

CHAPTER XI – ENROLMENT OF OVERSEAS ELECTORS

Who is an overseas elector? –

1. Provisions for registration of overseas electors in electoral roll have been made in the Representation of the People (Amendment) Act, 2010 (Annexure 11.1)–
 - i. By the Representation of the People (Amendment) Act, 2010, Section 20A, has been added after Section 20 in Representation of the People Act, 1950. This reads as follows: -

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

(a) whose name is not included in the electoral roll;

(b) who has not acquired the citizenship of any other country; and

(c) Who is absenting from his place of ordinary residence in India owing to his employment, education or otherwise outside India (whether temporarily or not)

Shall be entitled to have his name registered in the electoral roll in the constituency in which his place of residence in India as mentioned in his passport is located.

(2) The time within which the name of persons referred to in sub-section (1) shall be registered in the electoral roll and the manner and procedure for registering of a person in the electoral roll under sub-section (1) shall be such as may be prescribed.

(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

Manner and procedure of registration of overseas electors:

2. Manner and procedure of registration of overseas electors has been prescribed by the Registration of Electors (Amendment) Rules, 2011, notified by the Ministry of Law and Justice, Legislative Department, Government of India vide notification No. F.No. H-7(18)/98. –Leg.II (Vol.IV) (Annexure 11.2).

3. (i) According to Rule 8A of Registration of Electors Rules, 1960 application for registration as Overseas Electors has to be made to ERO in Form 6A.

- a. The application can be made either in person to the ERO or sent to him by Post
- b. If the application is made in person, the applicant will bring his passport and other relevant documents and present it to the ERO. The ERO shall keep copies of relevant pages of the passport in the case file after due verification and attestation and return the passport to the applicant.
- c. If the application is made by post it has to be accompanied by copies of all the documents mentioned in Form 6A duly self attested by the applicant concerned.

(ii) In order to facilitate the NRIs and improve their enrolment in the electoral rolls, Form 6A shall be distributed among the family members of overseas electors, residing in India, through the Booth Level Officer (BLO) in the area assigned to him/her. Since BLOs are acquainted with the area assigned to them, they may be asked to prepare a list of such households in their area in which member(s) of the family reside(s) abroad. The name of Assembly Constituency and the postal address of the ERO should be filled up in Form 6A by the BLO before its distribution. BLO may be advised to request the member of such households before giving Form 6A to send the same to the member of his/her family living abroad for sending it back to the ERO to the address already provided in Form. BLO may be kept abreast of the rules and regulations for the registration of overseas electors properly so that they can give suitable reply to the queries/doubts raised by any person at the time of distribution of Form 6A.

4. Procedure of ERO on receiving application in form 6A –

- a. EROs have to keep a separate register for applications received in Form 6A. All applications received in Form 6A should be entered in this register.
- b. A list of all claims and objections with respect to overseas electors should be published by the ERO in Format 9A on a weekly basis every Friday on the notice board of the ERO and also in the official gazette of the State. A copy of the official gazette should be published immediately on the website of the CEO.
- c. The ERO *shall* ask the BLO concerned to visit the home address mentioned in the passport of the overseas electors. The BLO shall ask relatives of the applicant, if any, to verify the self-attested copies of documents and give a declaration (Annexure 11.3) to this effect. In those cases, where no relatives are available or relatives are not willing to give the declaration for verification of documents or the ERO is not satisfied with verification of documents by relatives, documents will be sent for verification to the concerned Indian Mission in the foreign country where the applicant resides.

- d. The decision of the ERO should be communicated to the applicant by post on the address of the applicant in the country of his residence given by the applicant in his application in Form 6A and also be sending an SMS on the cell phone number given by the applicant in his application in Form 6A.
5. Procedure if personal hearing becomes necessary - If personal hearing is necessary in respect to any claim or objection to the inclusion of names in the rolls as overseas electors, the ERO shall designate an officer from the Indian Mission concerned to hear the parties and give a report. *The Commission has asked the Ministry of External Affairs to designate one officer in each Indian Mission abroad.* The names of such officers who can be so designated by the ERO shall be sent to the EROs through the CEO by the Commission *in consultation with the Ministry of External Affairs.*

Inclusion of names of the overseas electors in the roll:

6. Name of Overseas electors is to be included in the relevant part of the assembly constituency in which the place of his residence in India as mentioned in his passport is located. A separate section named "Overseas Electors" shall be created those parts in which overseas electors are registered and names of overseas electors will be kept in this section. This will be the last section of the concerned part.

Monitoring of Registration of overseas electors:

7. Registration of overseas electors will be an ongoing activity as part of continuous updation of electoral rolls.
- EROs shall prepare a monthly report in format A (Annexure 11.4), and send it to the CEO to reach them latest by the 5th of every month
 - CEOs shall compile the monitoring report of all the EROs for the state and send it to the Commission by the 8th of every month
 - Every CEO and DEO shall have a grievance *redressal* mechanism in place for overseas electors who find any difficulties in registration.

Identification of overseas elector at the polling station:

8. The identification of overseas electors at the time of casting of votes at polling station shall be done only on the basis of their original Passports. For this purpose, they shall be *required* to bring their original Passport to the polling station.