THE REPRESENTATION OF THE PEOPLE ACT, 1950

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THE REPRESENTATION OF THE PEOPLE ACT, 1950

ACT NO. 43 OF 1950

[12*th May*, 1950.]

An Act to provide the allocation of seats in, and the delimitation of constituencies for the purpose of election to, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, [1][the manner of filling seats in the Council of States to be filled by representatives of [2][Union territories]], and matters connected therewith.

BE it enacted by Parliament as follows:—

PART I

PRELIMINARY

1. Short title.—This Act may be called the Representation of the People Act, 1950.

2. Definitions.—[3]*** In this Act, unless the context otherwise requires,—

(*a*) "article" means an article of the Constitution;

(*b*) "Assembly constituency" means a constituency provided [4][by law] for the purpose of elections to the Legislative Assembly of a State;

(*c*) "Council constituency" means a constituency provided [5][by law] for the purpose of elections to the Legislative Council of a State;

[6]* * * *

(*d*) "Election Commission" means the Election Commission appointed by the President under article 324;

(*f*) "Parliamentary constituency" means a constituency provided [7][by law] for the purpose of elections to the House of the People;

[8]* * * *

(*g*) "person" does not include a body of persons;

(*h*) "prescribed" means prescribed by rules made under this Act;

[9][(*i*) "State" includes a Union territory;]

(*j*) "State Government", in relation to a Union territory, means the administrator thereof.

[10]* * * * *

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1. Ins. by Act 73 of 1950, s. 2 (w.e.f. 23-12-1950).

2. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "Part C States" (w.e.f. 1-11-1956).

3. The brackets and figure "(*1*)" omitted by Act 103 of 1956, s. 65 (w.e.f. 1-1-1957).

4. Subs. by Act 2 of 1956, s. 2, for "by order made under section 9" (w.e.f. 1-3-1956).

5. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "by order made under section 11" (w.e.f.1-11-1956). 6. Omitted by Act 103 of 1956, s. 65 (1-1-1957).

7. Subs. by Act 2 of 1956, s. 2, for "by section 6 or by order made thereunder" (1-3-1956).

8. Omitted by the North-Eastern Areas (Reorganisation) (Adaptation of Laws on Union Subjects) Order, 1974, s. 3 and the Schedule (w.e.f. 21-1-1972).

9. Subs. by s. 3 and the Schedule, *ibid.*, for clause (*i*) (w.e.f. 21-1-1972).

10. Omitted by the Adaptation of Laws (No. 2) Order, 1956 (w.e.f. 1-11-1956).

PART II

ALLOCATION OF SEATS AND DELIMITATION OF CONSTITUENCIES

The House of the People

[1][**3. Allocation of seats in the House of the People**.—The allocation of seats to the States in the House of the People and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of each State shall be as shown in the First Schedule.

3A. Reservation of Seats in the House of People for Scheduled Castes and Scheduled Tribes in certain Part C States.—[*Rep. by the Representation of the People Amendment*) *Act,* 1958 (58 *of* 1958), *s*. 3 (*w.e.*f. 30-12-1958).]]

4. Filling of seats in the House of the People and parliamentary constituencies. —[2]***

[3][(*2*) All the seats in the House of the People allotted to the States under section 3 shall be seats to be filled by persons chosen by direct election from parliamentary constituencies in the States.]

(*3*) Every parliamentary constituency referred to in sub-section (*2*) shall be a single-member constituency.

(*4*) Every State to which only one seat is allotted under section 3 shall form one parliamentary constituency.

[4][(*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 (33 of 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.]]

5. [*Parliamentary constituencies*.] *Omitted by the Representation of the People (Amendment) Act*, 1956 (2 *of* 1956), *s.* 4.

6. [*Delimitation of parliamentary constituencies*.] *Omitted by the Adaptation of Laws (No. 2) Order*, 1956.

The State Legislative Assemblies

[5]**[7. Total number of seats in Legislative Assemblies and Assembly Constituencies**.—(*1*) [6][Subject to the provisions of [7][sub-sections (*1A*), (*1B*) and (*1C*)], the total number of seats] in the Legislative Assembly of each State specified in the Second Schedule, to be filled by persons chosen by direct election from Assembly Constituencies, and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State, shall be as shown in that Schedule:

Provided that for the period referred to in clause (*2*) of article 371A, the total number of seats allotted to the Legislative Assembly of the State of Nagaland shall be [8][fifty-two], of which—

(*a*) [9][twelve seats] shall be allocated to the Tuensang district and shall be filled by persons chosen by the members of the regional council, referred to in that article, from amongst

1. Subs. by Act 47 of 1966, s. 2, for sections 3 and 4 (w.e.f. 14-12-1966). 2. Omitted by Act 29 of 1975, s. 11 (w.e.f. 15-8-1975).
3. Subs. by s. 11, *ibid*., for sub-section (*2*) (w.e.f. 15-8-1975).
4. Subs. by Act 10 of 2008, s. 2, for sub-section (*5*) (w.e.f. 16-4-2008).
5. Subs. by Act 47 of 1966, s. 4, for sections 7, 8 and 9 (w.e.f. 14-12-1966).
6. Subs. by Act 8 of 1980, s. 2, for certain words (w.e.f. 1-9-1979).
7. Subs. by Act 38 of 1992, s. 2, for "sub-sections (*1A*) and (*1B*)" (w.e.f. 5-12-1992).
8. Subs. by Act 61 of 1968, s. 4, for "forty-six" (w.e.f. 31-12-1968).
9. Subs. by s. 4, *ibid.*, for "six seats" (w.e.f. 31-12-1968).

themselves in such manner as the Governor, after consulting that Council may, by notification in the Official Gazette, specify, and

(*b*) the remaining forty seats shall be filled by persons chosen by direct election from assembly constituencies in the rest of the State.

[1][(*1A*) Notwithstanding anything contained in sub-section (*1*), the total number of seats in the Legislative Assembly of the State of Sikkim, to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1980 (8 of 1980), to be filled by persons chosen by direct election from assembly constituencies shall be thirty-two, of which—

(*a*) twelve seats shall be reserved for Sikkimese of Bhutia-Lepcha origin;

(*b*) two seats shall be reserved for the Scheduled Castes of that State; and

(*c*) one seat shall be reserved for the Sanghas referred to in section 25A.

Explanation.—In this sub-section "Bhutia" includes Chumbipa, Dopthapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa and Yolmo.]

[2][(*1B*) Notwithstanding anything contained in sub-section (*1*), in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, to be constituted at any time after the commencement of the Representation of the People (Third Amendment) Act, 1987 (40 of 1987),—

(*a*) [3][fifty-nine seats] shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Arunachal Pradesh;

(*b*) fifty-five seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Meghalaya;

(*c*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Mizoram; and

(*d*) fifty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Nagaland.]

[4][(*1C*) Notwithstanding anything contained in sub-section (*1*), twenty seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Tripura to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1992 (38 of 1992).]

