

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 434 OF 2023

IN THE MATTER OF:

ASSOCIATION FOR DEMOCRATIC REFORMS ...PETITIONER

Versus

ELECTION COMMISSION OF INDIA& ANR. ...RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1/
ELECTION COMMISSION OF INDIA**

**PAPER – BOOK
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ADVOCATE FOR THE RESPONDENT NO.1: AMIT SHARMA

CC 1781

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COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1

I, Vijay Kumar Pandey, S/o Late D.N. Pandey, aged 45 years, Director (Law), Election Commission of India, having office at Nirvachan Sadan, Ashoka Road, New Delhi - 110001, do hereby solemnly affirm and state as under:



I am the Director (Law), Election Commission of India and as such am well acquainted with the facts and circumstances of the case and competent to affirm the present counter affidavit on behalf of the Respondent No. 1 ("the Answering Respondent").

2. I state that I have read and understood the contents of the Synopsis & List of Dates, Writ Petition and Application(s) and the reply thereto is as under.

3. At the outset, I deny all the averments, submissions, contentions as well as the allegations contained in the present Writ Petition to the extent they relate to the Answering Respondent herein, save and except those that are expressly and specifically admitted hereinafter.

3.1 It is further submitted that the answering respondent is setting out herein below a comprehensive list of dates and events, which is essential for the purpose of the present case.

LIST OF DATES:

2010: In 2010, all political parties in a meeting convened by the Election Commission of India, expressed satisfaction about the functioning of EVMs. At this stage, the idea of Voter Verified Paper Audit Trail (VVPAT) was moved for further exploration. The Election Commission of India, in consultation with the political parties, considered to explore the use of VVPAT with a view to enhance transparency during the election process. Introduction of VVPAT implied that a paper slip is generated bearing serial number, name and symbol of the candidate along with recording of vote in the Control Unit, so that in case of any dispute, paper slip

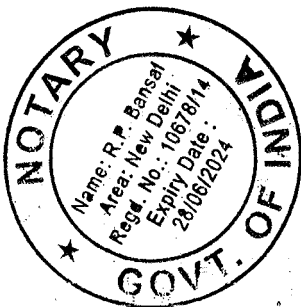


could be counted to verify the result being shown on the EVM. Under VVPAT, a printer is attached to the Balloting Unit and kept in the voting compartment. The voter after pressing the button on Balloting Unit can view the printed slip on VVPAT through the viewing window and, thus, can verify that the vote is recorded for the Candidate of his/her choice. The paper slip remains visible on VVPAT for about seven (7) seconds through a transparent window.

The Election Commission of India referred the matter to its Technical Expert Committee (TEC) on EVMs for examining and making a recommendation in this regard. The Expert Committee had several rounds of meetings with the manufacturers of EVM, namely, Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL), on this issue and then had met the political parties and other civil society members to explore the design requirement of the VVPAT system with the EVM. On the direction of the Expert Committee, BEL and ECIL made a prototype and demonstrated before the Committee and the Election Commission of India in 2011. On the recommendation of the Expert Committee on EVM &



VVPAT system, the Election Commission of India conducted simulated election for the field trial of VVPAT system in Ladakh (Jammu & Kashmir), Thiruvananthapuram (Kerala), Cherrapunjee (Meghalaya), East Delhi District (NCT of Delhi) and Jaisalmer (Rajasthan) in July 2011. All stake holders including senior leaders of political parties and civil society members participated and witnessed the field trial. After 1st field trial of the VVPAT system, Election Commission of India made a detailed reassessment of the VVPAT system to further fine tune the VVPAT system. Accordingly, the manufacturers developed 2nd version of VVPAT prototype. The same was again subjected to 2nd field trial in the said five locations in July-August 2012. Thereafter, in the meeting of the Technical Expert Committee held on 19th February, 2013, the Committee approved the design of VVPAT and also recommended the Election Commission of India to take action on amendment of the rules for using VVPAT. The model was demonstrated to all the political parties in an all-party meeting on 10th May, 2013.



True copy of the Press Note dated 20.07.2011 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/1** at pages 124 to 131 .

True copy of the Press Note dated 25.07.2012 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/2** at pages 132 to 139 .

14.08.2013: Accordingly, introduction of VVPAT was facilitated by amending the Conduct of Elections Rules, 1961 vide the Conduct of Elections (Amendment) Rules, 2013, which was notified in the Official Gazette of India by the Ministry of Law and Justice on 14.08.2013, whereby a proviso was inserted after Rule 49A, inter alia, to provide for a printer with a drop box to be attached to a voting machine. Furthermore, Rule 49MA and Rule 56D (contained in Rule 66A) were also inserted in the Conduct of Elections Rules, 1961 vide the said notification.

True copy of the Notification dated 14.08.2013 published in the Official Gazette of India is annexed herewith and marked as **ANNEXURE-C/3** at pages 140 to 151 .

