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**STANDING COMMITTEE ON DEFENCE
(2016-2017)**

(SIXTEENTH LOK SABHA)

MINISTRY OF DEFENCE

**PROXY AND POSTAL VOTING BY DEFENCE SERVICES
PERSONNEL IN GENERAL ELECTIONS - AN EVALUATION**

TWENTY - THIRD REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2016/Agrahayana, 1938 (Saka)

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*Presented to Lok Sabha on 08.12.2016
Laid in Rajya Sabha on 08.12.2016*



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2016/Agrahayana, 1938 (Saka)

COMPOSITION OF THE STANDING COMMITTEE ON DEFENCE (2016-17)

Maj Gen B C Khanduri, AVSM (Retd) - **Chairperson**

Lok Sabha

2. Shri Dipak Adhikari (Dev)
3. Shri Suresh C Angadi
4. Shri Shrirang Appa Barne
5. Shri Thupstan Chhewang
6. Col Sonaram Choudhary(Retd)
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Rajya Sabha

22. Shri K R Arjunan
23. Shri A U Singh Deo
24. Shri Harivansh
- 25.\$ Shri Om Prakash Mathur
- 26.# Shri Rajeev Chandrasekhar
27. Shri Madhusudan Mistry
28. Shri Praful Patel
29. Shri Sanjay Raut
30. Dr Abhishek Manu Singhvi
31. Smt Ambika Soni
32. Dr Subramanian Swamy

@Capt Amarinder Singh(Retd), MP ceased to be a Member consequent upon his resignation from Lok Sabha w.e.f. 23.11.2016

\$ Shri Om Prakash Mathur, MP ceased to be a Member of the Committee w.e.f. 06.10.2016

#Shri Rajeev Chandrasekhar, MP joined the Committee w.e.f. 06.10.2016

SECRETARIAT

- | | | |
|---------------------------|---|---------------------|
| 1. Smt Kalpana Sharma | - | Joint Secretary |
| 2. Shri T G Chandrasekhar | - | Director |
| 3. Smt Jyochnamayi Sinha | - | Additional Director |
| 4. Shri Rahul Singh | - | Under Secretary |

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INTRODUCTION

I, the Chairperson of the Standing Committee on Defence (2016-17), having been authorised by the Committee, present this Twenty-third Report on 'Proxy and Postal voting by Defence Services Personnel in General Elections - An evaluation'.

2. The subject, 'Proxy and Postal voting by Defence Services Personnel in General Elections - An evaluation' was, at first, selected for examination during the year 2014-15. The Committee pursued with the examination of the issues relating to the subject in the years 2015-16 and 2016-17 as well. The Committee called for evidence the representatives of the Ministries of Defence, Law and Justice and Home Affairs and the Election Commission of India. In this connection, the Committee held their Sittings on 13.02.2015, 08.07.2015, 09.10.2015, 27.10.2015, 24.08.2016, 14.10.2016 and 07.11.2016. The draft Report was considered and adopted by the Committee at their Sitting held on 05 December 2016.

3. During the Sittings, the Committee had expressed concern over the cumbersome procedure involved in Proxy and Postal Voting, for the Defence Services Personnel, which mainly include postal delays. The Committee unanimously desired to have e-Postal Ballot system introduced for the Defence Services Personnel to cut short the delay in the Postal Ballot system and get the trial-run conducted at the earliest. The Committee vigorously pursued the matter of bringing out necessary amendments in Rules 23 to 27 of the Conduct of Election Rules, 1961 to provide for electronic transmission of the Postal Ballot papers and get the trial-run conducted at the earliest. In this regard, letters were written to the Ministries of Defence, Law and Justice and the Election Commission of India. As a consequence, the Government has come out with a Gazette Notification on 21 October, 2016 to change the Conduct of Election Rules, 1961 thereby fulfilling a long standing demand for allowing the Service voters including the Defence Forces personnel to have their Ballot Papers transmitted through electronic means instead of regular post. The E-Postal Balloting was implemented in the bye-election held in Nellithope Assembly (Puducherry) Constituency on 19 November, 2016. This is a major breakthrough towards minimizing the delays in the Postal Ballot system for the Defence Forces personnel.

4. The Committee wish to express their sincere thanks to the officers of the Ministries of Defence, Law and Justice, Home Affairs and the Election Commission of India for appearing before the Committee and furnishing the material and information which the Committee desired for in connection with examination of the subject.

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

NEW DELHI;
6 December, 2016
15 Agrahayana, 1938 (Saka)

MAJ GEN B C KHANDURI, AVSM(RETD),
Chairperson,
Standing Committee on Defence

REPORT

PART - I

Background Analysis

India is the country having largest electorate in the world. The whole edifice of Indian democracy is built on the foundation of voting. Voting in India is a constitutional right as per Article 326 of the Indian Constitution which reads as under:

“Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a Voter at any such election”

2. Members of the Armed Forces registered as the Service Voters can vote by Postal Ballot or by Proxy. They can also vote in their place of posting if they are registered as general Voters in that place for which the Election Commission of India (ECI) has laid down certain stipulations relating to minimum tenure of posting (3 years), 'Residents with Family', etc. However, it is paradoxical to note that an estimated 3 million service people and their family members are unable to exercise the democratic right, i.e., 'Right to Vote' due to cumbersome procedure involved in Proxy and Postal Voting which incidentally also include the Postal delays.

CHAPTER - I

Perspective for the Study

A Soldier leaves his native place between the age of 18 and 21 and returns after serving 15 to 40 years in Defence Services depending upon the age at which he enrolled himself and the rank which he attains in his service. During his absence from native place, the entire area will obviously undergo drastic changes and the routine development of the area is also not known to him. During the Service Career, a Soldier has limited knowledge of the political parties or the contestants contesting the elections at his native place over the years. Being far away from his hometown, he is oblivious to their political agenda, Election Manifesto, past performances, criminal records etc. The political party or the candidates do not even appeal to a Soldier on Postal Ballot to vote for him or to the party or canvass in any manner to get the vote of this section of the society. The vote of a Soldier obviously has no worth!! Lack of any connects between the Soldier and his Elected Representative at his native place is explicit. How can such a Contestant represent him in the State Assembly or the Parliament?

1.2 At his place of posting, a Soldier has a number of local problems and services related issues to contend with. His local issues include power supply, water supply and timings, law and order situation in the civil areas where some of the Soldiers' families reside, street lighting, road conditions, land acquisition for training infrastructure such as ranges, environment clearances etc. are just a few examples. On the career side, his problems relating to promotion prospects, service conditions such as pay and allowances, prejudiced Government edicts on issues such as Pay Commission Reports And Order Of Precedence; civil military relations etc. need resolution. When a Soldier approaches his elected representative at his native place with the problems faced by him at his place of posting or those related to his career and service conditions, he is brusquely advised to approach to his elected representative at the place of his posting.

1.3 In the olden days the Service Chiefs used to attend to a soldier's Service issues. Presently, however, the only option available to the soldier is to take his problems to the people's court – the Parliament through his elected representative. It is at his place of posting that a soldier can maintain contact with his elected representative through his Commanding Officer and Formation Commanders. Incidentally, every soldier will tell you

that during his Service career one rarely received his Postal Ballot papers in time to be of any meaning in the election process.

1.4 The reality is, the Service Voters do not constitute a significant sector to serve as a pressure group. The administration and even local police ignore them and most of the time humiliate them. It is, perhaps, appropriate to ensure that the Service Voters are empowered to demand their rights and dues.

1.5 In light of the foregoing in particular, the Committee have selected the Subject for detailed examination. In the succeeding paragraphs, inter-alia, details of Procedure of Proxy and Postal Voting is given as well as the difficulties faced by the Armed Forces Personnel in casting their vote. Any simplification of present Procedure would not only help the Armed Forces Personnel but also benefit other Service Voters i.e. Personnel of Central Armed Police Force, Indian citizens in Missions abroad, Personnel deployed in election duties etc.

CHAPTER – II

Voting procedure exclusive to Armed Forces Personnel and certain other Services

There are special provisions for voting by personnel of Armed Forces and para-military and others, which are enumerated here. The Election Commission of India, while replying to a question in this regard submitted:

'Section 20 (3) of Representation of Peoples Act, 1950 provides that Armed Forces Personnel may register their names in the electoral roll of their native places notwithstanding that they are not ordinarily resident there. This is a special facility provided to the Armed Forces Personnel and certain other categories of persons in the Service of Government. 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. They are shown in a separate (last) part in the electoral roll (not attached to any polling station). 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 resident with her husband at the place of his posting. All persons whose names are included in the last part of the electoral roll pertaining to Service Voters are automatically entitled to the facility of voting by Postal Ballot.

The Armed Forces Personnel can also be enrolled in their place of posting (in a peace station) as ordinary (general) electors provided they are not already enrolled as Service Voters. If they are enrolled as ordinary electors, they vote in person in the polling station of that area concerned at the place of their posting.

Those personnel of Armed Forces and Para Military Forces enrolled in the native place as Service Voters have the option of appointing a Proxy of their choice for casting vote on their behalf. In that case, the Proxy will vote in the local polling station. Those who do not want to vote through Proxy, will be sent a Postal Ballot by the Returning Officer of the Constituency.'

a) Proxy Voting

2.2 On the Proxy Voting, the Election Commission of India further submitted:

'As per the provisions of clause (a) of Section of 60 of the 1951 Act (i) members of the Armed Forces of the Union, and (ii) members of a force to which the provisions of the Army Act 1950, are made applicable, with or without modifications, can vote (a) either in person, or (b) by Postal Ballot, or (c) by Proxy appointed under rule 27N of Conduct of Elections Rules, 1961. The person to be appointed as Proxy has to be ordinarily resident in the constituency concerned and of not less than 18 years of

age. It is not necessary that the Proxy is also registered as an elector in the roll but must not be disqualified for registration in the roll.

The facility of appointment of Proxy for casting of vote on behalf of the defence personnel was introduced by amendment of Section 60 of the RP Act 1951, by the Election Law and Other Related Law (Amendment) Act, 2003 only to Service Voters belonging to Armed Forces and Para-Military Forces.

Appointment of Proxy is to be done in an application in a statutory format (Form 13F) appended to the 1961 Rules. A copy of Form 13F is attached as Annexure-I. Both the Service Voter appointing the Proxy and the Proxy so appointed have to put their signatures on the Form and get it attested by the Commanding officer/Notary public or First Class magistrate. The Service Voter can 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 before a Notary/First Class Magistrate. (attestation of signature is a requirement under the Rules and is not based on any direction of the Commission). Thereafter, the Form 13F can be delivered to the Returning Officer concerned.

The Returning Officer is required to maintain a record of the Service Voters enrolled in his constituency who have appointed Proxy. The Proxy 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 will send a polling station wise list of proxies appointed by Service voters based on which the Presiding Officer will permit the Proxy to cast vote. This polling station wise list of proxies will also be treated as part of the marked copy of the electoral roll for the polling station for taking the poll.

In the case of Service Voters who have appointed Proxy, the RO will make note of the same in the last part of the electoral roll pertaining to Service Voters by writing "CSV" against the name of the Service Voter. "CSV" stands for 'Classified Service Voter' which is the terminology to refer to a Service Voter who has appointed Proxy. The RO will not send Postal Ballot paper to a Classified Service Voter as his vote will be cast in the polling station through the Proxy.'

2.3 On being asked about the difficulties the Ministry of Defence may have identified in casting of Proxy votes by the Armed Forces Personnel, it was informed as under:

'Exercise of franchise through Proxy Voting is not popular amongst the Service Voters. Proxy Voting involves completion of additional formalities of verifying signatures of the individual and the Proxy through First Class Magistrate, Notary or Commanding Officer of the Units concerned. These procedures coupled with inherent issues relating to confidentiality of the choice of the Service Voter discourage the individuals from casting vote through Proxy.'

2.4 During the oral evidence also, Adjutant General informed the Committee that the Services found Proxy Voting cumbersome and suffering from inherent problems of confidentiality, and was, therefore, not popular.

b) Postal Ballot Voting

2.5 The Election Commission of India submitted the following written information in response to a question on Postal Ballot Voting:

'Rule 23 of the Conduct of Elections Rules, 1961, lays down the procedure to be followed by the Returning Office (RO) for sending postal ballot papers to Service Voters and others entitled for Postal Ballot paper. The RO is to send the Postal Ballot alongwith a statutory format of declaration by the voter (Form 13A), an envelope for placing the marked ballot paper to be returned to the RO (Form 13B) and a self-addressed envelope (Form 13C) in which the declaration of the elector in Form 13A and the smaller envelope (Form 13B) containing the marked ballot paper are to be enclosed. The RO retains the counterfoil of each Postal Ballot paper on which he records the electoral roll number of the elector.

The procedure for the elector to record vote is laid down in Rule 24 of the 1961 Rules. As per this Rule, Service Voter belonging to Armed Forces has to sign the declaration in Form 13A in the presence of a competent officer appointed for this purpose by the Commanding Officer of the Unit/Establishment who will also sign on the declaration by way of attestation. The Service Voter then marks the ballot paper in favour of the candidate of his choice and places the marked ballot paper in the smaller envelope (Form 13B) in the space provided for the purpose, and closes/seals the said envelope. He then puts the attested declaration and the envelope in which ballot paper marked by him is enclosed in the bigger envelope (Form 13C) which bears the address of the RO concerned, close the envelope and post it back to the RO for which the postal charges are paid by the RO. It may be noted that the requirement of declaration in Form 13A and its attestation is an essential requirement to ensure that the postal vote has been casted by the genuine elector. These requirements have been provided under the Rules and not by way of instructions of the Commission. Any change in the procedure can only be brought about by the Rules for which the Government of India in the Ministry of Law and Justice is the competent authority'.

