

Bill No. XV of 2006

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
BILL, 2006**

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further to amend the Representation of the People Act, 1950.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2006.

Short title and
commence-
ment.

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

2. In section 20 of the Representation of the People Act, 1950, after sub-section (1A),
the following sub-section shall be inserted, namely:—

Amendment
of section 20
of Act 43 of
1950.

"(1AA) A person absenting himself from his place of ordinary residence owing
to his employment, education, or otherwise, outside India, whether temporarily or not,
10 shall not, by reason thereof, cease to be ordinarily resident in India."

STATEMENT OF OBJECTS AND REASONS

Section 19 of the Representation of the People Act, 1950 provides that every person who is not less than eighteen years of age on the qualifying date and is ordinarily resident in a constituency shall be entitled to be registered in the electoral rolls for that constituency. The meaning of "ordinary resident" is laid down in section 20 of the said Act. At present, a person who is absenting from his place of ordinary residence by reason of his employment, education or otherwise outside India is not qualified to get his name registered in the electoral rolls and thus cast his vote in elections to the Parliament and to the State Legislatures.

2. There are a large number of citizens of India residing outside India due to their employment, education, etc. They have been persistently demanding for conferring them voting rights. Though the issue of conferring voting rights to the citizens of the absenting from their place of ordinary residence in India owing to their employment, education or otherwise outside India has been receiving the attention of the Government for quite some time, yet the same could not be acceded to owing to the practical difficulties in enrolling them in the electoral rolls of the concerned constituency and allowing them to cast their votes outside India within the short span of time available in the election process.

3. It is noted that the right to vote as demanded by the non-resident Indians is their legitimate right. Conferring such right will enable them to participate in the democratic process of elections in their motherland and will also boost their involvement in the nation building. The Government have considered all aspects of the demand and it has been decided to enable the Indian citizens absenting from their place of ordinary residence in India owing to their employment, education or otherwise outside India to get their names registered in the electoral rolls of the concerned constituency of their place of ordinary residence in India had they been in India so that they would be in a position to cast their votes in elections to the Lok Sabha and to the State Legislatures in case they happen to be in their constituency at the time of polls. They may also be able to contest the elections. Accordingly, it is proposed to amend section 20 of the Representation of the People Act, 1950.

4. The Bill seeks to achieve the above objects.

NEW DELHI;

H.R. BHARDWAJ.

The 17th February, 2006.

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further to amend the Representation of the People Act, 1950.

(Shri Hansraj Bhardwaj, Minister of Law and Justice)