

**Extracts from Representation of the People Act, 1950  
on definition of ordinary resident**

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**(PART II – Acts of Parliament)**

20. **Meaning of “ordinarily resident”**.- <sup>1</sup>[(1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(1A) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(1B) A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.]

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

<sup>2</sup>[(3) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.]

(4) Any person holding any office in India declared<sup>3</sup> by the President in consultation with the Election Commission to be an office to which the provisions of this sub-

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<sup>1</sup> Subs. by Act 58 of 1958, s. 8 for sub-section (1)

<sup>2</sup> Subs. by Act 47 of 1966, s. 8, for sub-section (3) (w. e. f. 14-12-1966)

<sup>3</sup> The following offices have been declared by the President by Notification No. S. O. 959, dated the 18<sup>th</sup> April, 1960:-

- (1) The President of India
- (2) The Vice-President of India
- (3) Governors of States
- (4) Cabinet Ministers of the Union or of any State
- (5) The Deputy Chairman and Members of the Planning Commission
- (6) The Ministers of State of the Union or of any State
- (7) Deputy Ministers of the Union or of any State
- (8) The Speaker of the House of the People or of any State Legislative Assembly
- (9) The Chairman of any State Legislative Council
- (10) Lieutenant Governors of Union territories
- (11) The Deputy Speaker of the House of the People or of any State Legislative Assembly
- (12) The Deputy Chairman of the Council of States or of any State Legislative Council
- (13) Parliamentary Secretaries of the Union or of any State.

section apply, <sup>1</sup> shall be deemed to be ordinarily resident <sup>2</sup> on any date in the constituency in which, but for the holding of any such office<sup>3</sup> he would have been ordinarily resident <sup>4</sup> on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the prescribed manner, that <sup>5</sup> [but for his having the service qualification] or but for his holding any such office <sup>6</sup> as is referred to in sub-section (4) he would have been ordinarily resident in a specified place <sup>7</sup> on any date, shall, in the absence of evidence to the contrary, be <sup>8</sup> [accepted as correct].

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall if she be ordinarily residing with such person <sup>9</sup> be deemed to be ordinarily resident on <sup>10</sup> in the constituency specified by such person under sub-section (5).

<sup>11</sup> [(7) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.

(8) In sub-sections (3) and (5) “ service qualification” means-

- (a) being a member of the armed forces of the Union; or
- (b) being a member of a force to which the provisions of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modifications; or
- (c) being a member of an armed police force of a State, who is serving outside that State; or
- (d) being a person who is employed under the government of India, in a post outside India.

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<sup>4</sup> Certain words omitted by Act 47 of 1966, s. 8 (w.e.f. 14-12-1966)

<sup>5</sup> The words “during any period or” omitted by Act 2 of 1956, s. 14.

<sup>6</sup> The words “or employment” omitted by Act 47 of 1966, s. 8 (w.e.f. 14-12-1966)

<sup>7</sup> The words “during that period or” omitted by Act 2 of 1956, s. 14.

<sup>8</sup> Subs. by Act 47 of 1966, s. 8, for certain words (w.e.f. 14-12-1966)

<sup>9</sup> Certain words omitted by s. 8, *ibid.* (w.e.f. 14-12-1966)

<sup>10</sup> The words “during any period or” omitted by Act 2 of 1956, s. 14

<sup>11</sup> Subs. by Act 47 of 1966, s. 8, for certain words w. e. f. 14-12-1966

<sup>12</sup> The words “during any period” omitted by Act 2 of 1956, s.14

<sup>13</sup> The words “during that period” omitted by s. 14, *ibid*

<sup>14</sup> Ins. by Act 47 of 1966, s. 8 (w.e.f. 14-12-1966). Original sub-section (7) was omitted by Act 2 of 1956, s.14.