



Research Paper

# The Disenfranchisement of Election Duty Employees: A Critical Analysis of Ballot Paper and Election Duty Certificate Issuance Failures

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**ABSTRACT:** This paper addresses the critical issue of non-issuance of ballot papers and Election Duty Certificates (EDCs) to thousands of employees assigned election duties in India in recent elections. Despite timely submissions of Form 12 and Form 12A, these employees have been deprived of their voting rights. The study highlights the administrative inefficiencies and systemic issues that have led to this disenfranchisement, focusing on the experiences of employees who have consistently raised their concerns with electoral authorities without resolution. The paper examines relevant legislative frameworks, including The Representation of the People Act, 1951, and makes recommendations for improving the electoral process to ensure that all eligible employees can exercise their democratic rights. Recommendations are provided to ensure that election authorities address these concerns promptly and effectively.

**KEYWORDS:** Integrity of Electoral Process, Democratic Principle, Government Employees, Disenfranchisement, Ballot Papers, Election Duty Certificates (EDCs), Representation of the People Act, 1951, Fundamental Rights, Erosion of Trust in Electoral Processes, Demoralization, Broader Democratic Implications, Logistical Planning, Leveraging Technology, Monitoring and accountability.

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## I. INTRODUCTION

The integrity of the electoral process is the bedrock of a robust and functioning democracy. Central to this integrity is the unwavering commitment to ensuring that every eligible voter can exercise his/her inalienable right to vote. This democratic principle is particularly significant for government employees, who not only serve as the custodians of public administration but also play an indispensable role in the conduct of elections. The disenfranchisement of these employees through the non-issuance of ballot papers and Election Duty Certificates (EDCs) represents a critical failure that undermines their fundamental rights and compromises the overall electoral process. The procedural mechanisms, such as the submission of Form 12 and Form 12A, are designed to facilitate the voting rights of government employees on election duty. However, despite compliance with these stipulated protocols within the designated time frames, a significant number of these employees are deprived of the necessary documentation to participate in the electoral process. This systemic failure not only disenfranchises a vital segment of the electorate but also raises profound questions about the efficacy and fairness of the administrative processes involved. This paper endeavors to conduct a comprehensive examination of the underlying causes and far-reaching consequences of this disenfranchisement. Through an analytical framework that incorporates statutory provisions, empirical studies, and real-world instances, the study aims to illuminate the multifaceted dimensions of this issue. By presenting a critical analysis, this paper argues for the implementation of immediate and robust solutions to rectify the procedural inadequacies and ensure the enfranchisement of all government employees on election duty. This inquiry underscores the urgent need for reforms to uphold the principles of equity and justice within the electoral framework, thereby fortifying the democratic fabric of the nation.

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## **II. BACKGROUND AND LEGAL FRAMEWORK: THE REPRESENTATION OF THE PEOPLE ACT, 1951**

The Representation of the People Act, 1951, stands as the cornerstone of the legislative framework governing elections in India. This comprehensive act delineates the protocols, procedures, and provisions necessary to ensure the conduct of free, fair, and transparent elections. Within this legislative tapestry, several sections are particularly pertinent to the discussion on the disenfranchisement of government employees through the non-issuance of ballot papers and Election Duty Certificates (EDCs).

➤ **Section 134A:** This section imposes penalties on government servants who act as election agents, polling agents, or counting agents. The intent behind this provision is to maintain the neutrality and impartiality of government servants, thereby preventing any potential conflict of interest or undue influence on the electoral process. By prohibiting government employees from engaging in these roles, the act aims to preserve the sanctity and fairness of elections.

➤ **Section 135B:** This section ensures the entitlement of employees to a paid holiday on the day of the poll. The provision recognizes the fundamental right of every citizen to participate in the electoral process and mandates that employers grant their employees a paid holiday to facilitate their voting rights. This statutory provision underscores the importance of enabling all eligible voters, including those in employment, to exercise their franchise without any impediments.

➤ **Rule 20 of the Conduct of Election Rules, 1961:** This rule provides for the issuance of Election Duty Certificates (EDCs) and Postal Ballots. Under this rule, employees who are engaged in election duty and are registered voters in the same constituency where they are deployed are entitled to an EDC. Those deployed outside their constituency are eligible for a Postal Ballot. The rule aims to ensure that employees on election duty are not disenfranchised and can participate in the electoral process despite their official commitments.