The VVPAT was successfully used for the first time in all 21 polling stations of 51-Noksen (ST) assembly constituency

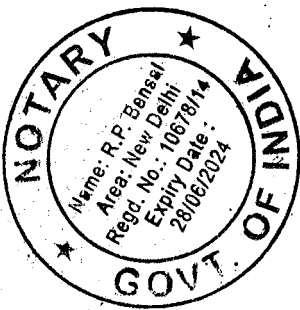


of Nagaland in 2013. The Election Commission of India decided to introduce the use of VVPAT units in phased manner and asked the Government of India to sanction funds for procurement.

True copy of the Press Note dated 07.09.2013 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/4** at pages 152 to 153 .

2013:

This Hon'ble Court, in the case of *Dr. Subramanian Swami Vs. Election Commission of India*; (2013) 10 SCC 500 permitted the Election Commission of India to implement VVPATs in a phased manner owing to the large number of polling booths in India. Furthermore, this Hon'ble Court also directed the Government to sanction funds for procurement of the same.

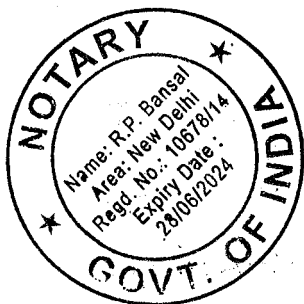


In this context, it is pertinent to point out herein that this Hon'ble Court, in its Judgment dated 08.10.2013 passed in the aforementioned case of *Dr. Subramanian Swamy Vs. Election Commission of India (Supra)*, recorded the submission of the Election Commission of India that "as per the Rules, the paper slips of VVPAT shall not be counted normally except in case the Returning Officer

decides to count them on an application submitted by any of the candidates" but did not strike down the said Rule 56-D(2) of the Rules, 1961 which provides for the Returning Officer to decide the application made by the candidate, or in his absence, his election agent or any of his counting agents under sub-section (1) to apply in writing to the Returning Officer, after the entries made in the result sheet are announced, to count the printed paper slips in the drop box of the printer in respect of any polling station/ polling stations.

June, 2014: In this regard in June 2014, the Election Commission of India proposed to implement VVPAT at every polling station in the General Election to the Lok Sabha in 2019 and had sought funds of Rs 3,174 Crores from the Government of India.

24.09.2014: In 2014, the Election Commission decided to use VVPATs along with EVMs in certain assembly constituencies during the General Election to the Legislative Assemblies of Haryana and Maharashtra, 2014. Thus, the Election Commission of India issued instructions to the Chief Electoral Officers of Haryana, Chandigarh and



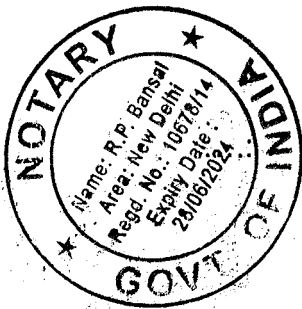
Maharashtra, Mumbai on 24.09.2014 on the use of EVMs with Voter Verifiable Paper Audit Trail system (VVPAT).

True copy of the Letter/Instructions dated 24.09.2014 issued by the Election Commission of India is annexed herewith and marked as ANNEXURE-C/5 at pages 154 to 169 .

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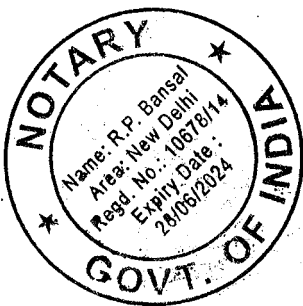
It is pertinent to point out herein that the Election Commission of India procured 20,000 VVPATs in 2013 and had used VVPATs in 143 Assembly Constituencies and 8 Parliamentary Constituencies up to the year 2016. Thereafter, in 2016 itself, the Election Commission of India placed orders for delivery of additional 67,000 VVPAT units from the public sector undertaking manufacturers, namely BEL and ECIL. Subsequently, 33,500 additional VVPATs were manufactured by BEL in 2016 and provided to the Election Commission of India for further use in elections.

The Election Commission of India had itself stressed on the immediate deployment of VVPATs for further safeguarding the integrity of the voting system as well as strengthening confidence of the voters. In order to ensure compliance with the Order/directions of this Hon'ble Court, the Election



Commission of India vigorously pursued the allocation of funds to the manufacturers for the timely manufacture and supply of required quantity of VVPATs to the Election Commission of India for ensuring 100% VVPAT coverage at all polling stations. The Election Commission of India also vigorously reviewed the production capacity of the manufacturers impressing upon them the need to strictly adhere to the schedule by enhancing their manufacturing capacity.

02.01.2017: In the meantime, a contempt petition being *Conmt. Pet. (C) No. 303 of 2016*, was filed in *Civil Appeal No. 9093 of 2016* (i.e. in the *Subramanian Swamy* matter), in relation to the alleged non-implementation of the Judgment of this Hon'ble Court in *Dr. Subramanian Swami Vs. Election Commission of India (Supra)*. Thereafter, it was noted by this Hon'ble Court in the above matter that the Election Commission of India had not yet received the grant of sanction and release of funds for implementation of VVPAT, and thus this Hon'ble Court had directed *the Election Commission of India to bring on record the approximate time within which the entire system of VVPAT*



can be introduced subject to grant of sanction and release of funds as and when required. Furthermore, this Hon'ble Court also asked the learned Solicitor General of India to assist it in so far as sanction and release of funds are concerned.

