

Date: 05-05-2021

To

**Shri Sushil Chandra**

Chief Election Commissioner  
Election Commission of India (ECI)

**Shri Rajiv Kumar**

Election Commissioner  
Election Commission of India (ECI)

**Subject: Request for immediate action for implementation of Voting Facilities for the Migrant Workers to enable them to vote from anywhere, during the upcoming State Assembly and Parliamentary elections**

Dear Sir (s),

Please do accept our best wishes for the successful conducting of the important Legislative Assembly elections to four states and one UT during the most unprecedented times and the challenges put forth by Covid19 pandemic. The Election Commission at the Center and the State has done exemplary work in streamlining and improving the electoral processes with every election. We want to thank you for being supportive of the ADR Election Watch activities in the past elections.

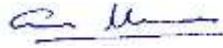
We are reaching out to you with regard to the matter pertaining to the immediate need for extending facilities allowing migrant workers to vote from their current residences away from home constituencies, at a time when similar facility is being worked out for the Non-resident Indians (NRIs) by the ECI.

The Association for Democratic Reforms (ADR) had organised a webinar on **“Voting Facilities for the Migrant Workers”** on 21<sup>st</sup> January, 2021. The importance of the subject is evident from the fact that the webinar was addressed by three erstwhile Chief Election Commissioners namely, Dr S.Y. Quraishi, Dr Nasim Zaidi and Shri O.P. Rawat, who spoke at length about the urgent need for a seamless procedure enabling voting facilities for the migrant workers (popularly referred as **Migrant Resident Indians (MRIs)**). Prof Jagdeep Chhokar (Founder Member & Trustee, ADR) (who moderated the webinar), Prof Ashwani Kumar of Tata Institute of Social Sciences (TISS) and Shri Rajiv Khandelwal (Executive Director, Aajeevika Bureau) spoke and deliberated on the need to address the issue of the electoral exclusion of the MRIs.


We are enclosing as Annexure the background of the webinar, deliberations, summary of points raised by various speakers and a set of recommendations on the subject of migrant workers for consideration of ECI.

We hope that the Commission will take the necessary actions to address the issues and recommendations highlighted in the Annexure and enable domestic migrants to exercise their voting rights from their current residences away from home constituencies in a time bound manner. This will uphold and further enhance the trust and faith of the public in ECI and assist in realisation of its own motto “no voter to be left behind”. We look forward to your continuous support towards improving governance and strengthening democracy in our country.

Warm regards,



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## ANNEXURE

**Background:** Over the course of the last few months, several media articles reported about the efforts being made by the Election Commission of India (ECI) to enable NRIs to vote from whichever country they happen to be at the time of an election in India. At the same time, it has also been noticed that the efforts made to enable internal migrants who are within the country and whose number is much more than the NRIs, seem to be marginal. ADR felt that this is a very important issue wherein millions of Migrant Resident Indians fail to exercise their voting rights as they are unable to travel to their constituencies due to various reasons like expenditure involved, requirement to take leave from workplace, etc. It is estimated that approximately 60 crore of the 90 crore eligible citizens voted during the Lok Sabha 2019 elections. It is estimated that besides other identified categories who could not vote in successive elections, the Migrant workers or [MRIs constituted a major proportion](#) of more than 30 crore voters who were unable to cast their vote. At present, “there is no practical arrangement in place by the Election Commission of India (ECI) for MRIs to vote in cities where they go to work”. Hence, the ECI must come up with a viable solution to this issue so as to increase the voting percentage in various elections. With this context, ADR conducted the webinar on the aforesaid subject.

### Summary of the points put forward by the speakers during the webinar:

- i. Going by estimates, around 400 million “Migrant Resident Indians (MRIs)” who are eligible voters — a majority of them unskilled and semi-skilled workers—are not able to vote when it comes to exercising their franchise in general elections or even state Assembly polls, according to researchers at the Centre for Migration and Labour Solutions at Aajeevika Bureau.
- ii. A majority of migrant labourers leave their homes at the age of 13-14 years. Getting a voter ID card becomes very difficult for them at the age of 18 years. Their livelihood concerns never allow them to take off from work to chase the EPICs (electors photo identity cards) and get their names registered on electoral rolls at their current residences away from their home constituencies.
- iii. Migrant workers do not constitute an identifiable and countable class of electors. Under the existing norms, none of the agencies are able to give a uniform definition of migrant workers. There is an urgent need for working out a timely and comprehensive definition of migrant workers or various classes of migrants not only in terms of enrolling and voting but also to avail other benefits available in our country for such class of people. **An unanimously accepted definition of a “migrant”** is one of the most important challenges that needs to be addressed prior to laying down of any procedure for enabling voting facilities for them, to ensure that no type of migrant worker is left behind.
- iv. In response to the petitions filed in the Supreme Court on NRIs, the Election Commission had formed a committee in 2015 & 2016 where the political parties were also consulted. Whereas all political parties had agreed on the idea of providing voting facilities to the migrant workers, however, they were also of the opinion that further action may not be possible till a proper mechanism of defining a migrant is formulated.

