



Voting Rights for Overseas Citizens

For Prelims: NRI, ECI, Postal ballots, ETPBS.

For Mains: Voting Rights for Overseas Citizens.

Why in News?

Recently, the Union Minister for Law and Justice in response to a question in the [Lok Sabha](#) stated that the government is exploring the possibility of **allowing online voting for Non-Resident Indians (NRI)**.

What is the Background?

- In 2020, the [Election Commission of India \(ECI\)](#) in a proposal to the Law Ministry proposed to extend the facility of postal ballots to eligible NRIs for the various State Assembly elections to be held in 2021.
- The ECI then, had proposed amending the [Conduct of Election Rules, 1961](#), in order to allow this facility.
- The postal ballots were to be sent to **NRIs electronically** after which they will send the ballots back, after choosing their candidate, via post.

What is the Current Voting Process for Overseas Voters in Indian elections?

- It was through the **Representation of the People (Amendment) Act, 2010**, eligible NRIs who had stayed abroad beyond six months were allowed to vote, but only in person at the polling station where they have been enrolled as an overseas elector.
 - Prior to 2010, an Indian citizen who is an eligible voter and was residing abroad for more than six months, **would not have been able to vote in elections**. This was because the **NRI's name was deleted from electoral rolls** if he or she stayed outside the country for **more than six months at a stretch**.
- An **NRI can vote in the constituency** in his/her place of residence, as mentioned in the passport, is located.
- He/She can **only vote in person** and will have to produce her passport in original at the polling station for establishing identity.

How has the existing facility worked so far?

- **Low Proportion of Eligible Overseas:**
 - From merely **11,846 overseas voters who registered in 2014**, the number went up to **close to a lakh in 2019**. However, only low proportion of such voters turned up to vote.
- **Provision to Visit the Polling Booth Discouraged Eligible Voters:**
 - The **provision of having to visit the polling booth in person has discouraged eligible voters** from exercising their mandate.

What Steps are taken by the Government for Overseas Voters?

- In the [winter session](#) of Parliament in 2017, the government **proposed to remove the restriction imposed by Section 20A of the Representation of the People Act.**
 - 20A of the Representation of the People Act **required them to be physically present to vote in their constituencies.**
 - The Bill **provided for overseas voters to be able to appoint a proxy to cast their votes** on their behalf, subject to conditions laid down in the **Conduct of Election Rules, 1961.**
 - The Bill was later passed in 2018, but lapsed with the dissolution of the **16th Lok Sabha.**
- The **ECI then approached the government to permit NRIs to vote via [postal ballots.](#)**
 - **Postal ballots** is similar to a system that is already used by service voters, (a member of the armed Forces of the Union; or a member of a force to which provisions of the **Army Act, 1950** are applicable) which is the **Electronically Transmitted Postal Ballot System or ETPBS.**

What is Electronically Transmitted Postal Ballot System (ETPBS)?

- **About:**
 - **For Service Voters:**
 - The **Conduct of Election Rules, 1961** was **amended in 2016** to allow service voters to use the **ETPBS.**
 - Under this system, **postal ballots are sent electronically to registered service voters.**
 - The service voter can **then download the ETPB** (along with a declaration form and covers), register their mandate on the ballot and send it to the returning officer of the constituency via ordinary mail.
 - The **post will include an attested declaration form** (after being signed by the voter in the presence of an appointed senior officer who will attest it).
 - **For NRIs (Proposed):**
 - In the case of NRI voters, those seeking to vote through ETPBS will **have to inform the returning officer at least five days after notification** of the election.
 - The **returning officer will then send the ballot electronically via the ETPBS.**
 - The NRI voter can **then register her/his mandate on the ballot printout** and send it back with an attested declaration in a process similar to the service voter.
- **Benefits:**
 - The postal ballot method has been **recognised by the International Institute for Democracy and Electoral Assistance** as a means to **allow overseas voters to exercise their right**, subject to certain conditions normally related to the time spent abroad or the work carried out abroad.
 - **International Institute for Democracy and Electoral Assistance** is an intergovernmental organisation that works to support democratic processes and institutions.

Way Forward

- A postal ballot mechanism that **allows for proper authentication of the ballot** at designated consular/embassy offices and an effective postal system should ease this process for NRIs, but **rules must be clearly framed for eligibility on the basis of time spent away from the country.**

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