True copy of the Order dated 02.01.2017 passed by this Hon'ble Court in *Conmt. Pet. (C) No. 303 of 2016* (filed in *Civil Appeal No. 9093 of 2016*) is annexed herewith and marked as **ANNEXURE-C/6** at pages 170 to

19.04.2017: In the meantime, after prolonged correspondences between the Government of India and the Answering Respondent, the Government of India, by letter dated 19.04.2017, finally conveyed the sanction of the President of India for purchase of 16,15,000 VVPAT Units from BEL & ECIL (8,07,500 units from each) at a tentative unit cost of Rs 19,650/- per unit and at a total estimated cost of Rs 3173.47/- Crores (excluding taxes and freight as applicable) during the years 2017-2018 and 2018-2019. Immediately thereafter on 21.04.2017, the Election Commission of India wrote to BEL & ECIL stating that they had decided to place a "Letter of Intent" for purchase of

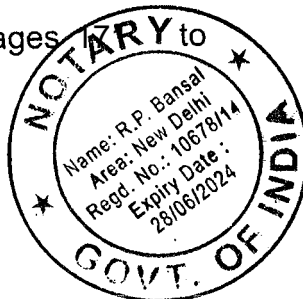


8,07,500 VVPATs from each of them during the years 2017-2018 and 2018-2019, subject to production capacity, so that all the VVPAT units can be procured by September, 2018.

It is pertinent to point out herein that even while awaiting sanction of funds, on continuous assessment of facilities, review and follow-up of the Election Commission of India with manufacturing PSUs (ECIL & BEL), the said PSUs have submitted on 22.04.2017, their manufacturing capacities as follows:

Sl. No.	Manufacturers	Capacity
1	Bharat Electronics Ltd. (BEL)	10 lakhs VVPATs by September, 2018 subject to production exigencies.
2	Electronics Corporation of India (ECIL)	8 lakhs VVPATs by September, 2018 subject to production exigencies.

True copy of the Letter of Intent dated 21.04.2017 issued by the Election Commission of India to Bharat Electronics Limited and Electronics Corporation of India Limited is annexed herewith and marked as ANNEXURE-C/7 at pages 1/1.

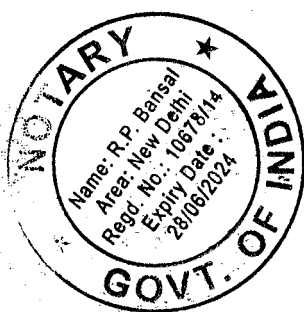


24.04.2017: By Order dated 24.04.2017, this Hon'ble Court disposed of the aforementioned *Conmt. Pet. (C) No. 303 of 2016* (filed in *Civil Appeal No. 9093 of 2016*) in the following terms:

"2. From the materials laid before the Court it appears that on 19th April, 2017 the sanction of the President of India for purchase of 16,15,000 Voter Verifiable Paper Audit Trail (VVPAT) at an estimated cost of Rs.3,173.47 crore (excluding taxes and freight as applicable) from M/s Bharat Electronics Ltd., Bangalore and M/s Electronics Corporation of India Ltd., Hyderabad has been conveyed to the Election Commission of India.

3. Pursuant to the above, on 21st April, 2017, the Election Commission of India has placed orders with M/s Bharat Electronics Ltd., Bangalore and M/s Electronics Corporation of India Ltd., Hyderabad for purchase of 8,07,500 VVPAT units from each of the aforesaid firms indicating September, 2018 as the outer limit for procurement of the said units.

4. Shri Ashok Desai, learned Senior Counsel for the Election Commission of India has also placed a set of written instructions received by him from the Election

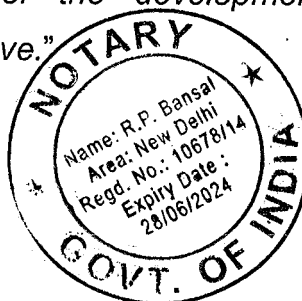


Commission of India which indicates that all the VVPAT machines should be available by September 2018 and such machines should be available for deployment in the next General Elections to constitute 17th Lok Sabha. Paragraphs 3 and 4 of the written instructions which deal with the above are as follows:

"3. It is submitted that on this schedule it is anticipated that the all VVPATs machines should be available by September, 2018 and should be able to be deployed by and be in situ by February, 2019. As a result all VVPAT Units would be available by March, 2019 which is the expected commencement date of next General Elections to constitute 17th Lok Sabha.

4. That for General Elections for Parliament alone there are more than 10,00,000 polling stations and as such equal number of VVPATs are required. A margin is however, necessary in case there are simultaneous elections in some constituencies and also for reserves.

