

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Representation of the People Act, 1976

WHEREAS it is expedient further to amend in the Representation of the People Act, 1976 (LXXXV of 1976) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act may be called the Representation of the People (Amendment) Act, 2008.

(2) It shall come into force at once.

2. Amendment of section 67, Act LXXXV of 1976.— In the Representation of the People Act, 1976 (LXXXV of 1976), in section 67, in sub-section (1A),—

(i) after the words “day to day basis” the words “and no adjournment shall be given to any party for more than seven days and that too on payment of costs as the Tribunal may determine” shall be inserted;

(ii) for the proviso, the following provisos shall be substituted, namely:—

“Provided further that where delay in the proceedings is occasioned by any act or omission of a returned candidate or any other person acting on his behalf, the Tribunal itself, or on application of the aggrieved party shall after issuance of show cause notice to the returned candidate, within fifteen days from the date of show cause notice may order that the returned candidate has ceased to perform the functions of his office either till the conclusion of the proceedings or for such period as the Tribunal may direct.”

(iii) before the proviso amended as aforesaid, the following new provisos shall be inserted, namely:—

“Provided that where a petition is not decided within four months, further adjournment sought by any party shall be given only on payment of special cost of ten thousand rupees per adjournment and adjournment shall not be given for more than three days:

Provided further that if the Tribunal itself adjourns it shall record reasons for such adjournment.”

(iii) in sub-section (3), after words “Supreme Court” the words “which will be decided within thirty days” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

It has been observed that frequent adjournments are sought in election petitions with the result that the objective of the law is defeated. In order to curtail this tendency, an amendment is being proposed in the Representation of the People Act, 1976 (LXXXV of 1976) that no adjournment shall be given by the Tribunal for more than two days and that too on payment of costs as the Court may determine. However, if election petition is not decided within a period of four months further adjournment sought by any party shall be given on payment of special cost of rupees ten thousand per adjournment. If the Tribunal itself wants to adjourn the proceedings it shall record reasons for the adjournment. It is also being provided that appeal shall be decided by the Supreme Court within thirty days.

MR. FAROOQ H. NAIK
Minister-In-Charge