

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 3/1/2013/ SDR

Dated: 9th October, 2013

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: The Representation of the People (Amendment and Validation) Act, 2013-reg.

Sir,

In continuation of the Commission's letter no. 509/128/2009/ Vol. II/ RCC dated 30.07.2013, I am directed to forward herewith a Gazette copy of the Representation of the People (Amendment and Validation) Act, 2013 (Number 29 of 2013) amending Section 7 and Section 62 of the RP Act, 1951 with effect from 10th day of July, 2013. There is also a validation clause in the amendment Act to provide that nothing contained in any judgment, decree or order of any court, tribunal or other authority shall have any effect on the amendments made to Section 7 and Section 62 of the Act by this amendment Act.

By this amendment, a further proviso has been added to sub-section (5) of Section 62 of R.P. Act, 1951, that if a person who is enrolled in the electoral roll is confined in a prison or in lawful custody of police, he will continue to be an elector notwithstanding the prohibition against voting under the said sub-section.

In view of the amendment of Section 62 (5), the Order pronounced by the Hon'ble Supreme Court on 10th July, 2013 in CA Nos. 3040-3041 of 2004 - The CEC vs. Jan Chaukidar and Ors. upholding the Order passed by the Hon'ble Patna High Court on 30.04.2004 circulated with the Commission's above - referred letter no. 509/128/2004/ Vol. II/ RCC dated 30.07.2013 will not have any impact on the qualification of a person in prison or lawful Police custody for contesting election. In other words, the instruction issued vide Commission's said letter will no longer be enforceable, and the position as obtained prior to the judgment of 10.07.2013 will continue to apply.

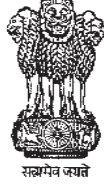
This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also the State Units of recognized political parties and all unregistered political parties based in your States/ Union Territories for their information.

Kindly acknowledge the receipt.

Yours faithfully,

(Ashish Chakraborty)
SECRETARY

Copy to the President/ General Secretary/ Chairperson of all recognized National and State Political Parties.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 39] नई दिल्ली, सोमवार, सितम्बर 23, 2013/ आश्विन 1, 1935 (शक)
No. 39] NEW DELHI, MONDAY, SEPTEMBER 23, 2013/ ASVINA 1, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 23rd September, 2013/Asvina 1, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 20th September, 2013, and is hereby published for general information:—

THE REPRESENTATION OF THE PEOPLE (AMENDMENT AND VALIDATION) ACT, 2013

No. 29 OF 2013

[20th September, 2013.]

An Act further to amend the Representation of the People Act, 1951.

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

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| <p>1. (1) This Act may be called the Representation of the People (Amendment and Validation) Act, 2013.</p> <p>(2) It shall be deemed to have come into force on the 10th day of July, 2013.</p> | <p>Short title and commencement.</p> |
| <p>2. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in section 7, in clause (b), after the words "or Legislative Council of a State", the words "under the provisions of this Chapter, and on no other ground" shall be inserted.</p> | <p>Amendment of section 7.</p> |
| <p>3. In section 62 of the principal Act, after the proviso to sub-section (5), the following proviso shall be inserted, namely:—</p> <p>"Provided further that by reason of the prohibition to vote under this sub-section, a person whose name has been entered in the electoral roll shall not cease to be an elector."</p> | <p>Amendment of section 62.</p> |

Validation.

4. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, the provisions of the Representation of the People Act, 1951, as amended by this Act, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act had been in force at all material times.

43 of 1951.

P.K. MALHOTRA,
Secy. to the Govt. of India.