

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)  
ACT, 2003**

No. 40 OF 2003

[28th August, 2003.]

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

**BE** it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

43 of 1951.

1. This Act may be called the Representation of the People (Amendment) Act, 2003. Short title.
2. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in section 3, for the words "in that State or territory", the words "in India" shall be substituted. Amendment of section 3.
3. In section 59 of the principal Act, the following proviso shall be inserted at the end, namely:—  
"Provided that the votes at every election to fill a seat or seats in the Council of States shall be given by open ballot." Amendment of section 59.
4. In section 94 of the principal Act, the following proviso shall be inserted at the end, namely:—  
"Provided that this section shall not apply to such witness or other person where he has voted by open ballot." Amendment of section 94.
5. In section 128 of the principal Act, in sub-section (1), the following proviso shall be inserted at the end, namely:—  
"Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States." Amendment of section 128.