2.6 The procedure for Postal Ballot voting for Returning Officer and the elector to record vote is laid down in Rule 23 and 24 respectively of the Conduct of Elections Rules, 1961. The Ministry of Law and Justice was asked whether it has made any effort to simplify the procedure so that ballots reach and were received back in the stipulated time period. The

Ministry was also asked whether any modification has been proposed so that votes were not invalidated due to the necessities to be met. The Ministry of Law and Justice and Election Commission of India replied in a written note as under:

'Postal Ballot for Service Voters (other than those who have appointed proxies): Under Rule 18 of the Conduct of Elections Rules, 1961, the Service Voters who have not appointed Proxy, vote through Postal Ballot paper sent to them by the Returning Officer. The instructions of the Election Commission regarding dispatch of Postal Ballot paper to Service Voters have factored in the inherent time constraint and hence provide that:-

Postal Ballot Papers to Service Elector is to be given overriding priority in Printing:

- (i) Postal Ballot papers have to be sent to all Service electors, whose names are included in last part of electoral roll except for those Service Voters who have opted for Proxy Voting, with utmost promptitude. District Election Officer (DEO) of the district has been entrusted with the primary responsibility of arranging printing of Postal Ballot papers for all Assembly Constituencies or Parliamentary Constituencies comprised within the district. As soon as the list of contesting candidates for any such constituencies is drawn up after the period for withdrawal of candidature is over, District Election Officer shall get Postal Ballot paper for 'Service Voters' printed and arrange to dispatch Postal Ballot papers to Service Voters for all Assembly Constituencies in his district. Therefore, the printing of Postal Ballot papers for 'Service Voters' shall have to be completed within 24 hours after the last hour for withdrawal of candidatures and their dispatch to Service Voters be completed within the next 24 hours.
- (ii) If expeditious printing in Government press is not possible, Postal Ballot papers for Service Voters should be got printed locally in private printing press, in view of the urgency. This should be done under close supervision of a senior officer appointed as nodal officer by the DEO for the purpose, ensuring adequate fool-proof security arrangement are made.
- (iii) Since the issue of Postal Ballot papers to Service Voter has to be completed within a pre-determined deadline, the DEO is required to depute team of officers with one of the Assistant Returning Officers alongwith an updated copy of electoral roll of last part alongwith other papers required well in advance. They shall report to a centralized place fixed by DEO well in time. The printing of the Postal Ballot papers with counterfoils shall have to be completed within 24 hours after 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 depriving them of their valuable right to vote. Hence, advance preparatory action has to be taken to prepare necessary statutory envelopes and connected papers.
- (iv) As per the standing instructions, the senior most observer appointed by the Commission posted in that district headquarters is required personally to

monitor the entire process. The process of dispatch of Postal Ballot paper has to be video-graphed.

- (v) For each Service Voter an individual envelope is prepared in which the Postal Ballot paper, the format for declaration to be given by the Service Voter (Form 13A), instructions for voting (Form 13D) and an envelope (Form 13B) in which the marked Postal Ballot paper is to be placed and a bigger envelope (Service unpaid) (Form 13C) bearing the full address of the Returning Officer for sending back the Postal Ballot. The name and address of the Service elector as per the entries in the last part of electoral roll are written on such individual envelopes. These envelopes are sent to the respective record offices for the Service Voters for onward transmission to the electors at the place where they are posted.
- (vi) Proper account of Postal Ballot paper issued to each Service Voter shall be maintained in an issue register and the signature of postal official giving date and time should be obtained in relevant column of register as receipt.
- (vii) The Postal Ballot paper for the wife of a Service Voter (registered alongwith him) should be sent in a separate cover and not in the cover addressed to her husband.
- (viii) For sending the packets addressed to various record offices, the Chief Electoral Officer of the State is required to have a meeting with the head of the postal department for the State, and work out an arrangement that the packets of Postal Ballots for Service Voters are handed over by the Returning Officer/Asstt. Returning Officer of each constituency to a designated employee of the postal department nominated for this purpose. Postal Department shall then ensure that all Postal Ballots for Service Voters are delivered to the respective Record Offices within 48 hours.
- (ix) The Record Office on receipt of the packets of Postal Ballots are required to send the individual envelopes addressed to the Service Voters to the respective units where the Service Voter concerned is posted at that point of time through the Army Post Office (56 APO or 99 APO), as the case may be.
- (x) On receipt of the Postal Ballot paper and the connected papers, the Service Voter is required to cast the vote as per his own choice and the instructions sent alongwith the Postal Ballot paper. The marked Postal Ballot paper is to be placed by him in the smaller envelope and the same alongwith the declaration duly filled in and attested is to be placed in the larger envelope bearing the address of the RO and envelope is to be sent back to the RO through post. It is to be noted that the Service Voter does not have to affix any stamp as the postage is paid by the Government. In normal course, the gap between the date of dispatch of Postal Ballot to Service Voters and the date of counting will be about 15 to 16 days (when the election is held in a single phase).
- (xi) Under rule 54A(2) of the Conduct of Elections Rules, 1961, the Postal Ballot has to be returned to the Returning Officer before the time fixed for

commencement of counting of votes. Any Postal Ballot returned after the commencement of counting cannot be counted.

- (xii) Effort of the election machinery and the postal authorities is to ensure that the Postal Ballot for Service Voters is delivered to the Record offices within about 5 days after the preparation of list of contesting-candidates. This leaves about 10-12 days for the Record Office to send Postal Ballot to the electors and thereafter for its return to Returning Officer.

The procedure to be followed as explained above are as laid down in the Rules (Rules 23 to 27) of the Conduct of Elections Rules) and these procedures are uniformly applicable to all categories of electors who vote through Postal Ballot. The procedures prescribed in these rules are aimed at ensuring that it is the genuine elector who has cast the vote and also to ensure protection of secrecy of vote. Any modification of the Rules to relax the procedures cannot overlook the said principles. As mentioned above, while sending the Postal Ballot and envelope etc. to the electors, a set of instructions explaining the procedure to be followed by the elector is also sent so that the elector is aware of the same.

The Election Commission, on its part, has clarified to the Returning Officers that while attesting the declaration of elector in Form 13A, even if the attesting authority does not affix his/her rubber stamp, that in itself should not lead to rejection of the ballot paper provided the designation, etc. of the attesting officer is given.'

c) Steps taken to facilitate voting by Armed Forces Personnel

2.7 In the background brief the Ministry of Defence stated that Members of the Armed Forces registered as Service Voters can vote by Postal Ballot or by Proxy. They can also vote at their place of posting if they are registered as general voters in that place for which the Election Commission of India (ECI) has laid down certain stipulations relating to minimum tenure of posting (3 yrs), 'residence with family' etc.

2.8 As the minimum tenure of posting clause was not suitable to the Armed Forces Personnel, therefore, Ministry of Defence in consultation with the three Services and Coast Guard had conveyed to the Election Commission of India (ECI) in the year 2013 that Armed Forces Personnel should be allowed to register as general voters at their place of posting without any clause of minimum period of stay.

2.9 Subsequently, ECI vide their letter dated 17.10.2013 requested Ministry of Defence to reconsider the matter in the light of judgment dated 22.08.2013 of Hon'ble High Court of Punjab & Haryana in CWP No. 3775 of 2009 (Brig. Ghuman Vs UOI) wherein the concerns raised by Election Commission have been found justified and conditions laid down by EC for

enrolment as local voters had been upheld by the Hon'ble High Court inter alia citing change of demographic character of the constituencies which may affect the local populace and upset the electoral profile. The matter was reconsidered in consultation with ECI and the Commission was requested in the year 2014 to incorporate the following provisions in their 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 posting of 3 years may be revised downwards to at least 2 years.
- (iii) So far as forward areas are concerned, ECI is requested to ensure timely receipt of Postal Ballot papers by Service Personnel so that they are able to cast their vote through Postal Ballot well in time.

2.10 Thereafter, the Election Commission of India took up the matter with the Cabinet Secretariat. The Cabinet Secretariat sought the views of Ministry of Defence on the following concerns of Election Commission of India:

- (i) In many parts of the country like J&K and North Eastern States, enrolment of large number of Armed Forces Personnel as general voters irrespective of their period of posting may alter demographic characteristics of constituencies in these States which have very small electorate and can upset electoral profile of these constituencies.
- (ii) Contesting candidates in these areas will approach Armed Forces Personnel to garner their vote and support, thus, involving them in active politics which may have an adverse impact on national security.
- (iii) The ECI feels that this matter requires consideration of Government of India in several Ministries including Ministry of Defence, Ministry of Home Affairs, Ministry of North Eastern Affairs and Ministry of Law & Justice etc.

2.11 The Ministry of Defence responded to the concerns of Election Commission of India and conveyed to the Cabinet Secretariat in early 2014 as under:

- (i) As regards the concern of ECI regarding altering of demographic characteristics particularly in J&K and North East, in case local registration of Armed Forces Personnel is allowed, it has been discussed in the meeting held on 04.02.2014 in MoD with ECI and the Services Hqrs. that reducing the period of tenure posting from 3 years to 2 years and extending the term 'residing with family' to include common group residency will substantially address the issue in peace areas. In so far as forward areas are concerned, ECI have been

requested to take steps to ensure timely receipt of Ballot papers so that the Service Personnel are able to cast their vote well in time.

- (ii) As far as the apprehensions of ECI regarding contesting candidates approaching Armed Forces Personnel for garnering votes is concerned, the Services have indicated as under:
 - (a) Existing rules and regulations prevent defence personnel from being member/canvassing for a political party. Their social structure, activities and working environment do not allow them an opportunity to interact with any political parties.
 - (b) Defence personnel largely reside in secured garrisons wherein no political activities are permitted. Those who live in civil area under their own arrangements are also kept under surveillance and they are regularly counselled/briefed to remain apolitical.
 - (c) No political rallies are permitted in the Cantonments/Military Stations. However, political parties may be permitted to display posters/canvassing, material in a central place with due monitoring by Local Military Authority (LMA).

2.12 Accordingly, it was conveyed that the Services have opined that adequate checks and balances are already in place to insulate defence personnel from political influences.

d) Difficulties faced by Armed Forces Personnel in regard to Postal Voting Procedure

2.13 The Ministry of Defence was asked about the procedure of postal voting followed by the Armed Forces. It informed as under:-

'The entire process of dispatch of Postal Ballots of Service Voters, filling up of the Ballot Paper by the individual Service voters and its receipt back by the Returning Officer of the concerned constituency, is required to be completed within a short span of 14 days as list of contesting candidates in a constituency is finalized only 14 days prior to the date of polling. The Postal Ballot Papers are dispatched to the Record Offices who sift these Postal Ballots unit-wise and dispatch them to various units deployed in different field and peace stations through postal channels. On receipt of Postal Ballots by various units, the ballots are sent to the concerned individuals at the posts/their locations. After filling the ballot paper, the individual dispatches the ballot paper to the concerned Returning Officer by post.'

2.14 On being asked about the difficulties the Ministry of Defence has identified in casting postal vote by the Armed Forces Personnel, it informed as under:

'Postal Ballot suffers from the inherent problem of delay in delivery of the documents to the Service Voters due to postal delays, frequent change in address of the individuals and also non updation of electoral rolls. The Postal Ballots are received at the record offices and then dispatched to the Commands for onward dispatch to

the Unit and then finally to the individual. The entire process of delivery of the Postal Ballot to the individual and final receipt of the cast ballot by the Returning Officer of the constituency is very cumbersome as a result of which, many a times, it has been observed that the two weeks time available for casting Postal Ballot is insufficient, especially in case of units located in far flung areas/difficult terrain.'

2.15 The Election Commission of India was also asked of the nature of difficulties it see in casting postal vote by the Armed Forces personnel. In its written reply, ECI submitted as under:

'The drawback of the Postal Ballot system, for Service Voters is that in many cases the RO does not get it back in time before the time fixed for commencement of counting of votes. Under the law only those Postal Ballots which are returned before the commencement of counting can be counted. Further, the Postal Ballot can be printed and dispatched only after the list of contesting candidates is finalized. The Commission, on its part, has directed that ROs shall dispatch the Postal Ballot papers for Service voters within 48 hours after finalizing the list of contesting candidates. The period between the date of dispatch of Postal Ballots and the date of counting would, ordinarily be Assistant Returning Officer und 14-17 days. The period may be insufficient in the case of personnel posted in far away/border areas. The RO sends the Postal Ballots (in sealed envelopes addressed to individual Service Personnel) to the Record Offices concerned. The record office further sends the Postal Ballots to the personnel at their place of posting. Once the Postal Ballot paper and the accompanying papers reach the Service Personnel, he has to follow the statutory procedures mentioned above and post it back to the RO.

In order to cut the delay in the onward transmission of the Postal Ballot, the Commission has directed that the dispatch should be from a centralized location under the supervision of the 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.

Only those Postal Ballots which are received before the commencement of counting of votes is counted. Those received thereafter are kept separately (without being opened) and are not counted'.

2.16 On the adequacy of 14 days period in printing and despatch of ballot papers, the Adjutant General apprised the Committee as under:

"As already pointed out, the 14 days stipulation for the Postal Ballot to be dispatched for example if it goes from Bangalore, it could be sent to Srinagar where the record office exit and if the person is posted in Assam, it goes from Bangalore to Srinagar to Assam and then it comes back to the Electoral Office Bangalore. It is said that it is not possible for ballot to reach in 14 days."

2.17 On the existing procedure for the officers and Jawans posted in various UN Missions and Embassies/High Commissions abroad in respect of their Postal Ballots, the Ministry has stated as under:

'As per Section 20(8) (d) of the Representation of the People Act, 1950, a person who is employed under the Government of India in post outside India is a Service Voter.'

