

The Election Laws (Amendment) Act, 2003

UNION OF INDIA

India

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Act 24 of 2003

- Published on 1 January 2003
- Commenced on 1 January 2003
- [This is the version of this document from 1 January 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

An Act further to amend the Representation of the People Act, 1951 and the Indian Penal Code. BE it enacted by Parliament in the Fifty- fourth Year of the Republic of India as follows:-

Chapter I

PRELIMINARY

1. Short title and commencement.-

(1) This Act may be called the Election Laws (Amendment) Act, 2003. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Chapter II

AMENDMENT TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

2. Amendment of section 59.-

In the Representation of the People Act, 1951 (43 of 1951) (hereafter in this Chapter referred to as the principal Act), in section 59, for the words", and no votes shall be received by proxy", the words" and, save as expressly provided by this Act, no votes shall be received by proxy" shall be substituted.

3. Substitution of new section for section 60.-

For section 60 of the principal Act, the following section shall be substituted, namely:- "60. Special procedure for voting by certain classes of persons.- Without prejudice to the generality of the provisions contained in section 59, provision may be made, by rules made under this Act, for

enabling-(a) any of the persons as is referred to in clause (a) or clause (b) of sub- section (8) of section 20 of the Representation of the People Act, 1950 (43 of 1950) (hereafter in this section referred to as the 1950-Act) to give his vote either in person or by postal ballot or by proxy, and not in any other manner, at an election in a constituency where poll is taken;(b)any of the following persons to give his vote either in person or by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, namely:-(i)any person as is referred to in clause (c) or clause (d) of sub- section (8) of section 20 of the 1950-Act;(ii)the wife of any such person to whom the provisions of sub- section (3) of section 20 of the 1950-Act apply and such wife being ordinarily residing with that person in terms of sub- section (6) of that section;(c)any person belonging to a class of persons notified by the Election Commission in consultation with the Government to give his vote by postal ballot and not in any other manner, at an election in a constituency where a poll is taken subject to the fulfilment of such requirements as may be specified in those rules;(d)any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, subject to the fulfilment of such requirements as may be specified in those rules."

4. Amendment of section 62.-

In section 62 of the principal Act, after sub- section (5), the following sub- section shall be inserted, namely:-" (6) Nothing contained in sub- sections (3) and (4) shall apply to a person who has been authorised to vote as proxy for an elector under this Act in so far as he votes as a proxy for such elector.

Chapter III

AMENDMENT TO THE INDIAN PENAL CODE

5. Amendment of section 171D.-

In section 171D of the Indian Penal Code (43 of 1860), the following proviso shall be inserted at the end, namely:-" Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.". SUBHASH C. JAIN, Secy. to the Govt. of India.