

AS INTRODUCED IN THE RAJYA SABHA
ON THE 5TH DECEMBER, 2025

Bill No. XCV of 2024

THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 2024

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BILL

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

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

1. (1) This Act may be called the Representation of the People (Amendment)
Act, 2024.

Short title and
commencement.

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

Amendment of
section 19.

2. In the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), in section 19, in clause (b), for the words, “is ordinarily resident in a constituency”, the words, “is ordinarily or usual resident in a constituency”, shall be substituted.

43 of 1950.

Amendment of
section 20A.

3. In the principal Act, in section 20A, after sub-section (3), the following new sub-sections shall be inserted, namely:—

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“(4) Notwithstanding anything contained in this section, a citizen of India residing outside the country for employment, education, or other purposes for a time period not less than a year, shall be entitled to cast their vote in elections through a method as prescribed by the Election Commission of India from the country of their current residence.

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(5) The Election Commission shall take measures to enable a citizen mentioned in sub-section (4) to vote remotely, ensuring the security, confidentiality, and authenticity of the process, in accordance with the rules framed under the Representation of the People Act, 1951.”

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43 of 1951.

Insertion of
new section
20B.

4. In the principal Act, after section 20A, the following new section shall be inserted —

Usual
Resident.

“20B.(1) Any person, who has been staying continuously in a local area (village/town) within India for at least six months or intends to stay for six months or more shall be deemed as a usual resident of that place.

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Provided that if a person was not staying in the village/town continuously for six months, but was found to be staying there during the enumeration, with the intention to stay there continuously for six months or more, then that place shall be deemed to be the person’s usual place of residence and this category shall include, but not be limited to:

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(a) persons whose usual place of residence is evidenced by ongoing familial, social, or economic ties to the constituency for not less than six months;

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(b) inter-state migrants who have temporarily relocated for work, education, or other purposes for not less than six months;

(2) The status of “usual resident” shall be determined without prejudice to any other residence status an individual may hold for other legal purposes;

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(3) A person may be considered a usual resident of only one constituency at any given time for the purposes of electoral registration;

(4) No usual resident shall be entitled to be registered in the electoral roll of more than one constituency within a period of not less than six months, given that the person holds any other residence status in India in more than one constituency;

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(5) The Central Government in consultation with the Election Commission may prescribe additional criteria or documentation requirements to establish usual residence, ensuring that such requirements do not unduly burden the right to vote;

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(6) If any question arises as to where a person is usually resident within India at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.

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	(7) Any person, who disputes his inclusion in the electoral roll based on the determination of his usual place of residence within India may appeal in accordance with the provisions mentioned in section 24 of the Act.	
5	5. In the principal Act, in section 22—	Amendment of section 22.
	(i) in clause (b), for the words, “ordinary residence within the constituency”, the words, “ordinary or usual residence”, shall be substituted;	
10	(ii) in clause (c), for the words, “ordinarily resident”, the words, “ordinarily or usual resident”, shall be substituted.	
	(iii) in the proviso, for the words, “ordinarily resident”, the words, “ordinarily or usual resident”, shall be substituted.	
	6. In the principal Act, in section 27, in sub-section (5),—	Amendment of section 27.
15	(i) in clause (a), for the words, “ordinarily resident”, the words, “ordinarily or usual resident”, shall be substituted.	
	(ii) in clause (b), for the words “ordinarily resident”, the words “ordinarily or usual resident” shall be substituted.	
	7. In the principal Act, in section 28, in sub-section (2), for clause (a), the following shall be substituted, namely—	Amendment of section 28.
20	“the determination of ordinary residence under sub-section (7) of section 20 and the determination of usual residence under sub-sections (1) and (5) of section 20B;”	
	8. In the principal Act, after section 29, the following new section shall be inserted, namely:—	Insertion of new section 29A.
25	“ 29A. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any rule or regulation having effect by virtue of any law other than this Act.”	Act to have overriding effect.

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1950, laid the foundation for India's electoral system, establishing the framework for voter registration and constituency delimitation. Over the years, this Act underwent several amendments to adapt to changing socio-political landscapes. Despite these changes, a significant challenge remains unresolved, low voter turnout during elections.

One of the key factors contributing to this issue is internal migration, as identified in various assessments. Migrant voters who reside away from their home constituencies often face difficulties in returning to vote during polling day due to logistical and financial constraints. This challenge has been acknowledged by the Election Commission of India (ECI) as a critical factor affecting voter participation, particularly in States with historically low turnout.

While the Constitution guarantees the right to vote and the Representation of the People Act, 1950 provides the legal framework for voting, however, it still fails to enable domestic migrants to vote from their current place of residence. This issue is particularly pressing for India's large population of inter-state migrants, who often rely on seasonal employment and receive low wages. The scale of this challenge became evident in the 2019 general election, where 300 million eligible voters—twice the population of Russia—did not cast their ballots. The ECI highlighted internal migration as a key reason contributing to this low turnout.

Therefore, the Bill envisages amending the Representation of the People Act, 1950 to remove unreasonable restrictions imposed on domestic migrants by requiring them to be physically present in their constituencies. The Bill intends to add provisions to facilitate their voting to their home constituencies from a location within India where they have set up their usual place of residence for not less than six months. The Bill makes provision to ensure that there is only one registration per voter regardless of the status of the usual resident in any other residence they may hold for other legal purposes. This Bill, therefore, ensures that any individuals who have maintained a usual place of residence in a different constituency are entitled to vote for their home constituencies from their usual place of residence anywhere within India, thereby eliminating the need for them to travel to their ordinary residence to cast votes. This will not only empower the voting rights of the people of India but also mend the democratic deficit prevailing in India.