2.18 During deliberations held on a later date, the Committee were keen to know from the representatives of the Ministry of Defence, the process of counting of postal votes in General Elections held in other countries, Adjutant General of Army apprised the Committee as under:

"...in many of these countries, the votes are accepted even after the date of voting. In the United States, you can vote 15 days after the voting date is over, and the votes would be counted. All those systems are not relevant to our context. So, we are just following it."

e) Voting records of Service Voters - Maintenance of

2.19 The Committee desired to know the number of Armed Forces Personnel who do not cast their votes in general elections and the reason for the same. The Ministry in its reply has stated as under:

'The number of Armed Forces Personnel who have not cast their votes and the reasons therefore is not maintained. However, reasons for not casting their votes could perhaps be attributed to the cumbersome procedure and delays in casting of vote through Postal Ballot.'

2.20 During oral evidence, representatives of the Ministry were also asked whether Army maintained any data regarding number of Armed Forces Personnel as well as status of

voters as general voter or Service Voter. The Adjutant General apprised the Committee as under:

"For obvious reasons, we maintain no data. It is a private issue. Whether he does it as a general voter or does it by sending a Postal Ballot, the record is not maintained. Till date, no record has been maintained. "

2.21 The Committee desired to know the statistics for some constituencies, wherein the number and percentage of votes of the Service Personnel actually counted and also whether they were invalidated for various reasons. A representative of Election Commission of India apprised the Committee as under:

"The Postal Ballot that we send to Service Voters, for that we have a separate account. But when it comes to counting, we also give Postal Ballot to our staff on election duty. That is the much larger number than the Service Voters. So, perhaps the vote that we have actually received through Postal Ballot may not be very representative of the actual vote received..... It is only that the Postal Ballot that has been counted, that may also contain the Postal Ballot coming from the staff on election duty. "

f) Initiative of Election Commission of India to Educate Service Voters

2.22 During oral evidence on the steps taken by the Election Commission to increase participation of the Services in general elections, a representative of Election Commission of India informed the Committee as under:

"In order to effectuate the rights of our Service Personnel to participate in the voting process, there are basically two issues to be looked at. One is the issue of enrolment and the other is the issue of their participation in the actual vote. In so far as enrolment goes, we have recently launched a *de novo* exercise for intensive revision of the last part of the electoral rolls relating to Service Personnel with reference to 1st January, 2015. A programme has been rolled out and as per this programme, the date by which the record officers shall forward the verified forms to DEO's is 15th March and final publication of the last part of electoral roll will be on 15th June, 2015 . I will submit a copy of the programme This has been undertaken after 2002 for the first time, and our attempt would be to ensure that all our Service-personnel get enrolled.

We run a programme by the name of Systematic Voters' Education and Electoral Participation (SVEEP), and as part of SVEEP initiative also special programmes have been rolled out to see that the modalities with regard to enrolment as well as with

regard to voting get conveyed to the Service Personnel. The effect through SVEEP will be to see that some of the issues, which are there that result in large number of votes getting invalid, are substantially addressed."

2.23 During deliberations, the Committee, while acknowledging the importance of SVEEP, were of the view that even SVEEP was inaccurate and so are the records of Election Officers. A representative of Election Commission of India clarified the issue to the Committee as under:

"..... I get the point. In fact, that is what is sought to be addressed through this *de novo* registration of Service Voters. SVEEP would be taking this message of voter enrolment, voter participation and voter education to the cantonments, etc., which was not being addressed earlier."

2.24 On the limit of 14 days period for printing and despatch of ballot paper, postal delays and evolving a method to despatch the ballot papers through electronic mode, a representative of Election Commission of India apprised the Committee as under:

"..... as I was mentioning, we have to address it on both fronts, namely, of enrolment as well as of participation. So far as enrolment goes, the points that you raised are sought to be addressed by this exercise of *de novo* registration which is being undertaken after 2002. The last part of our rolls, that is, the Service Voters part, will actually reflect the position as it obtains on the ground once *de novo* intensive revision is over. For that, we are engaging with the Ministry of Defence and, through them, with various Forces so as to ensure that. SVEEP is a concomitant process which goes along with this enrolment process. While this 14-day time limit between dispatch and return of Postal Ballot that we have is a limitation, but even if this time is more, which happens when we have multi-phase elections, even then (1) participation is limited; and (2) we have a number of invalid votes coming. Hence there is scope for improving things through educating the people who are responsible for ensuring voting through Postal Ballot. Through the SVEEP initiative, we intend to address this need.

Coming to the issue of actual participation, as I mentioned, there has been a slight reworking of the Commission's position. The initial position was that for enrolling as a general voter, the person had to be a resident there for more than three years; and the background to it were some judicial pronouncement with regard to elections that took place in North East where Service Personnel outnumbered local residents. Accordingly, Commission's initial view was that enrolling Service Personnel as

general voters may result in change of the demographic profile of constituencies which have very small number of voters and this, in turn, would vitiate the actual mandate of the people. However, now the Commission has reworked its position which we have intimated to the Hon. Supreme Court and to the Government also. The Government is trying to reconcile the positions of the Ministry of Defence and Ministry of Home Affairs, etc., through the intermediation of the Cabinet Secretary. Now, our position is this that so far as peace stations go, we will be enrolling Service Personnel who are willing to get themselves enrolled at their place of posting as general voters. That process is going on. As was told in MoD presentation about 3.9 lakh voters have got themselves enrolled in this manner. In crux, for enhancing participation of Service Voters, we are opening a window for enrolment of the Service Voters as general voters in peace stations and this will address the situation partially. The option of Proxy, while it has been mentioned that it is not popular and we also admit that in terms of purity of democracy, it is definitely a second best option, but still we feel that it has scope and perhaps it has not been, made known to the voters to the extent to which it should be. So, perhaps, there is scope of enhancing participation also by generating greater awareness about Proxy Voting.

On the issue of online voting, we have put our IT team on the job to examine its feasibility. They have engaged with the people from the Defence Services and different options of transmitting Postal Ballot are being looked at, but at the same time, I would like to place this caveat that the secrecy of vote and genuineness of vote are absolutely non-negotiable items. The Commission has to satisfy itself that the systems that have been worked out are such that they would ensure that the secrecy of vote is not compromised and also that the security of this whole online transaction cannot be breached. Once we have satisfied ourselves of these two concerns of the Commission, then we would be proceeding ahead. However, our team is on the job and they are engaging with the Defence personnel to see what best can be done in this area."

CHAPTER- III

Voting methods for Service Personnel in other countries

The Committee desired to know from the Ministry of Defence and Election Commission of India whether they have undertaken any study on the subject to know the practices available in developed nations to know how the soldiers who were not at their usual place of residence, vote in these countries. Both Election Commission of India and Ministry of Defence in a written note apprised the Committee that they have not carried out any study in this regard.

3.2 However during the deliberations on a later date, when the issue was raised again, the Adjutant General apprised the Committee as under:

"..... the issue is that we have, indeed, studied many countries. Actually there are nine countries, who have gone in for some kind of an e-voting or internet voting. They are Australia, Brazil, Canada, Estonia, France, Netherlands, UK, USA and Venezuela, of which the United States has got a Federal Act, which is called 'The Uniformed and Overseas Citizens Absentee Voting Act.' On this Act, the whole voting system is based. Despite the United States having gone through an Act, each State there has passed its own Act. The total electronic process is only with two States there. They are Alaska and Arizona. Twenty States talk with email and fax. Six States talk with fax and 19 States have got no e-transmission at all there. So, the United States also, which is the most advanced country electronically, has not reached the state of total internet based system for carrying out electronic voting. Alaska being so far away and separate, has actually gone into it. Estonia was the first country to go in with internet based voting.

There have been major problems brought out. The Election Commission would be better suited to answer it. But you can make life difficult on internet voting totally also because you can flood a computer by some denial schemes, by which, it makes sure that at the time of voting, your vote is not able to cast. So, the negatives also exist in total electronic voting. That is why all these countries are actually resorting to one side voting. The vote is delivered by email or fax, but the vote is actually cast by hand manually and posted. That is the system in a large number of countries including the United States.

Sir, the United States has got one more system in which a man staying, say, in Germany can draw a copy of the vote from, say, his Embassy in Germany and he can cast a vote. It is a blank vote. It does not show the candidates. It shows, the man has just to write, okay. I vote for so and so party; or I vote for so and so gentleman. He votes for so and so party or so and so gentleman, whose name he knows; and he posts it, which is not a classic type of vote. But it is named as a vote... "

CHAPTER – IV

Recent developments in methods of voting for Service Voters (Armed Forces)

The Ministry of Defence having cited the reasons for Armed Forces Personnel not casting votes to the cumbersome procedure and delays in casting of votes through Postal Ballot, the Ministry was asked whether it has worked out the approximate 'Time Frame' required for Armed Forces Personnel (particularly Army Personnel in 'Field Area') from the day the Postal Ballot is dispatched by the respective Regimental Centre to units in Field/High Altitude Areas; to the time/date of counting. The Ministry in its written reply stated as under:

'Time frame required for Armed Forces Personnel from the day the Postal Ballot is dispatched to the time of counting of votes varies from unit to unit depending upon the location of the unit'.

4.2 On the difficulties faced by the Service Voters in casting their votes, Adjutant General during deliberations held on a different date, further apprised the Committee as under:

"Talking of the Army, approximately four lakh personnel are in Jammu and Kashmir, and three lakh are in the Eastern Command in the East. Each formation is split into about 30-40 posts which are within 2 to 4 days or sometimes 21 days of walking distance from the unit headquarters. In the glacier, a man walks for 21 days. So, there is physicality involved into the entire issue. It can be very simply made. But if the man is not accessible to the place of a battalion headquarters itself, if his own unit headquarter is not accessible, then, we have to find out a *via media*. While I absolutely agree with what the hon. Member has said as also the hon. Chairman has said, there are far too many ifs and buts. But we have to find at least a system that is improvement of the existing one till the time we get to the final solution which could be largely electronic. Till the time we reach that stage, till the time the Election Commission is able to do so, we have to find out a *via media*. This is, as I first put, for the interim before we come to some final solution."

4.3 There is advancement in technology and still most of the Servicemen could not participate in general election due to postal delays and other technical/ procedural issues. Therefore, the Ministry of Defence was asked whether the Government has critically examined the feasibility to use electronic voting system replacing postal voting for the Armed Forces/Central Armed Police Forces personnel so that their votes can be cast at right time . The Ministry in its reply submitted the following information:

'Election Commission of India has initiated discussions on a software developed by Election Commission for online enrolment of Service Voters and preliminary meeting

have been held by the Commission with the representatives of the Services. However, no proposal for electronic voting replacing postal voting has been received from Election Commission of India.'

4.4 The Committee desired to know whether any method has been devised by ECI so that a voter gets an opportunity to cast his vote in a reasonably simple method and his vote gets counted. A representative of Election Commission of India informed the Committee as under:

"..... some of the systems, which are there are there for ensuring two things. One is whether the vote is authentic, and second is that the vote is secret. We are willing to have a re-look at our processes, but these two things are very sacrosanct for us, and cannot be compromised. But given this limitation, whatever ways can be there of simplifying the Postal Ballot process, we are very open to look at it. But one element that we discovered was resulting in large number of votes getting invalid, etc. was also that perhaps there was not lack of proper understanding of the systems that we have for Postal Ballot to Service Personnel at the moment. So, we seek to address that through the SVEEP initiative so that people are made aware.

Further, we have instructions to the effect that declaring a vote as invalid should be a matter of last resort. As you have mentioned, in case the signature is not at the designated place but elsewhere on the page or the signature is there, but the office stamp is not there, but we have ways of finding out that the person who has signed it is the authorised one. These cases we have allowed through our instructions. "

4.5 During oral evidence, the Committee expressed the need for measures to resolve the problem of sending postal votes to incorrect addresses and finding out a system so that correct details are filled on the postal vote by Service Personnel. The Defence Secretary apprised the Committee as under:

"Regarding the Record Offices, of course, the Adjutant General will elaborate on that. One thing that I wanted to apprise the hon. Committee of is the effort that is being made to digitise the whole process. Now, in connection with the disbursement of pensions, we have detected a large number of problems. In order to address those problems, a large-scale digitisation exercise is being carried out. I am sure this exercise is also progressing well. Once this exercise is completed, the entire system will be in a position to deliver electronically. Number two is, of course, a point was raised whether we would like to fine tune the system to the next stage. In fact, the most ideal system for the ballot will be electronic system both ways. That means you receive the electronic ballot and the Election Commission should create a Postal Ballot highway or some such thing, which has a server in it where all the election ballot papers can go and, thereafter it can be routed to various constituencies. Now, this is technologically challenging proposition. But I am sure we will be able to find a solution. The Ministry would like to work with the Election Commission on this. Probably we have to organise some technical seminars to find out how this can be brought about. But ultimately the solution will lie not in doing partial electronic transfer and partial postal transfer, but full electronic transfer. The Election Commission

should also be mentally prepared for this because this is a departure from the existing procedure and the change of laws and change of procedure will be required. I would like to mention that India is probably the most advanced country as far as election is concerned. Even in United States I find people use paper ballots, but we use electronic voting machines. So, I think we are sufficiently advanced and probably do not have much lessons to learn from elsewhere."

4.6 During deliberations, the Committee were keen to know from the representatives of the Ministry of Defence, Election Commission of India, Ministry of Home Affairs and Ministry of Law and Justice the efforts they were making to raise the level of participation of Service Voters in General Elections. In this regard, the Adjutant General of Army apprised the Committee as under:

"Let me start with the Record Offices. The Record Offices actually serve 25 lakh pensioners for which they are made totally electronic and updated in the course of the last one year. We have transited across to a great amount of computerisation and digitisation because we have a major problem of paying pension. That forced us down to get into total electronic mode and everything is digitised. Every man is digitised including his address. Of course, there are glitches. Those things are happening. Every unit location, every man's location presently is digitised and it is available on digital mode in the Record Offices. I would say that the transition has been dramatic in the course of the last two years. So, they have the capacity of knowing where a person is located in which unit he is located.