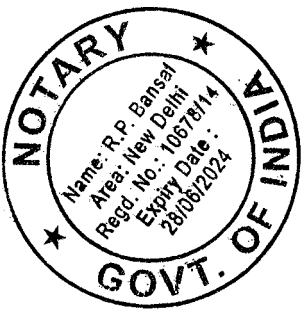
5. In view of the aforesaid developments that have taken place we are of the view that the present Contempt Petitions ought not to be entertained any further. We accordingly close the contempt petitions in the light of the developments noticed and mentioned above."



It is submitted that by virtue of this Hon'ble Court's aforesaid orders, the concrete steps of the Election Commission of India came to fruition with the 100% deployment VVPAT along with EVMs in the ensuing elections.

True copy of the Order dated 24.04.2017 passed by this Hon'ble Court in *Conmt. Pet. (C) No. 303 of 2016* (filed in *Civil Appeal No. 9093 of 2016*) is annexed herewith and marked as **ANNEXURE-C/8** at pages 172 to 174 .

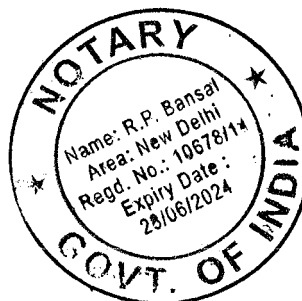
09.05.2017: Thereafter, on 09.05.2017, the Election Commission of India published a Status Paper on EVMs and VVPATs on its website, wherein they, inter-alia, reiterated their commitment to the 100% coverage of VVPATs in all future elections to be conducted under its superintendence and direction for the Parliament and State Legislative Assemblies, besides detailing the history and functioning of VVPAT. The Election Commission of India further stated in the said Status Paper that they would launch a comprehensive, concerted and nation-wide voter education and awareness programme under its flagship SVEEP initiative, to educate, orient and inform the voters about the



functioning, usage and advantages of the VVPAT machines and their immense utility in reinforcing the transparency, credibility and authenticity of the voting process. Furthermore, the Election Commission of India earnestly solicited the cooperation and collaboration of all the vital stakeholders, particularly the political parties, to join hands in spreading awareness about the advantages of VVPAT machines. It is submitted that pursuant to the direction of this Hon'ble Court, the Election Commission of India has introduced the technology of VVPAT in order to ensure public examinability. Furthermore, the Election Commission of India expressed its commitment for implementation of VVPATs nation-wide by the year 2019.

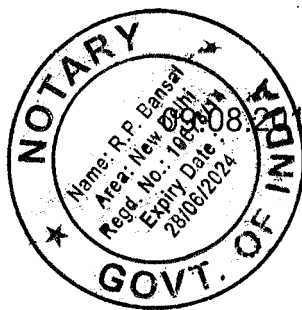
True copy of the Press Note dated 09.05.2017 issued by the Election Commission of India is annexed herewith and marked as ANNEXURE-C/9 at pages 175 to

True copy of the Status Paper dated 09.05.2017 published by the Election Commission of India is annexed herewith and marked as ANNEXURE-C/10 at pages 176 to 227



12.05.2017: Thereafter, an all Political Parties meet was conducted by the Election Commission of India on 12.05.2017, which was attended by 7 National Parties and 35 State Parties. At the said meeting, the Election Commission of India highlighted the wide range of technical, administrative protocol and procedural safeguards that fortify the EVMs and VVPATs against any sort of manipulation or tampering. Furthermore, the Election Commission of India also informed the political parties present that it would ensure 100% coverage of VVPATs in all future election to the Parliament and State Assembly Elections.

True copy of the Press Note dated 12.05.2017 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/11** at pages 228 to 229 .



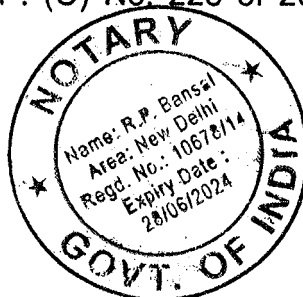
17: In the meantime, three (3) writ petitions being *W.P. (Crl.) No. 41 of 2017 (Manohar Lal Sharma Vs. Election Commission of India & Anr.)*, *W.P. (C) No. 209 of 2017 (Ata-ur-Rehman Vs. Election Commission of India & Anr.)* and *W.P. (C) No. 225 of 2017 (Bahujan Samaj Party Vs. Union of India & Ors.)* were filed before this Hon'ble Court, seeking that the use of VVPATs along with EVMs be made

mandatory for conduct of future elections to the Legislative Assemblies and the Parliament. Furthermore, another special leave petition being SLP (C) No. 13598 of 2017 (*Reshma Vithalbhai Patel Vs. Union of India & Ors.*) was filed before this Hon'ble Court in and around July 2017, seeking that the use of VVPATs along with EVMs be made mandatory for the Gujarat Assembly elections in December 2017.

The Election Commission of India filed their detailed Counter Affidavits in all of the aforementioned matters, wherein it reiterated its commitment that it would hold all future elections mandatorily with VVPAT along with the Electronic Voter Machines.

Thereafter, in view of the said assertion made by the Election Commission of India in its Counter Affidavits, this Hon'ble Court was pleased to dispose of the aforementioned matters, observing that all prayers in the said petitions stood fulfilled and satisfied.

