

Representation of the People (Amendment) Act, 2009

February 15, 2013

Representation of the People (Amendment) Act, 2009¹

[No. 41 of 2009]

[22nd December, 2009]

An Act further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. Received the assent of the President on December 22, 2009 and published in the Gazette of India, Extra, Part II, Section 1, dated 23rd December, 2009, pp. 1-3, No. 49

Chapter I – Preliminary

1. Short title and commencement.

(1) This Act may be called the Representation of the People (Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



Chapter II – AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

2. Amendment of Section 24.

In Section 24 of the Representation of the People Act, 1950 (43 of 1950),—

(i) in clause (a), for the words “chief electoral officer”, the words “district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank” shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely—

“(b) To the chief electoral officer, from any order of the district magistrate or the additional district magistrate under clause (a).”.

3. Amendment of the Second Schedule.

In the Second Schedule to the Representation of the People Act, 1950 (43 of 1950), against Serial Number 18 relating to the State of Mizoram, in Column 7, for the Entry “38”, the Entry

"39" shall be substituted.

Chapter III AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

4. Amendment of Section 8-A.

In the Representation of the People Act, 1951 (43 of 1951) (hereinafter referred to as the principal Act), in sub-section (1) of Section 8-A, for the words "as soon as may be after such order takes effect", the words "as soon as may be within a period of three months from the date such order takes effect" shall be substituted.

5. Amendment of Section 34.

In Section 34 of the principal Act, in sub-section (1),—

(i) In clause (a), for the words "a sum of ten-thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees", the words "a sum of twenty-five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of twelve thousand five hundred rupees" shall be substituted;

(ii) In clause (b), for the words "a sum of five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two thousand five hundred rupees", the words "a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees" shall be substituted.



6. Amendment of Section 123.

In Section 123 of the principal Act, in clause (7),—

(i) For the words "from any person in the service of the Government", the words "from any person whether or not in the service of the Government" shall be substituted;

(ii) After sub-clause (g), the following sub-clause shall be inserted, namely—

"(h) class of persons in the service of a local authority, university, government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections:".

7. Insertion of new Sections 126-A and 126-B.

After Section 126 of the principal Act, the following sections shall be inserted, namely—

'126-A. Restriction on publication and dissemination of result of exit polls, etc.—

(1) No person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, whatsoever, the result of any exit poll during such period, as may be notified by the Election Commission in this regard.

(2) For the purposes of sub-section (1), the Election Commission shall, by a general order, notify the date and time having due regard to the following, namely—

(a) in case of a general election, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union territories;

(b) in case of a bye-election or a number of bye-elections held together, the period may commence from the beginning of the hours fixed for poll on and from the first day of poll and continue till half an hour after closing of the poll:

Provided that in case of a number of bye-elections held together on different days, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the last poll.

(3) Any person who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Explanation.—For the purposes of this section,—

(a) “exit-poll” means an opinion survey respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election;

(b) “electronic media” includes internet, radio and television including Internet Protocol Television, satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;

(c) “print media” includes any newspaper, magazine or periodical, poster, placard, handbill or any other document;

(d) “dissemination” includes publication in any “print media” or broadcast or display on any electronic media.

126-B. Offences by companies.—

(1) Where an offence under sub-section (2) of Section 126-A has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) “Company” means any body corporate, and includes a firm or other association of individuals; and



(b) "Director", in relation to a firm, means a partner in the firm.'

