

9

**STANDING COMMITTEE ON DEFENCE
(2020-21)**

(SEVENTEENTH LOK SABHA)

MINISTRY OF DEFENCE

[Action Taken by the Government on the observations/recommendations contained in the Twenty-Third Report of the Standing Committee on Defence on the subject 'Proxy and Postal Voting by Defence Services Personnel in General Elections an Evaluation']

NINTH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

February, 2021/ Magha, 1942 (Saka)

NINTH REPORT

**STANDING COMMITTEE ON DEFENCE
(2020-21)**

(SEVENTEENTH LOK SABHA)

MINISTRY OF DEFENCE

[Action Taken by the Government on the observations/recommendations contained in the Twenty-Third Report of the Standing Committee on Defence on the subject 'Proxy and Postal Voting by Defence Services Personnel in General Elections an Evaluation']

Presented to Lok Sabha on 12.02.2021

Laid in Rajya Sabha on 12.02.2021



LOK SABHA SECRETARIAT

NEW DELHI

February, 2021/ Magha, 1942 (Saka)

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE (2020-21)..... (iv)	
INTRODUCTION..... (vi)	
CHAPTER I Report.....	1
CHAPTER II a) Recommendations/Observations which have been accepted by the Government	13
b) Recommendations/Observations which have been accepted by the Government and commented upon.....	21
CHAPTER III Recommendations/Observations which the Committee do not desire to pursue in view of the replies received from the Government ..	25
CHAPTER IV Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee which require reiteration and commented upon	26
CHAPTER V Recommendations/Observations in respect of which Government have furnished interim replies/replies awaited.....	28

APPENDICES

I	Minutes of the Third sitting of the Standing Committee on Defence (2020-21) held on 09.02.2021.....	30
II	Analysis of Action Taken by the Government on the Observations/Recommendations contained in the Twenty-Third Report (17 th Lok Sabha) of the Standing Committee on Defence (2019-20).....	33

COMPOSITION OF THE STANDING COMMITTEE ON DEFENCE (2020-21)

SHRI JUAL ORAM

-

CHAIRPERSON

Lok Sabha

2. Shri Deepak (Dev) Adhikari
3. Kunwar Danish Ali
4. Shri Ajay Bhatt
5. Shri Devusinh Jesingbhai Chauhan
6. Shri Nitesh Ganga Deb
7. Shri Rahul Gandhi
8. Shri Annasaheb Shankar Jolle
9. Choudhary Mehboob Ali Kaiser
10. Prof. (Dr.) Ram Shankar Katheria
11. Smt. (Dr.) Rajashree Mallick
12. Dr. T.R. Paarivendhar
13. Shri Kapil Moreshwar Patil
14. Shri Anumula Revanth Reddy
15. Shri Jugal Kishore Sharma
16. Dr. Shrikant Eknath Shinde
17. Shri Prathap Simha
18. Shri Brijendra Singh
19. Shri Mahabali Singh
20. Shri Kotagiri Sridhar
21. Shri Durga Das Uikey

Rajya Sabha

22. Dr. Ashok Bajpai
23. Shri Prem Chand Gupta
24. Shri Sharad Pawar
25. Shri V. Lakshmikantha Rao
26. Shri Sanjay Raut
27. Shri Rajeev Satav
28. Dr. Abhishek Manu Singhvi
29. Shri Kamakhya Prasad Tasa
30. Dr. Sudhanshu Trivedi
31. Lt. Gen. Dr. D. P. Vats (Retd.)

SECRETARIAT

1. Smt Kalpana Sharma - Additional Secretary
2. Dr. Sanjeev Kumar Sharma - Director
3. Shri Rahul Singh - Deputy Secretary

INTRODUCTION

I, the Chairperson of the Standing Committee on Defence (2020-21), having been authorized by the Committee, present this Ninth Report of the Committee on 'Action Taken by the Government on the Observations/Recommendations contained in the Twenty-Third Report of the Standing Committee on Defence on the subject 'Proxy and Postal voting by Defence Services Personnel in General Elections an Evaluation'.

2. The Twenty-Third Report (16th Lok Sabha) was presented to Lok Sabha and laid in Rajya Sabha on 08.12.2016. The Report contained 47 Observations/Recommendations. The Ministry of Defence furnished Action Taken Replies on all the Observations/Recommendations in March, 2019.

3. The Report was considered and adopted by the Committee at their Sitting held on 09.02.2021.

4. For facility of reference and convenience, Observations/Recommendations of the Committee have been printed in bold letters in the Report.

5. An analysis of Action taken by the Government on the Observations/Recommendations contained in the Twenty-Third Report (16th Lok Sabha) of the Standing Committee on Defence is given in Appendix II.

New Delhi
09 February, 2021
20 Magha, 1942 (Saka)

Jual Oram
Chairperson,
Standing Committee on Defence

REPORT

CHAPTER - I

This report of the Standing Committee on Defence deals with Action Taken by the Government on the observations/recommendations contained in the Twenty Third (23rd) Report of the Standing Committee on Defence on the subject 'Proxy and Postal Voting by Defence Services Personnel in General Elections an Evaluation' which was presented to Lok Sabha and laid in Rajya Sabha on 8 December, 2016.

2. The Committee's Twenty-Third Report (16th Lok Sabha) contained 47 Observations/recommendations on the following aspects:-

Para No.	Subject
1	Need to consider the Spouse of Service Personnel as General Voters
2-6	Criteria for Voting by Service Voters at the place of posting
7-13	Proxy Voting
14-18	Need to utilize the services of uniformed Service Personnel in conducting elections in difficult and forward areas
19-22	Need to study the best practices of other countries
23-24	Non - maintenance of Records of Service Voters (Armed Forces)
25-27	Enrolment of Service Voters
28-31	Educating the Service Voters
32-33	Canvassing inside the Cantonments
34-35	Cases filed in Supreme Court
36-39	Counting of Postal Votes
40-47	Electronic Voting System

3. Action Taken Replies have been received from the Government in respect of the observations/recommendations contained in the Report. The replies have been examined and categorised as follows:-

(i) (a) Observations/Recommendations which have been accepted by the Government:

**Para Nos. 1,7,8,9,10,11,12,13,14,15,16,17,18,23,24,25,26,27,29,
30,31,32,33,34,35,36,37, 38 and 39**

(29 Recommendations)

These are included in Chapter II (a) of the Report.

(b) Observations/Recommendations which have been accepted by the Government and are commented upon:

Para Nos. 2,3,4,5,40,41,42,43,44,45,46 and 47

(12 Recommendations)

These are included in Chapter II (b) of the Report.

(ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies:

Para No. Nil

(Nil Recommendation)

These are included in Chapter III of the Report.

(iii) Observations/Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration and to be commented upon:

Para Nos. 19, 20, 21 and 22

(04 Recommendations)

These are included in Chapter IV of the Report.

(iv) Observations/Recommendations in respect of which Government have furnished interim replies:

Paras Nos. 6 and 28

(02 Recommendations)

These are included in Chapter V of the Report.

4. After gleaning through the replies submitted by the Ministry, the Committee have found that the Action Taken Notes/Replies of the Ministry are silent on paragraph no. 6 of Part-II, Observations and Recommendations of the Committee contained in their 23 Report (16th Lok Sabha). For the ease of reference of the Committee, this paragraph is reproduced hereinafter:-

“Further, it has been informed that the Election Commission of India was of the opinion that this matter is required to be considered by several Ministries of Government of India, including the Ministries of Defence, Home Affairs, North Eastern Affairs and Law and Justice, etc. Considering the importance of the matter, the Committee would like to see that the issue is resolved at the earliest, especially in the light of the decision/ruling by the Hon’ble Supreme Court and introduction of e-postal voting.”