➤ **Guidelines for EDC Issuance:** The Election Commission of India (ECI) has issued specific guidelines to facilitate the voting rights of employees on election duty. These guidelines are designed to operationalize the provisions of the Representation of the People Act, 1951, and the Conduct of Election Rules, 1961, ensuring that employees can exercise their voting rights without hindrance. According to these guidelines, the following protocols are to be observed:

- Employees who are registered voters in the same constituency where they are deployed on duty are entitled to an Election Duty Certificate (EDC).
- Employees deployed outside their constituency are entitled to a Postal Ballot.

These guidelines are intended to provide a clear and streamlined process for the issuance of EDCs and Postal Ballots, thereby ensuring that government employees on election duty are not disenfranchised.

## **III. ANALYSIS OF DISENFRANCHISEMENT**

Despite the clear legal framework and guidelines provided by the ECI, the disenfranchisement of government employees on election duty represents a significant flaw in the electoral process, undermining the integrity and inclusivity that are foundational to a robust democracy. This section delves into the multifaceted causes of this disenfranchisement, categorizing them into administrative lapses, logistical challenges, lack of awareness, technological barriers, non-issuance of acknowledgement receipts, failure to issue ballot papers and EDCs, and misdirected distribution. Each of these factors contributes to a broader systemic issue that needs to be addressed comprehensively.

➤ **Administrative Lapses:** One of the most glaring causes of disenfranchisement is administrative inefficiency. The process of issuing Election Duty Certificates (EDCs) and Postal Ballots is often hampered by bureaucratic delays. These delays are exacerbated by a lack of coordination among various departments responsible for different aspects of the electoral process. Additionally, inadequate training of election staff further impedes the timely and accurate processing of these documents. The consequence is a bottleneck effect where the issuance of EDCs and Postal Ballots is significantly delayed, leaving many employees unable to vote. This administrative sluggishness not only disenfranchises employees but also reflects poorly on the electoral system's capacity to manage its processes efficiently.

➤ **Logistical Challenges:** Logistical hurdles are another critical factor contributing to the disenfranchisement of election duty employees. The task of distributing and collecting EDCs and Postal Ballots involves intricate planning and flawless execution. Any lapse in this logistical chain can result in documents not reaching the intended recipients in time or at all. The distribution network must ensure that all employees on election duty receive their voting documents well in advance of the Election Day. However, the reality often falls short, with documents either arriving late or not being delivered at all, thereby preventing employees from exercising their right to vote.

➤ **Lack of Awareness:** A significant portion of the disenfranchisement issue stems from a lack of awareness among government employees regarding the procedures and deadlines for applying for EDCs and Postal Ballots. Many employees are unaware of the necessary steps they need to take to secure their voting

rights while on duty. Without proper information and guidance, they may miss critical deadlines or fail to complete the application process correctly. This gap in knowledge underscores the need for comprehensive awareness campaigns and clear communication from the Election Commission of India (ECI) to ensure that all employees are informed about their voting options and the associated procedures.

➤ **Technological Barriers:** The ECI has made strides towards digitizing the electoral process to streamline and simplify the issuance of EDCs and Postal Ballots. However, technological barriers continue to pose significant challenges. Issues such as inadequate digital infrastructure, limited access to online platforms and technical glitches can disrupt the effective implementation of these processes. For instance, if the digital systems used to manage applications for EDCs and Postal Ballots are unreliable or difficult to access, employees may struggle to submit their applications in time. This technological shortfall not only impedes the electoral process but also highlights the digital divide that can disenfranchise voters.

➤ **Non-Issuance of Acknowledgement Receipts:** Another administrative oversight that contributes to disenfranchisement is the non-issuance of acknowledgement receipts for submitted forms. When employees submit Form 12 and Form 12A to apply for EDCs and Postal Ballots, they often do not receive any confirmation of submission. This lack of acknowledgement leaves employees without proof that their applications have been received and processed. As a result, they have no recourse if their voting documents are not issued, leading to frustration and disenfranchisement.