A significant milestone in the amendments made to the principal Act was the Representation of the People (Amendment) Act, 2010, which introduced Section 20A, allowing overseas Indian citizens to register as voters in their constituencies of ordinary residence. This amendment aimed to enfranchise the growing Indian diaspora, recognizing their right to participate in the democratic process of their home constituency. However, while this was a step forward in expanding voting rights, it did not fully address the logistical and financial challenges faced by Indian emigrants in returning back to their home constituencies to exercise their voting rights, thus necessitating further reform.

Despite the existence of the constitutional right to vote and the provisions in the Representation of People Act, 1950, it still fails to entitle Indian emigrants to vote from their usual place of residence. As per estimates, India has the largest diaspora population. Out of 99,844 registered NRI voters, only 25,606 cast their votes proving how a substantial portion of Indian citizens are deprived of their legitimate right to participate in the electoral process. Comparatively, in the 2014 Parliamentary elections, only 11,846 NRIs were registered.

The Ministry of External Affairs reports that there are 35.42 million foreign emigrants from India. Further, India is expected to have a migration rate of around forty per cent. in 2030, according to the India Employment Report 2024 by the Institute for Human Development and the International Labour Organization. In light of the growing foreign migration for study or work purposes, it becomes indispensable to provide them with voting rights from their usual residence instead of ordinary residence. The amendment in this Bill is introduced against the backdrop of several previous efforts to grant voting rights to Non-Resident Indians (NRIs). Notably, a Bill passed by the Lok Sabha in 2018 sought to enable overseas voters to exercise their franchise from their place of residence abroad. However, the Bill lapsed due to the dissolution of the Lok Sabha. However, despite these attempts, the issue of extending voting rights to Indian emigrants remains unresolved, necessitating further legislative action to ensure their participation in the democratic process the Bill envisages amending the Representation of the People Act, 1950 to remove unreasonable restrictions imposed on foreign emigrants by requiring them to be physically present in their constituencies. The Bill intends to add provisions to facilitate their voting to their home constituencies from a location where they have set their usual place of residence for not less than one year. The Bill makes provision to ensure that there is only one registration per voter regardless of the status of any other residence they may hold for other legal purposes. This Bill, therefore, ensures that any individuals who have maintained a usual place of residence in a different country are entitled to vote for their home constituencies from their usual place of residence, thereby eliminating the need for them to travel to their ordinary residence in India to cast votes. This will not only empower the voting rights of the people of India but also mend the democratic deficit prevailing in India.

The Bill seeks to achieve the above objectives.

JEBI MATHER HISHAM.

FINANCIAL MEMORANDUM

The amendment to the Representation of the People Act of 1950 *vide* Clauses 3 and 4 of the Bill, will entail certain initial costs for upgrading the electoral roll management systems, developing secure platforms for remote voting and voter verification, and conducting widespread voter education campaigns. Ongoing annual expenditures will involve maintaining these systems, training election officials, and managing the increased complexity of voter registration and verification processes. While the implementation of these amendments represents a substantial financial commitment, it is expected to provide long-term benefits by increasing voter participation, especially among domestic migrants and Indian migrants, thereby enhancing the democratic process.

The Bill, therefore, if enacted, would involve expenditure, both of recurring and non-recurring nature, from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

ANNEXURE

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

(43 of 1950)

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| 19. | Subject to the foregoing provisions of this Part, every person who — | | | | Conditions of registration. |
| | (a) is not less than 5 [eighteen years] of age on the qualifying date, and | | | | |
| | (b) is ordinarily resident in a constituency, | | | | |
| | shall be entitled to be registered in the electoral roll for that constituency. | | | | |
| | * | * | * | * | * |
| 22. | If the electoral registration officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency— | | | | Correction of entries in electoral rolls. |
| | (a) is erroneous or defective in any particular, | | | | |
| | (b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or | | | | |
| | (c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll, the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry after proper verification of facts in such manner as may be prescribed: | | | | |
| | Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him after proper verification of facts in such manner as may be prescribed. | | | | |
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| 27. | (5) Subject to the foregoing provisions of this section,— | | | | Preparation of electoral roll for Council constituencies. |
| | (a) every person who is ordinarily resident in a graduates' constituency and has, for at least three years before the qualifying date, been either a graduate of a University in the territory of India or in possession of any of the qualifications specified under clause (a) of sub-section (3) by the State Government concerned, shall be entitled to be registered in the electoral roll for that constituency; and | | | | |
| | (b) every person who is ordinarily resident in a teachers' constituency, and has, within the six years immediately before the qualifying date for a total period of at least three years, been engaged in teaching in any of the educational institutions specified under clause (b) of sub-section (3) by the State Government concerned shall be entitled to be registered in the electoral roll for that constituency. | | | | |
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Power to
make rules.

- 28.** * * * * *
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (a) the determination of ordinary residence under sub-section (7) of section 20;
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RAJYA SABHA

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

(Shrimati Jebi Mather Hisham, M.P.)