

Non-Gulf NRIs likely to get Postal Voting Rights

December 16, 2020

In news

Recently, the Election Commission of India (ECI) approached the Law Ministry to permit NRIs to cast their votes from overseas through postal ballots

Key highlights

The Election Commission informed the government that it is “technically and administratively ready” to extend the Electronically Transmitted Postal Ballot System (ETPBS) to voters abroad for elections next year in Assam, West Bengal, Kerala, Tamil Nadu and Puducherry.

The current process of voting for an NRI

- As of now, an NRI can vote in the constituency in which her place of residence, as mentioned in the passport, is located.
- **NRI can only vote in person** and will have to produce his/her passport in original at the polling station for establishing identity.
- Voting rights for NRIs were introduced only in 2011, through an amendment to the Representation of the People Act 1950.

The current population of NRIs

- As per UN report of 2015, India’s diaspora population is the largest in the world at 16 million people.
- Registration of NRI voters, in comparison, has been very low: a little over one lakh overseas Indians registered as voters in India, according to the EC.
- In the recent Lok Sabha elections, around 25,000 of them

flew to India to vote.

What will be the process of voting by postal ballots, if approved by the government?

- As per ECI's proposal, any NRI interested in voting through the postal ballot in an election will have to inform the Returning Officer (RO) not later than five days after the notification of the election.
- After receiving such information, the RO will dispatch the ballot paper electronically.
- The Indian diaspora voters will download the ballot paper, mark their preference on the printout and send it back along with a declaration attested by an officer appointed by the diplomatic or consular representative of India in the country where the NRI is resident.

Voting power to NRIs: The story so far

- ECI began to look for options to enable NRIs to vote from overseas after it received several requests, including one from former Rajya Sabha MP and industrialist Naveen Jindal and the Ministry of Overseas Affairs,
- **A 12-member committee was set up after the 2014 Lok Sabha elections** to study mainly three options – voting by post, voting at an Indian mission abroad and online voting.
- The committee ruled out online polling as it felt this could compromise “secrecy of voting”. It also shot down the proposal to vote at Indian missions abroad as they do not have adequate resources.
- **In 2015, the panel finally recommended that NRIs should be given the “additional alternative options of e-postal ballot and proxy voting”,** apart from voting in person.
- Under proxy voting, a registered elector can delegate his voting power to a representative. **The Law Ministry accepted the recommendation on proxy voting.**

What is the situation in other countries?

Voting by expatriates differs from country to country, for example:

- A British citizen living abroad can register as an overseas voter for up to 15 years after leaving the UK, as long as he is a British or Irish citizen and was a registered voter in the UK in the last 15 years.
- USA's expatriates enjoy voting rights in the US irrespective of how long they have been living abroad. They can vote for federal office candidates in the primary and general elections.

Recent Update: Non-Gulf NRIs likely to be first to get postal voting rights

Recently, the EC and the Ministry of External Affairs (MEA) held a meeting in which the latter, agreed to the proposal, on the condition that the Commission should arrange the manpower needed at the India missions abroad to facilitate postal voting for NRIs.

Key highlights of the decision

For now, Gulf countries are not part of the proposed pilot given the reservations earlier expressed by the ministry over seeking permission in non-democratic nations to facilitate postal voting for India citizens living there.

Designated Officers:

During the last meeting the EC is learned to have proposed that a designated officer in the Indian mission download the ballot paper on the voter's behalf and hand it over. The overseas elector can then mark her preference at the mission, get the self-declaration form attested by the designated officers and hand back the ballot paper and declaration form in a sealed envelope to the mission, which will then dispatch

all the envelopes to the election officer concerned.

Electronically Transmitted Postal Ballot System (ETPBS):

- Electronically transmitted Postal Ballot System (ETPBS) is developed by Election Commission of India with the help of Centre for Development of Advanced Computing (C-DAC), for the use of the Service Voters.
- Security feature: It is a fully secured system, having two layers of security. Secrecy is maintained through the use of OTP and PIN and no duplication of casted Electronically Transmitted Postal Ballot (ETPB) is possible due to the unique QR Code.
- This system enables the entitled service voters to cast their vote using an electronically received postal ballot from anywhere outside their constituency.
- Under ETPBS, which is currently only available to those in the defence services, the postal ballot is dispatched electronically and returned via ordinary mail.
- To extend this facility to overseas voters, the government only needs to amend the Conduct of Election Rules 1961.