Second is the issue of security. Can we provide the location of all the units to the Election Commission? Is it a viable solution to say that the Election Commission knows a man belongs to which unit and when he will be able to transit? That would amount to providing the entire information of the 2000 odd units in the Indian Army on the Internet saying this is how the Indian Army or the Air Force or the Navy is arrayed. That, I think, is a difficult proposition to be put across on the Net. There has to be a de-link between it. Is it possible to have a de-link which is electronic in nature where we can put a firewall between the Election Commission and the Units? Any firewall can be broken. The way to segregate is to have an air gap between the Internet and the Intranet. That air gap is being provided by the Records where the information which the Election Commission has relates to regiments like ASC, Ordnance, Rajputana Rifles, Rajput Regiment, Gorkha Regiment, etc. The Rajput Regiment thereafter has the data of every man. The individual numbers are in blocks. For example, my regiment starts with the number 94. That number is available with the Election Commission. If anybody sends a vote which starts with 94, that reflects to 11 GR. It will go to 11 GR records. There is a system of giving Army numbers across. So, it will go to the Records Office which knows the location of every man. It is available in electronic format. They are able to sift it out. We have tried to put ourselves. So, while this downloading and uploading is a difficulty yet it is a compulsion for us to provide security which has to be ensured in case of Internet. We cannot provide that information. So, we are in the process of doing it. The Defence Secretary has already ordered a Technical Seminar to be conducted within the Services. We are in the process of conducting it. The module of a short training on election and how it will be carried out is already under preparation. Each unit will

have a unit-designated electoral officer who will be based in the Base. So, there is an electoral officer based in each Record Office and each unit will be in the communication system. So, we are actually trying to empower an election system within the Services. We are a large force. There will be an election system in place where an electoral officer is available in case there is a query. So, the training and the system within the Armed Forces will be executed thereafter.

Now, I come to return journey. It is an issue. If an envelope is marked "Ballot", it will be carried by the fastest means available. The P&T Department is able to take it on because the field post offices are available all over India. It is handed over to a field post office. The people of the field post office also come from the P&T Department. They take the vote and they know that it is addressed to a place, for example, in Kerala. It will be transported by the fastest mode by the P&T people directly across the State through the post bag. I think within seven days in the present time of communication, it is possible to deliver till the time when electronic return vote is decided upon.. It is a separate issue. The question is: whether the ballot will be secret. The hon. Member has spoken about secrecy. The vote will be stamped and sealed by the individual and handed over to the unit. The unit commander would put his certificate on the top of that in the first envelop in a sealed condition. He will put it inside the second envelop and send it. It may sound tedious but the two-envelope procedure is a regular thing being carried out in the Armed Forces for carriage of secret information. It is a standard procedure. It is nothing new for us.

The next question is: will there be safeguard of votes? The issue of the families voting has also been raised. Regarding the personnel who are located in the field areas, the option for the family to exercise a Service vote or a general vote will have to be exercised. As far as possible, the families will vote separately from the husband or the wife deployed elsewhere because there is a physical segregation. The family may be staying, say, in Chandigarh or Delhi while the gentleman or the lady officer is posted in the field area. The exercise of the vote of the family, whether it is general or Service, will have to be managed separately by us through the Record Office. It is a tedious task. It looks Herculean but it is the only *via media* available. The families do not stay with the husband. We have to create the system where the vote for a family staying in Delhi while the unit is located in Manipur is transported to Delhi, to the electoral officer in Delhi or to the Army electoral officer. It has to be handed over to the families for voting and despatched in a similar mode. In fact, thought has to be given on how the families would vote. It would be tedious. But, I think, that is the only way we can find out in the immediate time-frame."

Initiatives taken by the Election Commission of India and the Armed Forces

4.7 The Committee also wanted to know the initiatives taken by the Election Commission of India in the direction for making E-voting a reality. The Election Commission of India replied as under:

'A Technical Expert Committee has been constituted by the Election Commission of India for the purpose of development of Postal Ballot software application and for online enrolment of Service Voters'.

4.8 The Commission had laid down time lines for various activities with regard to e-postal voting viz. for e-postal ballot application development by 23 December, 2015, for preparation of infrastructure and hosting of the application by 7 January, 2016 completion of Mock Drill by 10 January 2016, analysis and feedback gathering by 20 January, 2016 and changes in application (if any) by 29 February 2016, etc.

4.9 In a written note, the Ministry of Defence informed that the following steps were being taken to improve the existing procedure so as to minimize the errors and delays:-

'The Services HQ are considering ways of reducing the links in transmission of the Postal Ballot Paper to the individual's unit bypassing the Record Offices with the view to minimize postal delays'.

4.10 During the presentation before the Committee, a representative of the Ministry apprised the Committee about the latest efforts being made to make e-Postal Ballot a reality, as under:

- (i) On receipt of registration application, the Records Office will generate xml files and upload on ECI Site on internet after being digitally signed.
- (ii) As soon as the registration No is updated in ECI server, the individual will also get SMS to this effect.
- (iii) The 'ECI Code of unit' will also form part of xml application.
- (iv) The ECI will allot registration number which will be available subsequently for download in batch XML file.
- (v) The registration for any type of voting will be done through record offices only due to:
 - (a) Maintain up to date electoral roll status of all serving soldiers.
 - (b) Very few soldiers to opt for registration as General Voter.
 - (c) The procedure proposed is easiest to follow for a serving soldier.

During oral evidence Adjutant General apprise the Committee on the registration of Voters as under:-

“The registration of voters, which was being carried out manually previously, had to be transformed into an electoral system by which the registration of voters would be carried out by people who would send their registration online and it should be acceptable in the software and in the timeframe by the Election Commission, and then publication of the Electoral Lists.”

Updation of Registered Data

4.11 On updation of registered data, it was further informed that the Record Officers will generate two half yearly list in XML format in a file:

- (i) ' List of effective personal containing Army No, ECI Registration No/EPIC No, type of voter (Service / general) and unit ECI code.
- (ii) List of personnel left Army due to any reason (discharge/dismissal / desertion/death etc) during the period containing Army No, ECI Registration No, EPIC No.
- (iii) This XML file will be uploaded on the ECI node after digital signatures for updation of ECI database.'

During oral evidence the Election Commission of India informed the Committee about the options available for the Service Voter to cast vote in General Election.

“Actually, voter is a voter. In the case of voters, there are two categories. One is a general voter and the one is a service voter. The law says that you are supposed to be registered at a place where you are ordinarily a resident. Now in the case of service voters, law has given a fiction that you may not be ordinarily a resident in your own village, you may be posted somewhere. So, you have the option under the law that you would not like to be registered at your place of posting in Hyderabad or Siachin and you would like to vote in your village. So, you will be given the option of registering yourself as a service voter. Once you are registered as a service voter, then this facility will be given to you. You will be sent a postal ballot paper. Now we are thinking of e-postal ballot paper. You will be casting your vote as a service voter. In case you opt not to wait for ballot paper to come, in that case, you cease to be a service voter and you will become a general voter and your name will come in the general electoral roll of the constituency and not in the service part. Actually, revision of electoral rolls for general voters is already on in the entire country. If you do not want to vote for November, you want that you want to be registered as a general voter, even now you can apply in the process of the normal revision.”

Adjutant General further apprised the Committee about the registration of Service Voters as under:-

“.....the point is genuine. There are different types of forms. When you do e-registration which we are talking of, there are different types of forms. Now the Election Commission has laid down that the forms will be updated twice a year. A person now has a choice whether he wants to be a service voter or a general voter

and he has to fill the corresponding form. So, he gets removed from general voter list and puts himself in the service voter list. In every six months the updation would have to take place. The wastage is so much with 80,000 people retiring a year among the three services and the turnover is so large that we have to keep thinking. And then postings also take place, the units change. Every six months all those changes have to be updated. It is a colossal exercise and we will do it.

As regards the issue that hon. Chairman raised about as to if there are 100 people how many are the votes received, the receipt issue is what we are now working on to get the answers. If 22 Punjab which is voting from Far East and their votes come to Punjab as a State, how many actually reach here in various constituencies and how many votes are actually sifted out and they are right and they are available, all these answers will come out as time progresses. The exercise involves say in the total Ladakh region how many people are from which constituency and they will be posting votes which constituency is another line of thinking which we have not yet gone into. For example, in glacier a unit changes every six months. So every six months with units turning over, the data is not static by it is dynamic data which has to be worked out.

we will be able to talk more after the electronic registration takes place properly. When we say a unit, till the time registration is not recorded in their records, the Election Commission cannot generate a vote for us.”

Transmission of Ballot Papers

4.12 On transmission of ballot papers from the ECI to Units, the Committee were informed as under:

- (i) 'Since the unit details a centrally controlled through ARPAN, allotment of a cord specific for election purpose is planned. (eg. EC11450)
- (ii) Unit will log-in based on identification for each unit based on an OTP provided initially, and electronically changed subsequently
- (iii) Based on updated ECI code, on finalization of list of candidates, the ECI will upload the e-ballot papers on this server.
- (iv) The units will log on to the ECI site with the help of ECI code and download and print the e-ballots pertaining to the personnel of their units.'

4.13 The Ministry of Defence was asked whether the latest system has been tested for real use or it is still at experimental stage. The Ministry in its reply stated as under:

'A proposal for bringing about necessary procedural changes for making voting by Service Voters more effective including electronic transmission of Postal Ballot has been framed by Service HQ and submitted to Election Commission of India (ECI). The proposal is under consideration of ECI for the system to be made functional for which necessary coordination is being made with ECI. The timeline for this implementation has not been estimated so far.'

4.14 During the deliberations, it came to the notice of the Committee that Record Office is one of the bottlenecks for timely completion of voting process. The Ministry was asked whether it is going to take any steps to smoothen the system in Record Office so that the postal votes reach the centre of counting before the counting begins. The Ministry in its reply stated as under:

'In the present system, Record Offices are involved in the process of registration of Service Voters and in the chain of dispatch of Postal Ballots. In the new proposal, the role of the Records will continue for registration. However, the provisioning of direct addresses (postal/electronics) by the Record Offices on a periodic basis/immediately before elections to the ECI will obviate the requirement of sending ballot papers to them; thereby reducing the channels of transmission and allied delays.'

4.15 The Committee also took note of the fact that sometimes the margin in election of winning candidate is wafer-thin, therefore, the Ministry was asked to apprise the Committee of the steps taken by it so that each and every vote sent by Service Voters reaches at the place of counting and is actually counted. The Ministry replied as under:

'Service HQ have proposed to ECI to move the Postal Ballots from the concerned Electoral Officers to the Service Voter electronically thereby reducing the transmission channels and transmission time. The ballots would move by Post on return to Electoral Officers concerned through Speed Post of Army Postal Service/India Post as available. This would cut down the movement time drastically and ensure that Postal Ballots reach District Election Officers for counting.'

4.16 The Committee noticed that some of the procedures and rules are too cumbersome in enabling smooth conduct of elections. Therefore, the Ministry of Defence was asked whether it has thought of requesting the Ministry of Law & Justice to amend or remove some rules to help Service Voters. The Ministry, in a written note, apprised the Committee as under:

'Proposal for bringing about necessary procedural changes for making voting by Service Voters more effective including electronic transmission of Postal Ballot is presently under discussion/consultation with ECI. During the course of finalization of revised procedures/initiatives, any amendment of rules, if so considered necessary by the ECI, would be taken up by the Commission with their Nodal Ministry i.e. Ministry of Law and Justice.'

4.17 During oral evidence, Director General, Election Commission of India apprised the Committee on the development of technology to make e voting a reality as under:

"Mr. Chairman, Sir, currently the Service Voters are provided the facility of Postal Ballot system. The procedure of Postal Ballot is specified in the Act and in the Rules. As per that procedure, for one way transfer, directly the Returning Officer has to send the Postal Ballot to the individual elector, in this case, the Service Voter.

Now, based on the requirement, the Election Commission had taken the initiative and C-DAC is developing the technology for transmission of Postal Ballots electronically from the Returning Officer to the individual Service Voter. From the Services, the request has come that instead of transmitting electronically to the individual Service member, we may permit transferring bulk to the Unit Offices which will then download it. The Unit Officer may be designated as the Assistant Returning Officer and he can then issue the downloaded ballot papers to the individual Service members who will, in turn, then transmit it back through the postal system. We have recommended Speed Post based system for early receipt of ballot papers.

The technology for doing this bulk transfer and the bulk downloading is being developed by C-DAC. The proto-type was developed for individual transmission. They said that they would require Assistant Returning Officer and six months to complete this process of developing and testing and then the field testing of Assistant Returning Officer and three months the Election Commission would need to see that the system actually works. This is about the technology. It will require amendment to the Rules before which we can pilot in a by-election. We would like to pilot it in a couple of by-elections before we are confident to roll it out across all the elections. This is the current stage of the process."

4.18 He further apprised the Committee on the appointment of Unit Officer as Assistant Returning Officer:

"..... as I have submitted transmission to individual voter, the technology is almost ready. We are in a position to start the testing in a month's time. But transmission as a bulk and the procedure for that whether Commission will be in a position to appoint the unit officer as a Assistant Returning Officer, that has to be examined. That the Commission is still examining. Once the decision is taken, the technology part, we are already gone ahead and we are doing it, once the process is understood and agreed that yes, the Assistant Returning Officer can be appointed in the Services and this system can be rolled out, then we need three months time to complete the process."

4.19 During oral evidence, the Committee desired to know the action taken by the Election Commission of India to amend the law to enable sending e Postal Ballots to the units. Director General, Election Commission of India apprised the Committee as under:

"..... technology is one part. Even we are going ahead with the development of the technology but the law has to be amended first which permits us to roll that out. We

have already recommended to the Ministry permitting these amendments in the law. Once that is ready then we will start the field implementation on 16th February, 2015, we have moved the amendment to the Ministry of Law and Justice."

