

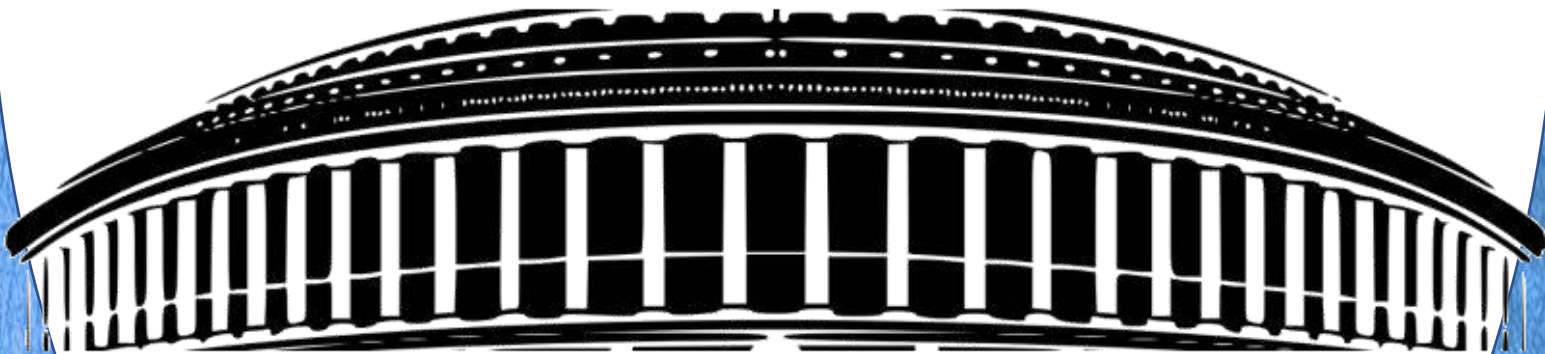


# **Full Course on Indian Polity**

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# **Representation of the People Act, 1950**

**Short Notes**



**mentored by:**



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An Act to provide the **allocation of seats** in, and the **delimitation of constituencies** for the purpose of election to, the **House of the People** and the **Legislatures of States**, the **qualifications of voters** at such elections, the **preparation of electoral rolls**.

## **PART I: PRELIMINARY**

**Section 1. Short title**

**Section 2. Definitions**

## **PART II: ALLOCATION OF SEATS AND DELIMITATION OF CONSTITUENCIES**

**Section 3. Allocation of seats in the House of the People.**

The allocation of seats to the States in the House of the People and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of each State shall be as shown in the First Schedule.

**Section 4. Filling of seats in the House of the People and Parliamentary Constituencies.**

All the seats in the House of the People allotted to the States under section 3 shall be seats to be filled by persons chosen by direct election from parliamentary constituencies in the States.

Every parliamentary constituency referred to in above mentioned sub-section shall be a single-member constituency.

Every State to which only one seat is allotted under section 3 shall form one parliamentary constituency.

**Section 7. Total number of seats in Legislative Assemblies and Assembly Constituencies.**

The total number of seats in the Legislative Assembly of each State specified in the Second Schedule, to be filled by persons chosen by direct election from Assembly Constituencies, and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State, shall be as shown in that Schedule.

Every assembly constituency referred to above sub-sections shall be a single-member constituency.

### **Section 8. Consolidation of delimitation orders.**

Having regard to all the orders relating to the delimitation of parliamentary and assembly constituencies in all States and Union Territories, except the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland, made by the Delimitation Commission and published in the Official Gazette, the Election Commission shall

- after making such amendments as appear to it to be necessary for bringing up-to-date the description of the extent of the parliamentary and assembly constituencies as given in such orders, without, however, altering the extent of any such constituency
- after taking into account the provisions of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, as made applicable pursuant to the orders made by the President under section 10A of the Delimitation Act, 2002 relating to delimitation of parliamentary and assembly constituencies in the States of Arunachal Pradesh, Assam, Manipur and Nagaland, and the provisions of section 10B of the said Act relating to delimitation of parliamentary and assembly constituencies in the State of Jharkhand,

consolidate all such orders into one single order to be known as the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 and shall send authentic copies of that Order to the Central Government and to the Government of each State having a Legislative Assembly.



As soon as may be, after the said Order is received by the Central Government or by the Government of a State, that Government shall cause it to be laid before the House of the People or, as the case may be, the Legislative Assembly of the State.

**Section 8A. Delimitation of Parliamentary and Assembly Constituencies in the States of Arunachal Pradesh, Assam, Manipur or Nagaland.**

If the President is satisfied that the situation and the conditions prevailing in the States of Arunachal Pradesh, Assam, Manipur or Nagaland are conducive for the conduct of delimitation exercise, he may, by order, rescind the deferment order issued under the provisions of section 10A of the Delimitation Act, 2002 in relation to that State, and provide for the conduct of delimitation exercise in the State by the Election Commission.

