

'EC backs one seat, one candidate policy'

Supreme Court has posted the case for hearing in July.

The Supreme Court on Wednesday asked the Centre to respond to an affidavit filed by the Election Commission (EC) of India to amend the law to prevent candidates contesting from multiple constituencies.

A Bench led by Chief Justice of India Dipak Misra was hearing a petition filed by advocate Ashwini Upadhyay seeking a declaration striking down Section 33(7) of the Representation of the People Act of 1951, which allows candidates to contest from two constituencies at a time, as invalid and unconstitutional.

Mr. Upadhyay has asked the court to direct the Centre and the Election Commission to "discourage" independent candidates from contesting parliamentary and State Assembly elections.

The EC informed the court that it had proposed the amendment of Section 33(7) way back in July 2004. It was one of the 22 "urgent electoral reforms" the EC had suggested to a Rajya Sabha Parliamentary Standing Committee. It had pointed out that there had been cases of a person contesting from two constituencies and winning from both. "The consequence is that a by-election would be required from one constituency, involving avoidable labour and expenditure..."

The EC concluded that the "law should be amended to provide that a person cannot contest from more than one constituency at a time."

EC suggestion

It suggested that a candidate should deposit Rs. 5 lakh for contesting in two constituencies in an Assembly election or Rs. 10 lakh in a general election. This would be used for the conduct of a by-election in the eventuality that he or she had to relinquish seat. The court posted the case for hearing in July.

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