(*2*) Every assembly constituency referred to [5][in sub-section (*1*) or sub-section (*1A*)] shall be a single-member constituency.

[6][(*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 (33 of 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 (33 of 2002).]

[7][**7A. Total number of seats in the Legislative Assembly of Sikkim and Assembly Constituencies**.—(*1*) Notwithstanding anything contained in section 7, in the Legislative Assembly of the State of Sikkim [deemed under the Constitution (Thirty-sixth Amendment) Act, 1975 to be the Legislative Assembly of that State duly constituted], the total number of seats to be filled by persons chosen by direct election from Assembly constituencies shall be 32.

1. Ins. by Act 8 of 1980, s. 2 (w.e.f. 1-9-1979).

2. Ins. by Act 40 of 1987, s. 2 (w.e.f. 22-9-1987).

3. Subs. by Act 10 of 2008, s. 3, for "thirty-nine seats" (w.e.f. 16-4-2008). 4. Ins. by Act 38 of 1992, s. 2 (w.e.f. 5-12-1992).

5. Subs. by Act 8 of 1980, s. 2, for "in sub-section (*1*)" (w.e.f. 1-9-1979). 6. Subs. by Act 10 of 2008, s. 3, for sub-section (*3*) (w.e.f. 16-4-2008). 7. Ins. by Act 10 of 1976, s. 2 and the Schedule (w.e.f. 9-9-1975).

(*2*) Every Assembly constituency referred to in sub-section (*1*) shall be a single-member constituency.

(*3*) In the Legislative Assembly so deemed to be duly constituted, the extent of each constituency and the reservation of seats shall be as provided for immediately before the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975.]

The Delimitation of Parliamentary and Assembly Constituencies Order

8. Consolidation of delimitation orders.—[1][(*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 (33 of 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.]

(*2*) As soon as may be, after the said Order is received by the Central Government or by the Government of a State, that Government shall cause it to be laid before the House of the People or, as the case may be, the Legislative Assembly of the State.

[2][(*3*) The consolidation under sub-section (*1*) of the orders referred to in sub-section (*5*) of section 4, or as the case may be, sub-section (*3*) of section 7 shall not, [3][as provided in sub-section (*5*) of section 10 of the Delimitation Act, 2002 (33 of 2002)], affect the representation in, and the territorial constituencies of, the House of the People or the Legislative Assembly of the State existing on the date of publication in the Gazette of India of any such order or orders as may be relevant.]

[4][**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 (33 of 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—

1. Subs. by Act 10 of 2008, s. 4, for sub-section (*1*) (w.e.f. 16-4-2008). 2. Ins. by Act 88 of 1976, s. 4 (w.e.f. 2-9-1976).

3. Subs. by Act 10 of 2008, s. 4, for certain words (w.e.f. 16-4-2008). 4. Ins. by s. 5, *ibid.* (w.e.f. 16-4-2008).

(*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*) 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 (33 of 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.]

9. Power of Election Commission to maintain Delimitation Order up-to-date.— (*1*) The Election Commission may, from time to time, by notification published in the Gazette of India and in the Official Gazette of the State concerned,—

[1][(*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;

1. Subs. by Act 10 of 2008, s. 6, for clause (*a*) (w.e.f. 16-4-2008).

(*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;]

(*b*) where the boundaries or name of any district or any territorial division mentioned in the Order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date;

[1][(*c*) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 as appear to it to be necessary or expedient for bringing the Order up-to-date by including therein and excluding therefrom the relevant areas, consequent upon the exchange of one hundred and eleven enclaves of India and fifty-one enclaves of Bangladesh with effect from 31st July, 2015, in pursuance of the Constitution (One Hundredth Amendment) Act, 2015.]

(*2*) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.]

[2]* * * * *

9A. [*Power of Election Commission to determine the constituencies to be reserved for scheduled Tribes in main states*].—*Omitted by the Representationof the People (Amendment) Act,* 2008 (10 of 2008), *s*. 7 (*w.e.f.* 16-4-2008).

9B. [*Power of Election Commission to determine certain constituencies to be reserved for Scheduled Tribes in the State of Tripura*]. *Omitted by the Representation of the People (Amendment) Act*, 2008 (10 of 2008), *s*. 7 (*w.e.f.* 16-4-2008).

The State Legislative Councils

10. Allocation of seats in the Legislative Councils.—(*1*) The allocation of seats in the Legislative Councils of the States having such Councils shall be as shown in the Third Schedule.

(*2*) In the Legislative Council of each State specified in the first column of the Third Schedule, there shall be the number of seats specified in the second column thereof opposite to that State, and of those seats,—

(*a*) the numbers specified in the third, fourth and fifth columns shall be the number of seats to be filled by persons elected, respectively, by the electorates referred to in sub-clauses (*a*), (*b*) and (*c*) of clause (*3*) of article 171;

(*b*) the number specified in the sixth column shall be the number of seats to be filled by persons elected by the members of the Legislative Assembly of the State from amongst persons who are not members of that Assembly; and

(*c*) the number specified in the seventh column shall be the number of seats to be filled by persons nominated by the Governor [3]*** of the State in accordance with the provisions of clause (*5*) of article 171.

[4]* * * * *

11. Delimitation of Council Constituencies.—As soon as may be after the commencement of this Act, the President shall, by order, determine—

(*a*) the constituencies into which each State having a Legislative Council shall be divided for the purpose of elections to that Council under each of the sub-clauses (*a*), (*b*) and (*c*) of clause (*3*) of article 171;

(*b*) the extent of each constituency; and

(*c*) the number of seats allotted to each constituency.

Provisions as to orders delimiting constituencies

12. Power to alter or amend orders.—[5][(*1*)] The President may, from time to time, after consulting the Election Commission, by order, alter or amend any order made by him under [6]*** section 11.

1. Ins. by Act 10 of 2016, s. 2 (w.e.f. 4-3-2016).
2. Omitted by the Act 10 of 2008, s. 7 (w.e.f. 16-4-2008).
3. The words "or Rajpramukh, as the case may be" omitted by the Adaptation of Laws (No.2) Order, 1956 (w.e.f. 1-11-1956).
4. Omitted by Act 37 of 1957, s. 12 (w.e.f. 18-9-1957).
5. Section 12 renumbered as sub-section (*1*) of that section by Act 20 of 1960, s. 2 (w.e.f. 8-5-1960).
6. The words and figures "section 6, section 9, or" omitted by Act 2 of 1956, s. 7.

[1][(*2*) An order under sub-section (*1*) may contain provisions for the allocation of any member representing any council constituency immediately before the making of the order to any constituency delimited a new or altered by the order and for such other incidental and consequential matters as the President may deem necessary.]

13. Procedure as to orders delimiting constituencies.— [2]***

(*3*) Every order made under [3]*** section 11 or section 12 shall be laid before Parliament as soon as may be after it is made, and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid.