True copy of the Order dated 09.08.2017 passed by this Hon'ble Court in W.P. (Crl.) No. 41 of 2017, W.P. (C) No. 209 of 2017, W.P. (C) No. 225 of 2017 and SLP (C) No.



13598 of 2017 is annexed herewith and marked as **ANNEXURE-C/12** at pages 230 to 234 .

30.08.2017: The Election Commission of India issued detailed instructions to the Chief Electoral Officers of all States and Union Territories on 30.08.2017, regarding First Level Checking (FLC) of EVMs and VVPATs.

True copy of the Letter No. 51/8/16/4/2017-EMS, dated 30.08.2017, issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/13** at pages 235 to 269 .

30.08.2017: Thereafter, the Election Commission India further issued detailed Territories on instructions to the Chief Electoral Officers of all States and Union 30.08.2017, regarding transportation, storage & security, etc. of EVMs and VVPATs.



True copy of the Letter No. 51/8/7/2017-EMS, dated 30.08.2017, issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/14** at pages 270 to 274 .

19.09.2017: The Election Commission of India, vide Letter/Instruction dated 19.09.2017, directed the Chief Electoral Officers of

all States and Union Territories to ensure that VVPATs are used with EVMs in all polling stations, during General and Bye-elections to the State Legislative Assemblies and Lok Sabha.

True copy of the Letter/Instructions dated 19.09.2017 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/15** at pages 275 to

29.09.2017: Thereafter, the Election Commission of India issued detailed instructions to the Chief Electoral Officers of all States and Union Territories on 29.09.2017, regarding taking out of EVMs and VVPATs for training and awareness programs, etc.

True copy of the Letter/Instructions dated 29.09.2017 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/16** at pages 276 to 277 .

11.10.2017: The Election Commission of India, on 11.10.2017, intimated the Chief Electoral Officers of Gujarat, Gandhinagar and Himachal Pradesh, Shimla that in Gujarat and Himachal Pradesh the forthcoming General elections





to State Legislative Assam, mandatory verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency shall be done on a 'pilot' basis.

True copy of the Letter/Instructions dated 11.10.2017 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/17** at pages 278 to

13.10.2017: Thereafter, on 13.10.2017, the Election Commission India issued further detailed instructions to the Chief Electoral Officers of Gujarat, Gandhinagar and Himachal Pradesh, Shimla in relation to the aforementioned mandatory verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency, to be done on a 'pilot' basis.



True copy of the Letter/Instructions dated 13.10.2017 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/18** at pages 279 to 281.

13.10.2017: The Election Commission of India issued detailed instructions to the Chief Electoral Officers of all States and

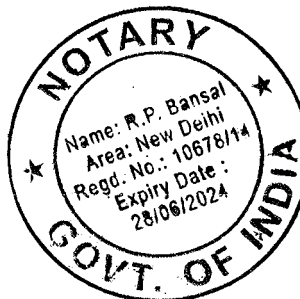


Union Territories on 13.10.2017, regarding counting of Printed Paper Slips of VVPATs in case of non-retrieval of result from the Control Unit of EVMs.

True copy of the Letter/Instructions dated 13.10.2017 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/19** at pages 282 to

16.10.2017: Thereafter, the Election Commission of India issued detailed instructions to the Chief Electoral Officers of all States and Union Territories on 16.10.2017, regarding use of EVMs with Voter Verifiable Paper Audit Trail system (VVPAT), wherein instructions were issued by the Election Commission of India in respect of various issues pertaining to EVMs and VVPATs such as complaints about incorrect printing of particulars on paper slip, counting of votes and printed ballot slips, procedure to count VVPAT paper slips, etc.

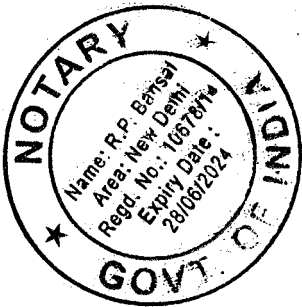
True copy of the Letter/Instructions dated 16.10.2017 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/20** at pages 283 to 308 .



30.10.2017: This Hon'ble Court, vide its Order dated 30.10.2017 in W.P.

(C) No. 983 of 2017 (*Prakash Joshi Vs. Election Commission of India*), dismissed the prayer in the said writ petition seeking directions to the Election Commission of India for framing appropriate rules, regulations and guidelines for conducting elections through VVPAT in the following manner:

"As far as Prayer (b) is concerned, it is urged by Mr. K.K. Venugopal that guidelines have already been brought by the Election Commission of India. The same is disputed by Mr. Kapil Sibal and Mr. Vivek Tankha, learned senior counsel appearing for the petitioner. We leave it to the discretion of the Election Commission of India, as we are not inclined to enter into the said arena."



True copy of the Order dated 30.10.2017 passed by this Hon'ble Court in W.P. (C) No. 983 of 2017 is annexed herewith and marked as **ANNEXURE-C/21** at pages 309 to 310 .