- v. Freedom to vote is a major concern in the cases of migrant workers as they are at mercy of their employers. Migrant workers operate in very different circumstances. Many times, they may be under the clutches of their employers who may force them to vote for a certain kind of party or candidate of his/her preference. Therefore, the Election Commission has to ensure the safety of ballots along with identification of voters so that a genuine voter with EPIC is able to exercise his/her franchise according to his/her own free will.
- vi. It was felt that the plight of migrants had come alive in graphic terms during the lockdown last year and had shaken the moral consciousness of the nation. It would, therefore, be in the fitness of things to make arrangements for the MRIs on priority. Since the MRIs are larger in number, reside within the country and contribute towards infrastructure development in the country through hard labour, there is an urgent need to prioritise their vote.
- vii. ECI is voluntarily making several efforts to ensure voting facilities for the NRIs, however, similar arrangements have not been put in place for the domestic migrants, who are also entitled citizens and are rightful stakeholders in the electoral process of the country. Despite being numerically stronger, migrants are being deprived of their fundamental freedom to vote which constitutes a violation of the Constitution.
- viii. There is an inherent dichotomy between pursuing one's livelihood and exercising one's voting franchise. "Being a registered voter, by definition, implies stability, whereas migration or "being a migrant" implies mobility. There is a dichotomy between "stability" for voting and "mobility" for livelihood and the choice between voting and livelihood is obvious. The question, however, is whether people/citizen/voters should have to necessarily choose one of the two? It seems logical that a citizen cannot, and should not, be forced to give up a constitutional right just to be able to exercise another constitutional right. This could well be a violation of the Fundamental Rights provisions of the Constitution. It is therefore, essential that a solution be worked out so that migrant workers can exercise both these rights. This would ensure the political inclusion of migrant workers.
- ix. Political exclusion in centres of employment in urban spaces has been one of the primary reasons for migrant workers' disenfranchisement. Since Panchayat elections see a very close fight, the candidates may arrange their travel back home or lure them in different ways to ensure their participation. And for the migrant labourers, the stakes are always high in the local bodies' elections. They can approach a Sarpanch to get their grievances at the village level redressed. But it is highly unlikely for them to approach a parliamentarian or a MLA. There is need for infrastructural and political integration of migrants in cities and other urban areas to incentivise their electoral participation.
- x. There are major gaps in the legal provisions outlined in the Inter-State Migrant Workmen Act (Regulation of Employment and Conditions of Services) Act, 1979 and its implementation by State and Central authorities. Greater representation by MRIs must become a time-bound project, so that a large section of the country's voters who remain disenfranchised from time to time are able to contribute to electoral democracy.
- xi. Physical transmission of a polling ballot for migrant workers across the country will be a nightmare because of counting, recounting vis-à-vis EVMs etc., the only possible method may well be the electronic transmission of postal ballots. Alternatively, concept of National polling centres, district absentee voting centres are reported to be taking shape in the Commission. The only prerequisite is that the (a) class of MRIs must be identifiable, (b) they must be

distinct, (c) they are countable and (d) they must remain registered in their original place of residence and (e) they are not able to travel to their original place for voting.

### Proposed Recommendations:

- i. **Need for a legal definition of “migrant worker” and authentic data on such voters:** A committee set up by the EC in 2015 to study the feasibility of having migrant workers vote from wherever they are residing hit a stumbling block amongst host of other considerations, due to lack of clarity on the definition of a migrant. It is therefore suggested that the Commission undertakes the long pending demand of defining a migrant worker, and a commonly accepted definition of a migrant worker be worked out which enables political inclusion of migrant workers. For instance, what is the minimum number of days that she/he should be working in a place to qualify as a migrant worker? The Parliamentary Standing Committee on Labour also suggested on expanding the definition of unorganised workers to strengthen their rights and creation of a national database for migrant workers in its report submitted to the Lok Sabha in December 2019.

In this matter, ECI may undertake rounds of consultations with all the stakeholders including the former CECs, Civil Society Organisations, research scholars who have been associated with the matter and have insights to share. ADR will be happy to work with and assist the ECI in this effort.

- ii. **Simplifying the enrolment process for migrant workers:** Till the time ECI is working out the modalities for providing a secure system of hassle free voting facilities to the migrants, the existing procedure that allows internal migrants to enrol where they are “ordinarily resident” must be made simpler and voter friendly, taking the challenges posed by the nature of their occupation into consideration. Current provisions say that one has to be “ordinarily resident of the part or polling area of the constituency” where they have to be enrolled, which means one’s residential address is tied to the place of voting. The “ordinarily resident” clause for enrolling as a voter should be treated as a multi-local identity for internal migrants.
- iii. **Voter Awareness and assistance:** Campaigns to raise awareness about voting rights among domestic migrants must be organised by the Commission. In addition, electoral support services can be provided for the migrants at their place of work as well as helplines should be opened with staff speaking different languages for assisting them with any queries.
- iv. **De-linking of Voter ID and Aadhaar number:** Connecting Aadhaar to Voter ID is not a good idea because doing this in the case of PDS system created a myriad of problems and, at the end of the day, it was the underprivileged who had to face the consequences of failures in the government machinery.

The link to access the video of the webinar can be found [here](#) and a brief summary of the discussion can be accessed [here](#).