

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2008

#

NO. 10 OF 2008

\$

[28th March, 2008.]

+

An Act further to amend the Representation of the People Act, 1950. BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:-

@

1.

%

Short title and commencement.

!

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 on such date as the Central Government may, by notification in the official Gazette, appoint.

@

2.

% Amendment of section 4.

!

2. Amendment of section 4. - In section 4 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), for sub-section (5), the following sub-section shall be substituted, namely:- "(5) Save as provided in sub-section (4), the extent of all parliamentary constituencies except the parliamentary constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 2002 and the extent of the parliamentary constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as provided for in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 having regard to the provisions of sections 10A and 10B of the Delimitation Act, 2002."

@

3.

%

Amendment of section 7.

!

3. Amendment of section 7. - In section 7 of the principal Act,- (i) in sub-section (IB), in clause (a), for the words "thirty-nine seats", the words "fifty-nine seats" shall be substituted; (ii) for sub-section (3), the following sub-section shall be substituted, namely:- "(3) The extent of each assembly constituency in all the States and Union Territories except the assembly constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 2002 and the extent of each assembly constituency in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as provided for in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 having regard to the provisions of sections 10A and 10B of the Delimitation Act, 2002."

@

4.

%

Amendment of section 8.

!

4. Amendment of section 8. - In section 8 of the principal Act,- (i) for sub-section (1), the following sub-section shall be substituted, namely:- "(1) Having regard to all the orders referred to in sub-section (5) of section 4 and sub-section (3) of section 7 relating to the delimitation of parliamentary and assembly constituencies in all States and Union Territories, except the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland, made by the Delimitation Commission and published in the Official Gazette, the Election Commission shall- (a) after making such amendments as appear to it to be necessary for bringing up-to-date the description of the extent of the parliamentary and assembly constituencies as given in such orders, without, however, altering the extent of any such constituency; (b) after taking into account the provisions of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, as made applicable pursuant to the orders made by the President under section 10A of the Delimitation Act, 2002 relating to delimitation of parliamentary and assembly constituencies in the States of Arunachal Pradesh, Assam, Manipur and Nagaland, and the provisions of section 10B of the said Act relating to delimitation of parliamentary and assembly constituencies in the State of Jharkhand, consolidate all such orders into one single order to be known as the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 and shall send authentic copies of that Order to the Central Government and to the Government of each State having a Legislative Assembly; and thereupon that Order shall supersede all the orders referred to in sub-section (5) of section 4 and sub-section (3) of section 7 and shall have the force of law and shall not be called in question in any court."; (ii) in sub-section (3), for the words, brackets and figures "as provided in sub-section (5) of section 10 of the Delimitation Act, 1972", the words, brackets and figures "as provided in sub-section (5) of section 10 of the Delimitation Act, 2002" shall be substituted.

@

5.

%

Insertion of new section 8A.

!

5. Insertion of new section 8A. - After section 8 of the principal Act, the following section shall be inserted, namely:-

@

8A.

%

Delimitation of Parliamentary and Assembly Constituencies in the States of Arunachal Pradesh, Assam, Manipur or Nagaland.

!

"8A. Delimitation of Parliamentary and Assembly Constituencies in the States of Arunachal Pradesh, Assam, Manipur or Nagaland. - (1) If the President is satisfied that the situation and the conditions prevailing in the States of Arunachal Pradesh, Assam, Manipur or Nagaland are conducive for the conduct of delimitation exercise, he may, by

order, rescind the deferment order issued under the provisions of section 10A of the Delimitation Act, 2002 in relation to that State, and provide for the conduct of delimitation exercise in the State by the Election Commission. (2) As soon as may be after the deferment order in respect of a State is rescinded under sub-section (1), the Election Commission may, by order, determine- (a) the parliamentary constituencies into which such State to which more than one seat is allotted in the First Schedule shall be divided; (b) the extent of each constituency; and (c) the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes. (3) As soon as may be after the deferment order in respect of a State is rescinded under sub-section (1), the Election Commission may, by order, determine- (a) the assembly constituencies into which such State shall be divided for the purpose of elections to the Legislative Assembly of that State; (b) the extent of each constituency; and (c) the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes. (4) 33 of 2002. (4) 33 of 2002. - Subject to the provisions of sub-section (1), the Election Commission shall, having regard to the provisions of the Constitution and the principles specified in clauses (c) and (d) of sub-section (1) of section 9 of the Delimitation Act, 2002 determine the parliamentary and assembly constituencies in the States of Arunachal Pradesh, Assam, Manipur and Nagaland in which seats shall be reserved, if any, for the Scheduled Castes and the Scheduled Tribes. (5) The Election Commission shall,- (a) publish its proposals under sub-sections (2), (3) and (4) with respect to any State in the Official Gazette and also in such other manner as it thinks fit; (b) specify a date on or after which the proposals will be further considered by it; (c) consider all objections and suggestions which may have been received by it before the date so specified; (d) hold, for the purpose of such consideration, if it thinks fit so to do, one or more public sittings at such place or places in such State as it thinks fit; (e) after considering all objections and suggestions which may have been received by it before the date so specified, determine, by order, the delimitation of parliamentary and assembly constituencies in the State and also the constituency or constituencies in which seats shall be reserved, if any, for the Scheduled Castes and the Scheduled Tribes and cause such order to be published in the Official Gazette; and, upon such publication, the order shall have the force of law and shall not be called in question in any court and the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 shall be deemed to have been amended accordingly. (6) Every order made under sub-sections (1) and (2) and clause (e) of sub-section (5) shall be laid before each House of Parliament. (7) Every order made under sub-sections (1) and (3) and clause (e) of sub-section (5) shall, as soon as may be after it is published under that sub-section, be laid before the Legislative Assembly of the State concerned."