[4][PART IIA

OFFICERS

13A. Chief electoral officers.—(*1*) There shall be for each State a chief electoral officer who shall be such officer of Government as the Election Commission may, in consultation with that Government, designate or nominate in this behalf.

(*2*) Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act.

[5][**13AA. District election officers**.—(*1*) For each district in a State, [6]***, the Election Commission shall, in consultation with the Government of the State, designate or nominate a district election officer who shall be an officer of Government:

Provided that the Election Commission may designate or nominate more than one such officer for a district if the Election Commission is satisfied that the functions of the office cannot be performed satisfactorily by one officer.

(*2*) Where more than one district election officer are designated or nominated for a district under the proviso to sub-section (*1*), the Election Commission shall in the order designating or nominating the district election officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(*3*) Subject to the superintendence, direction and control of the chief electoral officer, the district election officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls for all parliamentary, assembly and council constituencies within the district.

(*4*) The district election officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief electoral officer.]

13B. Electoral registration officers.—(*1*) The electoral roll [7][8][for each parliamentary constituency in the State of Jammu and Kashmir or in a Union territory not having a Legislative Assembly], each assembly constituency and each Council constituency] shall be prepared and revised by an electoral registration officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf.

(*2*) An electoral registration officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

1. Ins. by Act 20 of 1960, s. 2 (w.e.f. 8-5-1960).

2. Sub-sections (*1*) and (*2*) omitted by Act 2 of 1956, s. 8 (w.e.f. 1-3-1956).

3. The words and figures "section 6, section 9," omitted by s. 8, *ibid.* (w.e.f. 1-3-1956). 4.
Ins. by s. 9, *ibid.* (w.e.f. 1-3-1956).

5. Ins. by Act 47 of 1966, s. 5 (w.e.f. 14-12-1966).

6. The words "other than a Union territory," omitted by Act 2 of 2004, s. 2 (w.e.f. 29-10-2003). 7.
Subs. by Act 103 of 1956, s. 65, for certain words (w.e.f. 1-1-1957).

8. Subs. by Act 47 of 1966, s. 6, for certain words (w.e.f.14-12-1966).

13C. Assistant electoral registration officers.—(*1*) The Election Commission may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.

(*2*) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.

[1][**13CC. Chief Electoral Officers, District Election Officers, etc., deemed to be on deputation to Election Commission.**—The officers referred to in this Part and any other officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.]

PART IIB

ELECTORAL ROLLS FOR PARLIAMENTARY CONSTITUENCIES

[2][**13D. Electoral rolls for parliamentary constituencies**.—(*1*) The electoral roll for every parliamentary constituency, other than a parliamentary constituency in the State of Jammu and Kashmir or in a Union territory not having a Legislative Assembly, shall consist of the electoral rolls for all the assembly constituencies comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency:

Provided that for the period referred to in clause (*2*) of article 371A, it shall be necessary to prepare and revise separately the electoral roll for that part of the parliamentary constituency of

Nagaland which comprises the Tuensang district and the provisions of Part III shall apply in relation to the preparation and revision of the electoral roll of the said part as they apply in relation to an assembly constituency.

(*2*) The provisions of Part III shall apply in relation to every parliamentary constituency in the State of Jammu and Kashmir or in a Union territory not having a Legislative Assembly as they apply in relation to an assembly constituency.]

PART III

[3][ELECTORAL ROLLS FOR ASSEMBLY [4]*** CONSTITUENCIES]

[5][**14. Definitions**.—In this Part, unless the context otherwise requires,—

(*a*) "constituency" means an Assembly constituency [4]*** ;

(*b*) "qualifying date", in relation to the preparation or revision of every electoral roll under this Part, means [6][the 1st day of January, the 1st day of April, the 1st day of July and the 1st day of October] of the year in which it is so prepared or revised:]

[7][Provided that "qualifying date", in relation to the preparation or revision of every electoral roll under this Part in the year 1989, shall be the 1st day of April, 1989.]

15. Electoral roll for every constituency.—For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Election Commission.

1. Ins. by Act 1 of 1989, s. 2 (w.e.f. 15-3-1989).
2. Subs. by Act 47 of 1966, s. 7, for section 13D (w.e.f. 14-12-1966).
3. Subs. by Act 2 of 1956, s. 10, for the heading "REGISTRATION OF PARLIAMENTARY ELECTORS" (w.e.f. 1-8-2022).
4. Certain words omitted by Act 103 of 1956, s. 65 (w.e.f. 1-1-1957).
5. Subs. by Act 2 of 1956, s. 11, for section 14 (w.e.f. 1-3-1956).
6. Subs. by Act 49 of 2021, s. 2, for "the 1st day of January" (w.e.f.1-8-2022).
7. Ins. by Act 21 of 1989, s. 3 (w.e.f. 28-3-1989).

16. Disqualifications for registration in an electoral roll.—(*1*) A person shall be disqualified for registration in an electoral roll if he—

(*a*) is not a citizen of India; or

(*b*) is of unsound mind and stands so declared by a competent court; or

(*c*) is for the time being disqualified from voting under the provisions of any law relating to corrupt [1]*** practices and other offences in connection with elections.

(*2*) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:

[2][Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (*c*) of sub-section (*1*) shall forthwith be re-instated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.]

17. No person to be registered in more than one constituency.—No person shall be entitled to be registered in the electoral roll for more than one constituency [3]* * *.

18. No Person to be registered more than once in any constituency.—No person shall be entitled to be registered in the electoral roll for any constituency more than once.

[4][**19. Conditions of registration**.—Subject to the foregoing provisions of this Part, every person who —

(*a*) is not less than [5][eighteen years] of age on the qualifying date, and

(*b*) is ordinarily resident in a constituency,

shall be entitled to be registered in the electoral roll for that constituency.]

20. Meaning of "ordinarily resident".—[6][(*1*) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(*1A*) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(*1B*) A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.]

(*2*) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

[7][(*3*) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.]

1. The words "and illegal" omitted by Act 58 of 1960, s. 3 and the Second Schedule (w.e.f. 26-12-1960). 2. Ins. by Act 73 of 1950, s. 4 (w.e.f. 23-12-1950).

3. The words "in the same State" omitted by Act 58 of 1958, s. 6 (w.e.f. 30-12-1958). 4. Subs. by s. 7, *ibid*., for section 19 (w.e.f. 30-12-1958).

5. Subs. by Act 21 of 1989, s. 4, for "twenty-one years" (w.e.f. 28-3-1989).

6. Subs. by Act 58 of 1958, s. 8, for sub-section (*1*) (w.e.f. 30-12-1958).

7. Subs. by Act 47 of 1966, s. 8, for sub-section (*3*) (w.e.f. 14-12-1966).

(*4*) Any person holding any office in India declared[1] by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, [2]*** shall be deemed to be ordinarily resident [3]*** on any date in the constituency in which, but for the holding of any such office [4]***, he would have been ordinarily resident [5]* * * on that date.

