



Bill Summary

The Representation of the People (Amendment and Validation) Bill, 2013

- The Representation of People (Second Amendment and Validation) Bill, 2013 was introduced in the Rajya Sabha on August 30, 2013. The Bill seeks to amend the Representation of People Act, 1951.
- The amendment allows a legislator to retain membership of the legislature even after conviction, if an appeal against the conviction is filed before a court (within 90 days) and the sentence is stayed by the court. This reinstates the position that was created by section 8(4) of the Representation of People Act, 1951.
- The Bill states that the legislator can continue to take part in proceedings of the legislature. However, the legislators will neither be entitled to vote nor draw salary or allowances until the appeal or revision is finally decided in court. If a stay is not obtained by the legislator within three months against the conviction, the legislator would stand disqualified.
- This amendment Bill seeks to address the situation arising out of the Supreme Court's judgment.
- On July 10, 2013, the Supreme Court ruled that section 8(4) of the Representation of People Act, 1951 (RPA) violates the Constitution. Section 8(4) states that a sitting legislator cannot be disqualified from Parliament or State Legislatures on conviction in a criminal case if he files an appeal in the appropriate court. The Court has ruled that Parliament had exceeded its legislative competence in enacting this provision.

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