

THE REPRESENTATION OF THE PEOPLE (MISCELLANEOUS PROVISIONS) ACT, 1956

ACT NO. 88 OF 1956

[28th December, 1956.]

An Act to provide for the removal of disqualifications for membership of, and voting at elections to, Parliament and State Legislatures, and for certain miscellaneous matters in connection with such elections.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Representation of the People (Miscellaneous Provisions) Act, 1956.

2. Removal of disqualifications.—(1) Every disqualification for membership of Parliament or of the Legislature of a State incurred by any person under the Representation of the People Act, 1951 (43 of 1951) (hereinafter referred to as the principal Act) before the commencement of the Representation of the People (Second Amendment) Act, 1956 (27 of 1956), for failure to lodge a return of election expenses as required by clause (c) of section 7 of the principal Act is hereby removed.

(2) Every disqualification for membership of Parliament or of the Legislature of a State or for voting at an election incurred by any person under the principal Act before the commencement of the Representation of the People (Second Amendment) Act, 1956 (27 of 1956), for any illegal practice or for any corrupt practice other than the corrupt practice of bribery or undue influence is hereby removed.

3. [Amendment of section 7.] *Rep. by the Repealing and Amending Act, 1960 (58 of 1960), s. 2 and the First Schedule (w.e.f. 26-12-1960).*

4. Special provision for nomination in case for prisoners in Portuguese territory.—Notwithstanding anything contained in section 33 of the principal Act, where a person detained in prison or other custody in any Portuguese territory wishes to stand as a candidate at any election that may be held within one year from the commencement of this Act, the nomination paper of such person and any declaration contained therein may be signed on his behalf by the proposer; but no such nomination paper shall be received by the returning officer unless at the time of its delivery the proposer produces before that officer—

(a) a writing signed by such person and showing his intention to stand as a candidate, and

(b) a certificate signed by a Secretary to the Government of India in the Ministry of External Affairs that the person is detained in prison or other custody in Portuguese territory.

5. Prevention of disqualification for membership of Parliament in certain cases.—It is hereby declared that the office of member of the Council of Advisers associated with the Chief Commissioner of Manipur or with the Chief Commissioner of Tripura shall not disqualify the holder thereof for being chosen as, or for being, a member of Parliament.