(*5*) The statement of any such person as is referred to in sub-section (*3*) or sub-section (*4*) made in the prescribed form and verified in the prescribed manner, that [6][but for his having the service qualification] or but for his holding any such office [7]*** as is referred to in sub-section (*4*) he would have been ordinarily resident in a specified place [8]*** on any date, shall, in the absence of evidence to the contrary, be [6][accepted as correct].

(*6*) The [9][spouse] of any such person as is referred to in sub-section (*3*) or sub-section (*4*) shall [10][if such spouse] be ordinarily residing with such person [11]*** be deemed to be ordinarily resident on [12]*** in the constituency specified by such person under sub-section (*5*).

[13][(*7*) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.]

(*8*) In sub-sections (*3*) and (*5*) "service qualification" means—

(*a*) being a member of the armed forces of the Union; or

(*b*) being a member of a force to which the provisions of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modifications; or

(*c*) being a member of an armed police force of a State, who is serving outside that State; or

(*d*) being a person who is employed under the Government of India, in a post outside India.

[14][**20A. Special provisions for citizens of India residing outside India**.—(*1*) Notwithstanding anything contained in this Act, every citizen of India—

(*a*) whose name in not included in the electoral roll;

1. Thefollowing offices have been declared by the President by Notification No. S.O. 959, dated the 18th April, 1960: —
   1. The President of India.

2. The Vice-President of India.
3. The Governors of States.
4. Cabinet Ministers of the Union or of any State.
5. The Deputy Chairman and Members of the Planning Commission.
6. The Ministers of State of the Union or of any State.
7. The Deputy Ministers of the Union or of any State.
8. The Speaker of the House of the People or of any State Legislative Assembly. 9. The Chairman of any State Legislative Council.
10. The Lieutenant Governors of Union territories.
11. The Deputy Speaker of the House of the People or of any State Legislative Assembly. 12. The Deputy Chairman of the Council of States or of any State Legislative Council. 13. The Parliamentary Secretaries of the Union or of any State.

2. Certain words omitted by Act 47 of 1966, s. 8 (w.e.f. 14-12-1966).
3. The words "during any period or" omitted by Act 2 of 1956, s. 14 (w.e.f. 1-3-1956).
4. The words "or employment" omitted by Act 47 of 1966, s. 8 (w.e.f. 14-12-1966).
5. The words "during any period or" omitted by Act 2 of 1956, s. 14 (w.e.f. 1-3-1956). 6. Subs. by Act 47 of 1966, s. 8, for certain words (w.e.f. 14-12-1966).
7. Certain words omitted by s. 8, *ibid.* (w.e.f. 14-12-1966).
8. The words "during any period or" omitted by Act 2 of 1956, s. 14 (w.e.f. 1-3-1956). 9. Subs. by Act 49 of 2021, s. 3, for "wife" (w.e.f. 1-8-2022).
10. Subs. by s. 3, *ibid*., for "if she" (w.e.f. 1-8-2022).
11. The words "during any period" omitted by Act 2 of 1956, s. 14 (w.e.f. 1-3-1956). 12. The words "during that period" omitted by s. 14, *ibid* (w.e.f. 1-3-1956).
13. Ins. by Act 47 of 1966, s. 8 (w.e.f. 14-12-1966).
14. Ins. by Act 36 of 2010, s. 2 (w.e.f. 10-2-2011).

(*b*) who has not acquired the citizenship of any other country; and

(*c*) who is absenting from his place of ordinary residence in India owing to his employment, education or otherwise outside India (whether temporarily or not),

shall be entitled to have his name registered in the electoral roll in the constituency in which his place of residence in India as mentioned in his passport is located.

(*2*) The time within which the name of persons referred to in sub-section (*1*) shall be registered in the electoral roll and the manner and procedure for registering of a person in the electoral roll under sub-section (*1*) shall be such as may be prescribed.

(*3*) Every person registered under this section shall, if otherwise eligible to exercise his franchise, be allowed to vote at an election in the constituency.]

[1][**21. Preparation and revision of electoral rolls**. — (*1*) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

[2][(*2*) The said electoral roll—

(*a*) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date—

(*i*) before each general election to the House of the People or to the Legislative Assembly of a State; and

(*ii*) before each bye-election to fill a casual vacancy in a seat allotted to the constituency; and

(*b*) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.]

(*3*) Notwithstanding anything contained in sub-section (*2*), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

[3][**22. Correction of entries in electoral rolls**.—If the electoral registration officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency—

(*a*) is erroneous or defective in any particular,

(*b*) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or

(*c*) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll,

the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry [4][after proper verification of facts in such manner as may be prescribed]:

1. Subs. by Act 2 of 1956, s. 15, for sections 21 to 25 (w.e.f. 1-3-1956). 2. Subs. by Act 47 of 1966, s. 9, for sub-section (*2*) (w.e.f. 14-12-1966).

3. Subs. by Act 58 of 1958, s. 9, for section 22 (w.e.f. 30-12-1958). 4. Ins. by Act 36 of 2010, s. 3 (w.e.f. 10-2-2011).

Provided that before taking any action on any ground under clause (*a*) or clause (*b*) or any action under clause (*c*) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him [1][after proper verification of facts in such manner as may be prescribed].

[2][**23. Inclusion of names in electoral rolls**.— (*1*) Any person whose name is not included in the electoral roll of a constituency may apply to the electoral registration officer for the inclusion of his name in that roll.

(*2*) The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein [3][after proper verification of facts in such manner as may be prescribed]:

Provided that if the applicant is registered in the electoral roll of any other constituency, the electoral registration officer shall inform the electoral registration officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll [3][after proper verification of facts in such manner as may be prescribed].

(*3*) No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election.]

[4][(*4*) The electoral registration officer may for the purpose of establishing the identity of any person require that such person may furnish the Aadhaar number given by the Unique Identification Authority of India as per the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016):

Provided that the electoral registration officer may also require the Aadhaar number from persons already included in the electoral roll for the purposes of authentication of entries in electoral roll and to identify registration of name of the same person in the electoral roll of more than one constituency or more than once in the same constituency.

(*5*) Every person whose name is included in the electoral roll may intimate his Aadhaar number to such authority in such form and manner as may be prescribed, on or before a *date to be notified by the Central Government in the Official Gazette.

(*6*) No application for inclusion of name in the electoral roll shall be denied and no entries in the electoral roll shall be deleted for inability of an individual to furnish or intimate Aadhaar number due to such sufficient cause as may be prescribed:

Provided that such individual may be allowed to furnish such other alternate documents as may be prescribed.

Explanation.—For the purposes of this section, the expression "Aadhaar number" shall have the same meaning as assigned to it in clause (*a*) of Section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016).]