**Section 9. Power of Election Commission to maintain Delimitation Order up-to-date**

The Election Commission may, from time to time, by notification published in the Gazette of India and in the Official Gazette of the State concerned,

- correct any printing mistake, make amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 or any error arising therein from inadvertent slip or omission.

**Section 10. Allocation of seats in the Legislative Councils**

The allocation of seats in the Legislative Councils of the States having such Councils shall be as shown in the Third Schedule.

Name of State	Total number of seats	Number to be elected or nominated under article 171(3)				
		Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
1	2	3	4	5	6	7
<sup>2</sup> [1. Andhra Pradesh	50	17	5	5	17	6]
<sup>3</sup> [2. Bihar	75	24	6	6	27	12]
<sup>4*</sup>	*	*	*	*	*	*
<sup>5</sup> [3.] Madhya Pradesh	90	31	8	8	31	12]
<sup>6*</sup>	*	*	*	*	*	*
<sup>7</sup> [5. Maharashtra	78	22	7	7	30	12]
<sup>8</sup> [6. <sup>9</sup> [Karnataka]	75	25	7	7	25	11]
<sup>10*</sup>	*	*	*	*	*	*
<sup>11</sup> [7. Tamil Nadu	78	26	7	7	26	12]
<sup>12</sup> [7A. Telangana	40	14	3	3	14	6]
<sup>13</sup> [8. Uttar Pradesh	<sup>15</sup> [100]	36	8	8	<sup>16</sup> [38]	10]
<sup>14*</sup>	*	*	*	*	*	*

### **Section 11. Delimitation of Council constituencies.**

After the commencement of this Act, the President shall, by order, determine

- the constituencies into which each State having a Legislative Council shall be divided for the purpose of elections to that Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;
  - the extent of each constituency; and
  - the number of seats allotted to each constituency.

### **Section 12. Power to alter or amend orders.**

The President may, from time to time, after consulting the Election Commission, by order, alter or amend any order made by him under section 11.

### **Section 13. Procedure as to orders delimiting constituencies**

Every order made under section 11 or section 12 shall be laid before Parliament as soon as may be after it is made, and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid.

## **PART IIA: OFFICERS**

### **Section 13A. Chief electoral officers**

- There shall be for each State a chief electoral officer who shall be such officer of Government as the Election Commission may, in consultation with that Government, designate or nominate in this behalf.
- Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act.

### **Section 13AA. District election officers.**

- For each district in a State, the Election Commission shall, in consultation with the Government of the State, designate or nominate a district election officer who shall be an officer of Government.
- Under the superintendence, direction and control of the chief electoral officer, the district election officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls for all parliamentary, assembly and council constituencies within the district.
- The district election officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief electoral officer.

### **Section 13B. Electoral registration officers**

The electoral roll shall be prepared and revised by an electoral registration officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf.

### **Section 13C. Assistant electoral registration officers**

- The Election Commission may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.
- Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to



perform all or any of the functions of the electoral registration officer.

**Section 13CC. Chief electoral officers, district election officers, etc., deemed to be on deputation to Election Commission.**

The officers referred to in this Part and any other officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

**PART IIB: ELECTORAL ROLLS FOR PARLIAMENTARY CONSTITUENCIES**

**Section 13D. Electoral rolls for parliamentary constituencies**

- The electoral roll for every parliamentary constituency, other than a parliamentary constituency in the State of Jammu and Kashmir or in a Union territory not having a Legislative Assembly, shall consist of the electoral rolls for all the assembly constituencies comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency.
- The provisions of Part III shall apply in relation to every parliamentary constituency in the State of Jammu and Kashmir or in a Union territory not having a Legislative Assembly as they apply in relation to an assembly constituency.

**PART III: ELECTORAL ROLLS FOR ASSEMBLY CONSTITUENCIES**

**Section 14. Definitions**

- qualifying date, in relation to the preparation or revision of every electoral roll under this Part, means the 1<sup>st</sup> day of January of the year in which it is so prepared or revised

- qualifying date, in relation to the preparation or revision of every electoral roll under this Part in the year 1989, shall be the 1<sup>st</sup> day of April, 1989.

**Section 16. Disqualifications for registration in an electoral roll.**

- 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.
- The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included.
- The name of any person struck off the electoral roll of a constituency by reason of a disqualification 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.

**Section 17. No person to be registered in more than one constituency.**

No person shall be entitled to be registered in the electoral roll for more than one constituency.

**Section 18. No person to be registered more than once in any constituency.**

No person shall be entitled to be registered in the electoral roll for any constituency more than once.

**Section 19. Conditions of registration**

Every person who



(a) is not less than eighteen years of age on the qualifying date, and  
(b) is ordinarily resident in a constituency,  
shall be entitled to be registered in the electoral roll for that constituency.

### **Section 20. Meaning of “ordinarily resident”**

- A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.
- A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.
- A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.
- A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.
- Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.

