

The Representation of the People Act: 1950

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Introduction

The Election Commission of India (ECI) is the watchdog of free and fair elections in the country and Article 324 of the Constitution provides for its establishment. To ensure the conduct of elections in free, fair and in an impartial manner, the constitution-makers incorporated Part XV (Articles 324-329) in the constitution and empowered Parliament to make laws to regulate the electoral process.

In this context, the Parliament has enacted the Representation of the People Act (RPA), 1950 and Representation of the People Act, 1951.

After independence, there was a need to hold general elections to elect a truly representative government on the basis of universal adult suffrage. Universal adult suffrage is the right to vote of all adult citizens, regardless of wealth, income, gender, social status, race, or ethnicity, subject only to minor exceptions. Article 325 of the constitution ensures universal suffrage and provides that no person be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.

Representation of the People Act (RPA), 1950

Key Provisions

- Lays down procedures for delimitation of constituencies.
- Provides for the allocation of seats in the House of the People and in the Legislative Assemblies and Legislative Councils of States.
- Lays procedure for the preparation of electoral rolls and the manner of filling seats.
- Lays down the qualification of voters.

Delimiting Constituencies

- The President of India has been conferred the power to amend orders delimiting constituencies, only after consulting the ECI.
- In Lok Sabha, there has to be a reservation of seats for Scheduled Castes and Scheduled Tribes.
- The ECI has the power to determine the constituencies to be reserved for scheduled tribes in the states of Meghalaya, Mizoram, Nagaland and Tripura.
- Allocation of seats: As far as possible, every state gets representation in the Lok Sabha in proportion to its population as per census figures.

Chief Electoral Officer (CEO)

- Each state to have a CEO nominated or designated by the ECI in consultation with the state government to supervise the election work in the State/ UTs.
- The ECI also nominates or designates an officer of the state as the District Election Officer (DEO) in consultation with the state government
- The DEO works under the overall superintendence and control of the CEO.

Electoral Registration Officer (ERO)

- The ERO is responsible for the preparation of the electoral roll for each constituency (parliamentary/assembly).
- An appeal against the order of the ERO during the update of the electoral rolls now lies with District Magistrate.

Returning Officer (RO)

- RO is responsible for the conduct of the election in a constituency and returns an elected candidate.
- The ECI nominates or designates an officer of the government or local authority as the RO in consultation with the state government.

- Power to make rules under the act is conferred to the Central government, which can exercise this power in consultation with the ECI.
- The Civil Courts have also been barred to question the legality of any action of the ERO regarding revision of electoral rolls.