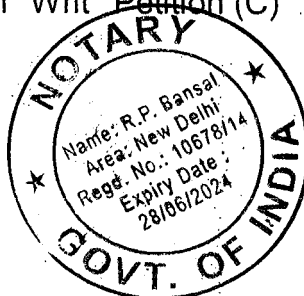
09.11.2017: The Election Commission of India mandated, vide Circular No. 51/8/16/9/2017-EVM(P&L), dated 09.11.2017, that Special Teams of Election Commission of India officials

would be deployed for surprise FLC quality checks during every FLC process in all future elections, to ensure the robustness and stringency of the FLC process.

True copy of the Circular No. 51/8/16/9/2017-EVM(P&L), dated 09.11.2017, issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/22** at pages 311 to 312 .

20.11.2017: Meanwhile, a writ petition being *Writ Petition (C) No. 1012 of 2017 (Manubhai Chavada Vs. Election Commission of India & Ors.)* was filed before this Hon'ble Court, inter alia, seeking that the Election Commission of India be directed to "*mandatorily count the printed paper slips in the dropbox of the Printer in respect of any polling station or polling stations in all future Legislative Assembly elections, and/or Parliamentary elections where paper trail has been introduced*".

This Hon'ble Court, by Order dated 20.11.2017, refused to grant the reliefs sought in the aforementioned Writ Petition (C) No. 1012 of 2017 and dismissed the same. True copy of the Order dated 20.11.2017 passed by this Hon'ble Court in Writ Petition (C) No. 1012 of 2017 is



annexed herewith and marked as ANNEXURE-C/23 at pages 313 to

05.12.2017: The Election Commission of India, on 05.12.2017, issued '*Revised Instructions on use of Electronic Voting Machine (EVM) with Voter Verifiable Paper Audit trail (VVPAT) system*', whereby the instructions issued by the Election Commission on 16.10.2017 with respect to EVMs/VVPATs were slightly modified.

True copy of the Letter No. 51/8/VVPAT/2017-EMS dated 05.12.2017 issued by the Election Commission of India is annexed herewith and marked as ANNEXURE-C/24 at pages 314 to 342 .

12.12.2017: A petition being *Special Civil Application No. 22074 of 2017 (Shailesh Nagjibhai Pansuriya Vs. Election Commission of India & Ors.)* was filed before the Hon'ble High Court of Gujarat, wherein it was sought that a direction be issued to the Election Commission of India to make it mandatory to count all VVPAT slips along with the counting of votes through EVMs in the then ongoing State Assembly elections. The Hon'ble High Court of Gujarat, by Order dated 12.12.2017, disposed of the aforementioned Special



Civil Application No. 22074 of 2017, refusing to grant the direction prayed for by the petitioner therein.

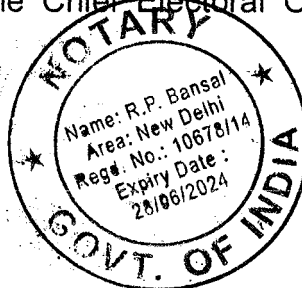
True copy of the Order dated 12.12.2017 passed by the Hon'ble High Court of Gujarat in Special Civil Application No. 22074 of 2017 is annexed herewith and marked as **ANNEXURE-C/25** at pages 343 to 354 .

15.12.2017: Thereafter, one Mohd. Arif Rajput filed a special leave petition being *SLP (C) Diary No. 41165 of 2017 (Mohd. Arif Rajput Vs. Election Commission of India Nirvachan Sadan & Ors.)* against the aforementioned Order dated 12.12.2017 passed by the Hon'ble High Court of in Special Civil Application No. 22074 of 2017.

However, on 15.12.2017, Mohd. Arif Rajput withdrew the aforesaid Special Leave Petition filed by him.

True copy of the Order dated 15.12.2017 passed by this Hon'ble Court in *SLP (C) Diary No. 41165 of 2017 (Mohd. Arif Rajput Vs. Election Commission of India Nirvachan Sadan & Ors.)* is annexed herewith and marked as **ANNEXURE-C/26** at pages 355 to .

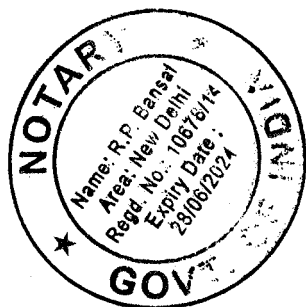
13.02.2018: Thereafter, the Election Commission of India issued detailed instructions to the Chief Electoral Officers of all



States and Union Territories on 13.02.2018, wherein the Election Commission of India reiterated its directions issued on 13.10.2017 regarding mandatory verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency/each Assembly Segment of the Parliamentary Constituency concerned (as the case maybe). The Election Commission of India, further, specified in detail, the procedure to be followed regarding mandatory verification of VVPAT paper slips.

True copy of the Letter No. 51/8/VVPAT-INST/2018-EMS dated 13.02.2018 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/27** at pages 356 to 359 .

