

## Implications of India's Services Voters

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The Supreme Court of India in a verdict on March 24 this year directed the Election Commission of India (ECI) to allow the Armed Forces voters (the term also includes central police & para-military forces functioning within the ambit of the relevant Service Act) to vote like general electors in the places of their posting. The Court has, however, qualified this decision by allowing the service voters to exercise their franchise as general electors, only in peace areas, i.e., other-than-border areas. It is the prerogative of the ECI to decide on voter registration and the method of voting of all voters including the service voters, under the plenary powers vested in it under Article 324 of India's Constitution and the Concomitant Representation of People's Act (RPA). The ECI counsel had, however, pointed out during the court hearings that the implications of this decision, in some of the constituencies where the deployment of the service personnel is high, would alter the demographic composition or intrinsic character of the electorate there.

The consequences of this court verdict require careful assessment. A huge discontent may arise among the local people in some of the areas where the armed forces personnel (and also central police & para-military forces) are deployed particularly the tribal areas where the population size of the indigenous electorate in the constituencies is small while the strength of the central armed forces including the defence forces personnel may be substantial if not more. The outcome of the voting may, therefore, be drastically different if all the service personnel posted within the territorial jurisdiction of such constituencies cast their franchise as general electors. This phenomenon would definitely affect the tribal areas of the north eastern states and also to an extent Jammu & Kashmir. Furthermore, the impact may be felt more in case of state assembly elections because local opinion may get negated on issues thrown up in the polls when there are divergence in perceptions between some mainstream political parties and local parties contesting these elections.

The service voters and their family members eligible to be voters should have an opportunity to exercise their voting right. Provisions of the RPA already provide adequate opportunity for this purpose. In the event of a service voter settling down in the place of his posting, which may happen normally during his last service tenure or soon thereafter, there is no embargo for such a voter to be deemed as normally resident in the place of his posting and considered as a general elector, and not as a service voter to be provided the facility of postal ballot or proxy voting (in these cases they are categorized as classified service voters). Therefore, enabling a service voter to exercise his franchise in the constituency where his unit is located, at any time of his service career, has more demerits and is fraught with negative local political consequences. Moreover, reckoning the existing transfer profile of services personnel where they are deployed at short notice from place to place as per the exigencies of operational requirement, as a consequence of the recent Supreme Court decision, such personnel will have to be extra vigilant to ensure that they do not miss out from the electoral rolls in their new place of posting.

India has had a healthy tradition of the services personnel being apolitical while being allowed to exercise their democratic right of voting in the electoral process. Service personnel have also been discharging a crucial supportive role to the ECI for enabling the conduct of peaceful and fair elections. While the state police and central police and paramilitary units have been in the front tier of security network during the elections, the armed forces have discharged a crucial auxiliary-cum-supportive role. The electorate has been highly appreciative of the services role towards enabling free and fair elections. Nothing should be done to undermine this healthy respect or set in motion any development or institutional change which is likely to cause apprehension in any part of the civil electorate.

The security of the nation is affected by the nature of its polity, and depends on how different instruments of the state, including the services, are viewed by its citizens. For a diverse nation like India it is essential that the state institutions allow for the reflection of this diversity in the electoral process leading to popular based government. The delimitation of constituencies, decision in regard to the size of constituency-wise electorates and the number of seats to be assigned to legislatures, etc., are undertaken within the purview of India's Constitution in a manner that the will of the people gets reflected apropos constituency areas, as per their normal residential status.

The existing electoral system provides opportunities and protects the interests of even the small communities. If this enabling system is overwhelmed by inclusion of service voters as general electors, in constituencies where they are not likely to be eventually assimilated, it would amount to undermining the multi-dimensional election mechanism and distorting the process by which aspirations and will of the small and geographically dispersed communities have been expressed, without benefitting the service voters in any substantive sense.

*Views expressed are of the author and do not necessarily reflect the views of the IDSA or of the Government of India.*