➤ **Misdirected Distribution:** Misdirected distribution of EDCs is another significant issue. There have been numerous instances where EDCs are sent to incorrect polling stations, creating confusion and frustration among employees. This misdirection not only prevents employees from voting but also undermines their trust in the electoral process. The accurate and timely delivery of EDCs to the correct polling stations is crucial for ensuring that employees can vote without unnecessary obstacles.

➤ **Political Bias among Higher Officials:** A critical factor contributing to the disenfranchisement of government employees is the prevalence of political bias among higher officials, which compromises the impartiality required in electoral processes. In such scenarios, these officials become violators of electoral rules, exploiting their positions to favour the ruling party and align with governmental interests. These officials, often favoured by the government, leverage their authority to manipulate electoral outcomes. Such partiality undermines the democratic principle of neutrality and subverts the electoral process by disenfranchising employees who might otherwise challenge the status quo. Government employees, acutely aware of the power of collective action, often participate in movements advocating for various issues. Recognizing this potential for solidarity, biased officials may strategically deprive these employees of their voting rights to weaken the efficacy of such movements. This deliberate disenfranchisement serves to diminish opposition, ensuring the dominance of the ruling party and stifling dissenting voices within the electorate.

Hence, the disenfranchisement of government employees on election duty is a multifaceted issue rooted in administrative lapses, logistical challenges, lack of awareness, technological barriers, non-issuance of acknowledgement receipts, failure to issue ballot papers and EDCs and misdirected distribution. Each of these factors contributes to a broader systemic problem that compromises the integrity of electoral process. Addressing these issues requires a concerted effort from the Election Commission of India to enhance administrative efficiency, improve logistical planning, raise awareness among employees, leverage technology effectively and ensure accurate and timely issuance of voting documents. By tackling these challenges head-on, the ECI can uphold the democratic right to vote for all citizens, including those on election duty.

#### **IV. CASE STUDY: PARLIAMENT ELECTION 2024, HARYANA PHASE MAY 25<sup>TH</sup>**

The May 25<sup>th</sup>, 2024 Parliament Election held in Haryana serves as a poignant case study illustrating the severe issues in the administration and issuance of Election Duty Certificates (EDCs) and ballot papers. Despite the well-documented procedural requirements and repeated appeals by government employees on election duty, a substantial number of them were disenfranchised due to administrative failures and logistical inefficiencies. In the lead-up to the election, thousands of employees dutifully submitted the necessary forms, such as Form 12 and Form 12A, to apply for EDCs and postal ballots. However, the response from the Returning Officers (ROs) and Assistant Returning Officers (AROs) was largely inadequate. Despite persistent follow-ups and escalating the issue through proper channels, many employees were not provided with their EDCs in a timely manner. The administrative response during the distribution phase was marked by chaos and disorganization, which only worsened the problem. One anonymous employee shared, *"I submitted my Form 12 well before the deadline and followed up multiple times with the ARO. Each time, I was assured that my EDC would be issued soon. However, even on the eve of the election, I had not received it. This left me with no option but to miss my chance to vote."* This experience was not unique. The chaotic distribution phase saw a significant number of EDCs either not being issued at all or not being distributed before employees had to leave for their assigned polling stations. The last-minute rush to distribute election materials further exacerbated the issue. Administrative focus

shifted entirely to ensuring the delivery of voting materials, neglecting the equally important task of issuing EDCs to election duty employees.

In many instances, employees were pacified with assurances that their EDCs would be sent to their designated polling stations. However, these promises were seldom fulfilled. Another employee from Jhajjar, Haryana recounted, *"We were told not to worry and that our EDCs would be available at the polling booths. When we arrived, there were no EDCs waiting for us. It felt like our right to vote was stolen."* The distribution at the booth level also reflected severe inefficiencies. Although the polling machinery had comprehensive lists of the staff assigned to each booth, the EDCs were often misdirected. Employees found their EDCs at polling stations where they were not assigned, resulting in further disenfranchisement. An employee described the scene: *"When I reached my polling booth, I was informed that my EDC had been sent to another station. By the time I tracked it down, it was too late to cast my vote."*

Adding to these personal accounts, the corresponding author of this paper shared his own struggle in securing his ballot. He states, *"I am delighted to share that, after a challenging two-day struggle, my ballot has been secured with the intervention of the Election Commission of India (ECI) and the Election Commission of Haryana. I extend my heartfelt thanks to the ECI, EC Haryana, the SDM of Jhajjar (ARO), and the dedicated individual (Patwari) who traveled to Fatehabad to ensure my vote was cast."* This personal experience underscores the extraordinary lengths that some employees had to go through to exercise their right to vote, further highlighting the systemic flaws in the current electoral process.

