

NRI Electors

Q1. Who is an overseas (NRI) elector? Can an NRI settled in foreign land become an elector of electoral roll in India?

Ans.- An overseas elector is a person who is a citizen of India and who has not acquired citizenship of any other country and is otherwise eligible to be registered as a voter and who is absenting from his place of ordinary residence in India owing to his employment, education or otherwise is eligible to be registered as a voter in the constituency in which his place of residence in India as mentioned in his passport is located. According to the provisions of Section 20A of the Representation of People Act, 1950, an NRI settled in foreign land can become an elector in electoral roll in India.

Q2. Who is eligible to be registered as a voter?

Ans.- Every Indian citizen who has attained the age of 18 years on the qualifying date i.e. first day of January of the year of revision of electoral roll, unless otherwise disqualified, is eligible to be registered as a voter in the roll of the part/polling area of the constituency where he is ordinarily resident.

Q3. What is the relevant date for determining the age of 18 years? Can I get myself registered as a voter on the day when I have completed 18 years of age?

Ans.- According to Section 14 (b) of the Representation of People Act, 1950 the relevant date (qualifying date) for determining the age of an applicant is the first day of January of the year in which the electoral roll is finally published. For example, if you have completed or are completing 18 years of age on any date from and after 2nd January 2013 but upto to 1st January 2014, you will be eligible for registration as a voter in the elector roll going to be finally published in January, 2014.

Q4. Can a non-citizen of India become a voter in the electoral rolls in India?

Ans.- No. A person who is not a citizen of India is not eligible for registration as a voter in the electoral rolls in India. Even those who have ceased to be citizens of India on acquiring the citizenship of another country are not eligible to be enrolled in the electoral rolls in India.

Q5. How can an overseas Indian (NRI) get registered / enrolled in the electoral roll?

Ans.- He/she has to file an application for the purpose in prescribed Form 6A before the Electoral Registration Officer / Assistant Electoral Registration Officer of the constituency within which the place of ordinary residence of the applicant in India as given in his/her passport falls. The application accompanied by duly self attested copy of the relevant documents can be filed in person before the concerned Electoral Registration Officer / Assistant Electoral Registration Officer or sent by post addressed to him or can be filed online on website of Chief Electoral Officer of the concerned state or website of Election Commission of India. While filing

Form 6A on line, the copy of the passport and copies of other necessary documents like visa should also be uploaded.

Q6. What does a 'passport' mean in above question?

Ans.- 'Passport' means a passport issued by the Indian Government, in which visa endorsement has been made. It doesn't mean necessarily the current passport, since in many cases the current passport may not contain details of the address in India, mentioned in the original passport but may contain the address in foreign land.

Q7. From where Form 6A can be obtained ?

Ans.- It can be downloaded from the website of Chief Electoral Officer of the concerned state or website of Election Commission of India. Form 6A is also available free of cost in Indian Missions in foreign countries. Besides, Booth Level Officers in every polling station area in India have been asked to distribute blank Form 6A to families of overseas Indians in India to send the same to persons living abroad.

Q8. What documents are required to be enclosed with Form 6A?

Ans.- One recent passport size coloured photograph, duly affixed in Form 6A, photo- copies of the relevant pages of the passport containing photograph, his address in India and all other particulars of the applicant and also the page of passport containing the valid visa endorsement.

Q9. What other formalities are required to be fulfilled at the time of filing claim application?

Ans.- If the application is sent by post, the photo-copy of each of the documents referred to in the answer to Question No. 8 above, should be duly self attested. If the application is submitted in person before the Electoral Registration Officer / Assistant Electoral Registration Officer, the original passport should be produced for verification.

Q10. Who is competent to verify claim applications and objections?

Ans.- The Electoral Registration Officer / Assistant Electoral Registration Officer of the concerned constituency.

Q11. From where the postal address of the Electoral Registration Officers can be obtained ?

Ans.- Postal addresses of all Electoral Registration Officers are available on the website of Election Commission of India / Chief Electoral Officers of respective State / Union Territory (link to which has been provided on the Election Commission of India website). They can also be obtained from Indian Missions in Foreign countries.

Q12. If I apply on line, whether I need to send by post to the Electoral Registration Officers address, signed copy of the Form 6A along with required documents.

Ans.- Yes, it is necessary to send signed copy of Form 6A and self attested copies of requisite documents mentioned in answer to Question No. 8 above.

Q13. Where will be the notice of hearing sent by Electoral Registration Officer?

Ans.- The Electoral Registration Officer will send notice at the address of applicant in the country of his current residence, as informed by him and it will be considered as due service of notice to the applicant.

Q14. Is personal appearance of applicant or hearing parties necessary? If yes, how will the hearing be conducted?

Ans.- Personal appearance or hearing is not necessary in each case. On receipt of Form 6A, the Electoral Registration Officer shall display a copy of the said Form on his notice board inviting objections, if any, within 7 days time. The Electoral Registration Officer may also ask the concerned Booth Level Officer to verify with the family members / relatives or the neighbours, if any, the information provided by the applicant.

If Form 6A is complete in all respects and copies of all relevant documents enclosed and no person has objected within 7 days stipulated time, the Electoral Registration Officer can order inclusion of name in the electoral roll.

In case there is an objection to the claim in Form 6A for inclusion of name, the Electoral Registration Officer shall designate and authorize an officer from the Indian Mission at that particular country to which the applicant belongs, to hear the applicant for the objection raised. If the objector is also available there then both the parties are heard. Such designated officer of the Indian mission will send a report to the Electoral Registration Officer to enable him to take decision in the case. In no case, the personal appearance of the applicant/objector living abroad shall be required by the ERO in India.

