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News: No bar on contesting two seats in one poll

- The Supreme Court refused to set aside a provision in the election law that allows candidates to contest polls from two constituencies simultaneously.
- The petition by advocate Ashwini Upadhyay had sought a declaration that Section 3 (7) of the Representation of the People Act is invalid.
- In 2018, the government had objected to the petition in court. It had argued that law cannot curtail the right of a candidate to contest elections and curtail the polity's choice of candidates.

Legal Provisions

- As per Section 33(7) of the RPA (Representation of the People Act), 1951, one candidate can contest from a maximum of two constituencies.
- More than two constituencies were allowed until 1996 when the RPA was amended to set the cap at two constituencies.
- Since 1951, many politicians have used this factor to contest from more than one seat – sometimes to divide the opponent's vote, sometimes to profess their party's power across the country, sometimes to cause a ripple effect in the

region surrounding the constituencies in favour of the candidate's party and all parties have exploited Section 33(7).

Issues with contesting from two seats

- **Conflicts in the RPA laws:** While 33(7) allows candidates to contest from two seats; Section 70 bars candidates from representing two constituencies in the Lok Sabha/ State Assembly.
- **The strain on public finances:** Lakhs of taxpayer rupees need to be shelled out because of a by-election that could have been easily avoided.
- **Loss of electoral interest of voters:** Repeated elections and a by-election would see fewer voters turn out to vote when compared to the first election.

Recommendations of the Election Commission

- The Election Commission recommended amending Section 33(7) so as to allow one candidate to contest from only one seat.
- It did so in 2004, 2010, and 2016 and in 2018.
- A system should be devised wherein if a candidate contested from two constituencies and won both, then he or she would bear the financial burden of conducting the subsequent by-election in one of the constituencies.

- The amount would be Rs 5 lakh for a Vidhan Sabha election and Rs 10 lakh for a Lok Sabha election.