The Committee would like to be apprised of the reasons as to why this particular para has not merited any response from the Ministry. Coming back to the recommendation itself, the Committee are of the opinion that it is imperative for the Ministry to undertake efforts to observe and remove bottlenecks and gather and concretise the views of other Ministries of Government of India such as Ministry of Home Affairs, Development of North Eastern Region, Law and Justice, etc. In the light of the information provided by the concerned Ministries and the decision/ruling of Hon’ble Supreme Court, the Committee would like to be apprised of the stance of the Government with regard to introduction of e-postal voting.

A. Criteria for Voting by Service Voters at the place of posting

Recommendations (Para Nos. 2-5)

5. The Committee had recommended as under:

'The Committee note that the Armed Forces Personnel can also be enrolled in their place of posting (in Peace Stations) as ordinary (general) electors provided they are not already enrolled as Service Voters. Otherwise, they have to vote in person in the polling station of the area concerned at the place of their posting. For the purpose, the Election Commission of India has laid down certain stipulations, which include, having a minimum tenure of posting of 3 years, residence with family, etc. As the stipulation of minimum tenure of 3 years in particular, was not appropriate and suitable to the Armed Forces Personnel owing to their frequent transfers and deployment, the Ministry of Defence, in consultation with the three Service and Coast Guard had conveyed to the Election Commission of India in the year 2013 that Armed Forces Personnel should be allowed to register as 'general voters' at their place of posting without any conditionality.

Subsequently, the ECI, however, vide their letter dated 17 October, 2013 requested the Ministry of Defence to reconsider the matter in the light of the judgement dated 22.08.2013 of Hon'ble High Court of Punjab & Haryana in CWP No. 2775 of 2009 (Brig. Ghuman Vs UOI) wherein the concerns raised by Election Commission were found justified and conditions laid down by EC

for enrolment as local voters had been upheld by the Hon'ble High Court inter-alia by citing possible change of demographic character of the constituencies which may affect the local populace and upset the electoral profile. The matter was, therefore, reconsidered in consultation with ECI and a request was made in the year 2014 for incorporating the following provisions in the rules:

- (i) Definition of the term 'residing with family' may be extended to include group residency in a unit/station in a common group accommodation for the purpose of registration as general voter at place of posting.
- (ii) The existing stipulation in the ECI instructions regarding minimum period of tenure of posting of 3 years may be revised downwards to at least 2 years.

Thereafter, the Election Commission of India took up the matter with the Cabinet Secretariat. The Cabinet Secretariat again sought the views of Ministry of Defence which in turn stated that reducing the period of tenure of posting from 3 years to 2 years and extending the term 'residing with family' to include 'common group residency' would, to a substantial extent, address the issue in peace areas.

The Committee note from the information supplied by the Ministry on latest developments in the Hon'ble Supreme Court wherein Interim Judgement/Ruling dated 8 March 2015 speaks about certain inherent deficiencies/restraints in voting by postal ballot, proxy voting or by voting in person in peace stations by members of Armed Forces and family members, which need to be addressed by Election Commission of India in consultation with all stakeholders; in far flung areas, serving personnel not to be deprived of their right to vote on the grounds of small civilian population and largest population of service personnel; Union of India to examine whether it is possible to ensure that postal ballots where such option is to be exercised by an intending voter, can be reached and retrieved within the window period or if some other mechanism like e-voting can be introduced for this category of voters; UoI to consider feasibility of permitting registration of service voter in a peace station by waiving or reducing the period of three years of residence; to file suggestions after an objective examination of the entire gamut of the issues arising and involved in the form of a report supported by an affidavit within a period of three months from the date of pronouncement of the judgment.

In the Interim Judgment dated 15 July, 2016, heard by the three judge Bench based on the submission made by UoI (Ministry of Law and Justice), the Apex court granted four months time to UoI to take a decision on the issue and submit its report in the next date of hearing which is likely to be in November, 2016.

The Committee desire that they may be apprised of the progress of the case periodically.'

6. The Ministry, in its Action Taken Reply, has stated as under:

'Person having service qualification can get enrolled as 'service voter' at his native place even though he actually may be residing at a different place (of posting). He has, however, an option to get himself enrolled as general elector at the place of his posting if that is a 'Peace Station'.'

Comments of the Committee

7. **The Committee find the Action Taken Reply of the Ministry inconclusive as on an earlier occasion, the Ministry has apprised the Committee that the Armed Forces Personnel can also be enrolled in their place of posting (in Peace Stations) as ordinary (general) electors provided they are not already enrolled as Service Voters. Otherwise, they have to vote in person in the polling station of the area concerned at the place of their posting. However, for the purpose, the Election Commission of India has laid down certain stipulations, which include, having a minimum tenure of posting of 3 years, residence with family, etc. As the stipulation of minimum tenure of 3 years in particular, was not appropriate and suitable to the Armed Forces Personnel owing to their frequent transfers and deployment, the Ministry of Defence, in consultation with the three Service and Coast Guard had conveyed to the Election Commission of India in the year 2013 that Armed Forces Personnel should be allowed to register as 'general voters' at their place of posting without any conditionality. After subsequent developments as mentioned earlier, the matter was pending in the Supreme Court and the Committee had desired that they may be apprised of the progress of the case periodically, which has not been done in the instant case. Therefore, the Committee recommend that Ministry should furnish a reply clearly stating whether "person having service qualification can get enrolled as 'service voter' at his native place even though he actually may be residing at a different place (of posting) and have an option to get himself enrolled as general elector at the place of his posting if that is a 'Peace Station", is the outcome of the Supreme Court Judgment or not and whether it has any conditionality or not.**

B. NEED TO STUDY THE BEST PRACTICES OF OTHER COUNTRIES

Recommendations (Para Nos. 19-22)

8. The Committee had recommended as under:

'The intention of the various stakeholders including the Services, the Ministry of Law and Justice and the Election Commission of India is for giving the Services Personnel a fair and full opportunity to exercise their franchise. However, postal delays as well as the elaborate procedural aspects prescribed for postal voting make the exercise of right to adult suffrage in respect of Service Voters as also the officials on election duty very difficult. Therefore, the Committee desire that the Election Commission of India should take concrete measures towards resolving the problems inter-alia by way of using advanced technology as a means of ensuring that notes reach back the Returning Officers in minimum possible time.'

'India has made significant strides in terms of technological advancement. The Mangal Yan reaching the destination in the first attempt itself without much money spent on the expedition can be cited as an apt example in this regard. The Committee, therefore, feel that developing and implementing a foolproof and reliable system to help Service Voters in exercising their franchise should be an easy, and definitely not a difficult task.'

'The Committee find it surprising that the Ministry of Defence and Election Commission of India have not undertaken any exercise to learn about the practices prevalent in developed nations in particular, for enabling the soldiers, who are not at their usual place of residence, to exercise their franchise. On a later date, however, the Adjutant General admitted that some understanding has been developed in this regard.'

'The Committee desire that the Election Commission of India and the Ministry of Defence together should undertake a study of the electoral practices prevalent in countries where 'internet voting' or chip based 'identity card voting system' exists viz. Australia, Brazil, Canada, Estonia, France, Netherlands, UK, USA, Switzerland, Venezuela, etc. The best practices followed in this regard need to be identified and developed to suit the requirements of Indian election process.'

9. The Ministry, in its Action Taken Reply, has stated as under:

'No such study has been taken up by the Election Commission of India.'