The systemic issue was evident in the manner undelivered EDCs were handled. Instead of ensuring these critical documents reached the rightful recipients, the polling machinery retained them without any attempt to redistribute or rectify the error. This negligence reflects a broader failure to uphold electoral integrity and ensure that every eligible voter, including that on election duty, can exercise his/her democratic rights. The personal accounts of disenfranchised employees highlight the human impact of these failures, emphasizing the importance of addressing both procedural inefficiencies and administrative apathy. Robust measures must be implemented to ensure that such widespread disenfranchisement does not recur in future elections. This includes better training for election staff, more efficient logistical planning and stringent oversight to ensure that all employees on election duty receive their voting documents in a timely manner.

The recent allegations by the Haryana Police Sangathan (HPS) of vote manipulation among state police personnel during this Parliament Election 2024 in Haryana also underscore significant flaws in the postal ballot process. As reported by The Tribune on May 16th, 2024, HPS President Dilawar Singh accused senior officers of orchestrating the "theft" of votes by centralizing the submission of Form No. 12 and unstamped ballot papers at district police headquarters, rather than allowing independent postal voting. Nearly 50,000 police officials were reportedly affected by this process, which was managed by the Police Welfare Department acting as the Election Cell. The HPS has lodged a formal complaint with the State Election Commission, requesting intervention to ensure transparent voting for police personnel in the presence of election candidates or their agents. This incident highlights the urgent need for procedural reforms to safeguard the voting rights of government employees on election duty and maintain public trust in electoral processes.

## V. CONSEQUENCES OF DISENFRANCHISEMENT

The disenfranchisement of government employees on election duty has profound and multifaceted consequences that significantly undermine the democratic process. The ramifications extend beyond individual grievances, affecting the broader integrity of electoral systems and democratic governance. This section explores the critical consequences of this disenfranchisement, emphasizing its implications for fundamental rights, public trust, election outcomes, and the morale of election duty personnel.

➤ **Violation of Fundamental Rights:** The right to vote is a fundamental right enshrined in democratic constitutions globally and it is a cornerstone of citizen participation in governance. The disenfranchisement of government employees on election duty due to administrative and logistical failures constitutes a direct violation of this fundamental right. These employees, who are instrumental in facilitating the electoral process, find themselves deprived of the very right they are working to uphold. This denial not only infringes upon their individual rights but also reflects a broader systemic failure to ensure equal participation in the democratic process. The deprivation of the right to vote undermines the principle of universal suffrage, a critical element of a functioning democracy.

➤ **Erosion of Trust in Electoral Processes:** Public trust in electoral processes is foundational to the legitimacy of democratic institutions. The integrity and transparency of elections are paramount to maintaining this trust. When government employees, who are essential to the administration of elections, are disenfranchised, it sends a troubling signal to the electorate about the reliability and fairness of the electoral system. This erosion of trust can lead to widespread skepticism and cynicism about the electoral process, fostering doubts about the legitimacy of elected representatives and the overall governance system. The

disenfranchisement of these employees highlights flaws in the electoral administration, raising concerns about the system's capacity to conduct free and fair elections.

➤ **Impact on Election Outcomes:** The disenfranchisement of a significant segment of voters, such as government employees, can have a tangible impact on election outcomes. This is especially pertinent in closely contested constituencies where even a small number of votes can determine the winner. The systematic exclusion of these employees from the voting process can skew results, potentially altering the democratic will of the electorate. The disenfranchisement not only affects the immediate electoral outcomes but also undermines the principle of electoral equality, where every vote is supposed to have equal value. This distortion of electoral outcomes can have long-lasting effects on political representation and policy-making.

