

UNIT 16 – UPSC - Salient features of the Representation of People's Act

Elections form the support of Indian Democratic system. Indian democratic setup gives on us the right to elect the representatives of the state. The Representation of People Act, 1951 is an act of Parliament of India which provides the conduct of elections of the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections. The Act was endorsed by the provisional parliament under Article 327 of Indian Constitution, before the first general election. The act also manages issues like qualification and disqualification of members of both houses of Parliament (Loksabha and Rajyasabha) and the state legislatures (State Legislative Assembly and State Legislative Council). The acts were modified many times but one of the noteworthy alterations is the Representation of the People (Amendment) Act, 1966 (47 of 1966), which eliminated the election tribunals and transferred the election petitions to the High Court whose orders can be appealed to Supreme Court. However, election disputes regarding the election of President and Vice-President are directly heard by the Supreme Court.



It was established that after India's independence, an elected constituent assembly was set up to develop the constitution. Most of the articles of the constitution came into force on 26 January 1950 that are called as the Republic Day. Part XXI of the constitution contained the translational provisions. Articles 379 and 394 of Part XXI which contained provisions for provisional parliament and other articles which contained provisions like citizenship, came into force on 26 November 1949, the date in which the constitution was drafted. The provisional parliament enacted the Act vide Act No.43 of 1951 for the first general election conducted on 25 October 1951.

Representation of Peoples Act 1950 (RPA Act 1950) offers for the following conduct:

1. Qualification of voters.
2. Preparation of electoral rolls.
3. Delimitation of constituencies.
4. Allocation of seats in the Parliament and state legislatures.

Highpoints of RPA Act 1951

1. Actual conduct of elections.
2. Administrative machinery for conducting elections.
3. Poll.
4. Election offences.
5. Election disputes.
6. By-elections.
7. Registration of political parties.

The Representation of People Act, 1951 has great significance for good functioning of Indian egalitarianism because it checks the entry of persons with illegal background into the representative bodies.

Prominent features of the Representation of People's Act

1. Part 21 of the Indian Constitution drafted by the Constituent Assembly had mentioned for a provisional parliament. The provisional parliament enacted Representation of People's Act 1951, so that general elections could be conducted according to the rules mentioned.
2. Citation is Article No 43 of 1951.
3. Representation of People's Act contains 13 parts (2 parts added as amendments). Each part is divided into different sections making it a total of 171 numbered sections (including those sections which were repealed later.).
4. Expressions not used in 1951 act, but listed in Representation of the People Act 1950 (43 of 1950) have the same meaning.
5. Chief Electoral Officer is mentioned in section 13A.
6. Corrupt practices are mentioned in section 123.
7. Election means an election to fill a seat or seats in either House of Parliament or in the House or either House of the Legislature of a State other than the State of Jammu and Kashmir.

The recent RPA (Amendment and Validation) bill which was initiated in Rajya Sabha during monsoon session was enacted on the same day and later was sent to Lower House Lok Sabha where the bill got finally passed on September 06, 2013. The Bill seeks to modify the Representation of People Act, 1951 (RPA, 1951). The two major amendments were done in Bill that include:

1. A person can file his nomination even though he is shunned from being voting owing to be in jail or in police custody during elections or before.
2. The past act has not defined on what grounds, a person can be disqualified. In this act the grounds are clearly stated as disqualification can be on conviction for certain specified offences and can be on no other ground. As a result if one is proved for any conviction of any one of the offences, then his/her name will be wiped off from electoral roll and shall cease to be a voter.

To summarize, The Representation of the People Act postulates the provisions for the allocation of seats in, and the demarcation of constituencies for electoral purposes, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, the manner of filling seats in the Council of States to be filled by representatives of Union territories and matters connected therewith.