Comments of the Committee

10. The Committee are surprised over the fact that instead of identifying and conducting any study of the electoral practices prevalent in countries where 'internet voting' or chip based 'identity card voting system' exists, the Ministry/ Election Commission of India simply denied of conducting any study. The Committee are of the view that 'internet voting' may increase the people's participation in electoral process as many Forces personnel are not able to vote due to their physical limitation. This is true for the persons including service voters, who are away from their usual place of residence due to personal or official obligations. Therefore, the Committee reiterate their recommendation to undertake a study of the electoral practices prevalent in countries where 'internet voting' or chip based 'identity card voting system' exists viz. Australia, Brazil, Canada, Estonia, France, Netherlands, UK, USA, Switzerland, Venezuela, etc. and the best practices/systems followed in this regard be identified and ameliorated to suit the requirements of Indian election process. It is needless to state at this point that best practices whether they be in the field modernized voting rights to Defence Services personnel or any other related issues are ever evolving which India should emulate with pride.

C. EDUCATING THE SERVICE VOTER

Recommendations (Para No. 28)

11. The Committee had recommended as under:

"The Committee note that a large number of 'Service Votes' get invalidated mainly due to lack of basic awareness amongst the Personnel about the procedure of enrolment and voting pattern. The Committee, in this regard appreciate the fact that the ECI has launched a de novo exercise, termed Systematic Voters' Education and Electoral Participation (SVEEP). As part of SVEEP, special programs have been rolled out for ensuring that modalities with regard to enrolment as well as voting pattern get conveyed to the Service Personnel. Through this program, the issue of invalidation of Service votes would be addressed to a substantial extent. Further, ECI has issued instructions to the effect that declaring a vote as invalid should be a matter of last resort. The Committee also note in this regard that issues such as the signature and office stamp being in the right place, etc. are not being emphasized upon much and the ECI is only keen on ensuring that the signatory is an authorised one. In this way, the percentage of invalidation would definitely come down. The Committee also desire that a short educational film depicting all the aspects concerned with registration and E-Postal Ballot System may be produced and screened in each and every unit

of the Services so that Service Voters become well aware and their votes are not invalidated due to lack of procedural knowledge.

The Committee are of the view that periodic computer based training programme should be conducted for educating the Service voters as well as officers deployed in the Record offices. The Committee also desire that such programmes/screening of educational film should be made part of the training curriculum of Officers and Jawans."

12. The Ministry, in its Action Taken Reply, has stated as under:

"Necessary modalities are being worked out by the Services HQ in consultation with the Election Commission of India in this regard."

Comments of the Committee

13. The Committee treat the Action Taken Reply of the Ministry on this recommendation as interim in nature. Notwithstanding the fact that Committee had taken note of the initiatives launched by ECI in the form of an exercise termed 'Systemic Voters Education & Electoral Participation (SWEEP)', the Committee have not been apprised of the real benefits which have accrued or would be accrued to Service voters in future. The reply of the Ministry is also silent on other measures recommended by the Committee such as production of a short educational film for the purpose; whether it was screened in each and every Unit for awareness of Service Voters, etc. In the opinion of the Committee, when their recommendations were pin-pointed, they expect that the reply of the Ministry should also be comprehensive throwing light on all the operable parts of the recommendation. At least now, they desire that the progress made in this regard or the tangible results achieved on all the points, including imparting of computer-based training for educating Service voters etc. be intimated to the Committee. It is obvious that Services Headquarters should consult the Election Commission of India before furnishing replies to the Ministry.

D. ELECTRONIC VOTING SYSTEM

Recommendations (Para No. 40-47)

14. The Committee had recommended as under:

'The Committee feel seriously concerned to note that approximately 90 per cent of the Service Personnel are denied the right to exercise their franchise owing to the inadequacies of the Postal Ballot system. This is mainly on account of the 14 day time stipulation for dispatching and returning the ballot papers, i.e., the time period between the last date for withdrawal of candidature and the date of election. In most cases, the Service Personnel do not receive the Postal Ballot papers on time, or even if they receive them, the completed ballot papers do not reach back the R.O. on time, thereby impacting the exercise of franchise. Therefore, the Committee strongly feel that reforming the Postal Ballot system is an immediate necessity.

Logically, the solution to the inadequacies of Postal Balloting would come through an e-technology enable means, i.e. an e-Portal, which can do away with multiple layers of papers being printed, forwarded, receipted, collated and sent back to the Returning Officer. The Defence Secretary too, while tendering evidence opined that in the era of rapid advances in information technology, a solution can surely be found through a combination of technology and procedural changes in the law. In short, the means for overcoming the limitations and challenges posed by Postal Balloting would be in switching over to 'e-ballot papers' and 'e-voting'.

'The Committee have also been apprised by the representatives of the ECI that they had initiated work on developing 'e-Postal Ballot' as the first step or prelude to the switch-over to, or initiation of 'e-voting'. The software and tools for facilitating transmission and receipt back of Postal Ballots electronically was being developed under the supervision of a Committee. As informed, the Commission would be ready to roll out the system in a few months time following the amendments to the rules.'

'The Committee have also been informed that the Services preferred a system whereby the Postal Ballots could be, instead of being transmitted directly to the Service Member, transferred in bulk to the unit officers, who would download them. The Unit Officers (UOs) could be designated as the AROs (Assistant Returning Officers) and be responsible for issuing the downloaded ballot papers to the individual Service member, who would, in turn, transmit them back to the RO concerned by speed post. The technology to enable this bulk transfer, downloading and transmission is being developed by C-DAC. As informed, the process of testing and developing the system, including the field trials would take a few months to be completed. The plan is to try out and test the system in a couple of by-elections before rolling it out as

a practice in all the elections. It is, however, essential to have the rules amended before trying out the system. As for the current stage of developing the system, as per the information furnished, the Commission was in the process of examining whether or not the UO could be appointed as an Assistant Returning Officer.'

'As regards the issue of amendments needed in the electoral laws/rules, for facilitating 'e-voting', as informed, the Commission had moved a proposal to this effect with the Ministry of Law and Justice. On the current status of the matter, as informed by the Ministry of Law and Justice, a Cabinet note has been readied and an advance copy thereof sent to the PMO. However, the PMO has, in turn, suggested that domestic migrant laborers too needed to be extended the facility of 'e-voting'. For the purpose of assessing the matter, a Committee of Ministers had been appointed.'

'The Committee felt anguished over the merger of the issue of Service Voters with that of the migrant workers. The Committee were of the unanimous view on the need for urgently introducing the 'e-balloting system' to the 'Service' personnel without associating the matter with other issues. During the oral evidence of the representatives of Election Commission of India, Ministry of Defence and Ministry of Law & Justice, the Committee were apprised that on 29 September, 2016, a decision was taken to de-link the issue of Migrant Labourers and 'Service' personnel. The Committee persistently took up the issue to bring out an executive order to this effect.

As a consequence, the necessary amendment was made to the Conduct of Election Rules, 1961 and notified in the Gazette of India on 21st October, 2016. Finally, the core issue of introducing e-postal ballot system has been addressed.'

The Committee note that the following areas, issues need to be sorted out at present by the Ministry of Defence in consultation with the Election Commission of India (ECI).

- (a) To reduce the size of e-postal ballot files by the Election Commission of India to permit easy downloading even where internet data transfer speeds are marginal.
- (b) To finalise the Standing Operating Procedure (SOP) for on-line registration and one way e-movement of postal ballot for effective implementation of the System.
- (c) To devise and promulgation of unique service numbers for service voters, so as to provide these unique numbers to voters after successful registration'.

'The Committee desire that immediate steps should be taken to remove the above bottlenecks and they may be informed accordingly.'

