

Bill No. 17 of 2016

THE ELECTION LAWS (AMENDMENT) BILL, 2016

A

BILL

*further to amend the Representation of the People Act, 1950 and the
Delimitation Act, 2002.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 **1. (1)** This Act may be called the Election Laws (Amendment) Act, 2016.

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

Short title
and
commencement.

CHAPTER II

AMENDMENT TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment of section 9. 2. In section 9 of the Representation of the People Act, 1950, in sub-section (1), after clause (b), the following clause shall be inserted, namely:— 43 of 1950.

“(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.”. 5
10

CHAPTER III

AMENDMENT TO THE DELIMITATION ACT, 2002

Amendment of section 11. 3. In section 11 of the Delimitation Act, 2002, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:— 33 of 2002.

“Provided that the Election Commission may make such amendments, as appear to it to be necessary or expedient, for bringing the said orders 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.”. 15
20

STATEMENT OF OBJECTS AND REASONS

The enactment of the Constitution (Hone Hundredth Amendment) Act, 2015 resulted in exchange of fifty-one Bangladeshi enclaves in Indian territory and one hundred and eleven Indian enclaves in Bangladeshi territory with effect from 31st July, 2015.

2. Consequently, the State Government of West Bengal issued a notification on 26th August, 2015 for amalgamation of the area of the fifty-one erstwhile Bangladeshi enclaves some in existing mouzas and some by creating new mouzas. During a joint field visit conducted by India and Bangladesh, it was ascertained that all the fourteen thousand eight hundred and sixty-four persons living in the erstwhile Bangladeshi enclaves now amalgamated to the Indian territory, opted to acquire Indian citizenship. Similarly, nine hundred and eighty-seven persons out of thirty-nine thousand one hundred and seventy-six persons, living in Indian enclaves and transferred to Bangladesh, opted to retain Indian citizenship and settle in India in Cooch Behar District of State of the West Bengal.

3. As per clause (2) of article 170 of the Constitution, which provides that each State shall be divided into territorial constituencies, the new areas falling within the said District have to be incorporated into the extent of the relevant Parliamentary and Assembly Constituencies. Similarly, the reas transferred to Bangladesh are to be excluded from such territorial constituencies. Further, the persons who have opted to acquire or to retain Indian Citizenships are required to be given voting rights in India.

4. With a view to carrying out the consequential procedural requirements referred to above and in view of the impending elections in the State of West Bengal in the month of May, 2016, amendments in the Representation of the People Act, 1950 and the Delimitation Act, 2002 are required to be made empowering the Election Commission to undertake limited delimitation in the areas amalgamated in teh Cooch Behar District of the State of West Bengal.

5. The Bill seeks to achieve the above objects.

NEW DELHI;

D. V. SADANANDAGOWDA

The 17th February, 2016.