

**Bill No. 44 of 2023**

THE REPRESENTATION OF THE PEOPLE (AMENDMENT)  
BILL, 2023

By

SHRI KARTI P. CHIDAMBARAM, M.P.

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BILL

*further to amend the Representation of the People Act, 1950.*

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2023.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1950. 5

2. In section 20A of the Representation of the People Act, 1950, for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment of  
section 20A.

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**“(3) Every person registered under this section shall, if otherwise eligible to exercise his franchise, be allowed to vote at an election at the nearest Embassy or High Commission or Consulate General of India, if the person is residing outside India.”**

## STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution of India viewed the right to vote as one of the most fundamental elements of democratic citizenship. Seven decades ago, they undertook a bold experiment by adopting universal adult suffrage, as enshrined in Article 326 of the Constitution of India. Our founding mothers and fathers were clear on this basic principle – that voting rights were for all Indian citizens, irrespective of caste, colour, creed, sex, place of birth, educational attainment, or disability.

The sustained strength of India's democracy can be measured from the fact that while in 1951, at the time of India's first general election, only 17 per cent of the eligible citizens were registered as electors and 45 per cent of them turned out to vote, in 2019, during India's latest general election, over 91 per cent of the eligible citizens were registered with 67 per cent of them coming out to vote, which is the highest voter turnout in India's electoral history.

However, a worrying trend is the disenfranchisement of Non-Resident Indians (NRIs) from the electoral process. As per latest data by the Ministry of External Affairs, out of the total 1.33 crore NRIs living in various parts of the globe, a miniscule 0.9 per cent are registered to vote, according to figures by the Election Commission of India. Of the 1.22 lakh registered NRI electors, less than 21 per cent voted in the 2019 general elections.

Indian diaspora has grown manifold since the mid-19th and early 20th century, when Indians first started emigrating overseas for work. According to the World Migration Report, by the International Organisation for Migration under the United Nations, India has the largest emigrant population in the world, with 6.4 per cent of the total 28 crore international migrants tracing their origin to India. The Indian diaspora holds considerable influence over our nation's culture, society, and economy. In its latest Migration and Development Brief, the World Bank has stated that for the first time, a single country, India, is on track to receive more than USD 100 billion in yearly remittances. Remittances will record a 12 per cent increase from 2021. India's remittance flows account for nearly 3 per cent of the country's Gross Domestic Product (GDP) in 2022. Yet, NRIs' direct involvement in India's electoral politics has been limited.

The Representation of the People Act, 1950 was amended in 2010, making way for a special provision, allowing for all Indian citizens to be enrolled in the electoral rolls in the constituency which is their place of residence in India as mentioned in their passport. While an appreciable first step, the dismal NRI voter figures warrant introspection. A key reason for low NRI voter turnout could be an onerous requirement – while they can vote, NRIs must be physically present in their constituency in India on the day of the election. For a large majority, interrupting their lives overseas, to travel to India in order to exercise their right to vote, is something they cannot afford.

As a result, NRIs' concerns are completely side-lined from electoral politics. A possible solution to bridge this issue is making provisions for all the NRIs' eligible to vote at the nearest Embassy or High Commission or Consulate General of India in order to enhance their voter turnouts and political participation.

As envisioned by our Constitution framers, in a democracy as vibrant as ours, no Indian voter should be left behind. This Bill is an attempt to create a legislative framework to allow for enhanced expatriate participation in India's democracy.

The Bill, therefore, seeks to amend the Representation of the People Act, 1950 with a view to make provisions for the persons residing outside India to exercise franchise at the nearest Embassy or High Commission or Consulate General of India in order to enhance their voter turnouts and political participation.

Hence, this Bill.

NEW DELHI;  
*January 18, 2023.*

KARTI P. CHIDAMBARAM

## FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed amendment to section 20A provides for the persons residing outside India to exercise franchise at the nearest Embassy or High Commission or Consulate General of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to estimate the recurring and non-recurring expenditure likely to be incurred from the Consolidated Fund of India.

ANNEXURE

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

(43 OF 1950)

Special provisions  
for citizens of  
India residing  
outside India.

**20A.** (1) Notwithstanding anything contained in this Act, every citizen of India—

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|-----|---|---|---|---|
| (a) | * | * | * | * |
| (b) | * | * | * | * |
| (c) | * | * | * | * |
| (2) | * | * | * | * |

(3) Every person registered under this section shall, if otherwise eligible to exercise his franchise, be allowed to vote at an election in the constituency.

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further to amend the Representation of the People Act, 1950.

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*(Shri Karti P. Chidambaram, M.P.)*