➤ **Undermining of Collective Movements:** The disenfranchisement of government employees on election duty has profound implications that extend beyond individual grievances, affecting broader socio-political dynamics. A key consequence is the undermining of collective movements among government employees, which historically have shown significant political influence. One pertinent example is the Old Pension Scheme (OPS) movement, which unified employees for a common cause, thereby amplifying their collective voice in the political arena. Government employees often engage in protests and movements to address various issues affecting their professional and personal lives. Over time, as these movements gain momentum and coherence, they invariably exert political pressure. The OPS movement exemplifies this phenomenon, having galvanized a substantial segment of the workforce around demands for the pension reform. The slogan "Whoever talks about OPS will rule the country" underscores the potential electoral impact of such movements, instilling fear in the ruling party and prompting opposition parties to make election promises. The results of the Himachal Pradesh assembly elections serve as a testament to the political weight such movements can carry. However, the disenfranchisement of government employees on election duty weakens the effectiveness of these movements. By depriving these employees of their right to vote, the electoral system effectively diminishes their ability to influence political outcomes directly. This disenfranchisement not only silences their individual voices but also dilutes the collective power of their movements. When government employees are unable to participate in elections, their capacity to support candidates or parties sympathetic to their causes is severely restricted. This can lead to a significant reduction in the political leverage that such movements would otherwise wield.

➤ **Demoralization of Election Duty Personnel:** Government employees on election duty are entrusted with the critical task of ensuring the smooth and fair conduct of elections. Disenfranchising these individuals not only affects their personal voting rights but also has a demoralizing effect on their professional responsibilities. When these employees are denied the right to vote, it undermines their commitment and dedication to the electoral process. This demoralization can lead to reduced efficiency, lower morale and a diminished sense of duty among election personnel. The disenfranchisement sends a contradictory message: while these employees are essential to upholding democratic processes, their own democratic rights are neglected. This paradox can result in a disenfranchised workforce, less motivated to uphold the standards of free and fair elections.

➤ **Broader Democratic Implications:** The broader implications of disenfranchising government employees on election duty extend to the very fabric of democratic governance. The effective disenfranchisement of a key group of citizens who play a pivotal role in the electoral process highlights systemic weaknesses and the need for comprehensive electoral reforms. Ensuring that all eligible voters, including those on election duty, can exercise their right to vote is fundamental to the legitimacy and credibility of democratic institutions. Addressing these issues requires a multifaceted approach, including better administrative procedures, enhanced training for election staff, robust logistical planning, and stringent oversight mechanisms.

## VI. RECOMMENDATIONS

Based on an in-depth analysis of the disenfranchisement faced by government employees due to challenges associated with Election Duty Certificates (EDCs) and ballot papers, a series of strategic recommendations emerge for immediate and long-term implementation to mitigate these issues effectively.

➤ **Immediate actions are imperative to address pressing concerns**

○ **Issuance of Acknowledgement Receipts:** Firstly, instituting a mandatory system to issue acknowledgement receipts for all applications under Form 12 and Form 12A is paramount. This measure serves to bolster transparency and accountability within the application process, thereby fortifying procedural integrity and assuring applicants of the receipt and processing of their submissions.

○ **Streamlined Distribution Process:** Concurrently, establishing a streamlined distribution process for EDCs and ballot papers is essential. This necessitates the implementation of robust tracking mechanisms and reporting systems to monitor the entire distribution process comprehensively. Clear accountability mechanisms must be integrated to ensure the timely delivery of electoral documents, thereby mitigating delays and enhancing the electoral participation of government employees.