4.20 The Committee were informed in a written note about the role of the Services, Ministry of Defence, Election Commission of India and the Ministry of Law & Justice in implementation of new voting system and step by step action to be taken by these agencies in the process of implementing the new voting system as under:

'The Services HQs and Ministry of Defence are in close coordination with the ECI for the development of a prototype software module for integration between ECI server and Services HQ networks. At present, this is in the developmental stage by the ECI. As and when legislation allowing online registration of Service Voters and e-Postal Ballot for Service Voters is passed by the Parliament, this would be implemented by the ECI.

Further, step by step actions to be taken by the Services in the process of new voting system are as under:

- (a) **Registration of Service Voters:** On receipt of registration applications from Service Voters, Record offices will generate XML (Technology described in point no. 10 reply) files and upload on ECI Site on internet after being digitally signed. The XML format and fields would be coordinated between Record offices and the ECI to ensure smooth flow of data, iteration and accuracy. Each individual along with his permanent personal number suffixed with Unit Code will form the unique ID and will be part of XML application. As soon as the registration number is updated in ECI server, the individual will also get an SMS to this effect. This unique ID of an individual will facilitate the ECI for preparation of unit wise batch files.
- (b) **Periodic Updation of Data:** The Record Offices will update data of Army personnel containing Army Number/ECI Registration Number/EPIC Number, type of voter (Service/general) and unit ECI Code directly unto ECI server with a secure login provided by ECI on half yearly basis and also at the time of announcement of election. This would update the ECI databases with respect to the type of voters and their details ensuring consistency and accuracy, thereby helping ECI in regularly cleaning and updating the last part of the electoral roll.
- (c) **Assignment of Unique ECI unit ID to each unit:** Since the unit details are centrally controlled through an in-house tailor-made software programme, allotment of a Unique Code for each unit, specifically for election purpose is planned. The details of the same will be shared with ECI. This code will assist the units as well as ECI in identifying the pertinent unit and accordingly handle documents.
- (d) **Nomination of Unit Nodal Officer:** All units have a nodal officer who will be responsible for all election related issues. The nodal officer will be responsible for receipt of each batch files of ballot papers, its printing and providing ballots to individuals and dispatch of ballot papers to the District Election Officer (DEO). The

nodal officer will also maintain record of all ballot papers and forward the same to the DEO.

- (e) **Dispatch of Cast E-Ballot Papers:** After exercise of franchise by the individuals, the votes will be returned to the respective constituencies through speed post of Army Postal Service/India Post as available; thereby reducing the channels of transmission and allied possible delays. The same will be monitored by the nodal officer.'

4.21 The Committee desired to know the time frame by when Election Commission of India will bring the concept of the Services to the implementation stage as well as the progress made by the Commission on the suggestion of the Services till date. The Election Commission of India have also been enquired whether it has fixed any timelines for themselves for the implementation of new voting system so the Committee may have the opportunity to witness the trial of voting. The Ministry of Defence in consultation with Election Commission of India in a written note apprised the Committee as under:

'Election Commission of India have replied that the Record Office is to send the Postal Ballot paper addressed to each individual Service Voters. Accordingly, technology for electronic transmission of Postal Ballot from the Returning Officer to the elector is under development. In the case of the Army Units, the proposal made by the Army is to provide for a system where the Record Office of each constituency sends the Postal Ballot papers of all Service Voters serving in the unit to the Unit Commander for bulk downloading at the Unit level.

During the sitting of the Committee held on 27.10.2015, the Committee had sought information about the timeline for putting into use the system of electronic transmission of Postal Ballot paper from the Returning Officer to the Units and about the various stages of activities involved in the process. The Committee was informed that detailed response on the points raised by the Committee would be submitted separately later.'

4.22 On the type of Software and Hardware required by the Services and Election Commission of India and whether the Services and ECI have identified the system so that process of acquisition may begin, the Ministry has replied as under:

'The ECI have stated that this can be specified and explained after the technology for electronic transmission of Postal Ballot papers for bulk downloading at the Unit level is finalized.'

4.23 The Committee were surprised to find that the amendment was moved long ago and no action has been taken by the Ministry of Law and Justice to pursue the matter. A representative of the Ministry of Law and Justice apprised the Committee as under:

"..... the note for the Cabinet is ready. We forwarded advance copy to the PMO. They suggested that domestic migrant labourers should also be given these facilities. For this purpose, a Committee of Ministers is appointed. It is in the purview of the said Committee. As and when the policy is finalized, the Bill will be ready within two to three days."

4.24 The Committee were of the view that PMO should be asked to delink the issue of domestic migrant labours with that of Service Personnel. A representative of the Ministry of Law and Justice apprised the Committee as under:

"..... as per the direction of the Hon'ble Committee, we will forward a note to the PMO."

4.25 The Committee were informed later by the Ministry of Law and Justice that it has already conveyed the feeling of the Committee to delink the issue to the PMO and response from them is awaited. The Committee also wanted to know that time, the Ministry of Law and Justice will take to move the amendment by after getting the proposal from the ECI. The Ministry replied as under:

"In this regard, it may be stated that a Cabinet Note for amplifying the existing modes of voting available to overseas electors and Service Voters, including Armed Forces Personnel has already been finalized. However, the matter has been referred to an Inter-Ministerial Committee of Ministers chaired by the Hon'ble FM, which was appointed as per the directions of the PMO to examine the feasibility of extending similar facilities to domestic migrant labourers/workers also. After receipt of the recommendations of the Committee of Ministers, the matter will be further examined. In case similar facilities are to be extended to domestic migrant labourers/workers also, a revised draft Cabinet Note will be prepared and circulated for inter-ministerial consultation. Thereafter, the matter will be further processed for seeking approval of the Cabinet. However, no specific time-frame can be indicated this case since finalization of the policy is dependent on the receipt of the recommendations of the Inter-Ministerial Committee of Ministers which is to be followed by Inter-ministerial consultation also in the form of a revised draft Note for the Cabinet."

4.26 On 24 August, 2016 during the oral evidence of the Ministry of Defence, Ministry of Law and Justice and Election Commission of India, The Committee were apprised that a decision was taken to de-link the issue of Migrant Labourers & Service Personnels.

4.27 The Ministry of Law and Justice has taken following action in consultations with the Election Commission of India on the issue and informed :-

`As directed by the Hon'ble Standing Committee on Defence in the meeting held on 24.08.2016, a meeting of the Committee of Ministers was convened on 29.09.2016 wherein a decision was taken to process the proposal to facilitate e-postal ballot system for the Armed forces Personnel separately by delinking the same from other related issues.

(ii) In the meanwhile, based on ECI's proposal that the e-postal ballot system could be extended to the Service Voters by amending the relevant provisions of the Conduct of Election Rules, 1961, the necessary amendment was made to the Conduct of Election Rules, 1961 and published in the Gazette of India on 21.10.2016.

(iii) The core issue of introducing e-postal ballot system has been addressed by amending the Conduct of Election Rules, 1961'.

4.28 The Committee desire to know about the definite time bound and resulted oriented programme for conducting the trial run on the ground. The Ministry in its reply stated as under:-

`The trial for one way e-movement of postal ballot commenced on 19.08.2016 with the registration of Army personnel from two Units and one Record Office. So far, this has included Units from various parts of the country and troops for at least two different Constituencies. The system is in place and practical voting is planned to be conducted in the Bye elections at Puducherry, scheduled to be held on 19.11.2016. The counting of the votes is scheduled to take place on 22.11.2016. The Service HQ plan to send its representatives to the Returning Officer after the election to take stock of which Postal Ballots reached on time and were found valid for the purpose of counting'.

4.29 On the status of trials in units situated in far flung/difficult areas having large number of troops, the Ministry replied as under:-

`Troops were chosen from the deployment in extreme East (Dinjan), West (Bhuj), North (Partapur/Leh) and South (Thiruvananthapuram) for the trials, The trials were found effective and the postal ballots reached the Returning Officer within 05-06 days, which is well within the stipulated time for 14 days period from the date of uploading of the ballot papers by Election Commission of India'.

4.30 The Committee desired to know about the areas/issues needed to be sorted out at present. The Ministry replied as under:-

`The following aspects are being sorted out 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 e voters, so as to provide these unique numbers to voters after successful registration'.

4.31 In a written note the Ministry of Defence has submitted the following measures being taken by the service HQrs. to ease the system of e-postal voting:

- (a) Sharing of Data of Army Personnel with ECI: Necessary clearance from military security point of view has been obtained.
- (b) NIC E-mail IDs of Units and Record Offices: The issue regarding opening of NIC e-mail IDs in respect of units is under process. So far 4346 NIC email IDs have been created for units. Allotment of NIC email IDs to all Record offices has been completed. This would permit the Record offices to update data on the Election Commission of India servers as proposed.
- (c) Registration, updation of data and allotment of unit code: Service HQ has prepared unit codes and processes to generate data of personnel on a periodic basis and incorporated the same in an Integrated Software. Software for updating data with Record offices by Units has already been completed and processed for cyber clearance. Software for updating data on Election Commission of India servers is under trial by Election Commission of India since March, 2016.
- (d) Dispatch of Cast e-postal ballot paper: The Army Postal Service has vetted the proposal with regard to returning of cast e-ballot papers through speech post by the units to respective constituencies. This would reduce the time taken for the return movement of e-ballot papers.
- (e) Identification of units & records for conduct of Mock Drill: One Records Office (Signal Records) and one Signal unit located in Delhi have been identified for the purpose of conduct of mock drill of 'one way e-transmission' of postal ballots as planned by Election Commission of India.
- (f) Obtaining Cell Phone Nos. of all units: As per the proposal, District Electoral Officer will prepare batch files unit-wise and upload requisite number of e-ballot papers in the Election Commission of India server for access by the units. Units would download their batch files through access by a OTO (One Time Password) provided by the ECI. The OTP would be sent both as an SMS and to the E-mail ID of the unit. There is a need for units to have a permanent mobile number of their own for this purpose. All units have been asked to obtain a permanent mobile number at the earliest possible time. The same record is also being updated by the Record Offices.
Imperative to use existing database of service voters built over decades concurrently clean.
Periodic updation of service voters to ensure updated voter list at all times.
Service Voters Electoral Educations Programme (SVEEP) by Election Commission of India.
 - o Computer-based training packages.
 - o Film to educate service voters.
 - o In house dissemination of implementations of Electoral Process.

4.32 A representative of Election Commission of India apprised the Committee on the latest developments in respect of e-postal voting as under:-

"I would like to enlighten the Committee as to what are the developments, if permitted by the hon. Chairman. First of all, let me congratulate the Committee and all the participants. It is a historic moment. Yesterday, at 1307 hours, the first electronically transmitted postal ballot has been uploaded by the RO of 17 Nellithope Assembly Constituency in the bye election. It may be a small constituency of about 40,000 voters but the Service voters represent the Army, the Air Force and also the Coast Guard. It has been uploaded. The electronic encrypted file of electronically transmitted postal ballot is available for all the voters with the respective ROs. The PIN and the OTP has been generated and sent to them. We are very sure that all the Service voters would be participating in this election. We are tracking every milestone. This is possible only because we got the legal empowerment in the ECI. The ECI is always ready to include everybody. There are certain issues which we have to thrash out regarding registration which has been very clearly brought out by the Adjutant General. As the hon. Chairman last time was asking about the return journey, Postal Department is now in the loop. So, those operational things would be carried out.

One more point that I would like to add is that if we want the system to be successful, every Service voter has to be properly enrolled in the electoral roll. In these bye elections, when we were seeing the record, I think it is not up to date. Even the Record Officer names are not clear. I also would like to add here that once we send the details to the Record Officer, there has to be a proper linking for which Service voter it is going. On 5th, that is, Friday, the Commission has taken a decision that EPIC number would be given even to the Service voters with which this problem would be taken care of. We can leave the individual Service voter number on the EPIC".

Canvassing by political parties inside the Cantonments

4.33 Political parties and their candidates are not allowed inside the Cantonments to canvass to garner votes. During oral evidence, on the issue, Adjutant General stated as under:

"...the issue about allowing the canvassing to take place inside cantonment. In larger number of cantonments for example in Delhi or in Chandigarh, there is sufficient inter-mingling of the Service in the cities where they stay. We have very good reasons we have not permitted canvassing to take place inside the cantonments. There are issues relating to security. There are many other issues of the Service life. The people who are eligible to vote do go outside and I think we should not underwrite the competence of a Service Voter not to understand the competencies each one of the candidates that is listed on the voter. Fairly educated people are coming nowadays. If you see the voting patterns that have taken place in the Delhi cantonment elections last year, you know the trends how it has changed in Delhi cantonment. People have exercised their vote understandably on the merits of the candidate which took place despite the fact no canvassing took place. So, I think the present system on this account has worked fairly alright. We will request the Committee to allow us to retain the kind of modicum of security that we have in the cantonments as far as possible. It will facilitate us to manage our cantonments better."

4.34 During the presentation before the Committee on a later date, a representative of Army informed the Committee that A2 and B4 lands are permitted to be used on the requisition by the District Magistrate concerned, however, A1 and analogous lands are not permitted to be used for canvassing.

4.35 During oral evidence, on the issue, a representative of Army on a later date apprised the Committee as under:

"..... just a pointed answer to what you have asked. There are existing instructions of the MoD already, which are in place, wherein the campaigning can be done in the existing cantonments. It is only on the A2 and B4 vacant lands that you can come. But door-to-door campaigning is not as yet permitted. So, you can come inside the cantonments in A2 and B4 vacant land and carry out a public meeting as per existing policy. It is up to the people to go there and be part of whatever rally or anything that you are addressing. But Sir, just a pointed answer to what you have asked. There are existing instructions of the MoD already, which are in place, wherein the campaigning can be done in the existing cantonments. It is only on the A2 and B4 vacant lands that you can come. But door-to-door campaigning is not as yet permitted. So, you can come inside the cantonments in A2 and B4 vacant land and carry out a public meeting as per existing policy. It is up to the people to go there and be part of whatever rally or anything that you are addressing. But otherwise, the instructions exist as far as the political parties are concerned. They can come into the cantonment area, into the vacant A2 and B4 lands only and also carry out the similar kinds of activities what they are doing outside."

