



Standing Committee Report Summary

The Representation of the People (Amendment) Bill, 2006

- The Standing Committee on Personnel, Public Grievances, Law and Justice submitted its 16th Report on ‘The Representation of the People (Amendment) Bill, 2006’ on August 4, 2006. The Chairperson was Shri E.M. Sudarsana Natchiappan.
- The Committee observes that it agrees with the letter and spirit of the Bill. It however suggests that the Bill should include details regarding the manner of allotment of non-resident Indians, the mode of voting, and the conditionalities for contesting elections.
- The Committee feels that the Bill seeks to create a very valuable political right in favour of people living abroad, which would have far reaching consequences. Also, the term non-resident Indian (NRI) is not defined. The Committee recommends that the term NRI needs to be defined precisely.
- The Representation of the People Act, 1950 contains a number of exemptions to the term “ordinarily resident”. The Committee recommends that it may be more appropriate if all exemptions were provided at a single place in a single exemption clause.
- Further, the Committee observed that the Bill does not define the term “temporarily” although it seeks to create a class of citizens among the temporarily absent class itself. Therefore, it recommended that the clause in the Bill should be re-worded to: “A citizen of India, who has not acquired citizenship of any other country, shall be deemed to be resident in India in any constituency of his choice notwithstanding his residence outside India whatever its duration.”
- On the question of whether NRIs should be able to contest elections or not, the Committee observed that the Ministry should take a stand on the issue and lay down some additional qualifications for contesting certain offices so that the extreme contingencies where NRIs could contest for the post of President and Vice President were prevented.
- The Committee noted that the Citizenship (Amendment) Acts, 2003 and 2005 specifically state that overseas citizens of India cannot contest for the posts of President or Vice President, or be a Judge of Supreme Court and High Courts, a Member of Parliament, Legislative Assembly or Council. However, the Bill does not appear to specify these issues in case of NRIs.
- The Representation of the People Act, 1950 and the Registration of the Electors Rules, 1960 state that a person has to be registered as a voter in the electoral rolls at one place only i.e. at the place of his ordinary residence. Although the 1960 Rules provides for notice and a reasonable opportunity to be heard before a person’s name is deleted, in actual practice, the names are deleted without following the procedure. The Committee expressed concern over large scale deletion of names and recommended that the procedure for deletion of names should be strictly followed.
- Since the present law requires the physical presence of the voter while casting his vote, the Committee feels that only a minimal number of NRIs would vote in such circumstances. Therefore, it recommended that the Ministry explore various options available in order to achieve the purpose of the Bill i.e. enabling the NRIs to participate in the democratic process of the country in a meaningful manner.
- The Committee also suggested that the mode of casting of votes by all category of voters who may not be physically present (armed forces, para-military forces, armed police force serving outside and officials posted on foreign missions and NRIs), should be made uniform.

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