'The E-Postal balloting was implemented in the bye-election held in Nelithope Assembly (Puducherry) on 19th November, 2016. The Committee welcome this historic step. However, they desire to be informed about the number of Service Voters in the constituency, number of E-ballot papers transmitted to the Unit, time taken to download the ballot papers, time taken in the return journey from the Unit office to the RO concerned, actual number of votes cast, actual number of valid/invalid votes and the reasons for the invalidation of votes etc.'

15. The Ministry, in its Action Taken Reply, has stated as under:

"Instructions regarding electronically transmission of postal ballot system have been issued from the commission. Further, the size of postal ballot has been minimized to maximum level.

So far allotment of unique number to service voters is concerned, on request of services, forces, the Commission is agree to use them unique no. in place of service no./ buckle no."

Comments of the Committee

16. The Committee in their earlier Report had welcomed the historic step of implementation of e-postal balloting system in the bi-election held in Nelithope Assembly (Puducherry) in 19 November 2016. They further desired to be informed about the number of Service Voters in the constituency, the number of e-ballot papers transmitted to the Unit, time taken to download the ballot papers, time taken in the return journey from the Unit Office to the concerned Returning Officer, actual number of votes cast, actual number of valid/in-valid votes and the reasons for the invalidation of votes if any.

In their Action Taken Replies the Ministry has simply stated that 'instructions regarding electronically transmission of Postal Ballot System have been issued from the Commission. Further the size of Postal Ballot has been minimized to maximum level'. The Ministry has not furnished the desired information as stated in the preceding para. Therefore, the Committee recommend the Ministry to furnish the desired information in their Action Taken Statement.

The Committee may also like to know about the difficulties faced by the Ministry or Election Commission of India in achieving the desired results in the General Elections for 17th Lok Sabha.

The Committee may also be apprised about the status of using unique number in place of Service number.

CHAPTER - II

(A) Observations/Recommendations which have been accepted by the Government

Need to consider the Spouse of Service Personnel as General Voters

Recommendation (Para No. 1)

The Committee note that there are special provisions for personnel of the Armed and Para-Military Forces etc., to vote. As per Section 20(3) of Representation of Peoples Act, 1950, Armed Forces Personnel may register their names in the electoral roll of their native place, whether or not they are ordinarily residing there. The Committee further note that apart from Armed Forces Personnel, this category (called the 'Service Voters') includes (i) personnel belonging to Para-Military Forces, (ii) State Armed Police Force serving outside the State, and (iii) officials employed under Government of India in a post outside India. The wife of any such Service Voter is also eligible to be enrolled (in this last part of the electoral roll), if she is ordinarily residing with her husband at the place of his posting. However, the Committee find that it is not the other way round. Therefore, the Committee are of the view that in cases where the husband of a lady officer is staying at the place of posting, he may also be treated as Service Voter.

Reply of the Government

Action/comments on the above point are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Proxy Voting

Recommendation (Para No. 7-13)

The Armed Forces and Para Military Forces personnel enrolled as electors in their native place have the option of appointing a Proxy of their choice for voting on their behalf. In such cases, the Proxy will vote at the local polling station. Others, who do not want to vote through Proxy, will be sent a Postal Ballot by the Returning Officer of the constituency.

The Committee note that the facility of appointing a Proxy for exercising the franchise on behalf of the defence personnel (Service Voters belonging to Armed Forces and Para Military Forces) was introduced by way of amending of Section 60 of the Representation of People Act, 1951, through the Election Laws and Other Related Laws (Amendment) Act, 2003. To be appointed as Proxy, a person has to be ordinarily resident in the constituency concerned and of not less than 18 years of age. While it is not necessary that the Proxy is also registered as an elector in the roll, at the same time, he must not be disqualified to be registered.

The Committee further note that the process of appointing a Proxy involves, inter-alia, filling an application in the statutorily prescribed format (Form 13F), which is appended to the 1961 rules. Both the Service Voter appointing the Proxy and the Proxy so appointed have to put their signatures on the Form and have it attested by the Commanding Officer/Notary public or First Class Magistrate. As per the procedure laid down, the Service Voter has to get his signature attested by the Commanding Officer of the Unit and send it to the Proxy being nominated by him. The Proxy, on receipt of the form, can sign and get the attestation from a Notary/First Class Magistrate, It is only after completing the process, as prescribed under the rules, that Form 13F can be delivered to the Returning Officer concerned.

The Committee find from the information furnished that the procedure involved in voting through Proxy can be daunting, both for the Service Voter appointing the Proxy as well as the Proxy. The process can also be taxing for the Returning Officer (RO) as he is required to maintain a record of the Service voters who have appointed Proxies. The Proxies will vote on behalf of the Service voter as any other general voter in the polling station covering the place of residence of the Service Voter concerned. The RO is required to send a polling station wise list of Proxies appointed by Service Voters, based on which, the Presiding Officer will permit the Proxy to cast the vote.

As evident from the depositions made, the representatives of the Ministry of Defence and the Services too find the process of voting through Proxy cumbersome. The process involves adhering to a variety of formalities which include, verifying signatures of the individual and the Proxy through First Class Magistrate, Notary and the Commanding Officer of the Unit concerned. The elaborate procedures, coupled with inherent issues relating to 'confidentiality of the choice of the Service Voter' discourage the individual voters from casting their vote through Proxy. Therefore, the process is not popular among the Service voters.

The Committee note that the intention behind introducing the facility of Proxy Voting was to help the Service Personnel in casting their vote. Nevertheless, considering the stringent procedure the Service Armed Forces Personnel have to follow in appointing the Proxy; the processes the Proxy has to, in turn, follow for voting; as well as the intrinsic nature of Proxy Voting – which can compromise aspects of confidentiality – the Committee are of the view that serious efforts need to be made towards developing an alternative to the system of Proxy Voting. A better method for enabling the Service Personnel to exercise their franchise is a necessity.

The Committee feel that this move will also contribute in easing the burden on the Returning Officers as well as the Presiding Officers. Presenting, these officials have to channelize their time and energy on keeping track of Service Voters opting for Proxy Voting and as well as the Proxies appointed.

Reply of the Government

Action/comments on the above points are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Need to utilize the services of uniformed Service Personnel in conducting elections in difficult and forward areas:

Recommendation (Para No. 14-18)

As per the stipulations prescribed by the Election Commission, the ROs are to dispatch the Postal Ballot papers for Service voters within 48 hours following the finalisation of the list of contesting candidates. The period between the date of dispatch of Postal Ballots and the date of counting would ordinarily be about 14-17 days. The representatives of the Commission admitted that this period is insufficient, and more so, in the case of personnel posted in far away/border areas. In the process of Postal Voting, the RO sends the Postal Ballots (in sealed envelopes addressed to individual Service Personnel) to the Record Offices concerned. The Record Offices, in turn, send the Postal Ballots to the personnel at their place of posting. Once the Postal Ballot paper and the accompanying papers reach the Service Personnel, they have to follow the procedure prescribed in returning the papers back to the RO.

The Committee also note that with a view to cutting down the delay in the onward transmission of Postal Ballots, the Commission has directed that the dispatch should be made from a centralised location under the supervision of the District Election Officer (DEO) and in the presence of the Election Observer. The postal authorities are called to the dispatch location and the envelopes are handed over under acknowledgement.