1. Ins. by Act 36 of 2010, s. 3 (w.e.f. 10-2-2011).

2. Subs. by Act 47 of 1966, s. 10, for s. 23 (w.e.f. 14-12-1966).

3. Ins. by Act 36 of 2010, s. 4 (w.e.f. 10-2-2011).

4. Ins. by Act 49 of 2021, s. 4 (w.e.f. 1-8-2022).

*** 1st April, 2023** section 25 (5), *vide* notification No. S.O. 2805(E), dated 17th June, 2022, *see* Gazette of India, Extraordinary, Part II, sec. 3 (*ii*).

1[**24. Appeals**.—An appeal shall lie within such time and in such manner as may be prescribed—

(*a*) to the 2[district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank], from any order of the electoral registration officer under section 22 or section 23 3***.

4[(*b*) to the chief electoral officer, from any order of the district magistrate or the additional district magistrate under clause (*a*)].

25. Fee for applications and appeals.— Every applications under section 22 or section 23 and every appeal under section 24 shall be accompanied by the prescribed fee which shall, in no case, be refunded.]

5[**25A. Conditions of registration as elector in Sangha constituency in**

Sikkim.—Notwithstanding anything contained in sections 15 and 19, for the Sangha constituency in the State of Sikkim, only the Sanghas belonging to monasteries, recognised for the purpose of the elections held in Sikkim in April, 1974, for

forming the Assembly for Sikkim, shall be entitled to be registered in the electoral roll, and the said electoral roll shall, subject to the provisions of sections 21 to 25, be prepared or revised in such manner as may be directed by the Election Commission, in consultation with the Government of Sikkim.]

PART IV

[6][ELECTORAL ROLLS FOR COUNCIL CONSTITUENCIES]

26. [*Preparation of electoral rolls for Assembly constituencies*.] *Omitted by the Representation of the People (Amendment) Act*, 1956 (2 *of* 1956), *s.* 17.

27. Preparation of electoral roll for Council constituencies.—(*1*) In this section, "local authorities' constituency", "graduates' constituency" and "teachers' constituency" mean a constituency for the purpose of elections to a Legislative Council under sub-clause (*a*), sub-clause (*b*) and sub-clause (*c*), respectively, of clause (*3*) of article 171.

[7][(*2*) For the purpose of elections to the Legislative Council of a State in any local authorities' constituency—

(*a*) the electorate shall consist of members of such local authorities exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to that State in the Fourth Schedule;

(*b*) every member of each such local authority within a local authorities' constituency shall be entitled to be registered in the electoral roll for that constituency;

(*c*) the electoral registration officer for every local authorities' constituency shall maintain in his office in the prescribed manner and form the electoral roll for that constituency corrected up-to-date;

(*d*) in order to enable the electoral registration officer to maintain the electoral roll corrected up-to-date, the chief executive officer of every local authority (by whatever designation such officer may be known) shall immediately inform the electoral registration officer about every change in the membership of that local authority; and the electoral registration officer shall, on receipt of the information, strike off from the electoral roll the names of persons who have ceased to be, and include therein the names of persons who have become, members of that local authority; and

1. Ins. by Act 40 of 1961, s. 3 (w.e.f. 20-9-1961).

2. Subs. by Act 41 of 2009, s. 2, for certain words (w.e.f. 1-2-2010). 3. The word "and" omitted by Act 47 of 1966, s. 11 (w.e.f. 14-12-1966). 4. Ins. by Act 41 of 2009, s. 2 (w.e.f. 1-2-2010).

5. Ins. by Act 10 of 1976, s. 2 and the Schedule (w.e.f. 9-9-1975).

6. Subs. by Act 2 of 1956, s. 16, for the heading (w.e.f. 1-3-1956). 7. Subs. by s. 18, *ibid*., for sub-section (*2*) (w.e.f. 1-3-1956).

(*e*) the provisions of sections 15, 16, 18, 22 and 23 shall apply in relation to local authorities' constituencies as they apply in relation to assembly constituencies.]

(*3*) For the purpose of elections to the Legislative Council of a State in the graduates' constituencies and the teachers' constituencies, the State Government concerned may, with the concurrence of the Election Commission, by notification in the Official Gazette, specify—

(*a*) the qualifications which shall be deemed to be equivalent to that of a graduate of a university in the territory of India, and

(*b*) the educational institutions within the State not lower in standard than that of a secondary school.

[1][(*4*) The provisions of sections 15, 16, 18, 21, 22 and 23 shall apply in relation to graduates' constituencies and teachers' constituencies as they apply in relation to assembly constituencies.]

(*5*) Subject to the foregoing provisions of this section,—

[2]* * * * *

[3][(*a*)] every person who [4][is] ordinarily resident in a graduates' constituency and has, for at least three years [5][before the qualifying date], been either a graduate of a University in the territory of India or in possession of any of the qualifications specified under clause (*a*) of sub-section (*3*) by the State Government concerned, shall be entitled to be registered in the electoral roll for that constituency; and

[6][(*b*)] every person who [5][is] ordinarily resident in a teachers' constituency, and has, within the six years immediately [6][before the qualifying date] for a total period of at least three years, been engaged in teaching in any of the educational institutions specified under clause (*b*) of sub-section (*3*) by the State Government concerned shall be entitled to be registered in the electoral roll for that constituency.

[7][(*6*) For the purposes of sub-sections (*4*) and (*5*) the qualifying date shall be the 1st day of November of the year in which the preparation or revision of the electoral roll is commenced.]

[8][PART IVA

MANNER OF FILLING SEATS IN THE COUNCIL OF STATES TO BE FILLED BY REPRESENTATIVES OF [9][UNION TERRITORIES]

27A. Constitution of electoral colleges for the filling of seats in the Council of States allotted to Union territories.—(*1*) [10][For the purpose of filling any seat] or seats in the Council of States allotted to any [6][Union territory] [11]* * * in the Fourth Schedule to the Constitution there shall be an electoral college for [12][each such territory] [13]* * *.

[14]* * * * *

[15]* * * * *

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1. Subs. by Act 2 of 1956, s. 18(*b*), for sub-section (*4*) (w.e.f. 1-3-1956).
2. Clause (*a*) omitted by s. 18(*c*), *ibid.* (w.e.f. 1-3-1956).
3. Clause (*b*) re-lettered as clause (*a*) by s. 18(*c*), *ibid*. (w.e.f. 1-3-1956).
4. Subs. by Act 40 of 1961, s. 4, for "on the qualifying date was" (w.e.f. 20-9-1961).
5. Subs. by s. 4, *ibid*., for "before that date" (w.e.f. 20-9-1961).
6. Clause (*c*) re-lettered as clause (*b*) by Act 2 of 1956, s. 18(*c*) (w.e.f. 1-3-1956).
7. Subs. by Act 40 of 1961, s. 4(*b*), *ibid*., for sub-section (*6*) (w.e.f. 20-9-1961). Earlier sub-section (*6*) was substituted by Act 2 of 1956, s. 18(*d*) (w.e.f. 1-3-1956).
8. Ins. by Act 73 of 1950, s. 8 (w.e.f. 23-12-1950).
9. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "Part C States" (w.e.f. 23-12-1950).
10. Subs. by Act 29 of 1975, s. 11(*a*), for certain words (w.e.f. 15-8-1975).
11. The words "or group of such States" omitted by the Adaptation of Laws (No. 2) Order, 1956 (w.e.f. 1-3-1956). 12. Subs., *ibid.*, for "each such State" .
13. The words "or group of States" omitted by Act 2 of 1956, s. 19 (w.e.f. 1-3-1956).
14. The proviso omitted by s.19, *ibid* (w.e.f. 1-3-1956).
15. Omitted by Act 20 of 1963, s. 57(*1*)(*b*) and the Second Schedule. Earlier sub-section (*2*) was amended by Act 49 of 1951, s.44 and Schudle 5 (w.e.f. 13-5-1963).