08.03.2018: The Election Commission of India, on 08.03.2018, issued a clarification to the Chief Electoral Officers of all States/Union Territories, as a clarification was sought by some Chief Electoral Officers regarding the question of whether mock poll of 1000 votes on 5% randomly selected EVMs during commissioning of EVMs, was to be followed in the case of VVPATs as well. It was clarified by the Election Commission of India that during commissioning of



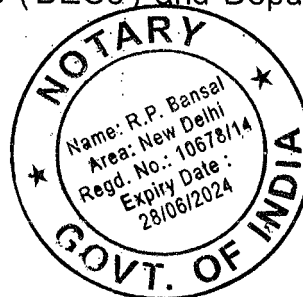
EVMs and VVPATs, mock poll of 1000 votes would be conducted in 5% randomly selected EVMs, as well as VVPATs. The electronic result would then be tallied with the paper trail count. The candidates/their representatives would be encouraged to participate in this process and permitted to pick machines randomly for the purpose of this mock poll.

True copy of the Letter No. 51/8/VVPAT/2018/EMS dated 08.03.2018 issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/28** at pages 360 to

18.06.2018: The Election Commission of India issued certain clarifications with respect to First Level Checking (FLC) of EVMs/VVPATs, vide Letter No. 51/8/16/4/2018-EMS, dated 18.06.2018.

True copy of the Letter No. 51/8/16/4/2018-EMS, dated 18.06.2018, issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/29** at pages 361 to

20.06.2018: A Special Workshop on FLC of EVMs/ VVPATs for all District Election Officers ('DEOs') and Deputy DEOs of all



districts in Madhya Pradesh was conducted on 20.06.2018 to sensitize and orient the District level election machinery towards ensuring that the FLC is conducted in the most rigorous and stringent manner, as per the extant instructions of the Election Commission of India. Before First Level Checking (FLC) of EVMs and VVPATs, such FLC workshops are conducted by the ECI for the District Election Officers, Deputy District Election Officers/FLC Supervisors.

July 2018: The '*Manual on EVM and VVPAT*', which is a compilation of all the important instructions issued by the Election Commission of India relating to EVM and VVPAT, was revised and updated in July 2018. It is updated annually and updated version is made available on the ECI website.



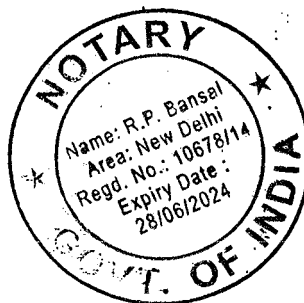
09.08.2018: Thereafter, two writ petitions being Writ Petition (C) No. 935 of 2018 (Kamal Nath Vs. Election Commission of India & Ors.) and Writ Petition (C) No. 1000 of 2018 (Sachin Pilot Vs. Election Commission of India & Ors.) were filed before this Hon'ble Court on 09.08.2018 and 21.08.2018 respectively, inter-alia, seeking that the Election Commission of India be directed to "*issue directions for*

conducting VVPAT verification atleast 10% randomly selected polling stations in each assembly constituency/assembly segment to ensure free and fair elections;".

10.08.2018: The Election Commission of India engaged Indian Statistical Institute (ISI), one of the most reputed National Institution devoted to research and application of statistics and sampling knowledge in the country, to systematically analyse the issue of VVPAT slip verification and suggest mathematically sound, statistically robust and practically cogent sample size for the internal audit of the VVPAT slips with electronic result of EVMs during the elections.

27.10.2018: The Commission convened a meeting of all the National and State Recognised Political Parties on 27.08.2018 wherein some political parties raised the demand for increasing the sample VVPAT slip count during elections. The demands for increase in the sample count varied from 10% to 100%.

28.09.2018: The Election Commission of India issued additional instructions to the Chief Electoral Officers of all States and

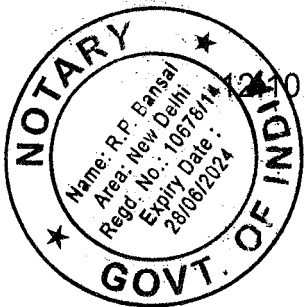


Union Territories on 28.09.2018, regarding timing of First Level Checking (FLC) of EVM s and VVPATs.

True copy of the Letter No. 51/8/16/4/2018-EMPS, dated 28.09.2018, issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/30** at pages 362 to

09.10.2018: The Election Commission of India issued detailed instructions to the Chief Electoral Officers of all States and Union Territories on 09.10.2018, regarding taking out of EVMs and VVPATs for training and awareness purposes.

True copy of the Letter No. 51/8/T&A/2018-EMPS, dated 09.10.2018, issued by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/31** at pages 363 to 367.