The Committee also note that the process of issuing Postal Ballot papers to Service Voters has to be completed within a pre-scheduled time-frame. The DEO is, therefore, required to depute a team of officers with one of the Assistant Returning Officers alongwith an updated copy of last part of the electoral roll and other papers prescribed well in advance. For enabling completion of the process within time, the printing of the Postal Ballot papers alongwith the counterfoils has to be completed within 24 hours following the finalisation of the list of contesting candidates. Any delay in adhering to the schedule will make the entire process of using Postal Ballot papers by Service Voters nugatory and thereby deprive them of prescribed and connected papers. Besides this, as per the standing instructions, the senior most observer posted in the district headquarters concerned by the Commission is required personally to monitor the entire process. Also, the process of dispatch of Postal Ballot papers has to be video-graphed.

The Committee understand that conducting the General Elections is an onerous task for the Election Commission of India. To fulfill the task, manpower is acquired from different Central and State Government departments. The manpower so acquired is also to be trained for ensuring smooth conduct of elections. The uniformed Service Personnel being a disciplined lot, the Committee feel that the Services of these personnel can be utilized to conduct the elections, in a fair and transparent manner for Service Voters, particularly in the difficult and forward areas.

The Committee recommend that ECI should appoint some Service Officers as Honorary Election commission Officer and entrust them with the duty of conducting the elections. This step would also facilitate in ensuring maximum participation of Service Voters in future.

Reply of the Government

Action/comments on the above points are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Non-maintenance of Records of Service Voters (Armed Forces)

Recommendation (Para No. 23-24)

It came as a surprise to the Committee that details of the number of Armed Forces Personnel not having cast their vote in the elections; and the reasons therefor have not been maintained, either by the Election Commission of India or the Services.

The Committee also note from the information furnished by the Election Commission of India that a separate record of dispatch of Postal Ballots to Service Voters is maintained. When it comes to the issue of counting however, the Postal Ballots as a whole, which may include the Postal Ballots of the staff on election duty are taken up together. The Committee desire that a mechanism be devised so as to enable in knowing the number of Service Votes received, counted, invalidated and the reasons for the invalidation of votes. Such a measure would act as an aid in enabling the Services as well as the Election Commission of India to take remedial measures for ensuring maximum participation of the Forces in the electoral process.

Reply of the Government

Action/comments on the above points are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Enrolment of Service Voters

Recommendation (Para No. 25)

The Committee note that in order to ensure effective participation of Service Personnel in the electoral process, enrolment of all Personnel needs to be ensured. The Committee were apprised in this regard that ECI had recently, i.e. on 1 January, 2015 launched a de novo exercise for intensive revision of a large part of the electoral rolls relating to Service Personnel. The programme, inter alia envisages the Election Commission of India to start registering of troops in coordination with the Armed Forces HQs and use local units Commanders List of service men/women as electoral list. Every unit is to designate one office as Unit Regimental Officer (URO) whose job would be to ensure that fresh enumeration is carried out. It is also to be ensured that there is adequate awareness regarding voting methods and also about online voting. The Committee, while appreciating the steps taken by the Election Commission of India desire to be kept apprised of the progress made in this regard.

Reply of the Government

Action/comments on the above point are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Recommendation (Para No. 26)

Now Amendments to the electoral Rules have been carried out and the aim of E-postal Ballot System is to ensure effective participation by the Service Voters in all the elections, it is imperative to use the existing database of the Service Votes built over decades by scrutinising and reviewing the same. There should be periodic updation of Service Voters to ensure updated voters list in every six months. The Committee also desire that issues related to large database, internet connectivity in far flung areas to the Server, physical connectivity between the unit and the election form should be addressed at the earliest in a time bound manner for smoother updation of Service Voters list.

Reply of the Government

Action/comments on the above point are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Recommendation (Para No. 27)

The Committee are also of the view that while the Internet is a necessity for turning e-voting into reality, it is also essential that the information regarding the units in the Indian Army or the Air Force or the Navy is not shared. Thus, there has to be a 'de-link' between the Election Commission and the Units/Establishments of the Services. The Committee would emphasise on ensuring that confidentiality is maintained when the internet is used for facilitating the electoral process.

Reply of the Government

For the purpose of ensuring confidentiality, necessary air gap is being maintained between databases within the Armed Forces and the interface with the Election Commission of India servers on the internet.

Recommendation (Para No. 29)

The Committee are happy to note that reforms being carried out in the Postal Ballot system for maximizing participation of Service Voters. However, in the light of the fact that Service Personnel are constantly on the move and deployed at several places, an element of doubt creeps in on the authenticity or accuracy with which electoral rolls are maintained/prepared. Therefore, there is a need on the part of the Ministry of Defence as well as ECI to ensure that the electoral rolls of every constituency in the country truly represent the voters of the Armed Forces. They

further desire that these issues should be sorted out in a time-bound manner, and well before the next General Election.

Reply of the Government

Services HQ are in close coordination with the Election Commission of India in order to revise the last part of electoral rolls in a time bound manner.

Recommendation (Para No. 30)

The Committee feel it to be necessary that every voter – be it a General Voter or a Service Voter – be linked with his Aadhar Number. This could enable in authentication of the Service Voters by means of measures such as One Time Passwords (OTPs) as done by banks in the case of financial transactions. This general idea, which can prove to be reliable and less time consuming can be worked upon and developed by the IT experts/Election Commission of India.

Reply of the Government

Action/comments on the above point are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Recommendation (Para No. 31)

The Committee appreciate the efforts being made by the ECI in regard to developing 'e-balloting' and 'e-voting'. Nevertheless, the Committee cannot help being skeptical on whether the technology would work in the remote and forward areas. For addressing the matter, the Committee are of the strong view that the ECI needs to explore the possibility of designating some uniformed Servicemen as honorary ECI officials for the specific purpose of proceeding to the posts for attending to the work of printing of forms and conducting the elections. These uniformed officials could be taken on oath by the ECI to conduct the elections in a free and fair manner in the forward units.

In this regard, it would be worthwhile to note that the Adjutant-General too admitted before the Committee that if a man is not accessible to the HQs of the battalion itself, a via media, which is an improvement over the existing system has to be worked out as an ad hoc measure till such time a final solution which could be, by and large, electronic oriented is evolved. Therefore, the Committee desire that the Ministry of Defence as well the Services to work out a viable solution at the earliest and apprise the Committee of the same.

Reply of the Government

Action/comments on the above points are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Canvassing inside the Cantonments

Recommendation (Para No. 32-33)

The Committee also considered the issue of allowing canvassing to take place inside Cantonments. The Committee note in this regard that for canvassing, A2 and B4 lands are permitted to be used on the basis of requisition of the District Magistrate concerned. However, A1 and analogous lands are not permitted to be used for canvassing.

The Committee are convinced that there may be issues relating to security and many such other concerns pertaining to service life in the Cantonments. Therefore, the Services may be allowed to retain the kind of modicum of security that the Services want in the Cantonments as far as possible. The Committee also desire that appropriate guidelines be issued to all concerned, so that permission for canvassing inside the Cantonments is not dependant on the sole decision of Station Commander.

Reply of the Government

Existing rules and regulations do not allow Armed Forces Personnel from being member/canvassing for a political party. Their structure, activities and working environment do not allow them to interact with any political parties. There is a general consensus among Armed Forces that the defence area should not be used for political parties to canvas for votes. Since no political rallies are permitted in the Cantonments/Military Stations, canvassing of political parties/candidates with Armed Forces personnel is prohibited. As such, adequate checks and balances are already in place to insulate defence personnel from political influences.

Cases filed in Supreme Court

Recommendation (Para No. 34-35)

The Committee note that cases have been filed in the Supreme Court on issues relating to registration of Service Personnel as voters in the place of posting and creating an effective mechanism for the Armed Forces Personnel and their families to exercise their right to adult suffrage easily and effectively.