[1][2][(*3*) The electoral college for the Union territory of Delhi shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of National Capital Territory of Delhi Act, 1991 (1 of 1992).]

[3][(*4*) [4][The electoral college for the Union territory of [5]*** Pondicherry] shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of Union Territories Act, 1963 (20 of 1963).]]

[6]* * * * *

[7]* * * * *

27B. [*Electoral College constituencies*.] *Omitted by the Territorial Councils Act*, 1956 (103 *of* 1956), *s*. 65.

27C. [*Delimitation of Electoral College constituencies*.] *Omitted by s*. 65, *ibid.*

27D. [*Power to alter or amend orders*.] *Omitted. by s*. 65, *ibid.*

27E. [*Procedure as to orders delimiting constituencies*.] *Omitted by the Representation of the People (Amendment) Act,* 1956 (2 *of* 1956), *s*. 21.

27F. [*Electoral rolls for Council of States constituencies*.] *Omitted by s.* 22, *ibid*.

27G. **Termination of membership of electoral college for certain disqualifications**.—If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college.

27H. Manner of filling of seats in the Council of States allotted to Union territories.— [8]* * * The seat or seats in the Council of States allotted to any [9][Union territory] [10]* * * in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for [11][that territory] [12]* * * in accordance with the system of proportional representation by means of the single transferable vote:

[13][Provided that the person who immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, is filling the seat allotted to the Part C States of Manipur and Tripura shall, as from such commencement, be deemed to have been duly elected to fill the seat allotted to the Union territory of Tripura.]

27-I. [*Special provisions for the filling of the seats in the Council of States allotted to the States of Ajmer and Coorg and the States of Manipur and Tripura*.] *Omitted by the Adaptation of Laws (No*. 2) *Order*, 1956.

27J. **Powers of electoral colleges to elect notwithstanding vacancies therein**. —No election by the members of an electoral college [14]*** under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college [7]* * *.

1. Subs. by Act 103 of 1956, s. 65(*f*), for sub-sections (*3*), (*4*) or (*5*) (w.e.f. 1-1-1957).
2. Subs. by Act 1 of 1992, s. 55, for sub-section (*3*) (w.e.f. 2-10-1993).
3. Subs. by Act 20 of 1963, s. 57(*1*)(*b*) and the second Schedule, for sub-section (*4*) (w.e.f. 13-5-1963). 4.
Subs. by Act 69 of 1986, s. 7, for certain words (w.e.f. 20-2-1987).
5. The word "Mizoram" omitted by Act 34 of 1986, s. 7 (w.e.f. 20-2-1987).
6. Sub-section (5) omitted by Act 29 of 1975, s. 11(*c*) (w.e.f. 15-8-1975).
7. Sub-section (6) omitted by Act 32 of 1954, s. 7 (w.e.f. 1-7-1954).
8. Certain words omitted by the Adaptation of Laws (No. 2) Order, 1956 (w.e.f. 1-11-1956).
9. Subs., *ibid.,* for "Part C State" (w.e.f. 1-11-1956).
10. The words "or group of such States" omitted, *ibid*. (w.e.f. 1-11-1956). 11.
Subs., *ibid.*, for "such State". (w.e.f. 1-11-1956).
12. The words "or group of States" omitted by Act 2 of 1956, s. 23 (w.e.f. 1-3-1956).
13. Ins. by the Adaptation of Laws (No. 2) Order, 1956 (w.e.f. 1-11-1956).
14. Certain words omitted by Act 49 of 1951, s. 44 and the Fifth Schedule (w.e.f. 6-9-1951).

27K. [*Electoral colleges for certain States for which Legislative Assemblies have been constituted*.] *Omitted by the Adaptation of Laws (No*. 2) *Order*, 1956.] (*w.e.f.* 1-11-1956).

PART V

GENERAL

28. Power to make rules.—(*1*) The Central Government may, after consulting the Election Commission, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

[1][(*a*) the determination of ordinary residence under sub-section (*7*) of section 20;

(*aa*) the particulars to be entered in the electoral rolls;]

(*b*) the preliminary publication of electoral rolls [2]* * *;

(*c*) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred;

[3]* * * * *

(*e*) the manner in which notices of claims or objections shall be published;

(*f*) the place, date and time at which claims or objections shall be heard and the manner in which claims or objections shall be heard and disposed of;

(*g*) the final publication of electoral rolls;

[4][(*h*) the revision and correction of electoral roll and inclusion of names therein;]

[5][(*hh*) the procedure for proper verification of facts for amending, transposing or deleting any entry in the electoral rolls, under section 22;

(*hhh*) the procedure for proper verification of facts for inclusion of or striking off, names in the electoral rolls, under sub-section (*2*) of section 23;]

[6][(*hhha*) the authority and the form and manner of intimation of Aadhaar number under sub-section (*5*) of section 23;

(*hhhb*) the sufficient cause and furnishing of alternate documents to be provided by the individual under sub-section (*6*) of section 23;]

(*i*) any other matter required to be prescribed by this Act.

[7][(*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to be validity of anything previously done under that rule.]

1. Subs. by Act 47 of 1966, s. 12, for clause (*a*) (w.e.f. 14-12-1966).

2. Certain words omitted by Act 73 of 1950, s. 9 (w.e.f. 23-12-1950). 3.
Clause (*d*) omitted by Act 20 of 1960, s. 3 (w.e.f. 8-5-1960).
4. Subs. by Act 2 of 1956, s. 24(*a*), for clause (*h*) (w.e.f. 1-3-1956). 5.
Ins. by Act 36 of 2010, s. 5 (w.e.f. 10-2-2011).
6. Ins. by Act 49 of 2021, s. 5 (w.e.f. 1-8-2022).
7. Subs. by Act 88 of 1976, s. 6, for sub-section (*3*) (w.e.f. 2-9-1976).

[1][**29. Staff of local authorities to be made available**.—Every local authority in a State shall, when so requested by the chief electoral officer of the State, make available to any electoral registration officer such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls.]

30. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction—

(*a*) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or

(*b*) to question the legality of any action taken by or under the authority of an electoral registration officer, or of any decision given by any authority appointed under this Act for the revision of any such roll.

[2][[3][**31. Making false declarations**.—If any person makes in connection with—

(*a*) the preparation, revision or correction of an electoral roll, or

(*b*) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.]

32. Breach of official duty in connection with the preparation, etc., of electoral rolls.—(*1*) If any electoral registration officer, assistant electoral registration officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause, guilty of any act or omission in breach of such official duty, he shall be punishable [4][with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine].

(*2*) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.

(*3*) No court shall take cognizance of any offence punishable under sub-section (*1*) unless there is a complaint made by order of, or under authority from, the Election Commission or the Chief Electoral Officer of the State concerned.]

1. Subs. by Act 2 of 1956, s. 25, for section 29 (w.e.f. 1-3-1956).
2. Ins. by Act 58 of 1958, s. 11 (w.e.f. 30-12-1958).
3. Subs. by Act 20 of 1960, s. 4, for section 31 (w.e.f. 8-5-1960).
4. Subs. by Act 21 of 1996, s. 2, for certain words (w.e.f. 1-8-1996).

[1][THE FIRST SCHEDULE

(*See* section 3)

Allocation of Seats in the House of the People

Name of the State/Union territory	Number of seats in the House as constituted in 2004 on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time to time			Number of seats in the House as subsequently constituted as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7

I. STATES	42	6	2	25	4	1]
[2][1. Andhra Pradesh 2.	2	-	-	2	-	-
Arunachal Pradesh 3.	14	1	2	14	1	2
Assam	40	7	-	40	6	-
4. Bihar	11	2	4	11	1	4
5.Chhattisgarh	2	-	-	2	-	-
6. Goa	26	2	4	26	2	4
7. Gujarat	10	2	-	10	2	-
8. Haryana	4	1	-	4	1	-
9. Himachal Pradesh	*	*	*	*	*	*]
[3][*	14	1	5	14	1	5
10. Jharkhand	28	4	-	28	5	2
11. Karnataka	20	2	-	20	2	-
12. Kerala	29	4	5	29	4	6
13. Madhya Pradesh	48	3	4	48	5	4
14. Maharashtra	2	-	1	2	-	1
15. Manipur	2	-	-	2	-	2
16. Meghalaya	1	-	1	1	-	1
17. Mizoram	1	-	-	1	-	-
18. Nagaland	21	3	5	21	3	5
19. Orissa	13	3	-	13	4	-
20. Punjab	25	4	3	25	4	3
21. Rajasthan	1	-	-	1	-	-
22. Sikkim	39	7	-	39	7	-
23. Tamil Nadu	-	-	-	17	3	2]
[4][24. Telangana	2	-	1	2	-	1
25. Tripura	5	-	-	5	1	-
26. Uttarakhand	80	18	-	80	17	-
27. Uttar Pradesh	42	8	2	42	10	2
28. West Bengal	1	-	-	1	-	-
II. UNION TERRITORIES	1	-	-	1	-	-
1. Andaman and Nicobar	1	-	-	1	-	-
Islands	1	-	1	2	-	1]
2. Chandigarh	7	1	-	7	1	-
[5][3. Dadra and Nagar	1	-	1	1	-	1
Haveli Daman and Diu	1	-	-	1	-	-
4. Delhi	5	-	-	5	-	-]
5. Lakshadweep	1	-	-	1	-	-
6. Puducherry						
[6][7. Jammu and Kashmir						
8. Ladakh						
	543	**79**	**41**	**543**	**84**	**47**

1. Subs. by Act 10 of 2008, s. 8, for the First Schedule (w.e.f. 16-4-2008).

2. Subs. by Act 6 of 2014, s. 14 and the Second Schedule, for "1. Andhra Pradesh 42 6 2 42 7 3" (w.e.f. 2-6-2014). 3. Entry "10. Jammu and Kashmir" deletedby Act 34 of 2019, s. 10 (w.e.f. 31-10-2019). Now Jammu and Kashmir is a Union territory, *vide* Act 34 of 2019, s. 2 (w.e.f. 31-10-2019).

4. Ins. by Act 6 of 2014, s. 14 and the Second Schedule (w.e.f. 2-6-2014).

5. Subs. by Act 44 of 2019, ss. 3 and 6 (w.e.f. 26-1-2020).

6. Ins. by Act 34 of 2019, ss. 3 and 10 (w.e.f. 31-10-2019).

[1][THE SECOND SCHEDULE]

(*See* sections 7 and 7A)

Total number of Seats in the Legislative Assemblies

Name of the State/Union territory	Number of seats in the House as constituted on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time to time			Number of seats in the House as subsequently constituted as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7

I. STATES	294	39	15	175	29	7]
[2][1. Andhra Pradesh 2.	60	-	59	60	-	59
Arunachal Pradesh 3.	126	8	16	126	8	16
Assam	243	39	-	243	38	2
4. Bihar	90	10	34	90	10	29
5.Chhattisgarh	40	1	-	40	1	-
6. Goa	182	13	26	182	13	27
7. Gujarat	90	17	-	90	17	-
8. Haryana	68	16	3	68	17	3
9. Himachal Pradesh	*	*	*	*	*	*]
[3][*	81	9	28	81	9	28
[4][10. Jharkhand	224	33	2	224	36	15
11. Karnataka	140	13	1	140	14	2
12. Kerala	230	34	41	230	35	47
13. Madhya Pradesh	288	18	22	288	29	25
14. Maharashtra	60	1	19	60	1	19
15. Manipur	60	-	55	60	-	55
16. Meghalaya	40	-	39	40	-	[5][39]
17. Mizoram	60	-	59	60	-	59
18. Nagaland	147	22	34	147	24	33
19. Orrisa	117	29	-	117	34	-
20. Punjab	200	33	24	200	34	25
21. Rajasthan	32	2	12**	32	2	12**
22. Sikkim	234	42	3	234	44	2
23. Tamil Nadu	-	-	-	119	19	12]
[6][24. Telangana	60	7	20	60	10	20
25. Tripura	70	12	3	70	13	2
26. Uttarakhand	403	89	-	403	85	-
27.Uttar Pradesh	294	59	17	294	68	16]
28. West Bengal	70	13	-	70	12	-
II. UNION	30	5	-	30	5	-
TERRITORIES	83	6	-	83	6	-]
1. Delhi						
2. Puducherry						
[7][3. Jammu and Kashmir						

1. Subs. by Act 10 of 2008, s. 8, for the Second Sch. (w.e.f. 16-4-2008).

2. Subs. by Act 6 of 2014, s. 17, for entry 1 (w.e.f. 2-6-2014).

3. Entry 10 omitted by Act 34 of 2019, s. 14 (w.e.f. 31-10-2019).

4. Entries 11 to 29 renumbered as 10 to 28 by Act 34 of 2019, s. 14(*9*)(*b*) (w.e.f. 31-10-2019). 5. Subs. by Act 41 of 2009, s. 3, for "38" (w.e.f. 1-2-2010).

