Representation of the People (Amendment) Bill, 2017 - Proxy Voting

Why in news?

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- Lok Sabha recently passed the Representation of the People (Amendment) Bill, 2017, to allow NRIs to use proxies to cast votes on their behalf.
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How did the Bill come about?

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- A 12-member committee was set up in 2014 to study mainly three options for voting by NRIs (non-resident Indians).
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- These include voting by post, voting at an Indian mission abroad and online voting.
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- The committee ruled out online polling as this could compromise “secrecy of voting”.
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- It also ruled out voting at Indian missions abroad as they do not have the resources to organise polling.
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- In 2015, the panel finally recommended that NRIs be given the “additional alternative options of e-postal ballot and proxy voting”.
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- This is apart from the option of casting their vote in person.
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- E-postal ballot is a ballot paper that is sent to the voter electronically and returned to the returning officer by post.
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- The Law Ministry accepted the recommendation on proxy voting and the Cabinet passed the proposal to amend the law.
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What does the Bill aim for?

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- The Representation of the People (Amendment) Bill, 2017 proposes to amend the Registration of Electors Rules, 1960.
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- It stipulates the physical presence of the overseas electors in the respective polling station.
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- This is a limitation for overseas electors in exercising their franchise.
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- Notably, India’s diaspora population, being 16 million, is the largest in the world.
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- But the registration of NRI voters has been relatively lower than this.
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- The Bill thus aims at extending the facility of proxy voting to Indian voters living abroad.
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What is proxy voting?

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- Voting in an Indian election can be done in three ways - in person, by post or through a proxy.
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- Under proxy voting, a registered elector can delegate his/her voting power to a representative.
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- This was introduced in 2003 for Lok Sabha and Assemblies elections, but on a limited scale.
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- Only a “classified service voter” is allowed to nominate a proxy to cast vote on his/her behalf.
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- The definition includes members of the armed forces, BSF, CRPF, CISF, General Engineering Reserve Force and Border Road Organisation.
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- A classified service voter can also vote by postal ballot.

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How does proxy voting work?

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- Once passed by both houses, Election Commission will amend the Conduct of Election Rules, 1961.
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- This will lay down the procedure by which NRIs could nominate their proxies.
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- Currently, the classified service voters' proxy has to be a registered voter in the same constituency.
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- The proxy is appointed through Form 13F, signed by the voter and the appointed proxy.
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- This is done before a first class magistrate or notary or the commanding officer of the service voter.
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- The form has to be submitted to the returning officer of the seat before the nomination of candidates closes.
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- The proxy will continue to represent the service voter for all polls until the service or the appointment is revoked.
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What are the practices elsewhere?

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- **UK** - A British citizen living abroad can either travel back to vote in person or vote by post.
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- He/she can also nominate a proxy but this is subject to eligibility rules.
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- This accounts the expatriate’s period of stay abroad and the period for which the voter was registered in the UK.
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- Those who were minors at the time of leaving the country can also vote.
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- But this is only as long as their parent or guardian was registered to vote in the UK.
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- **US** - Expatriates can vote for federal office candidates in primary and general elections.
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- This is, notably, irrespective of how long they have been living abroad.
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- Once registered, an overseas Amercian voter will receive a ballot paper by email, fax, or download, depending on the US state.
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- This has to be returned the same way as received.
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Source: Indian Express

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