The Committee also note that the Ministry has issued requisite directions to the Services and the Coast Guard on complying with the Supreme Court's decision for making Postal Ballot effective. The Committee are not in favour of the idea of people having to approach the courts for correcting the systems and processes. The Committee, therefore, are of the view that once the attention of the Ministry is drawn to an issue or a problem that merits consideration, top most priority should be given to address the grievance.

Reply of the Government

Ministry of Defence have always been taking up the issues with Election Commission of India as and when the problems/issues crop up. However, the concern expressed by the Committee has been noted by the Ministry for future guidance.

Counting of Postal Votes

Recommendation (Para No. 36-39)

The Committee note that as per the Election Commission's Rules, counting of votes commences with the Postal Ballots taken up at first, i.e., at 8 O'clock. The entire lot of ballot papers received upto to 8 A.M. are taken up for counting at first. The Postal Ballots received thereafter are kept separately and are not counted. As per the present system under the Rules which came into force from the year 1952, the votes contained in the EVMs will be counted after completion of the counting of the postal votes.

The aspect of a large number of Postal Ballots not reaching the Returning Officer (RO) in time because of postal delays as well as delays in rail and road transport systems has already been highlighted. These delays, coupled with the unjustified Rule, i.e. not permitting counting of postal votes that reach after 8 A.M. results in declaring the votes cast as invalid and thereby deprives the Service voters in participating in the democratic process.

Questioned on the justification for taking up counting of Postal Ballots at first, the representatives of Election Commission of India informed that this was perhaps being a small number, it may have been felt in the beginning to be appropriate to take up this task at first. However, as there has been an upward rise of trend in the number of Postal Ballots, it is now taking a substantial time. It has also been admitted that the Rules can be amended to provide for simultaneous counting of the postal and the general ballots; and that the ECI would make a recommendation to the Law Ministry for carrying out necessary amendments to this effect in the Rules.

The Committee find it to be intriguing that although there has been a manifold increase in the number of Servicemen, in the last 34 years, i.e. since 1952, the Rule providing for counting of postal votes of the Servicemen at first – which lacks sound reason or rationale – has not been amended. On the other hand, in countries like United States of America, the Postal Ballots are accepted upto 15 days after the completion of voting, and the votes cast are counted. Therefore, the Committee strongly urge upon the ECI and Law Commission to bring in necessary changes in the Rules at the earliest do away with the stipulation of taking up Postal Ballots for counting at first. And enable for simultaneous counting of Postal Ballots and general votes. The Committee also feel that there is a need for bringing in an element of flexibility in the 'time bar' presently applicable for receipt of Postal Ballots.

Reply of the Government

Action/comments on the above points are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

(B) Observations/Recommendations which have been accepted by the Government and are commented upon

Criteria for Voting by Service Voters at the place of posting

Recommendation (Para No. 2-5)

The Committee note that the Armed Forces Personnel can also be enrolled in their place of posting (in Peace Stations) as ordinary (general) electors provided they are not already enrolled as Service Voters. Otherwise, they have to vote in person in the polling station of the area concerned at the place of their posting. For the purpose, the Election Commission of India has laid down certain stipulations, which include, having a minimum tenure of posting of 3 years, residence with family, etc. As the stipulation of minimum tenure of 3 years in particular, was not appropriate and suitable to the Armed Forces Personnel owing to their frequent transfers and deployment, the Ministry of Defence, in consultation with the three Service and Coast Guard had conveyed to the Election Commission of India in the year 2013 that Armed Forces Personnel should be allowed to register as 'general voters' at their place of posting without any conditionality.

Subsequently, the ECI, however, vide their letter dated 17 October, 2013 requested the Ministry of Defence to reconsider the matter in the light of the judgement dated 22.08.2013 of Hon'ble High Court of Punjab & Haryana in CWP No. 2775 of 2009 (Brig. Ghuman Vs UOI) wherein the concerns raised by Election Commission were found justified and conditions laid down by EC for enrolment as local voters had been upheld by the Hon'ble High Court inter-alia by citing possible change of demographic character of the constituencies which may affect the local populace and upset the electoral profile. The matter was, therefore, reconsidered in consultation with ECI and a request was made in the year 2014 for incorporating the following provisions in the rules:

- (i) Definition of the term 'residing with family' may be extended to include group residency in a unit/station in a common group accommodation for the purpose of registration as general voter at place of posting.
- (ii) The existing stipulation in the ECI instructions regarding minimum period of tenure of posting of 3 years may be revised downwards to atleast 2 years.

Thereafter, the Election Commission of India took up the matter with the Cabinet Secretariat. The Cabinet Secretariat again sought the views of Ministry of Defence which in turn stated that reducing the period of tenure of posting from 3 years to 2 years and extending the term 'residing with family' to include 'common group residency' would, to a substantial extent, address the issue in peace areas.

The Committee note from the information supplied by the Ministry on latest developments in the Hon'ble Supreme Court wherein Interim Judgement/Ruling dated 8 March 2015 speaks about certain inherent deficiencies/restraints in voting by postal ballot, proxy voting or by voting in person in peace stations by members of Armed Forces and family members, which need to be addressed by Election Commission of India in consultation with all stakeholders; in far flung areas, serving personnel not to be deprived of their right to vote on the grounds of small civilian

population and largest population of service personnel; Union of India to examine whether it is possible to ensure that postal ballots where such option is to be exercised by an intending voter, can be reached and retrieved within the window period or if some other mechanism like e-voting can be introduced for this category of voters; UoI to consider feasibility of permitting registration of service voter in a peace station by waiving or reducing the period of three years of residence; to file suggestions after an objective examination of the entire gamut of the issues arising and involved in the form of a report supported by an affidavit within a period of three months from the date of pronouncement of the judgement.

In the Interim Judgement dated 15 July, 2016, heard by the three judge Bench based on the submission made by UoI (Ministry of Law and Justice), the Apex court granted four months time to UoI to take a decision on the issue and submit its report in the next date of hearing which is likely to be in November, 2016

The Committee desire that they may be apprised of the progress of the case periodically.

Reply of the Government

Action/comments on the above points are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Electronic Voting System

Recommendation (Para No. 40-47)

The Committee feel seriously concerned to note that approximately 90 per cent of the Service Personnel are denied the right to exercise their franchise owing to the inadequacies of the Postal Ballot system. This is mainly on account of the 14 day time stipulation for dispatching and returning the ballot papers, i.e., the time period between the last date for withdrawal of candidature and the date of election. In most cases, the Service Personnel do not receive the Postal Ballot papers on time, or even if they receive them, the completed ballot papers do not reach back the R.O. on time, thereby impacting the exercise of franchise. Therefore, the Committee strongly feel that reforming the Postal Ballot system is an immediate necessity.

Logically, the solution to the inadequacies of Postal Balloting would come through an e-technology enable means, i.e. an e-Portal, which can do away with multiple layers of papers being printed, forwarded, receipted, collated and sent back to the Returning Officer. The Defence Secretary too, while tendering evidence opined that in the era of rapid advances in information technology, a solution can surely be found through a combination of technology and procedural changes in the law. In short, the means for overcoming the limitations and challenges posed by Postal Balloting would be in switching over to 'e-ballot papers' and 'e-voting'.

The Committee have also been apprised by the representatives of the ECI that they had initiated work on developing 'e-Postal Ballot' as the first step or prelude to the switch-over to, or initiation of 'e-voting'. The software and tools for facilitating transmission and receipt back of Postal Ballots electronically was being developed

under the supervision of a Committee. As informed, the Commission would be ready to roll out the system in a few months time following the amendments to the rules.

