

THE REPRESENTATION OF THE PEOPLE (AMENDMENT)  
ACT, 1992

No. 2 OF 1992

[26th March, 1992.]

An Act further to amend the Representation of the People  
Act, 1951.

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

1. (1) This Act may be called the Representation of the People  
(Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 4th day of  
January, 1992.

43 of 1951. 2. In the Representation of the People Act, 1951 (hereinafter referred  
to as the principal Act), for section 52, the following section shall be  
substituted, namely:—

52. If a candidate, set up by a recognised political party,—

(a) dies at any time after 11 A.M. on the last date for mak-  
ing nominations and his nomination is found valid on scrutiny  
under section 36; or

(b) whose nomination has been found valid on scrutiny  
under section 36 and who has not withdrawn his candidature  
under section 37, dies,

and in either case, a report of his death is received at any time  
before the publication of the list of contesting candidates under  
section 38; or

(c) dies as a contesting candidate and a report of his death  
is received before the commencement of the poll,

the returning officer shall, upon being satisfied about the fact  
of the death of the candidate, by order, countermand the poll and  
report the fact to the Election Commission and also to the appro-  
priate authority and all proceedings with reference to the election  
shall be commenced anew in all respects as if for a new election:

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Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate:

Provided further that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided also that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 37 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

*Explanation.*—For the purposes of this section, “recognised political party” means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968.

Repeal  
and  
saving.

3. (1) The Representation of the People (Amendment) Ordinance, 1992, is hereby repealed.

Ord. 1 of  
1992.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.