4.36 On a later date during oral evidence Adjutant General further apprised the Committee as under:-

".....Canvassing is a new issue but not so new issue also. We had previously not permitted canvassing inside the cantonments and military stations. I will defer to the hon. Defence Secretary to make a canvassing condition which we will promulgate in times to come but substantially, in the last elections we had permitted certain grounds outside the cantonments where canvassing could take place through the Station Commanders or the Cantonment Executive Officers, and we will now, as due advice from the hon. Members, come up with some kind of policy on this issue which we will get the Ministry to approve and submit formally".

4.37 Defence Secretary further clarified the matter as under:-

"I think the step that we have now initiated and brought it to a logical conclusion is certainly a very radical step, a very revolutionary step in the sense that it is enabling

the Service voters to really cast their votes and be felt in the system. That is a great change”.

It is because when you cast your vote and it does not reach, it is not reality. So, if a vote is cast and it reaches the ballot box at the right time, then only one acquires the power to participate in the electoral process. We have created a lot of positivity by this step. But when we think of campaigns and other things we should be extremely careful. I entirely agree with the views expressed against campaigning because it can be very divisive and we want a united Force. So, this step could have a negative impact. The positivity should not be neutralized overwhelmingly by negativity which results in bad consequences.

In this regard, I would also like to point out that the voters of a particular constituency are so widely dispersed that it may not be practical to come and campaign. This is one part of the story. It may have to be done, if at all there is anything practical, by the party”.

Cases filed in Supreme Court

4.38 In the meantime, WP(C) No.1005/2013 – Neela Gokhale Vs. UOI & Anr. tagged with SLP(C) No. 6554/2014 – Rajeev Chandrasekhar Vs. UOI & Ors came up for hearing in the Hon'ble Supreme Court. In these court cases, issues relating to registration of Service Personnel as voters in the place of posting and creating effective mechanism for the Armed Forces Personnel and their families to exercise their right to adult suffrage easily and effectively were raised. The Hon'ble Supreme Court passed an interim order on 24.3.2014 inter alia directing as under:-

- (i) 'The Service Personnel posted in peace station as on 1.1.2014 and continued to be posted on the date of commencement of the Election process for such constituency may register themselves as general voters;
- (ii) The ECI's order dated 28.12.2008, prescribing the condition of tenure posting of three years and such Service Personnel residing with family, shall not be insisted upon;
- (iii) Union of India to furnish the details of Peace Stations to ECI within two days from the date of the order of SC;
- (iv) Union of India to provide all necessary assistance to ECI in making the Postal Ballot effective for Service Personnel; and
- (v) Counter affidavit by respondents be filed within 08 weeks.'

4.39 In its written note, the Ministry has stated that it, while complying with the orders of Supreme Court provided with the details of peace stations in respect of Army, Navy, Air Force and Coast Guards to the Election Commission and requisite directions have been

issued to the Services and Coast Guards towards compliance of Supreme Court directions regarding making Postal Ballot effective.

4.40 In so far as filing of Counter affidavit in terms of directions of Hon'ble Supreme Court at para 7(v) above is concerned, the same is being filed by Ministry of Law & Justice in terms of decision taken by the Committee of Secretaries (CoS) in its meeting held on 28.3.2014.

4.41 The Ministry of Defence has informed that it has taken appropriate steps for facilitating registration and voting by Armed Forces Personnel as per extant rules and for implementation of interim orders dated 24.3.2014 of the Hon'ble Supreme Court.

4.42 The Ministry of Defence was asked whether any action has been taken by it so that Armed Force personnel can effectively cast their votes in the General Elections after the Supreme Court's direction on 24.03.2014. The Ministry was also asked whether the system is considered appropriate and if not, whether any steps has been taken by it to modify the system. The Ministry in its written reply has stated as under:-

'The Hon'ble Supreme Court of India in Writ Petition (C) 1005 of 2013 (Neela Gokhale vs UOI & Anr) and Special Leave Petition (C) No. 6554/2014 (Rajeev Chandrasekhar vs UOI & Ors) relating to registration of Service Personnel as voters in the place of posting and creating effective mechanism for the Armed Force personnel and their families to exercise their right to adult suffrage easily and effectively, passed an interim order date 24.03.2014. In compliance of the aforesaid interim order, details of peace stations and 'modified field stations' (in respect of Army) 'hard areas' (in respect of Navy and Coast Guards) and stations with 'limited area tenure for two years' (in respect of Air Force), (these being akin to the 'peace stations'), have been provided to the Election Commission of India. In addition, requisite directions have been issued to the Services and Coast Guards to make Postal Ballot effective in terms of ibid directions of Supreme Court. The matter is subjudice before the Hon'ble Supreme Court of India.'

4.43 The Ministry later informed about the latest developments in the Hon'ble Supreme Court and quoted Interim Judgment date 8 March 2016:-

'(a) 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. This need to be addressed by Election Commission of India in consultation with all stakeholders.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) It will also be open for Election Commission of India to lay before the Court its views on the A/m issues.

Interim Judgement dated 15 July, 2016:-

The case was heard by the three judge Branch on 15 July, 2016. Based on the submission made by Union of India (Ministry of Law and Justice), the Apex court granted four months time to Union of India 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'.

PART II

OBSERVATIONS AND RECOMMENDATIONS

Need to consider the Spouse of Service Personnel as General Voters

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.

Criteria for Voting by Service Voters at the place of posting

2. 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 Services 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.

3. 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. 3775 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.**

4 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.

5. 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 2016 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 needs 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; Uol 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 Branch based on the submission made by Uol(Ministry of Law and Justice), the Apex court granted four months time to Uol 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. 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.

Proxy Voting

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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 Serving 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.

13. The Committee feel that this move will also contribute in easing the burden on the Returning Officers as well as the Presiding Officers. Presently, 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.

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

14. 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 finalization 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.

15. 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 centralized 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.

16. 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 along with 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 the right to vote. Hence, advance action has to be taken to prepare the envelopes 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.

17. The Committee understand that conducting the General Elections is an onerous task for the Election Commission of India. To fulfil 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 utilised to conduct the elections, in a fair and transparent manner for Service Voters, particularly in the difficult and forward areas.

18. The Committee recommend that ECI should appoint some Service Officers as Honorary Election Commission Officers and entrust them with the duty of conducting

the elections. This step would also facilitate in ensuring maximum participation of Service Voters in future.

Need to study the best practices of other countries

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 the votes reach back the Returning Officers in minimum possible time.

20. 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.

21. 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.

22. 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.

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

23. 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.

24. 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.

Enrolment of Service Voters

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 the 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 serving men/women as electoral list. Every unit is to designate one officer 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.

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 scrutinizing 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.

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.

Educating the Service Voters

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 authorized 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.

29. The Committee are happy to note the 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.

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.

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.

Canvassing inside the Cantonments

32. 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.

33. 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.

Cases filed in Supreme Court

34. 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.

35. 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 direction 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.

Counting of Postal Votes

36. 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 up 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.

37. 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.

38. 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.

39. 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 up to 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 to do away with the stipulation of taking up Postal Ballots for counting at first. And enable for simultaneous counting of the 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.

Electronic Voting System

40. The Committee feel seriously concerned to note that approximately 90per 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 enabled 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'.

41. 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.

42. 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 members, 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.

43. 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.

44. 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.

45. 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'.**

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

47. The E-Postal balloting was implemented in the bye-election held in Nellithope 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.

**NEW DELHI;
5 December, 2016
14 Agrahayana, 1938 (Saka)**

**MAJ GEN B C KHANDURI, AVSM(RETD),
Chairperson,
Standing Committee on Defence**

STANDING COMMITTEE ON DEFENCE

MINUTES OF THE ELEVENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2014-15)

The Committee sat on Friday, the 13th February, 2015 from 1100 hrs. to 1245 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

MAJ GEN B C KHANDURI AVSM (RETD) -

CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Dharambir
3. Shri Thupstan Chhewang
4. Shri H.D. Devegowda
5. Shri Sher Singh Ghubaya
6. Shri G. Hari
7. Shri Ramesh Jigaginagi
8. Shri Vinod Khanna
9. Dr. Mriganka Mehato
10. Shri Tapas Paul
11. Smt. Mala Rajya Laxmi Shah

RAJYA SABHA

12. Shri Rajeev Chandrasekhar
13. Shri Harivansh
14. Shri Vinay Katiyar
15. Shri Madhusudan Mistry
16. Smt. Ambika Soni

SECRETARIAT

1. Shri P.K. Misra - Additional Secretary
2. Shri D.S. Malha - Director
3. Shri Lovekesh Kumar Sharma - Additional Director
4. Shri Rahul Singh - Under Secretary

WITNESSES

REPRESENTATIVES FROM THE MINISTRY OF DEFENCE

Sl. No.	Name	Designation
1	Shri Ravikant	- Additional Secretary
2	Shri Himanshu Kumar	- Joint Secretary
3	Lt Gen Philip Campose	- Vice Chief of Army Staff
4	Lt Gen Rakesh Sharma	- Adjutant General
5	Maj Gen Sanjiv Varma	- ADG Personnel Services
6	Col Charanjeev Manju	- Director PS-2
7	V Adm P Murugesan	- Chief of Personnel, Navy
8	R Adm P Ashokan	- ACPS
9	Cmde Atul Kumar	- PDPS
10	V Adm HCS Bisht	- DG, Indian Coast Guard
11	IG K C Pande	- DDG (HRD)
12	Air Marshal H B Rajaram, AVSM, VSM	
13	Air Vice Marshal P R Sinha, VSM	

REPRESENTATIVES FROM THE MINISTRY OF HOME AFFAIRS

Sl. No.	Name	Designation
1	Shri Shailesh	- Joint Secretary
2	Shri Dinesh Mahur	- Director (Pers)

REPRESENTATIVES FROM THE MINISTRY OF LAW & JUSTICE

Sl. No.	Name	Designation
1	Dr. Reeta Vasishta	- Joint Secretary & Legislative Counsel

REPRESENTATIVES FROM THE ELECTION COMMISSION OF INDIA

Sl. No.	Name	Designation
1	Shri S.K. Mendiratta	- Legal Advisor
2	Shri Sudhir Tripathi	- Deputy Election Commissioner
3	Shri V.N. Shukla	- Director (IT)

2. At the outset, the Chairperson welcomed the Members and representatives of the Ministry of Defence, Ministry of Home Affairs, Ministry of Law & Justice and Election Commission of India to the sitting of the Committee and drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the

Committee's proceedings. The Chairperson initiated the discussion and requested the representatives of the Ministry of Defence and other stakeholders to brief the Committee on the existing system, its major lacuna and methodology of overcoming the problem to the extent possible.

3. After the witnesses introduced themselves, the representatives of the Ministry of Defence gave a power point presentation on the subject. The Committee had detailed deliberations on the various issues in the context which include sanctity of order of Election Commission for creating a separate category of voters comparing of Armed Forces personnel and their families without Parliamentary sanction, simplification of existing postal ballot system, introduction of electronic voting to avoid unnecessary hurdles and delays, etc.

4. The representatives of the Ministry of Defence and Election Commission of India responded to the queries raised by the Members during the deliberations. As regards, the points on which the representatives could not readily respond, they promised to furnish written information at the earliest.

5. The Chairperson, thereafter, thanked the witnesses for appearing before the Committee as well as for furnishing the valuable information to the Committee.

A copy of verbatim record of the proceedings has been kept.

The Committee then adjourned.

STANDING COMMITTEE ON DEFENCE

MINUTES OF THE EIGHTEENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2014-15)

The Committee sat on Wednesday, the 08th July, 2015 from 1100 hrs. to 1230 hrs. in Committee Room, 'D' Parliament House Annexe, New Delhi.

PRESENT

MAJ GEN B C KHANDURI AVSM (RETD) - CHAIRPERSON

MEMBERS

LOK SABHA

- 2 Shri Suresh C Angadi
- 3 Shri Dharambir
- 4 Col Sonaram Choudhary (Retd)
- 5 Smt Pratyusha Rajeshwari Singh
- 6 Shri H D Devegowda
- 7 Shri Sher Singh Ghubaya
- 8 Shri G Hari
- 9 Shri Ramesh Jigaginagi
- 10 Shri Vinod Khanna
- 11 Dr Mriganka Mahato
- 12 Shri Tapas Paul
- 13 Smt Malla Reddy
- 14 Shri A P Jithender Reddy

RAJYA SABHA

- 15 Shri Rajeev Chandrasekhar
- 16 Shri Harivansh
- 17 Shri Vinay Katiyar
- 18 Shri Hishey Lachungpa
- 19 Shri Madhusudan Mistry
- 20 Smt Ambika Soni
- 21 Shri Tarun Vijay

SECRETARIAT

1. Shri D S Malha - Director
2. Shri A K Srivastava - Additional Director
3. Shri Rahul Singh - Under Secretary

WITNESSES

REPRESENTATIVES FROM THE MINISTRY OF DEFENCE

Sl. No.	Name		Designation
1	Shri G Mohan Kumar	-	Defence Secretary
2	Shri Ravikant	-	Additional Secretary
3	Shri Suresh Kumar	-	JS (E)
4	Shri UK Tiwary	-	Director AG-II
5	Lt Gen Rakesh Sharma	-	Adjutant General
6	Brig Sanjay Singh	-	Offg ADG PS
7	Col S Banerjee	-	Dir. PS 2
8	V Adm HCS Bisht	-	DG, Indian Coast Guard
9	IG KC Pande	-	DDG (HRD)
10	V Adm P Murugesan	-	Chief of Personnel, Navy
11	V Adm AK Jain	-	CPS
12	Cmde Atul Kumar	-	PDPS
13	Air Marshal BBP Sinha	-	Air Officer In-charge
14	Gp Capt A Chaturvedi	-	Dir. Personal Serviced

REPRESENTATIVE FROM THE MINISTRY OF HOME AFFAIRS

Name		Designation
Shri Shailesh	-	Joint Secretary (P-II)

REPRESENTATIVE FROM THE MINISTRY OF LAW & JUSTICE

Name		Designation
Dr. Mulkulita Vijaywargiya	-	Additional Secretary

REPRESENTATIVES FROM THE ELECTION COMMISSION OF INDIA

Sl. No.	Name		Designation
1	Shri Sudhir Tripathy	-	Deputy Election Commissioner
2	Shri Umesh Sinha	-	Deputy Election Commissioner
3	Shri VN Shukla	-	Director (IT)
4	Shri RK Srivastava	-	Principal Secretary
5	Shri KF Wilfred	-	Principal Secretary
6	Shri NN Butolia	-	Secretary

2. At the outset, the Chairperson welcomed the Members and representatives of the Ministry of Defence, Ministry of Home Affairs, Ministry of Law & Justice and Election

Commission of India to the sitting of the Committee and drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the Committee's proceedings. The Chairperson initiated the discussion and requested the representatives of the Ministry of Defence and Election Commission of India to brief the Committee on the existing system, improvements that can be made by the Election Commission of India and the Ministry of Defence so that more number of Armed Forces Personnel can contribute in general elections.

