



## NRIs to Vote by Proxy

Lok Sabha has passed a bill to amend the Representation of the People Act which proposes that overseas Indians, who are entitled to vote in India, could now appoint a proxy voter to cast their votes.

- The Representation of the People Act, 1950 provides for allocation of seats and delimitation of constituencies for elections, qualifications of voters, and preparation of electoral rolls.
- The Representation of the People Act, 1951, provides for the conduct of elections and offences and disputes related to elections.

### Key Points

- According to the Bill, the Registration of Electors Rules, 1960 provides that the overseas electors can register themselves in the electoral rolls and exercise their franchise in person on production of original passport.
- The existing rules stipulate the physical presence of the overseas electors in the respective polling station in India on the day of polling. This causes hardship to the overseas electors in exercising their franchise by being present in India on the day of polling.
- The option of proxy voting, was only available to service personnel till now.
- There is a provision in the amendment Bill which relates to the spouses of service voters. As of now, an army man's wife is entitled to be enrolled as a service voter, but a woman army officer's husband is not, according to the provisions in the electoral law.
  - However, The Bill proposes to replace the term 'wife' with 'spouse', thus making the provision gender neutral.

### Facts and Figures

- According to estimates of Ministry of External Affairs, there are about 3.10 crore NRIs living in different countries across the world.
- An expert committee of the Election Commission, working on the issue, had in 2015 forwarded the legal framework to the Law Ministry to amend the electoral laws to allow the proxy voting by overseas Indians.
- According to a UN survey, India's diaspora population is the largest in the world with 16 million people from the country living in 2015.

### Concerns

- Concerns were raised about **the misuse of NRI's vote by the proxy** chosen by her. Also the Constitution allows one vote to every person, and the casting of vote by the proxy would violate the same provision.
- **Confidentiality of the voting process** in the proxy voting is also being seen as an area of concern.
- The Bill **can violate** many provisions of Constitution including **Article 19** as the voters could be coerced to vote for the ruling party.
- It is **against level-playing field** as regional parties will not have the wherewithal to campaign in foreign countries. It will only be in favour of the ruling party as they have the access to government machinery including embassies to garner support for them.

PDF Refernece URL: <https://www.drishtias.com/printpdf/nris-to-vote-by-proxy>