@

6.

% Amendment of section 9.

!

6. Amendment of section 9. - In section 9 of the principal Act, in sub-section (1), for clauses (a) and (aa), the following clauses shall be substituted, namely:- "(a) correct any printing mistake in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 or any error arising therein from inadvertent slip or omission; (aa) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 as appear to it to be necessary or expedient for consolidating with that Order any

notification or order relating to delimitation of Parliamentary or assembly constituencies (including reservation of seats for the Scheduled Castes or the Scheduled Tribes in such constituencies) issued under section 8A of this Act or any other Central Act;"

@

7.

% Omission of sections 9A and 9B.

!

7. Omission of sections 9A and 9B. - Section 9A and section 9B of the principal Act shall be omitted.

@

8.

%

Substitution of new Schedules for the First Schedule and the Second Schedule.

!

8. Substitution of new Schedules for the First Schedule and the Second Schedule. - For the First Schedule and the Second Schedule of the principal Act, the following Schedules shall be substituted, namely:- "THE FIRST SCHEDULE (See section 3) Allocation of seats in the House of the People Name of the Number of seats in the House as constituted Number of seat in 2004 on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time State/Union territory to time Total Reserved Reserved Total Reserved Reserved for the for the for the for the Scheduled Scheduled Scheduled Scheduled Castes Tribes Castes Tribes 1 2 3 4 5 6 7

I. STATES:

1. Andhra Pradesh 42 6 2 42 7 3
2. Arunachal Pradesh 2 .. 2
3. Assam 14 1 2 14 1 2
4. Bihar 40 7 .. 40 6 ..
5. Chhattisgarh 11 2 4 11 1 4
6. Goa 2 .. 2
7. Gujarat 26 2 4 26 2 4
8. Haryana 10 2 .. 10 2 ..
9. Himachal Pradesh 4 1 .. 4 1 ..
10. Jammu and Kashmir 6 .. 6
11. Jharkhand 14 1 5 14 1 5
12. Karnataka 28 4 .. 28 5 2
13. Kerala 20 2 .. 20 2 ..
14. Madhya Pradesh 29 4 5 29 4 6
15. Maharashtra 48 3 4 48 5 4
16. Manipur 2 .. 1 2 .. 1
17. Meghalaya 2 .. 2 .. 2
18. Mizoram 1 .. 1 1 .. 1
19. Nagaland 1 .. 1
20. Orissa 21 3 5 21 3 5
21. Punjab 13 3 .. 13 4 ..
22. Rajasthan 25 4 3 25 4 3
23. Sikkim 1 .. 1

24. Tamil Nadu 39 7 .. 39 7 ..
25. Tripura 2 .. 1 2 .. 1
26. Uttarakhand 5 .. 5 1 ..
27. Uttar Pradesh 80 18 .. 80 17 ..
28. West Bengal 42 8 2 42 10 2

II. UNION TERRITORIES:

1. Andaman and Nicobar Islands 1 .. 1 ..
2. Chandigarh 1 .. 1 ..
3. Dadra and Nagar Haveli 1 .. 1 1 .. 1
4. Delhi 7 1 .. 7 1 ..
5. Daman and Diu 1 .. 1 ..
6. Lakshadweep 1 .. 1 1 .. 1
7. Puducherry 1 .. 1 ..

TOTAL: 543 79 41 543 84 47

THE SECOND SCHEDULE (See sections 7 and 7A) Total number of seats in the
Legislative Assemblies Total Reserved Reserved Total Reserved Reserved for the for the
for the for the Scheduled Scheduled Scheduled Scheduled Castes Tribes Castes Tribes 1
2 3 4 5 6 7

I. STATES:

1. Andhra Pradesh 294 39 15 294 48 19
2. Arunachal Pradesh 60 .. 59 60 .. 59
3. Assam 126 8 16 126 8 16
4. Bihar 243 39 .. 243 38 2
5. Chhattisgarh 90 10 34 90 10 29
6. Goa 40 1 .. 40 1 ..
7. Gujarat 182 13 26 182 13 27
8. Haryana 90 17 .. 90 17 ..
9. Himachal Pradesh 68 16 3 68 17 3
10. Jammu and Kashmir* 76 6 ..
11. Jharkhand 81 9 28 81 9 28
12. Karnataka 224 33 2 224 36 15
13. Kerala 140 13 1 140 14 2
14. Madhya Pradesh 230 34 41 230 35 47
15. Maharashtra 288 18 22 288 29 25
16. Manipur 60 1 19 60 1 19
17. Meghalaya 60 .. 55 60 .. 55
18. Mizoram 40 .. 39 40 .. 38
19. Nagaland 60 .. 59 60 .. 59
20. Orissa 147 22 34 147 24 33
21. Punjab 117 29 .. 117 34 ..
22. Rajasthan 200 33 24 200 34 25
23. Sikkim 32 2 12** 32 2 12**
24. Tamil Nadu 234 42 3 234 44 2
25. Tripura 60 7 20 60 10 20
26. Uttarakhand 70 12 3 70 13 2
27. Uttar Pradesh 403 89 .. 403 85 ..

28. West Bengal 294 59 17 294 68 16

II. UNION TERRITORIES:

1. Delhi 70 13 .. 70 12 ..

2. Puducherry 30 5 .. 30 5 ..

*Under the Constitution of Jammu and Kashmir, the number of seats in the Legislative Assembly of that State excluding the 24 seats earmarked for Pakistan occupied territory is 87 out of which 7 seats have been reserved for the Scheduled Castes in pursuance of the Jammu and Kashmir Representation of the People Act, 1957.

**Reserved 1 seat for Sanghas and 12 seats for the Sikkimese of Bhutia Lepcha origin.

K. D. SINGH,

Secy. to the Govt. of India.

{ }