6. Ins. by Act 6 of 2014, s. 17 (w.e.f. 2-6-2014).

7. Ins. by Act 34 of 2019, s. 14 (w.e.f. 31-10-2019).

*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.]

[1][THE THIRD SCHEDULE

(*See* section 10)

Allocation of Seats in the Legislative Councils

Name of State	Total number of seats	Number to be elected or nominated under article 171(3)				
		Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
1	2	3	4	5	6	7

[2][1. Andhra Pradesh	58	20	5	5	20	8]
[3][2. Bihar	75	24	6	6	27	12]
[4]*	*	*	*	*	*	*
[5][3.] Madhya Pradesh	90	31	8	8	31	12
[6]*	*	*	*	*	*	*
[7][5. Maharashtra	78	22	7	7	30	12]
[8][6. [9][Karnataka]	75	25	7	7	25	11]
[10]*	*	*	*	*	*	*
[11][7. Tamil Nadu	78	26	7	7	26	12]
[12][7A. Telangana	40	14	3	3	14	6]
[13][8. Uttar Pradesh	100	36	8	8	38	10]

1. Subs. by Act 37 of 1957, s. 12, for the Third Schedule (w.e.f. 18-9-1957).

2. Subs. by Act 12 of 2015, s. 3, for the existing entry 1 (w.e.f. 29-4-2015).

3. Subs. by Act 30 of 2000, s.17, for entry 2 (w.e.f. 15-11-2000).

4. Entry relating to Bombay omitted by Act 11 of 1960, s. 21 (w.e.f. 1-5-1960).

5. Entry 4 renumbered as entry 3 by s. 21, *ibid*. (w.e.f. 1-5-1960).

6. Omitted by Act 40 of 1986, s. 5 (w.e.f. 1-11-1986).

7. Ins. by Act 11 of 1960, s. 21 (w.e.f. 1-5-1960).

8. Subs. by Act 31 of 1987, s. 2, for entry 6 (w.e.f. 8-9-1987).

9. Subs. by the Mysore State (Alteration of Name) (Adaptation of Laws on Union Subjects) Order, 1974, s. 3 and Schedule, for "Mysore" (w.e.f. 1-11- 1973).

10. Omitted by Act 46 of 1969, s. 5 (w.e.f. 7-1-1970).

11. Ins. by Act 16 of 2010, s. 4 (w.e.f. 18-5-2010).

12. Ins. by Act 6 of 2014, s. 17 (w.e.f. 2-6-2014).

13. Subs. by Act 29 of 2000, s.18, for entry 8 (w.e.f. 9-11-2000).

THE FOURTH SCHEDULE

[*See* section 27(*2*)]

Local authorities for purposes of elections to Legislative Councils

[1][ANDHRA PRADESH

1.Municipal Corporations.
2.Municipalities.
3.Nagar Panchayats.
4.Cantonment Boards.
5.Zila Praja Parishads.
6.Mandal Praja Parishads.]

[2][BIHAR

1. Nagar Parishads.
2. Cantonment Boards.
3. Nagar Panchayats.
4. Zila Parishads.
5. Panchayat Samitis.
6. Nagar Nigams (Corporations).
7. Gram Panchayats.]

[3][MADHYA PRADESH

[4][1. Municipalities.
2. Janapada Sabhas.
3. Mandal Panchayats.
4. Cantonment Boards.
5. Notified Area Committees.
6. Town Area Committees.]]

[5]****

[6][MAHARASHTRA

[7][1. Municipalities.
2. Cantonment Boards.
[8]* * * * *
4. Zilla Parishad.]]

1. Ins. by Act 1 of 2006, s. 4(*b*) (w.e.f. 11-1-2006).
2. Subs. by Act 6 of 2003, s. 2, for "BIHAR" (w.e.f. 6-1-2003).
3. Ins. by the Adaptation of Laws (No. 2) Order, 1956.
4. Subs. by Act 37 of 1957, s. 12 (*c*) (*iii*), for the existing entries (w.e.f. 1-11-1956).
5. The heading "TAMIL NADU" and the entries relating thereto omitted by the Tamil Nadu Legislative Council (Abolition) Act, 1986, s. 5 (w.e.f. 1-11-1986).
6. Ins. by Act 40 of 1961, s. 6 (w.e.f. 20-9-1961).
7. Subs. by Act 2 of 1963, s. 2, for the existing entries (w.e.f. 25-1-1963).
8. Omitted by Act 21 of 1989, s. 5 (w.e.f. 22-5-1989).

[1][KARNATAKA]

[2][1. City Municipal Corporations.
2. City Municipal Councils.
3. Town Municipal Councils.
4. Town Panchayats.
5. Zilla Panchayats.
6. Taluk Panchayats.
7. Grama Panchayats.
8. Cantonment Boards.]]

[3]* * * * *

[4][TAMIL NADU

1. Municipalities, as referred to in article 243Q of the Constitution.
2. Panchayat Councils.
3. Cantonment Boards.
4. District Panchayats referred to in the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994).]

[5][TELANGANA

1.Municipal Corporations.
2.Municipalities.
3.Nagar Panchayats.
4.Cantonment Boards.
5.Zila Praja Parishads.
6.Mandal Praja Parishads.]

UTTAR PRADESH

[6][1. Municipal Corporations.
2. Municipal Councils.
3. Zila Panchayats.
4. Nagar Panchayats.
5. Kshettra Panchayats.
6. Cantonment Boards.]

[7]* * * * *

[8]* * * * *

1. Subs. by the Mysore State (Alteration of Name) (Adaptation of Laws on Union Subjects) Order, 1974, s. 3 and Schedule, for "MYSORE" (w.e.f. 1-11- 1973).
2. Subs. by Act 29 of 1996, s. 2, for the entries 1 to 5 (w.e.f. 13-9-1996). 3.
Omitted by Act 46 of 1969, s. 5 (w.e.f. 7-1-1970).
4. Ins. by Act 16 of 2010, s. 4 (w.e.f. 18-5-2010).
5. Ins. by Act 6 of 2014, s. 23 (w.e.f. 2-6-2014).
6. Subs. by Act 29 of 1996, s. 2, for the entries 1 to 6 (w.e.f. 13-9-1996). 7.
Omitted by Act 20 of 1969, s. 5 (w.e.f. 11-8-1969).
8. Omitted by the Adaptation of Laws (No. 2) order, 1956.

[*THE FIFTH SCHEDULE*.] *Omitted by the Government of Union Territories Act*, 1963 (20 *of* 1963), *s.* 57 *and the Second Schedule*.

[*THE SIXTH SCHEDULE*.] *Omitted by the Representation of the People (Amendment) Act*, 1956 (2 *of* 1956), *s.* 27.