



# Right to Vote for NRIs

## Why in News

Recently, the [Election Commission of India](#) (ECI) has informed the Ministry of Law and Justice that it is “**technically and administratively ready**” to extend the **Electronically Transmitted Postal Ballot System** (ETPBS) to [Non Resident Indian](#) (NRI) voters for elections next year in Assam, West Bengal, Kerala, Tamil Nadu and Puducherry.

## Key Points

### ▪ Background:

- The ECI started to look for possible options after receiving **several requests from MPs, industrialists, ministers and also writ petitions by NRIs** in the [Supreme Court](#) (SC) in 2013 and 2014.
- After the **2014 Lok Sabha elections**, a **12-member committee** was set up to **study mainly three options** of:
  - Voting by post.
  - Voting at an Indian mission abroad.
  - Online voting.
- The committee ruled out online polling as it felt this could compromise “**secrecy of voting**” and 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**.
  - At present, postal ballots are **allowed** for certain categories of voters (**Service Voters**) living in India, which include:
    - Members of the Armed Forces.
    - Members of the Armed Police Force of a State, serving outside that State.
    - Persons employed under Government of India on post outside India.
- In **2017**, the Union Cabinet **passed the proposal on proxy voting rights** for NRIs and brought a Bill amending the [Representation of the People Act 1950](#).
- However, the bill lapsed in Rajya Sabha due to **dissolution of the 16<sup>th</sup> Lok Sabha** and the proposal has not been revived yet.
  - The **ECI pushed only for postal voting rights** for NRIs instead of the proxy voting.
  - To extend the postal voting facility to overseas voters, the government only needs to **amend the Conduct of Election Rules 1961. It does not require Parliament’s nod**.

### ▪ Current Voting Process for NRIs:

- Voting rights for NRIs were introduced only in **2011**, through an **amendment to the Representation of the People Act 1950**.
- 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**.
- **Current Strength of NRI Voters:**
  - According to a **United Nations** report of 2015, India's diaspora population is the **largest in the world at 16 million people**.
  - However, registration of NRI voters has been **very low** with a little over one lakh overseas Indians registered as voters in India.
  - In the **2019 Lok Sabha elections**, roughly **25,000** of them flew to India to vote.
- **Process of Voting by Postal Ballots:**
  - Any NRI interested in voting through the postal ballot will have to **inform the Returning Officer (RO) not later than five days after the notification of the election**.
    - The RO of a parliamentary or assembly constituency is **responsible for the conduct of elections in the parliamentary or assembly constituency**.
  - On receiving such information, the **RO will dispatch the ballot paper electronically**.
  - The NRI 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.
  - However, it is not clear right now, if the voter will return the **ballot paper herself through ordinary post or drop it off at the Indian Embassy**, which may then segregate the envelopes constituency-wise and send them to the **Chief Electoral Officer** of the state concerned for forwarding to the RO.
- **Political Stand:**
  - The committee had **consulted national political parties and the Ministry of External Affairs (MEA)** on the options being considered for NRIs to cast their vote abroad.
  - Among parties, **only the NCP has expressed complete support** and according to the **BSP, BJP and CPI**, postal ballots were not a viable option due to time constraint. The **Congress was not in favour** of sending the postal ballot paper electronically.
  - The MEA expressed **strong reservations over attesting the declaration** as the **process might be difficult in non-democratic countries**.

## **Non Resident Indian**

- According to India's **Foreign Exchange Management Act 1999 (FEMA)**, NRI is an Indian citizen or Foreign National of Indian Origin residing outside India for **purposes of employment, carrying on business or vocation** in circumstances as would indicate an intention to stay outside India for an indefinite period.
- Visiting NRIs whose total income (which is defined as taxable income) in India is up to **Rs. 15 lakh during the financial year** will continue to remain **NRIs if the stay does not exceed 181 days**.
  - The **Union Budget 2020** proposed to **reduce this period to 120 days** for all NRIs.

**[Source:IE](#)**

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