

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Writ Petition(s)(Civil) No(s). 80/2013

NAGENDER CHINDAM AND ORS. & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

WITH

W.P.(C) No. 1010/2013

W.P.(C) No. 265/2014

W.P.(C) No. 920/2016

W.P.(C) No. 506/2022

O R D E R

Writ Petition(Civil) No.80/2013 filed under Article 32 of the Constitution of India prays for following principal relief:

"i. Issue an appropriate writ, order or direction in the nature of a writ of certiorari direction the respondents to issue directions granting online/postal ballot voting rights to non-residents Indians who are living outside India and who are absenting from their place or ordinary residence in India owing to their employment, education or otherwise outside India;

Notice was issued by this Court in February, 2013. Thereafter, a committee was constituted by the Election Commission to look into the matter and consider ways and means to facilitate voting for non-resident Indians and migrant workers. The committee thereafter submitted report which was placed on record before this Court. The Central Government had accepted the recommendations made by the Election Commission and introduced Representation of the People Amendment Bill, 2018 in Lok Sabha to amend the provisions of Section 60 of the Representation of the People Act, 1951. The intended amendment was to enable the overseas electors to appoint a proxy to cast vote on behalf of such electors. The Bill was passed in Lok Sabha. However, the same was not introduced in Rajya Sabha and as a result the Bill lapsed.

Thereafter, there has not been any development on the front. However, as Mr. R. Venkataramani, learned Attorney General for India submits the matter is still engaging the attention of the concerned authorities and functionaries and a solution will be found which would not only enable the concerned persons living overseas or

migrant labourers to cast vote but would also ensure the integrity and confidentiality of the entire electoral process.

The petition which was filed in the year 2013 was at a stage when nothing was being done to enable such persons to cast their votes. Today the awareness has not only been evident but the matter to the extent of tabling the bill before one of the Houses of Parliament which thought it fit to pass the Bill as well.

The purpose with which the writ petition was filed having been served, we see no reason to entertain this petition any longer.

Before parting we must say that the learned Attorney General for India has assured this Court that every step shall be undertaken to see that the persons living outside and migrant labourers are still part of the entire electoral process and every facility shall be extended which would ensure the confidentiality of the election. Having recorded this statement, we dispose of the writ petition.

There are certain other petitions which are praying for similar reliefs. Since the main matter is disposed of with the observations as stated above, we dispose of the other writ petitions as well.

.....CJI.
[UDAY UMESH LALIT]

.....J.
[BELA M. TRIVEDI]

New Delhi;
November 01, 2022.

ITEM NO.20

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 80/2013

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VERSUS

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WITH

W.P.(C) No. 1010/2013 (PIL-W)

W.P.(C) No. 265/2014 (PIL-W)

W.P.(C) No. 920/2016 (PIL-W)

W.P.(C) No. 506/2022 (X)
(FOR ADMISSION)

Date : 01-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Kuriakose Varghese, Adv.
Mr. V. Shyamohan, Adv.
Mr. Surya Prakash, Adv.
Ms. Astu Khandelwal, Adv.
M/S. Kmnp Law Aor, AOR

Mr. Haris Beeran, Adv.
Mr. Mushtaw Salim, Adv.
Mr. Usman Ghani Khan, Adv.
Mr. Azhar Assees, Adv.
Mr. Radha Shyam Jena, AOR

Mrs. Urmila Sirur, AOR
Ms. Gaytri Gulati Sreyes, Adv.

Ms. Binu Tamta, AOR

For Respondent(s) Mr. R Venkataramani, AG
Mr. Tushar Mehta, SG
Mr. Chitvan Singhal, Adv.
Ms. Sonali Jain, Adv.
Mr. Merusagar Samantary, Adv.

Mr. Ankur Talwar, Adv.
Mr. Rajat Nair, Adv.
Ms. Neela Kedar Gokhale, Adv.
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Mr. M. Gireesh Kr., Adv.
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Mr. B. Krishna Prasad, AOR

Mr. Sidhant Kumar, Adv.
Ms. Vidhi Udayshankar, Adv.
Ms. Neela Gokhale, Adv.
Mr. Abhishek Pandey, Adv.
Ms. Sakshi Garg, Adv.
Mr. Sahil Tagotra, AOR
Mr. B. Krishna Prashad, AOR

Mr. T. Harish Kumar, Adv.
Mr. Navneet Dugar, Adv.
Mr. Prabhu Ramasubramanian, Adv.
Mr. K. Paari Vendhan, AOR

Mr. Sanand Ramakrishnan, AOR

UPON hearing the counsel the Court made the following
O R D E R

The writ petitions are disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

(signed order is placed on the file)