3. After the witnesses introduced themselves, the representatives of the Ministry of Defence gave a power point presentation on the subject. The Committee had detailed deliberations on the various issues in the context which include switching over to e-ballot and e-voter from postal ballot in order to overcome the challenges posed by limited time and distance, reason of having two categories of voters; updating of names, location, list of service voters in the Record Office; and steps being taken to increase number of service voters allowing campaigning inside the cantonments, etc.

4. The representatives of the Ministry of Defence and Election Commission of India responded to the queries raised by the Members during the deliberations. As regards, the points on which the representatives could not readily respond, they promised to furnish written information at the earliest.

5. The Chairperson, thereafter, thanked the witnesses for appearing before the Committee as well as for furnishing the valuable information to the Committee.

A copy of verbatim record of the proceedings has been kept.

The Committee then adjourned.

STANDING COMMITTEE ON DEFENCE

MINUTES OF THE SECOND SITTING OF THE STANDING COMMITTEE ON DEFENCE (2015-16)

The Committee sat on Friday, the 9th October, 2015 from 1100 hrs. to 1220 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

MAJ GEN B C KHANDURI AVSM (RETD) - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Shrirang Appa Barne
3. Col Sonaram Choudhary(Retd)
4. Shri H D Devegowda
5. Shri Sher Singh Ghubaya
6. Shri G Hari
7. Shri Ramesh Jigajinagi
8. Smt Mala Rajya Lakshmi Shah
9. Smt Pratyusha Rajeshwari Singh

RAJYA SABHA

10. Shri A U Singh Deo
11. Shri Vinay Katiyar
12. Shri Madhusudan Mistry
13. Smt Ambika Soni

SECRETARIAT

1. Smt Kalpana Sharma - Joint Secretary
2. Shri D S Malha - Director
3. Shri Rahul Singh - Under Secretary

WITNESSES
REPRESENTATIVES OF THE MINISTRY OF DEFENCE

Sl.No	Name of Officer	Designation
1.	Shri G Mohan Kumar	Defence Secretary
2.	Shri Ravi Kant	Addl Secretary
3.	Shri Ashok Dongre	Joint Secretary
4.	Shri U K Tiwary	Dir. AG-II
5.	Lt Gen Rakesh Sharma	Adjutant General of Indian Army
6.	Maj Gen Gopal R, SM,	ADG PS
7.	Brig Sanjay Singh,	DDG PS
8.	Col S Banerjee,	Dir PS 2
9.	Col S S Pundir	SO to AG
10.	Vice Adm HCS Bisht	DG ICG
11.	IG KC Pande	DDG (HRD)
12.	V Adm A R Karve	COP
13.	V Adm A K Jain	CPS
14.	Comde Atul Kumar	PDPS
15.	Air Marshal BBP Sinha	Air Officer In-charge administration
16.	Gp Capt A Chaturvedi	Dir Personnel Service

REPRESENTATIVES OF ELECTION COMMISSION OF INDIA

S.No	Name of Officer	Designation
1.	Shri Umesh Sinha	Deputy Election Commission
2.	Shri S K Mehendiratta	Legal Advisor
3.	Shri V N Shukla	Director (IT)
4.	Shri K F Wilfred	Principal Secretary
5.	Shri N N Butolia	Secretary

REPRESENTATIVES OF MINISTRY OF HOME AFFAIRS

Name of Officer	Designation
Shri Dinesh Mahur	Director (Police - II)

2. At the outset, the Chairperson welcomed the Members of the Committee to the Sitting convened for examination the Subject 'Proxy and postal voting by Defence Services Personnel in General Election - An Evaluation'. Thereafter, the representatives of the Ministry of Defence, the Election Commission of India and the Ministry of Home Affairs were ushered in. After welcoming the representatives to the Sitting of the Committee, the Chairperson drew their attention to Directions 55(1) and 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of proceedings. The Chairperson initiated the discussion and conveyed the displeasure of the Committee over the vague replies received from the Ministry of Defence to the List of Points on the subject.

3. The representatives of Ministry of Defence through Power Point Presentation apprised the Committee about the new system proposed by them to shorten the time period of postal voting by introducing e-postal vote.

4. Thereafter, the Committee inter-alia discussed several issues/points as briefly mentioned below and sought clarifications/information from the Ministry of Defence, the Election Commission of India and the Ministry of Home Affairs:

- I. Reasons behind delay in receiving postal votes.
- II. Need to take steps to improve efficiency of Postal Ballot Service.
- III. Different practices of voting e.g. e-voting and internet voting in other countries.
- IV. Acceptance of votes even 15 days after the voting.
- V. Importance of counting all the postal votes received in view of wafer-thin margin deciding the fate of candidates.
- VI. Non-popularity of proxy voting among the Services.
- VII. Inclination of the service voters to vote for their domicile candidates.

- VIII. Need to change the rules for making postal votes countable even after commencement of counting.
- IX. Need to evolve a system in the Army so that battle exercises do not take place on election day.

- X. Early registration of troops in coordination with Armed Forces HQs to prepare electoral list.
- XI. Need to take steps to improve efficiency of Army Postal Service.
- XII. Need to educate Service Voters after changes are made in the system.
- XIII. Appointment of Unit Nodal Officer for election purpose.
- XIV. Need to improve the System of postal voting so that the rate of rejection come down.
- XV. Need to remove bottlenecks in Record Office to make the system quick and effective.

5. The representatives of the Ministry responded to the queries raised by the Members during the deliberations. As regards, the points on which the representatives could not readily respond, they promised to furnish written information at the earliest.

The witnesses then withdrew

6. A copy of verbatim record of the proceedings has been kept.

The Committee then adjourned.

STANDING COMMITTEE ON DEFENCE

MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON DEFENCE (2015-16)

The Committee sat on Friday, the 27th October, 2015 from 1100 hrs. to 1205 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

MAJ GEN B C KHANDURI AVSM (RETD) -

CHAIRPERSON

LOK SABHA

2. Shri Dharambir
3. Shri Thupstan Chhewang
4. Smt Pratyusha Rajeshwari Singh
5. Shri H D Devegowda
6. Shri Sher Singh Ghubaya
7. Shri G Hari
8. Shri Ramesh Jigajinagi
9. Km Shobha Karandlaje
10. Shri Tapas Paul
11. Shri C H Malla Reddy
12. Shri Rajeev Satav
13. Shri A P Jithender Reddy

RAJYA SABHA

14. Shri Anand Sharma
15. Shri A U Singh Deo
16. Shri Vinay Katiyar
17. Shri Madhusudan Mistry
18. Smt Ambika Soni
19. Shri Tarun Vijay

SECRETARIAT

- | | | |
|-----------------------|---|-----------------|
| 1. Smt Kalpana Sharma | - | Joint Secretary |
| 2. Shri D S Malha | - | Director |
| 3. Shri Rahul Singh | - | Under Secretary |

WITNESSES
REPRESENTATIVES OF THE MINISTRY OF DEFENCE

S.NO	NAME OF OFFICER	DESIGNATION
1.	Shri Ashok Dongre	Joint Secretary
2.	Lt Gen Rakesh Sharma	DG (MP & PS) Indian Army
3.	Maj Gen Gopal R	SM, ADG PS
4.	Brig Sanjay Singh	DDG PS (B)
5.	Col S Banerjee	Dir PS 2
<u>NAVY</u>		
1.	Cdr Atul Kumar	
2.	Capt RK Yadav	
<u>AIR FORCE</u>		
1.	Gp Capt A Chaturvedi	Dir. Personal Service
2.	Gp Capt. Arvind Luther	Joint DPS

REPRESENTATIVES OF ELECTION COMMISSION OF INDIA

S.NO	NAME OF OFFICER	DESIGNATION
1.	Shri Sudeep Jain	Director General
2.	Shri V N Shukla	Director (IT)
3.	Shri K F Wilfred	Principal Secretary
4.	Shri S K Mendiratta	Legal Advisor

REPRESENTATIVES OF MINISTRY OF LAW AND JUSTICE

S.NO	NAME OF OFFICER	DESIGNATION
1.	Shri N R Battu	JS & LS
2.	Shri Jose Thomas	Director (P)

2. At the outset, the Chairperson welcomed the Members of the Committee to the Sitting convened for examination the Subject 'Proxy and postal voting by Defence Services Personnel in General Election - An Evaluation'. Thereafter, the representatives of the Ministry of Defence, the Election Commission of India and the Ministry of Law and Justice were ushered in. After welcoming the representatives to the Sitting of the Committee, the Chairperson drew their attention to Directions 55(1) and 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of proceedings.

3. After the witness introduced themselves, the Chairperson and Members of the Committee raised several issues/points as briefly mentioned below and sought clarifications/information from the Ministry of Defence, the Election Commission of India and the Ministry of Home Affairs thereon:

- i. Steps taken by the Election Commission of India through C-DAC in developing the technology for transmission of postal ballots electronically from the Returning Officer to the individual Service voter.
- ii. Need for Speed Post based system for early receipt of ballots papers.
- iii. Need for developing the technology for bulk transfer and bulk downloading of postal ballots.
- iv. Details regarding date, timelines drawn etc, where Election Commission of India approached the C-DAC for developing the technology and start of the trials.
- v. Assistance required by the Election Commission of India from the stakeholders to facilitate the trials and difficulties so experienced.
- vi. Issues related to appointment of Unit Officer as an ARO.
- vii. Need for regular updation about the progress made by the Commission in the implementation of the technology in question to the Committee.
- viii. Reach of political parties inside cantonments during campaigning.
- ix. Time taken and process followed before moving a Bill for amendments.
- x. Supreme Court Judgment reg. NRI vs. proxy voting by Defence Personnel.
- xi. Fixing dead line or time limit for implementing Proxy and postal voting.

4. The representatives of the Ministry of the Defence, Election Commission of India and Ministry of Law and Justice responded to the queries raised by the Members during the

deliberations. As regards, the points on which the representatives could not readily respond, they promised to furnish written information thereon at the earliest.

The witnesses then withdrew

5. A copy of verbatim record of the proceedings has been kept.

The Committee then adjourned.

STANDING COMMITTEE ON DEFENCE
MINUTES OF THE NINETEENTH SITTING OF THE STANDING COMMITTEE ON
DEFENCE (2015-16)

The Committee sat on Wednesday, the 24th August, 2016 from 1100 hrs. to 1230 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Maj Gen B C Khanduri, AVSM (Retd) - **Chairperson**

LOK SABHA

2. Shri Suresh C Angadi
3. Shri Dharambir
4. Shri G Hari
5. Smt Pratyusha Rajeshwari Singh
6. Shri H D Devegowda
7. Shri Rajeev Satav
8. Shri Vinod Khanna
9. Shri Sher Singh Ghubaya
10. Shri C H Malla Reddy
11. Shri Thupstan Chhewang

RAJYA SABHA

12. Shri Rajeev Chandrasekhar
13. Shri Harivansh
14. Shri Vinay Katiyar
15. Shri Madhusudan Mistry
16. Shri Anand Sharma
17. Shri Om Prakash Mathur

SECRETARIAT

1. Smt Kalpana Sharma - Joint Secretary
2. Shri T G Chandrasekhar - Director
3. Smt Jyochnamayi Sinha - Additional Director
4. Shri Rahul Singh - Under Secretary

WITNESSES

S.No	Name of Officer	Designation
<u>MINISTRY OF DEFENCE</u>		
1	Shri G Mohan Kumar	Defence Secretary
2	Shri Suresh Kumar	Addl Secretary
3	Shri M Subbarayan	JS(PG/Coord)
<u>Army</u>		
4	Lt Gen Rakesh Sharma	Adjutant General
5	Maj Gen Gopal R	ADG PS
6	Brig Sanjay Singh	DDG PS
<u>Navy</u>		
7	V Adm Anil Kumar Chawla	Chief of Personnel
8	RAdm K K Pandey	ACPS
9	Cmde Atul Kumar	PDPS
<u>Air Force</u>		
10	Air Marshal M K Malik	Air Officer In-charge Administration
11	AVM S K Dey	ACAS(P&D)
12	Gp Capt T N Pandey	Dir Personal Services
<u>Indian Coast Guard</u>		
13	Rajendra Singh	DG ICG
14	N K Paul	DIG PD (Pers)
15	J Singh	DIG D (Pers)
<u>MINISTRY OF LAW & JUSTICE</u>		
16	Dr Reeta Vasishta	Additional Secretary
17	Shri K K Saxena	Deputy Secretary
18	Shri Jose Thomas	Consultant
<u>ELECTION COMMISSION OF INDIA</u>		
19	Sandeep Saxena	Deputy Election Commissioner
20	Vijay Kumar Pandey	Director
21	VN Shukla	Director

At the outset, the Chairperson welcomed the Members of the Committee to the Sitting convened to obtain oral evidence of the representatives of the Ministry of Defence, Ministry of Law and Justice and the Election Commission of India on the progress in regard to 'E-Postal Ballot' in connection with the examination of the Subject, 'Proxy and Postal Voting by Defence Services Personnel in General Elections - An Evaluation'. The Committee then invited representatives of the Ministry of Defence, including representatives of Army, Indian Coast Guard, Navy & Air Force, the Ministry of Law & Justice and Election Commission of India. The Chairperson drew their attention to Directions 55(1) and 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of proceedings.