➤ **Long-Term Solutions**

- **Training and Awareness:** Long-term solutions demand a strategic focus on capacity-building and systemic reforms. Comprehensive training programs should be conducted for election officials and personnel, emphasizing the critical significance of EDCs and elucidating correct procedures for their issuance and distribution. Such initiatives aim to enhance knowledge acquisition and ensure meticulous adherence to procedural protocols among stakeholders, thereby fortifying the reliability and efficacy of electoral processes.
- **Policy Reform:** Advocating for policy reforms is imperative to address systemic shortcomings. Amendments to pertinent sections of the Representation of the People Act, 1951, are essential to incorporate stringent penalties for administrative lapses concerning the issuance of EDCs and ballot papers. This legislative overhaul seeks to install a culture of compliance and accountability within electoral governance frameworks, thereby safeguarding the integrity of democratic practices.
- **Strengthening Administrative Processes:** Strengthening administrative processes forms a cornerstone of sustainable electoral management. Enhancing the efficiency of administrative workflows involved in issuing EDCs and Postal Ballots necessitates a multi-pronged approach. This includes augmenting the training curriculum for election staff to foster enhanced proficiency and competence, alongside fostering enhanced inter-departmental coordination to streamline operational workflows effectively. Leveraging technological advancements represents a pivotal opportunity to automate procedural aspects, thereby optimizing efficiency and reducing bureaucratic bottlenecks in the issuance and distribution of electoral documents.
- **Improving Logistical Planning:** Effective logistical planning assumes paramount importance in ensuring the seamless distribution and retrieval of EDCs and Postal Ballots. Developing comprehensive logistical frameworks that encompass contingency measures to preempt unforeseen challenges is crucial to upholding the punctual delivery of electoral documents. Concurrently, a concerted effort to raise awareness among government employees about application procedures and deadlines for EDCs and Postal Ballots is indispensable. Deploying a multifaceted awareness campaign through diverse communication channels—including informational brochures, interactive training sessions and digital platforms—will serve to disseminate critical information comprehensively and empower stakeholders with requisite knowledge.
- **Leveraging Technology:** Technological innovation presents transformative potential in modernizing electoral processes. Investment in robust digital infrastructure, including user-friendly online portals and mobile applications, promises heightened accessibility and transparency throughout the electoral continuum. Such initiatives facilitate seamless application, issuance, and tracking of EDCs and Postal Ballots, thereby enhancing stakeholder engagement and ensuring equitable access to electoral rights.
- **Monitoring and Accountability:** Finally, the establishment of rigorous monitoring mechanisms is indispensable to uphold accountability in the issuance and distribution of electoral documents. Designating specialized teams within the Election Commission of India (ECI) to vigilantly oversee these processes and promptly address discrepancies reinforces adherence to stringent accountability standards. This proactive approach bolsters public trust in electoral governance, ensuring the integrity and inclusivity of democratic practices for all citizens, including government personnel fulfilling their civic duties.
- **Mobilizing against Disenfranchisement/Advocacy and Legal Recourse for Election Duty Employees:** To combat the disenfranchisement of election duty employees due to the systematic failure in providing ballot papers and election duty certificates, it is imperative that employees, their associations, and unions mobilize concerted efforts. These entities should actively engage in advocacy and legal action to address this critical issue. Approaching the Election Commission of India (ECI) with formal complaints and documented instances of disenfranchisement can help highlight the systemic shortcomings and prompt administrative interventions. Additionally, filing Public Interest Litigations (PILs) in higher courts can serve as a powerful legal strategy to hold responsible person accountable for these failures. By taking these steps, employees and their representative bodies can push for the implementation of robust mechanisms to ensure the timely and accurate distribution of ballot papers and election duty certificates. Such actions are essential to uphold the democratic rights of election duty employees and to fortify the integrity and inclusivity of the electoral process.

## VII. CONCLUSION

In conclusion, the disenfranchisement of government employees on election duty due to the non-issuance of Election Duty Certificates (EDCs) and ballot papers constitutes a critical breach in India's electoral integrity. This issue, stemming from administrative inefficiencies, logistical challenges, lack of awareness, and technological barriers, undermines the fundamental democratic principle of universal suffrage. The consequences extend beyond individual rights, impacting public trust in electoral processes, potentially altering election outcomes, and demoralizing election duty personnel. Immediate reforms, such as issuing acknowledgement receipts for applications and streamlining distribution processes, are essential. Long-term solutions involve policy reforms, enhanced training, technological integration, and strengthened logistical planning to ensure equitable access to voting rights for all citizens. Addressing these systemic flaws is

imperative to fortify India's democratic framework, uphold electoral integrity, and preserve the democratic rights of every eligible voter, including those serving in crucial election roles.

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