

Two-constituency norm reasonable: govt. tells SC

Dipak MisraPTI

The government on Wednesday objected to a plea to stop candidates from contesting from two different constituencies, saying such a limitation infringes on a person's right to contest the polls and curtails the polity's choice of candidates.

The government told the Supreme Court that one-candidate-one-constituency restriction would require a legislative amendment.

The government supported Section 33 (7) of the Representation of the People Act of 1951 which restricts candidates to contesting from two constituencies. Before the amendment, candidates could contest from any number of constituencies.

A Bench led by Chief Justice of India Dipak Misra is hearing the petition filed by advocate Ashwini Upadhyay seeking a declaration that 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 Assembly elections.

The poll body informed the Supreme 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 Election Commission had suggested to a Rajya Sabha Parliamentary Standing Committee.

The poll body had pointed out that "there have been cases where a person contests election from two constituencies, and wins from both. In such a situation he vacates the seat in one of the two constituencies. The consequence is that a by-election would be required from one constituency involving avoidable labour and expenditure on the conduct of that by-election."

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

The poll body suggested that a candidate should deposit an amount of Rs. 5 lakh for contesting in two constituencies in an Assembly election or Rs. 10 lakh in a general election. This would be used to conduct a by-election in the eventuality that he or she is victorious in both constituencies and has to relinquish one.

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