

## Webinar on ‘Voting Facilities for the Migrant Workers’

**Date:** 21<sup>st</sup> January, 2021, 11 A.M. onwards

### Background Note

The Constitution guarantees freedom of movement to every citizen and freedom to reside in any part of the country. The nation-wide lockdown imposed due to the Covid 19 situation placed the plight of the migrant labourers into the forefront of the public discourse for the first time. The term “Migrant labourer” is the epitome of the plight of a large section of our population that is simply by virtue of its work definition, which is being away from home, is excluded from basic constitutional right of voting, writes Teesta Setalvad in her [article](#) in *The Indian Express*.

The 2011 Census estimates the number of internal migrants to be 450 million (45 crore). 26% (117 million) of the migration among these takes place inter-district within the same state while 12% (54 million) of the migration takes place is inter-state. Short-term and circular migration itself is estimated to be 60-65 million migrants and most of these are inter-state migrants. It is estimated that approximately 60 crore of the 90 crore eligible citizens voted during the Lok Sabha 2019 elections. Migrant workers, also popularly called “Migrant Resident Indians” or [MRIs constituted a major proportion](#) of more than 30 crore voters who were unable to cast their vote. Quite often these MRIs are away from home at the time of elections. Working in the informal unorganized sector and earning meagre wages, internal migrants find it difficult to make a trip home only to cast their votes. 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”, argues Prof Jagdeep Chhokar of ADR.

While political exclusion of MRIs continues to be a reality, ECI approached the government to allow Non-Resident Indians to vote through postal ballots. According to some media reports, [ECI admitted](#) to Law Ministry that it is “technically and administratively” ready to extend the Electronically Transmitted Postal Ballot System (ETPBS) to NRI voters for assembly elections scheduled this year. The question that arises is that while there is renewed interest in prioritising voting rights to NRIs, why do the internal migrants continue to remain disenfranchised for so long despite being numerically strong?

Lack of access to the vote by MRIs constitutes a violation of their fundamental freedom to vote, read under Article 19 (1)(a) of the Indian Constitution. In a series of cases, the SC interpreted the freedom to access the vote within the ambit of Article 19(1)(a) and granted reliefs that facilitated the casting of the franchise. This right is being denied to the migrant workers in [two ways](#) – (1) a voter may only be enrolled to vote in the constituency in which they are ‘ordinarily resident’ – migrants are not permanent/long term residents in host cities and do not satisfy the requirements of being an “ordinary resident” under Section 20 of the RP Act in the host state to obtain voter cards; and (2) they can only access their franchise through in person voting at their registered constituency.

It is important that ECI find ways to enable the MRIs to exercise their franchise. ECI’s much proclaimed mission to ensure “no voters are left behind” must result in attempts to secure a system that assure MRIs the long overdue voting facilities.

In view of the above, we urge our esteemed panelists to focus on how to enable the MRIs to cast their vote from anywhere. Additionally, discuss the modalities that need to be worked out by the ECI, government and other relevant agencies to ensure timely and effective implementation of a framework that extends hassle free voting facilities to the MRIs.

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