**"service qualification"** means-

- ✓ being a member of the armed forces of the Union; or
- ✓ being a member of a force to which the provisions of the Army Act, 1950, have been made applicable whether with or without modifications; or
- ✓ being a member of an armed police force of a State, who is serving outside that State; or

- ✓ being a person who is employed under the Government of India, in a post outside India.
- Any person holding any office in India declared by the President in consultation with the Election Commission, shall be deemed to be ordinarily resident on any date in the constituency in which, but for the holding of any such office, he would have been ordinarily resident on that date.

**Section 20A. Special provisions for citizens of India residing outside India.**

Every citizen of India

- whose name is not included in the electoral roll;
- who has not acquired the citizenship of any other country; and
- who is absenting from his place of ordinary residence in India owing to his employment, education or otherwise outside India (whether temporarily or not),

shall be entitled to have his name registered in the electoral roll in the constituency in which his place of residence in India as mentioned in his passport is located.

**Section 21. Preparation and revision of electoral rolls.**

- The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.
- The said electoral roll shall be revised in the prescribed manner by reference to the qualifying date
  - before each general election to the House of the People or to the Legislative Assembly of a State; and
  - before each bye-election to fill a casual vacancy in a seat allotted to the constituency; andshall be revised in any year if such revision has been directed by the Election Commission.

- The Election Commission may at any time, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit.

The electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

### **Section 22. Correction of entries in electoral rolls.**

If the electoral registration officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency—

- is erroneous or defective in any particular,
- should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or
- should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll,

the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry after proper verification of facts in such manner as may be prescribed.

Before taking any action on any ground mentioned above, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

### **Section 23. Inclusion of names in electoral rolls.**

Any person whose name is not included in the electoral roll of a constituency may apply to the electoral registration officer for the inclusion of his name in that roll.

No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the



electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election.

### ***Section 24. Appeals.***

An appeal shall lie within such time and in such manner as may be prescribed

- to the district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank, from any order of the electoral registration officer under section 22 or section 23.
- to the chief electoral officer, from any order of the district magistrate or the additional district magistrate under above clause.

### ***Section 25. Fee for applications and appeals***

Every application under section 22 or section 23 and every appeal under section 24 shall be accompanied by the prescribed fee which shall, in no case, be refunded.

## **PART IVA: MANNER OF FILLING SEATS IN THE COUNCIL OF STATES TO BE FILLED BY REPRESENTATIVES OF UNION TERRITORIES**

### ***Section 27A. Constitution of electoral colleges for the filling of seats in the Council of States allotted to Union territories.***

- The electoral college for the Union territory of Delhi shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of National Capital Territory of Delhi Act, 1991.
- The electoral college for the Union territory of Pondicherry shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of Union Territories Act, 1963.

- The electoral college of the Union territory of Jammu and Kashmir shall consist of the elected members of the Legislative Assembly constituted for that territory under the Jammu and Kashmir Reorganization Act, 2019.

***Section 27G. Termination of membership of electoral college for certain disqualifications.***

If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college.

***Section 27H. Manner of filling of seats in the Council of States allotted to Union territories.***

The seat or seats in the Council of States allotted to any Union territory in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for that territory in accordance with the system of proportional representation by means of the single transferable vote.

***Section 27J. Power of electoral colleges to elect notwithstanding vacancies therein.***

No election by the members of an electoral college under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college.

**PART V: GENERAL**

***Section 28. Power to make rules.***

- The Central Government may, after consulting the Election Commission, make rules for carrying out the purposes of this Act.
- Such rules may provide for all or any of the following matters, namely:
  - the determination of ordinary residence under 20;
  - the particulars to be entered in the electoral rolls;
  - the final publication of electoral rolls;

- the revision and correction of electoral roll and inclusion of names therein;
  - the procedure for proper verification of facts for amending, transposing or deleting any entry in the electoral rolls, under section 22;
  - the procedure for proper verification of facts for inclusion of or striking off, names in the electoral rolls, under section 23;
  - any other matter required to be prescribed by this Act.
- Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

**Section 29. Staff of local authorities to be made available.**

Every local authority in a State shall, when so requested by the chief electoral officer of the State, make available to any electoral registration officer such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls.

**Section 30. Jurisdiction of civil courts barred.**

- No civil court shall have jurisdiction—
  - to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or
  - to question the legality of any action taken by or under the authority of an electoral registration officer, or of any decision given by any authority appointed under this Act for the revision of any such roll.

**Section 31. Making false declarations.**



- If any person makes in connection with—
  - the preparation, revision or correction of an electoral roll, or
  - the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.




**Section 32. Breach of official duty in connection with the preparation, etc., of electoral rolls**

- If any electoral registration officer, assistant electoral registration officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause, guilty of any act or omission in breach of such official duty, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine.
- No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.
- No court shall take cognizance of any offence punishable under above sub-section unless there is a complaint made by order of, or under authority from, the Election Commission or the Chief Electoral Officer of the State concerned.

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