Sabha from three states, it is recognized as a national party).
- A party is recognized as a state party if it receives 6% of valid votes in the general election for the state legislative assembly and also wins two seats in the Legislative Assembly.
- The court having the jurisdiction to try an election petition shall be the High Court.

## Offenses of Representation of Peoples Act 1951

The offenses of the Representation of People's Act 1951 are as follows:

- Fostering class animosity in connection with elections based on religion, race, community, caste, or language
- Public meeting during a period of 48 hours ending with the fixed conclusion of the poll of any election in the polling areas.
- sold, given, or distributed liquor on the polling day.
- The offense of booth capturing
- Removing the ballot papers from the polling booths.
- A person in the service of the government acts as an election agent or polling agent for a candidate at an election.
- Breaches of official duty in connection with the election.
- Misconduct of a person at the polling station or failing to obey the lawful direction of the presiding officer