



DEMOCRATIC
AUDIT
of Australia 

**ELECTORAL REGULATION RESEARCH
NETWORK/DEMOCRATIC AUDIT OF AUSTRALIA
JOINT WORKING PAPER SERIES**

MAKING INDIA'S DEMOCRACY BIGGER AND BETTER¹

Tanya Spisbah,

(Director, Australia India Institute, Delhi)

WORKING PAPER NO. 60 (OCTOBER 2019)

¹ This working paper is based on a presentation given as part of a collaborative event between the University of Melbourne, the Australia India Institute and the Trivedi Centre for Political Data – Workshop on The Future of Electoral Democracy in India and Australia – held in New Delhi in September 2019 with support from the Australian Department of Foreign Affairs and Trade gratefully acknowledged.

ABSTRACT

This working paper outlines some of the successes and challenges facing Indian democracy as they relate to absentee voting.

India is the world's largest democracy, with 908.7 million voters enrolled at the time of the 2019 general election. It is tempting to round off to '900 million', but this would be to ignore 8.7 million voters – the population of Switzerland.

This year the turnout was the biggest ever with 67 per cent of registered Indians exercising their right to vote.

Despite this success, an astounding 280 million Indians – equivalent to the population of Indonesia – were not represented at the polls, in part due to the absence of provisions in India's electoral law to allow voting outside the areas citizens are registered.

Equal participation of citizens in decision making processes distinguishes democracies from other forms of government, and Indians are, in general, keen to participate. Rickshaw drivers and fruit market owners espouse their views on candidates with equal zeal and conviction to political scientists and politicians themselves. But the hundreds of millions of Indians living outside their constituencies, including the 25 million Indians living overseas, are effectively excluded.

While it is possible for voters to change their constituency to reflect their current place of residence by filing out a form, this can be impractical. For example, seasonal workers are frequently shifting from North to South and back to follow work opportunities. The cost – financially and temporally – is often too great on a worker to return home for elections. And in some cases, workers aren't supported by their employer to take leave to vote or cannot consider sacrificing their salary to cast their vote.

This challenge will only increase. The continued globalisation of professional and personal life is creating an increasingly mobile population, both inside and outside the country, raising the demand for more flexible access to voting.

India is facing a huge wave of internal migration in the coming years as people move from rural areas to cities seeking work and opportunity. Some 60 per cent of Indians currently live in regional or rural areas compared with 40 per cent in urban settings. By 2030, these figures are set to reverse.

Currently only those Indian citizens employed in the military, border patrol or civil service can vote outside their constituencies; this year approximately two million did so.

Many countries allow for general absentee voting. In Australia, citizens can vote from anywhere in the country or the world. An Australian voter is not registered in two places simultaneously, rather, they are registered in one electorate and can turn up to vote in another electorate, even at an interstate or overseas polling station. An election official checks the identity of the voter on an electronic system and hands the voter a paper ballot that represents the candidates in their local constituency. The voter then fills out the ballot and places it in an envelope marked to be sent to his or her registered electorate to be counted. Importantly, the vote stays anonymous. Alternatively, voters can choose to vote early by postal ballot.

Indians living overseas (Non-Resident Indians or NRIs) have long campaigned to exercise their right to vote from their place of dwelling – lobbying the government and even taking complaints to the Supreme Court of India. Laws were changed a decade ago to allow NRIs to register to vote, but they still must return home to do so.

In 2014 the Electoral Commission of India provided a report to government on '*Exploring Feasibility of Alternative Options for Voting For Overseas Electors*', outlining options for proxy and postal voting.

Last year the Lok Sabha (Lower House) passed an amendment bill to allow NRIs to vote off-shore, but the bill was blocked in the Rajya Sabha (Upper House). If passed, the amendment would have allowed NRIs to vote by proxy (a nominated person to vote on their behalf within the constituency) but wouldn't have provided for voting offshore, for example in embassies and consulates.

But there have been no moves to extend some form of absentee voting for the much larger group of Indians living outside their constituencies within India, estimated to be as many as 300 million people. Under electoral laws these internal migrants aren't eligible to absentee vote because they cannot be registered in two places at once.

There are, of course, practical difficulties in introducing absentee voting. Allowing for absentee and postal ballots could potentially increase the number of voters by 200 million, after accounting for those that simply choose not to vote. This would be a major administrative and expensive extension of the existing election process.

There also remains deep concern in India to ensure the integrity of the voting system to avoid fraud. However, India's longstanding use of Electronic Voting Machines, plus the introduction of the personal identification Aadhar number that centralises the data of each citizen including address, biometric data and contact details, could lay adequate foundations for a robust system not subject to fraud.

The issue of absentee voting is by no means confined to India. Countries like Italy and France also don't provide for nation-wide absentee voting for internal migrants, and given their significantly smaller populations, the burden of extending the system would be far less than that facing India.

Extending the voting system to allow for absentee voting would be an extraordinary feat if India is able to implement it. It would diversify the voice of the people by including a stronger international voice and a stronger voice from the hundreds of millions of internal migrant workers, which may in turn influence the policy issues of parties' mandates to take account of these citizens.

The introduction of absentee voting for all citizens would make the largest democracy in the world even more accessible, and representative. It would make India's vibrant democracy bigger and better.