Q15. Where can be the list of claims and objections seen?

Ans.- It can be seen on the website of the Chief Electoral Officer of the State concerned. It can also be seen on the notice board at the office of the Electoral Registration Officer.

Q16. What is the procedure of verification of self attested documents submitted by an overseas Indian (NRI) alongwith his application in Form 6A ?

Ans.- As soon as Electoral Registration Officer receives Form 6A alongwith copies of self attested documents, he will send Booth Level Officer of the concerned polling area for field verification. Booth Level Officer will visit the home address mentioned in the passport of the applicant. He will enquire from the relations of the applicant, if any, to verify the self attested copies of documents and give a declaration to the effect. In those cases where no relative is available or no relative is willing to give declaration for verification of documents, or Electoral Registration Officer is not satisfied with verification of documents by the relatives, the

documents will be sent for verification to the concerned Indian Mission in the country where the applicant resides. The officer in Indian Mission authorized to verify the claims application will take further necessary action as mentioned in answer to Question No. 14 above.

Q17. How will an overseas Indian (NRI) know that his/her name is included in the electoral roll?

Ans.- The decision of the Electoral Registration Officer will be communicated to the applicant by post on his address in the foreign country given by him in Form 6A and also by SMS on the mobile number given by him in Form 6A. Electoral rolls are also available on the website of the Chief Electoral Officer of the State concerned and can be seen by anybody.

Q18. Where the entries pertaining to overseas (NRI) elector find place in the electoral roll?

Ans.- Name of overseas elector is included in a separate section for “Overseas Electors” which is the last section of the roll of that particular part / polling station area of the constituency in which his place of residence in India as mentioned in his passport is located.

Q19. How can corrections be made if there are some mistakes in the entries in the electoral roll pertaining to overseas (NRI) electors?

Ans.- For correction of mistakes in electoral rolls, an application in Form-8 is to be submitted to the Electoral Registration Officer concerned.

Q20. Who can object to the inclusion of names in electoral rolls?

Ans.- Any person who is a voter in the concerned constituency may object to the inclusion of names in electoral roll on the ground that the person whose names is included or is proposed to be included is not eligible to be registered as a voter in that constituency. An objection can be made in Form 7 to the concerned Electoral Registration Officer / Assistant Electoral Registration Officer along with the relevant proof.

Q21. Whether Electoral Registration Officer is to be informed of the change in current residential address of the overseas (NRI) electors in the country of his/her residence?

Ans.- Yes. It is the responsibility of the overseas elector to keep the Electoral Registration Officer informed of the change in residential address in the country of his/her residence.

Q22. Whether Electoral Registration Officer is to be informed when the overseas (NRI) elector returns to India and becomes ordinarily resident in India?

Ans.- Yes. An overseas elector must do so. In such a case, the person can then be registered as a general elector at the place where he is ordinarily resident in India.

Q23. How can an overseas (NRI) elector whose name is enrolled in the electoral roll exercise his/her franchise?

Ans.- After enrolment, an overseas (NRI) elector will be able to cast his vote in an election in the Constituency, in person, at the polling station provided for the part where he is registered as an overseas (NRI) elector.

Q 24. Is an overseas (NRI) elector issued an EPIC ?

Ans. – An overseas (NRI) elector is not issued an EPIC as he is allowed to cast his vote in an election in the constituency, in person at the polling station on production of his original passport.

Q25. Whether the overseas (NRI) elector should surrender EPIC, if already issued to him, in India ?

Ans.- Yes, the overseas elector should surrender EPIC, if already issued to him, in India, alongwith submission of Form 6 A.

Q 26. When can one get registered in electoral roll? Is enrollment is on throughout the year ?

Ans.- The Election Commission normally orders revision of existing electoral roll every year, sometime in the months of September to October and such revised rolls are finally published in first week of January of the coming year. One can submit claim application

(Form 6A) during period for lodging claims and objections to Electoral Registration Officer / Assistant Electoral Registration Officer or Designated Officer. Even after final publication, the rolls are updated continuously and one can get registered anytime during the continuous updation by filing a claim application to Electoral Registration Officer / Assistant Electoral Registration Officer.

Q.27 Can one be enrolled at more than one place?

Ans.- No. A person cannot be enrolled as a voter at more than one place in view of the provisions contained under Sections 17 and 18 of Representation of People Act, 1950. Likewise, no person can be enrolled as an elector more than once in any electoral roll. Any person while applying for fresh enrolment, makes a statement or declaration whether his / her name is already included in the electoral roll of any other constituency, and if such statement/declaration is false and which the applicant either knows or believes to be false or does not believe to be true, he is liable to be punished under section 31 of the Representation of the People Act, 1950.

Q.28 If I have a complaint against the order of Electoral Registration Officer, to whom I should make an appeal.

Ans.- During the period of revision, you can file an appeal to the District Election Officer. In the case of application during the process of continuous updation, such appeal against any order of Electoral Registration Officer will lie before the District Magistrate / Additional District

Magistrate / Executive Magistrate / District Collector of the District concerned. A further appeal against the order of Appellate Authority will lie before the Chief Electoral Officer of the State.

Q. 29 Whether there is any minimum period for which one should be out of country so as to apply for registration as overseas elector?

Ans.- No such period is prescribed.