

# UPSC Preparation

## Representation of People Act, 1951 - UPSC Polity

The Representation of People Act, 1951 was passed by the Parliament in accordance with Article 327 of the Constitution of India. This legislation deals with the conduct of elections in the country and is hence a very important one.

### Representation of People Act (RPA) – Background

Articles 324 to 329 of Part XV of the Indian Constitution provides for the country's electoral system. The Constitution confers upon the Parliament the power to enact laws for all matters connected with elections to the Parliament and the State Legislature.

- The government introduced the first **RPA in 1950** in order to regulate elections in the country.
- This Act makes provisions for:
  - Seat allocation in the Lok Sabha and the Legislative Assemblies through direct elections.
  - The voters' qualifications for the elections.
  - The delimitation of constituencies for both Lok Sabha and Assembly elections. The extent of the constituencies would be determined by the Delimitation Commission.
  - The Indian President can alter the constituencies after due consultation with the Election Commission.
  - Preparation of the electoral roll. A person cannot be enrolled for over one constituency. He or she can be disqualified and barred from voting if found to be of unsound mind or is not an Indian citizen.
- **Representation of People Act, 1951**
- This Act makes provisions for the conduct of elections in India.
  - It also talks about corruption and other illegal activities related to elections.
  - The Act makes provisions for dispute redressal in matters connected to elections.
  - It also talks about the qualification as well as grounds for the disqualification of MPs and MLAs.
- **Representation of the People (Amendment) Act, 1966**
  - This Amendment abolished election tribunals. Election petitions were now transferred to High Courts.
  - But disputes in connection with the presidential and vice-presidential elections are heard directly by the Supreme Court of India.

- **Representation of the People (Amendment) Act, 1988**
  - This Amendment made provisions for the adjournment or countermanding of polling because of booth capturing and electronic voting machines (EVMs).
- **Representation of the People (Amendment) Act, 2002**
  - The 2002 amendment inserted Section 33A into the Act which provides for the right to information for people.
  - After this, voters have the right to know the antecedents of the candidates.
  - Contesting candidates are required to furnish information about the prior conviction of offences or whether they are accused of any offence while filing their nominations.
  - The amendment also included provisions for the declaration of assets and liabilities by the candidates.
- **Representation of People (Amendment) Bill, 2010**
  - This amending act confers **voting rights** to Indians who are **NRIs**.
  - The amendment, however, does not give NRIs the right to contest elections.
  - It also does not give NRIs the right to vote in absentia. They have to be present in their constituencies during polling.
- **The Representation of the People (Amendment and Validation) Bill, 2013**
  - Passed by both the houses of Parliament.
  - Key changes:
    - A person in police custody or in jail can file a nomination for an election as long as his name is entered on the electoral roll, even if a person is prohibited from voting.
    - This amendment Bill seeks to address the situation when the Supreme Court concluded that a person in jail or police custody is not entitled to vote, and therefore, is not an elector, and thus, cannot contest elections.
- **Representation of People (Amendment) Bill, 2017**
  - This bill, which was passed by the Lok Sabha, seeks to allow for proxy voting of NRIs and to make certain provisions of the Acts gender-neutral.

## Salient Features of RPA, 1951

The salient features of the Representation of People are described in this section.

- Only a qualified voter is eligible to contest for elections to the Lok Sabha and the Rajya Sabha.
- For seats that are reserved for the Scheduled Caste and Tribe communities, only candidates belonging to those categories can contest the elections.

- A person found guilty of any of the following shall be disqualified for a period of 6 years to contest elections after release from jail:
  - Promoting hatred and enmity between classes
  - Influencing elections
  - Bribery
  - Rape or other grave crimes against women
  - Spreading religious disharmony
  - Practising untouchability
  - Importing or exporting prohibited goods
  - Selling or consuming illegal drugs as well as other chemicals
  - Engaging in terrorism in any form
  - Have been imprisoned for at least two years
- The candidate can also be disqualified if he/she has engaged in any corrupt practice or excluded for related government contracts.
- Disqualification can also result if the candidate fails to declare his/her assets. The candidate must declare his/her assets and liabilities within ninety days from his/her oath-taking day.
- The Act requires all political parties to be registered with the Election Commission. Any change in the name and/or address of the party should be intimated to the Commission.
- A party can take donations from any individual or company within India, but not government-owned ones. And, contributions from foreign entities are not allowed.
- Every political party must report a donation over ₹20,000 received from any person or company.
- A party that gets a minimum of 6 per cent of the valid votes for assembly elections in more than four states or wins at least 2 per cent of seats in Lok Sabha from at least three states is recognized as a **National Party**.
- A party that gets a minimum 6 per cent of the votes in the state assembly elections or wins at least 3 per cent of total seats in the state assembly will be a **state political party**.
- Candidates should deposit Rs.25000 as security for the Lok Sabha elections and Rs.12500 for all other elections. Candidates belonging to the SC/ST communities get a 50% reduction in the security deposit.

#### What are the offences pertaining to elections defined in the RPA 1951?

1. Promoting hatred and enmity.
2. Breach of official duty and providing support to any candidate.
3. Booth capturing and removing ballot papers.
4. Engaging in the sale of liquor within 2 days before the conclusion of polling.

5. Announcing public meetings within 48 hours before voting and also causing disturbances.

## UPSC Questions related to Representation of People Act

When was the Representation of the People Act passed?

The first RPA was enacted in 1950.

What amendment did the Representation of People Act make?

The RPA was amended many times. In 1966, the amendment to the 1951 Act abolished election tribunals. Many other amendments were passed, the details of which are mentioned in the article.

Can a convicted person contest election in India?

A person convicted of any offence and imprisoned for more than 2 years shall be disqualified from contesting for a period of 6 years after he or she is released from jail. After the 6-year period, he/she can contest elections.