The Committee have also been informed that the Services preferred a system whereby the Postal Ballots could be, instead of being transmitted directly to the Service Member, transferred in bulk to the unit officers, who would download them. The Unit Officers (UOs) could be designated as the AROs (Assistant Returning Officers) and be responsible for issuing the downloaded ballot papers to the individual Service member, who would, in turn, transmit them back to the RO concerned by speed post. The technology to enable this bulk transfer, downloading and transmission is being developed by C-DAC. As informed, the process of testing and developing the system, including the field trials would take a few months to be completed. The plan is to try out and test the system in a couple of by-elections before rolling it out as a practice in all the elections. It is, however, essential to have the rules amended before trying out the system. As for the current stage of developing the system, as per the information furnished, the Commission was in the process of examining whether or not the UO could be appointed as an Assistant Returning Officer.

As regards the issue of amendments needed in the electoral laws/rules, for facilitating 'e-voting', as informed, the Commission had moved a proposal to this effect with the Ministry of Law and Justice. On the current status of the matter, as informed by the Ministry of Law and Justice, a Cabinet note has been readied and an advance copy thereof sent to the PMO. However, the PMO has, in turn, suggested that domestic migrant laborers too needed to be extended the facility of 'e-voting'. For the purpose of assessing the matter, a Committee of Ministers had been appointed.

The Committee felt anguished over the merger of the issue of Service Voters with that of the migrant workers. The Committee were of the unanimous view on the need for urgently introducing the 'e-balloting system' to the 'Service' personnel without associating the matter with other issues. During the oral evidence of the representatives of Election Commission of India, Ministry of Defence and Ministry of Law & Justice, the Committee were apprised that on 29 September, 2016, a decision was taken to de-link the issue of Migrant Labourers and 'Service' personnel. The Committee persistently took up the issue to bring out an executive order to this effect.

As a consequence, the necessary amendment was made to the Conduct of Election Rules, 1961 and notified in the Gazette of India on 21st October, 2016. Finally, the core issue of introducing e-postal ballot system has been addressed.

The Committee note that the following areas, issues need to be sorted out at present by the Ministry of Defence in consultation with the Election Commission of India (ECI).

- a) To reduce the size of e-postal ballot files by the Election Commission of India to permit easy downloading even where internet data transfer speeds are marginal.
- b) To finalise the Standing Operating Procedure (SOP) for on-line registration and one way e-movement of postal ballot for effective implementation of the System.

- c) To devise and promulgation of unique service numbers for service voters, so as to provide these unique numbers to voters after successful registration'.

The Committee desire that immediate steps should be taken to remove the above bottlenecks and they may be informed accordingly.

Reply of the Government

Action/comments on the above points are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

CHAPTER - III

**Recommendations/Observations which the Committee do not desire to pursue
in view of the Government's replies**

- NIL -

CHAPTER - IV

Observations/Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration and to be commented upon

Need to study the best practices of other countries

Recommendation (Para No. 19)

The intention of the various stakeholders including the Services, the Ministry of Law and Justice and the Election Commission of India is for giving the Services Personnel a fair and full opportunity to exercise their franchise. However, postal delays as well as the elaborate procedural aspects prescribed for postal voting make the exercise of right to adult suffrage in respect of Service Voters as also the officials on election duty very difficult. Therefore, the Committee desire that the Election Commission of India should take concrete measures towards resolving the problems inter-alia by way of using advanced technology as a means of ensuring that notes reach back the Returning Officers in minimum possible time.

Reply of the Government

Action/comments on the above point are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Recommendation (Para No. 20-22)

India has made significant strides in terms of technological advancement. The Mangal Yan reaching the destination in the first attempt itself without much money spent on the expedition can be cited as an apt example in this regard. The Committee, therefore, feel that developing and implementing a foolproof and reliable system to help Service Voters in exercising their franchise should be an easy, and definitely not a difficult task.

The Committee find it surprising that the Ministry of Defence and Election Commission of India have not undertaken any exercise to learn about the practices prevalent in developed nations in particular, for enabling the soldiers, who are not at their usual place of residence, to exercise their franchise. On a later date, however, the Adjutant General admitted that some understanding has been developed in this regard.

The Committee desire that the Election Commission of India and the Ministry of Defence together should undertake a study of the electoral practices prevalent in countries where 'internet voting' or chip based 'identity card voting system' exists viz. Australia, Brazil, Canada, Estonia, France, Netherlands, UK, USA, Switzerland, Venezuela, etc. The best practices followed in this regard need to be identified and developed to suit the requirements of Indian election process.

Reply of the Government

Action/comments on the above points are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

CHAPTER - V

Observations/Recommendations in respect of which Government have furnished interim replies

Recommendation (Para No. 6)

Further, it has been informed that the Election Commission of India was of the opinion that this matter is required to be considered by several Ministries of Government of India including the Ministries of Defence, Home Affairs, North Eastern Affairs and Law & Justice etc. Considering the importance of the matter, the Committee would like to see that the issue is resolved at the earliest especially in the light of the decision/ruling by Hon'ble Supreme Court and introduction of e-postal voting.

Reply of the Government

Action/comments on the above point are required to be furnished by the Election Commission of India (ECI). The same is awaited from them. The Ministry is constantly following up the matter. As soon as the reply of the ECI is received, the same will be forwarded to the Committee.

Educating the Service Voter

Recommendation (Para No. 28)

The Committee note that a large number of 'Service Votes' get invalidated mainly due to lack of basic awareness amongst the Personnel about the procedure of enrolment and voting pattern. The Committee, in this regard appreciate the fact that the ECI has launched a de novo exercise, termed Systematic Voters' Education and Electoral Participation (SVEEP). As part of SVEEP, special programs have been rolled out for ensuring that modalities with regard to enrolment as well as voting pattern get conveyed to the Service Personnel. Through this program, the issue of invalidation of Service votes would be addressed to a substantial extent. Further, ECI has issued instructions to the effect that declaring a vote as invalid should be a matter of last resort. The Committee also note in this regard that issues such as the signature and office stamp being in the right place, etc. are not being emphasized upon much and the ECI is only keen on ensuring that the signatory is an authorised one. In this way, the percentage of invalidation would definitely come down. The Committee also desire that a short educational film depicting all the aspects concerned with registration and E-Postal Ballot System may be produced and screened in each and every unit of the Services so that Service Voters become well aware and their votes are not invalidated due to lack of procedural knowledge.

The Committee are of the view that periodic computer based training programme should be conducted for educating the Service voters as well as officers deployed in the Record offices. The Committee also desire that such programmes/screening of educational film should be made part of the training curriculum of Officers and Jawans.

Reply of the Government

Necessary modalities are being worked out by the Services HQ in consultation with the Election Commission of India in this regard.

New Delhi
09 February, 2021
20 Magha, 1942 (Saka)

Jual Oram
Chairperson,
Standing Committee on Defence

APPENDIX I

STANDING COMMITTEE ON DEFENCE (2020-21)

MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON DEFENCE (2020-21)

The Committee sat on Tuesday, the 9th February, 2021 from 1530 hrs. to 1600 hrs. in Committee Room No. 2, Block A, Extension to Parliament House Annexe (EPHA), New Delhi.