2. After the witnesses introduced themselves, the representatives of the Ministry of Defence, Ministry of Law & Justice and the Election Commission of India briefed the Committee on the following issues:-

- i. The data relating to Service Voters in Army being handed over to the Election Commission of India for mock drill of 'E-Postal Ballot';
- ii. The delay in the development of 'E-Postal Voting System' was due to Security issues;
- iii. Alpha numeric code has been developed and identified to resolve the Security issues;
- iv. Trial of 'E-Postal Ballot' has been started w.e.f. 23 August, 2016. Indian Coast Guard has been selected for the trials due to its small strength of voters;
- v. Precise date for implementation of trials in a General Election is still to be determined.

3. The Chairperson and Members of the Committee raised the following issues/points as briefly mentioned below and sought clarifications/information from the representatives:

(i) For delinking the issue of migrant labour and overseas voters with that of Service Personnel and bringing in the amendments required in the Representation of the People Act for facilitating 'e-postal balloting system';

(ii) Need for developing a technologically viable system of 'e-balloting' that would ensure timely transmission of the ballot papers for counting; etc.

(iii) Need for fixing time frame for completion of trials of the newly developed 'E-Postal Ballot System'.

4. The representatives of the Ministry of the Defence, Ministry of Law & Justice and the Election Commission of India then responded to the queries raised by the Members. The Chairperson directed the representatives of the Ministry to furnish written replies/information on the points raised by the Members, which was assured by the representatives.

5. A copy of verbatim record of the proceedings has been kept.

STANDING COMMITTEE ON DEFENCE

MINUTES OF THE SECOND SITTING OF THE STANDING COMMITTEE ON DEFENCE (2016-17)

The Committee sat on Friday, the 14th October, 2016 from 1100 hrs. to 1245 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

MAJ GEN B C KHANDURI AVSM (RETD) - CHAIRPERSON
Lok Sabha

2. Shri Dharambir
3. Shri Thupstan Chhewang
4. Shri H.D. Devegowda
5. Shri Sher Singh Ghubaya
6. Shri G. Hari
7. Shri Rodmal Nagar
8. Shri Vinod Khanna
9. Dr. Mriganka Mehato
10. Shri Shri Suresh C Angadi
11. Smt. Mala Rajya Laxmi Shah
12. Shri Shrirang Appa Barne
13. Col Sonaram Choudhary(Retd)
14. Km Shobha Karandlaje
15. Shri A P Jithender Reddy
16. Shri Ch Malla Reddy
17. Shri Rajeev Shankarrao Satav

Rajya Sabha

18. Shri Rajeev Chandrasekhar
19. Shri A U Singh Deo
20. Shri Harivansh
21. Shri Madhusudan Mistry
22. Smt. Ambika Soni
23. Shri Sanjay Raut
24. Dr Subramanian Swamy

SECRETARIAT

1. Smt. Kalpana Sharma - Joint Secretary
2. Smt. Jyochnamayi Sinha - Additional Director
3. Shri Rahul Singh - Under Secretary

LIST OF WITNESS

S.No	Name of Officer	Designation
<u>Ministry of Defence</u>		
1	Shri G Mohan Kumar	Defence Secretary
2	Shri Ravindra Panwar	Addl Secretary
3	Lt Gen Bipin Rawat	VCOAS
4	Lt Gen Rakesh Sharma	Adjutant General
5	V Adm Anil Kumar Chawla	Chief of Personnel
6	Air Marshal M K Malik	Air Officer In-charge Adm
7	Shri VSR Murthy	ICG
8	Shri V. Anandarajan	Joint Secretary(E)
<u>Ministry of Law & Justice</u>		
9	Dr G Narayana Raju	Secretary
10	Dr Reeta Vasishta	Additional Secretary
<u>Election Commission of India</u>		
11	Sandeep Saxena	Deputy Election Commissioner
12	Shri S K Mendiratta	Legal Advisor
13	Shri K F Wilfred	Principal Secretary
14	Shri V N Shukla	Director(IT)

2. At the outset, the Chairperson welcomed the Members and representatives of the Ministry of Defence and Services to the Sitting of the Committee. The Chairperson drew their attention to Directions 55(1) and 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of proceedings. Thereafter, the Vice-chief of Army briefed the Committee on the surgical strike carried out by Indian Defence Forces on 29.09.2016 across the Line of Control.

3. Afterward, the representatives of Ministry of Law & Justice and Election Commission of India were invited to the sitting of the Committee. The Chairperson drew their attention to Directions 55(1) and 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of proceedings. The representatives of the Ministry of Defence and other stakeholders were requested to brief the Committee on the progress made with regard to 'E-postal ballot system' in connection with the examination of the subject 'Proxy and Postal Voting by Defence Services Personnel in General Elections - An Evaluation'.

4. The representatives of the Ministry of Defence gave a Power Point Presentation on the subject. The Committee had detailed deliberations on various issues in the context which included: -

- (i) progress made in connection with provision of law delinking migrant labourer from service voters. In this connection, draft notification was ready and sent to Election Commission for their confirmation;
- (ii) differentiation of service voter from general voter;
- (iii) methodology of overcoming the problem of excessive time taken in passage of postal ballot from remote areas to the counting table;
- (iv) ongoing development of software to establish direct communication between Record Offices and Election Commission;
- (v) creations of new systems under which the Election Commission puts the votes into a cloud where it is downloaded at the units themselves and thereby one side of travel of the vote is cut out;
- (vi) the ongoing process of online registration of the Service Voter so that there are clear footprints available about the Record Office and the Unit Office which will be downloading the form. Accordingly, the Pin and OTP are to be sent to those officers who are authorised by the Ministry of Defence in each of the Service to download these applications;
- (vii) choosing a difficult station for trial run of e-postal ballot;
- (viii) determination of precise date for implementation of e-postal ballot in General Elections. etc.

5. The representatives of the Ministry of Defence, Ministry of Law & Justice and Election Commission of India responded to the queries raised by the Members during the deliberations. As regards, the points on which the representatives could not readily respond, they promised to furnish written information at the earliest.

A copy of verbatim record of the proceedings has been kept.

The Committee then adjourned.

STANDING COMMITTEE ON DEFENCE

MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON DEFENCE (2016-17)

The Committee sat on Monday, the 7th, November, 2016 from 1100 hrs. to 1200 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

MAJ GEN B C KHANDURI AVSM (RETD) - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Dipak Adhikari (Dev)
3. Shri Suresh C Angadi
4. Shri Shrirang Appa Barne
5. Shri Thupstan Chhewang
6. Col Sonaram Choudhary(Retd)
7. Shri Sher Singh Ghubaya
8. Shri G Hari
9. Shri Vinod Khanna
10. Shri Rodmal Nagar
11. Shri Ch Malla Reddy
12. Shri Rajeev Shankarrao Satav
13. Smt Mala Rajya Lakshmi Shah
14. Smt Pratyusha Rajeshwari Singh

RAJYA SABHA

15. Shri Rajeev Chandrasekhar
16. Shri Praful Patel
17. Shri Sanjay Raut
18. Dr Subramanian Swamy

SECRETARIAT

1. Smt Kalpana Sharma - Joint Secretary
2. Shri T G Chandrasekhar - Director
3. Smt Jyochnamayi Sinha - Additional Director
4. Shri Rahul Singh - Under Secretary

LIST OF WITNESSES

S.NO	NAME OF OFFICER	DESIGNATION
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MINISTRY OF DEFENCE

1	Shri G Mohan Kumar	Defence Secretary
2	Shri Ravindra Panwar	Addl Secretary
3	Lt Gen Rakesh Sharma	Adjutant General
4	V Adm Anil Kumar Chawla	Chief of Personnel
5	Air Marshal M K Malik	Air Officer In-charge Adm
6	Shri Rajendra Singh	Director General ICG
7	Shri V. Anandarajan	Joint Secretary(E)
8	Brig Sanjay Singh	DDG PS
9	Shri K C Pande	IG Indian Coast Guard
10	AVM S K Dey	ACAS (P
11	Cmde Atul Kumar	PDPS

MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT)

Name of Officer	Designation
Dr Reeta Vasishta	Additional Secretary

ELECTION COMMISSION OF INDIA

S.No	Name of Officer	Designation
1	Shri Sandeep Saxena	Deputy Election Commissioner
2	Shri S K Mendiratta	Legal Advisor
3	Shri K F Wilfred	Principal Secretary
4	Shri V N Shukla	Director(IT)

2. At the outset, the Chairperson welcomed the Members and representatives of the Ministry of Defence, Ministry of Law & Justice and Election Commission of India to the sitting of the Committee. The Chairperson drew their attention to Directions 55(1) and 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of proceedings. The representatives of the Ministry of Defence and other stakeholders were requested to brief the Committee on the progress made with regard to 'E-postal ballot system' in connection with the examination of the subject 'Proxy and Postal Voting by Defence Services Personnel in General Elections - An Evaluation'.

3. The representatives of the Ministry of Defence through a power point presentation on the subject briefed by the Committee on the following points which inter alia include:-

(i) Notification published in the Gazette of India on 21 October, 2016 to amend the conduct of Election Rules 1961 for enabling electronic transmission of ballot papers of Service Voters.

(ii) Coordination meetings with Election Commission of India on 21 October and 4 November 2016 to discuss about the implementation strategy.

(iii) Apex level conference was held on 4 November, 2016 to discuss the revised Standard Operative Procedure (SOP).

(iv) The training of Record office Representatives by the Election Commission of India to be held on 23 November, 2016.

(v) Commitment from dept of posts for delivery of cast ballots anywhere in the country in a time span of 5 days.

(vi) Imperative to use existing database of Service Voter built over decades by cleaning the same.

(vii) Periodic updation of Service Votes to ensure updated voters list at all times.

(viii) To educate the Service Voters.

4. The Committee had detailed deliberations on various issues in the context which included: -

(i) Clear guidelines for canvassing inside the Cantonments;

- (ii) Beginning of new era in the Voting as first electronically transmitted postal ballot uploaded by the RO of 17 Nellithope Assembly Constituency in the bye election ;
- (iii) Provision of EPIC (Electors Photo Identity Card) number to the Service Voters;
- (iv) Security aspect relating to the Server and e-Postal Ballot System;
- (v) Sharing of details of proposed E-Postal Voting System run to be conducted on 19 November, 2016 by the Ministry at in the Pondicherry Branch.

5. The Committee welcomed the efforts made by the Ministry of Defence, Ministry of Law & Justice and Election Commission of India, which resulted in bringing out the Gazette Notification to amend the Conduct of Election Rules, 1961 for enabling electronic transmission of ballot papers of Service Voters.

6. The representatives of the Ministry of Defence, Ministry of Law & Justice and Election Commission of India responded to the queries raised by the Members during the deliberations. As regards, the points on which the representatives could not readily respond, they promised to furnish written information at the earliest.

A copy of verbatim record of the proceedings has been kept.

The Committee then adjourned.

STANDING COMMITTEE ON DEFENCE

MINUTES OF THE FOURTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2016-17)

The Committee sat on Monday, the 5th December, 2016 from 1030 hrs. to 1100 hrs. in Room No. 62, Parliament House, New Delhi.

PRESENT

MAJ GEN B C KHANDURI AVSM (RETD) - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Shrirang Appa Barne
3. Shri Thupstan Chhewang
4. Km Shobha Karandlaje
5. Shri Rodmal Nagar
6. Shri AP Jithender Reddy
7. Shri Ch Malla Reddy
8. Shri Rajeev Satav
9. Smt Mala Rajya Lakshmi Shah
10. Shri Dharamveer
11. Smt Pratyusha Rajeshwari Singh

RAJYA SABHA

12. Dr Subramanian Swamy

SECRETARIAT

- | | | |
|---------------------------|---|---------------------|
| 1. Smt Kalpana Sharma | - | Joint Secretary |
| 2. Shri T G Chandrasekhar | - | Director |
| 3. Smt Jyochnamayi Sinha | - | Additional Director |

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 the draft

Report on 'Proxy and Postal Voting by Defence Services Personnel in General Elections-An evaluation' for consideration and unanimously adopted the same.

3. The Chairperson thanked the Members for their valuable contribution and congratulated them for their sincere efforts that led to the introduction of E-Postal Ballot System for the Defence Services personnel. The Chairperson, on behalf of the Committee, and on his own personal behalf expressed thanks to the Ministries concerned i.e. Ministries of Defence and Law and Justice, and the Election Commission of India in particular for their efforts towards bringing out the amendments in the Conduct of Election Rules enabling for electronic transmission of the ballot papers of Defence Services Personnel. The Chairperson opined that today is a historic day as the Service voter shall be able to exercise his right to vote from now onwards.

4. The Members complimented the Chairperson for tirelessly pursuing the matter of introducing a viable method for the Defence Services Personnel in exercising their franchise i.e. E-Postal Ballot System.

5. The Committee authorized the Chairperson to finalise and present the Report to Parliament on a convenient date.

6. The Chairperson invited suggestions of the Members regarding the study visit of the Committee and requested them to send their suggestions to the Secretariat at the earliest.

The Committee then adjourned.
