Dear Friends,

Lok Satta Party strongly and unequivocally supports the right of NRIs to exercise their franchise. It is the inherent and sovereign right and duty of every citizen to choose his / her representatives to serve the public. In a changing world, political participation is increasingly delinked from territorial location. Most countries extend franchise to external citizens. Several countries facilitate exercise of franchise through postal ballots (US, Spain, Italy, Portugal, Canada and UK) or at embassies and consulates (Poland, Lithuania, Ukraine, Colombia, Venezuela, Peru, France, Russia, Sweden, Philippines, Japan, Dominican Republic and Spain), or through internet voting (France).

What happened so far in India

A Bill to amend Section 20 of the Representation of the People Act 1950 has been introduced in Indian Parliament in 2006, and is still pending. The Bill seeks to extend voting rights to NRIs by treating them as ordinarily resident in India for voting purposes. But the Bill does not provide for postal ballots or other forms of polling for NRIs. The Parliamentary Standing Committee on Law and Justice had examined the Bill and recommended that a comprehensive Bill on the subject should be introduced “containing all details regarding the manner of enrollment of the Non-Resident Indians, the mode of voting and the conditionalities for contesting elections.” The government has not acted on it so far.

Given these circumstances Lok Satta unreservedly supports the movement for extending voting rights to all NRIs who are Indian citizens.

- All NRIs who are Indian citizens should be entitled to vote in Indian elections irrespective of where they reside

- All such NRIs should be eligible to contest elections for any public office as a representative or legislator at local, state or national level.

- Such NRIs should be enabled to vote without having to return to India during elections.

Mode of voting

Postal Ballot and voting at embassies and consulates are legally feasible, but practically difficult. We have elections for local, state and national legislatures frequently. It is unlikely that postal ballots will be printed for each constituency (4072 state legislative assembly constituencies, and 543 Lok Sabha constituencies apart from countless local elections), sent by mail to NRIs, and marked ballots will be received by the returning officers in time and to be counted. Similarly, it will be a Herculean task for the Indian missions abroad to keep track of all ballot papers in all constituencies and facilitate voting at embassies. Ours is not a presidential or gubernatorial election; we elect our legislators. Internet voting in India is only in the realm of the future.

One elegant solution will be proxy voting. As the Parliamentary Committee notes, "presently, the members of armed forces and paramilitary forces have been granted proxy voting, whereas forces deployed outside the states and the officials deployed in the foreign missions have been given postal ballot voting". As explained earlier, postal ballot may not really help in effective political participation. But proxy voting is simple, easy and will facilitate widest possible exercise of franchise by NRIs. For instance, under Rule 27N of the Conduct of Elections rules, 1961, a service voter (member of the armed forces) can appoint any person as his proxy to give vote on his behalf and in his name. Such an appointment of proxy shall be made in the prescribed Form 13F, and it can be revoked in Form 13G, and informed to the Returning Officer before the last

date of filing nominations. This is a simple, easy, and fail-safe procedure, and such a facility of proxy voting can be extended to NRIs by law.

- Lok Satta supports proxy voting for all NRIs. Once internet voting becomes feasible in India, such a facility can be extended to NRIs.

Course of action now

- We need to persuade the Ministry of Law and Justice (which is the nodal ministry on election matters) to revise the draft Bill now pending before Parliament. Such a Bill should incorporate the provisions relating to rights to contest for elective office and proxy voting.
- The revised Bill should be approved by the Union cabinet
- The revised Bill should then be introduced in Parliament and enacted
- The term of the 14th Lok Sabha Expires in May 2009, unless it is dissolved sooner. As elections are likely to be held in March or April, the law should be enacted before February.

If the amendments to the Representation of the People Act are not enacted before the dissolution of Lok Sabha, the Bill will lapse. The new government and Parliament will have to take it up afresh again. Therefore, all of us must act swiftly now and ensure that the revised Bill is drafted by the Law Ministry, approved the Union Cabinet, introduced in Parliament, and enacted before 2009.

Lok Satta, as a responsible political party committed to extending voting rights to all Indians, will do everything possible to mobilize people and ensure enactment of the law.

Simultaneously, electoral rolls in India are often full of errors, and we require a permanent, citizen-friendly registration facility in a trustworthy institution like the neighbourhood post office. This change can be effected by mere change of procedures under the current law. Lok Satta's strong advocacy since 1999 resulted in significant improvement in voter registration. The final step in this process is making post office the nodal agency for voter registration. Lok Satta will do everything possible to enable permanent voter registration through the 155,000 delivery post offices all over India

With warm regards,

Jayaprakash Narayan
National President of Lok Satta Party