PRESENT

Shri Jual Oram - **Chairperson**

MEMBERS

Lok Sabha

2. Kunwar Danish Ali
3. Shri Ajay Bhatt
4. Shri Nitesh Ganga Deb
5. Shri Annasaheb Shankar Jolle
6. Choudhary Mehboob Ali Kaiser
7. Smt. (Dr.) Rajashree Mallick
8. Dr. T.R. Paarivendhar
9. Shri Kapil Moreshwar Patil
10. Shri Jugal Kishore Sharma
11. Shri Prathap Simha
12. Shri Brijendra Singh
13. Shri Durga Das Uikey

Rajya Sabha

14. Dr. Ashok Bajpai
15. Shri V. Lakshmikantha Rao
16. Shri Sanjay Raut
17. Shri Kamakhya Prasad Tasa
18. Dr. Sudhanshu Trivedi
19. Lt. Gen. Dr. D. P. Vats (Retd.)

SECRETARIAT

1. Smt. Kalpana Sharma - Additional Secretary
2. Dr. Sanjeev Sharma - Director
3. Shri Rahul Singh - Deputy Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and informed them about the agenda for the Sitting. The Committee then took up for consideration the following draft Action Taken Reports:-

- i. **Action Taken by the Government on the Observations/ Recommendations contained in the Twenty-third Report (16th Lok Sabha) of the Standing Committee on Defence on the subject 'Proxy and Postal Voting by Defence Services Personnel in General Elections an Evaluation';**
- ii. **Action Taken by the Government on the Observations/Recommendations contained in the Fiftieth Report (16th Lok Sabha) of the Standing Committee on Defence on the subject 'Provision of all weather road connectivity under Border Roads Organisation (BRO) and other agencies up to International Borders as well as the strategic areas including approach roads-an appraisal';**
- iii. **Action Taken by the Government on the Observations/ Recommendations contained in the First Report (17th Lok Sabha) on Demands for Grants of the Ministry of Defence for the year 2019-20 on 'General Defence Budget, Border Roads Organisation, Indian Coast Guard, Military Engineer Services, Directorate General Defence Estates, Defence Public Sector Undertakings, Canteen Stores Department, Welfare of Ex-Servicemen, Ex-Servicemen Contributory Health Scheme, Defence Pensions, Sainik Schools (Demand Nos. 18 and 21)';**
- iv. **Action Taken by the Government on the Observations/Recommendations contained in the Second Report (17th Lok Sabha) on Demands for Grants of the Ministry of Defence for the year 2019-20 on 'Army, Navy, Air Force and Joint Staff (Demand Nos. 19 and 20)';**
- v. **Action Taken by the Government on the Observations/Recommendations contained in the Fourth Report (17th Lok Sabha) on Demands for Grants of the Ministry of Defence for the year 2019-20 on 'Ordnance Factories, Defence Research and Development Organisation, Directorate General of Quality Assurance and National Cadet Corps (Demand No. 19 and 20)';**
- vi. **Action Taken by the Government on the Observations/Recommendations contained in the Fifth Report (17th Lok Sabha) on Demands for Grants of the Ministry of Defence for the year 2020-21 on 'General Defence Budget, Border Roads Organisation, Indian Coast Guard, Military Engineer Services, Directorate General Defence Estates, Defence Public Sector Undertakings, Canteen Stores Department, Welfare of Ex-Servicemen, Ex-Servicemen Contributory Health Scheme, Defence Pensions, Sainik Schools (Demand Nos. 18, 19, 20 and 21)';**

- vii. **Action Taken by the Government on the Observations/Recommendations contained in the Sixth Report (17th Lok Sabha) on Demands for Grants of the Ministry of Defence for the year 2020-21 on 'Army, Navy, Air Force and Joint Staff (Demand Nos. 19 and 20)'; and**
- viii. **Action Taken by the Government on the Observations/Recommendations contained in the Eighth Report (17th Lok Sabha) on Demands for Grants of the Ministry of Defence for the year 2020-21 on 'Ordnance Factories, Defence Research and Development Organisation, Directorate General of Quality Assurance and National Cadet Corps (Demand Nos. 19 and 20)'.**

3. After some deliberations, the Committee adopted the above reports without any modifications.

4. The Committee, then, authorized the Chairperson to finalise the above draft Reports and present the same to the House on a date convenient to him.

5. *****Does not pertain to the Reports*****

The Committee then adjourned.

APPENDIX II

ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE TWENTY THIRD (23RD) REPORT OF THE STANDING COMMITTEE ON DEFENCE ON THE SUBJECT 'PROXY AND POSTAL VOTING BY DEFENCE SERVICES PERSONNEL IN GENERAL ELECTIONS AN EVALUATION'

1. Total number of recommendations 47

2. Observations/Recommendations which have been accepted by the Government (please see Chapter II)

Para Nos. 1,2,3,4,5,7,8,9,10,11,12,13,14,15,16,17,18,10, 23,24,25,26, 27, 29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45 46 and 47

Total : 41
Percentage: 87.23%

3. Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies(please see Chapter III)

Para No. Nil

Total : Nil
Percentage: 00%

4. Observations/Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration and to be commented upon(please see Chapter IV)

Para Nos. 19, 20, 21 and 22

Total : 04
Percentage: 8.51 %

5. Observations/Recommendations in respect of which Government have furnished interim replies(please see Chapter V)

Para No. 6 and 28

Total : 02
Percentage: 4.25%

ELECTION COMMISSION OF INDIA

PROPOSALS OF THE ELECTION COMMISSION FOR ELECTORAL REFORMS

(Forwarded to Govt. of India in February, 1992)

३



३

NIRVACHAN SADAN
ASHOKA ROAD, NEW DELHI - 110 001

Am
A

0.1 Under the existing law (section 20(6) of the Representation of the People Act, 1950), only the wife of a male service voter or special voter (holding a declared office) is entitled to be registered in the home constituency along with the service or special voter. But such facility is not available to the husband of such female service or special voter. Therefore, this anomaly needs to be removed by amending the above-referred section suitably.

0.2 With the reduction in the voting age to 18 years, many adult children of special voters and service voters, ordinarily resident with their parents, may also have become eligible for enrolment. They should also be extended the facility of registration in their home constituencies along with their parents.

0.1 It has been the general experience in the past that claims for inclusion of names in, and objections seeking deletion of names from electoral rolls are filed in bulk with the Electoral Registration Officers. On enquiry, a large percentage of such claims and objections are found to be bogus and no one accepted responsibility for having filed the same. The Election Commission has issued instructions that claims and objections in bulk should not be accepted by the Electoral Registration Officers and the same should be filed either individually or in respect of the members of a family.

10.2 Doubts have been raised in certain quarters as to the legality of these instructions. In order to put the matter beyond any pale of doubt on any legal ground, rule 14 of the Registration of Electors Rules, 1960 should be suitably amended to prohibit filing of claims and objections in bulk, subject to such general or special directions of the Election Commission as may be given in this behalf.

11.1 Under section 24 of the Representation of the People Act, 1950, a person whose application for inclusion of his name in the roll under section 23 or whose objection seeking deletion of any entry in the roll under 22 is rejected by the Electoral Registration Officer has a right to prefer an appeal against such order to the Chief Electoral Officer of the State.

11.2 It is felt that the appeal to the Chief Electoral Officer who sits at the State capital is quite inconvenient and expensive for the person concerned. The appeal should, therefore, lie to a senior officer in the district itself.

11.3 The aforesaid section 24 should, therefore, be amended to provide that the appeal shall lie to such officer as the Election Commission may designate in this behalf.

Identity Cards for Electors

12.1 Several political parties have proposed that the electors should be provided with identity cards bearing their photographs to prevent impersonation and bogus voting at elections.

12.2 The Govt. has also indicated in Parliament that it is favourably inclined to the proposal. It was mentioned by the then Prime Minister in Parliament in December, 1988 during the course of debates on the Representation of the People (Amendment) Bill, 1988 (enacted as Act No. 1 of 1989) that identity cards will be issued to all electors in the country in a phased manner.