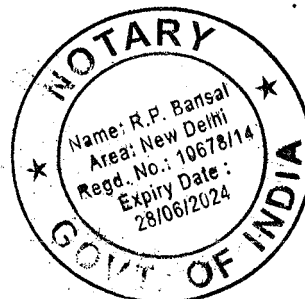


12.10.2018: Thereafter, this Hon'ble Court, by its Judgment and Order dated 12.10.2018 (**reported as (2019) 2 SCC 260**), dismissed the aforesaid Writ Petition (C) No. 935 of 2018 (Kamal Nath Vs. Election Commission of India & Ors.) and Writ Petition (C) No. 1000 of 2018 (Sachin Pilot Vs. Election Commission of India & Ors.), thereby declining to

entertain the relief sought by the writ petitioners in the aforementioned two writ petitions, which included the relief sought by the petitioners therein. that the Election Commission of India be directed to *"issue directions for conducting VVPAT verification atleast 10% randomly selected polling stations in each assembly constituency/assembly segment to ensure free and fair elections;"*.

True copy of the Judgment and Order, dated 12.10.2018, passed by this Hon'ble Court in Writ Petition (C) No. 935 of 2018 (Kamal Nath Vs. Election Commission of India & Ors.) and Writ Petition (C) No. 1000 of 2018 (Sachin Pilot Vs. Election Commission of India & Ors.) is annexed herewith and marked as **ANNEXURE-C/32** at pages 368 to 378

It is important to note that since September 2017, mandatory verification of paper trail count has been duly conducted in all the Assembly Constituencies during the counting process for all subsequent Assembly elections and in all cases, the slip count has tallied with the electronic count.



22.03.2019: The Indian Statistical Institute, Delhi submitted its report to the Election Commission of India on the sample for VVPAT slip verification.

True copy of the Report dated 22.03.2019 submitted by the Indian Statistical Institute, Delhi along with the covering letter is annexed hereto and marked as **ANNEXURE-C/33** at pages to. 379 - 417

2019: Another set of writ petitions came to be filed, and were clubbed together by this Hon'ble Court, with the lead matter being *N. Chandrababu Naidu Vs. Union of India. & Anr.* (Writ Petition No. 273 of 2019) which was filed by 21 Petitioners in number who were representatives of 21 political parties. In the said petition, among others, the prayer sought was:



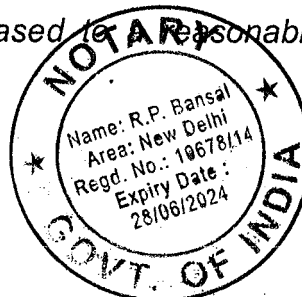
"Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing that minimum of 50% randomized VVPAT paper slip verification of EVM shall be conducted in every General and Bye Election in each Assembly Segment of a Parliamentary Constituency, in case of Election to the House of the People; and in each

Assembly Constituency, in case of an election to a State Legislative Assembly;".

08.04.2019: This Hon'ble Court, vide Judgment and Order dated 08.04.2019, was pleased to close the aforesaid writ petitions with the following observation, among others:

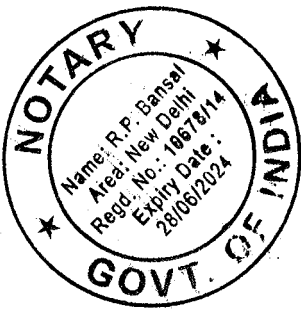
"In a situation where the ECI, a constitutional body, is satisfied on the integrity of the EVMs and which is further fortified by the sample verification of VVPAT paper trail of one EVM per Assembly Constituency or Assembly Segment in a Parliamentary Constituency, the exercise sought for by the petitioner would be a futile exercise, which the Court should not order, it is contended.

At the very outset the Court would like to observe that neither the satisfaction of the Election Commission nor the system in vogue today, as stated above, is being doubted by the Court insofar as fairness and integrity is concerned. It is possible and we are certain that the system ensures accurate electoral results. But that is not all. If the number of machines which are subjected to verification of paper trail can be increased to a reasonable number, it would



lead to greater satisfaction amongst not only the political parties but the entire electorate of the Country. This is what the Court should endeavour and the exercise, therefore, should be to find a viable number of machines that should be subjected to the verification of VVPAT paper trails keeping in mind the infrastructure and the manpower difficulties pointed out by the Deputy Election Commissioner. In this regard, the proximity to the Election schedule announced by the ECI must be kept in mind.

Having considered the matter, we are of the view that if the number of EVMs in respect of which VVPAT paper slips is to be subjected to physical scrutiny is increased from 1 to 5, the additional manpower that would be required would not be difficult for the ECI to provide nor would the declaration of the result be substantially delayed. In fact, if the said number is increased to 5, the process of verification can be done by the same team of Polling Staff and supervisors/officials. It is, therefore, our considered view that having regard to the totality of the facts of the case and need to generate the greatest degree of satisfaction in all with regard to the full accuracy of the



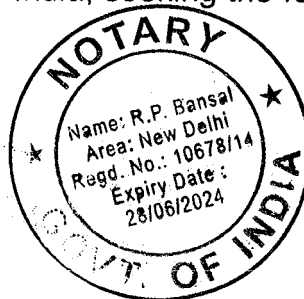
election results, the number of EVMs that would now be subjected to verification so far as VVPAT paper trail is concerned would be 5 per Assembly Constituency or Assembly Segments in a Parliamentary Constituency instead of what is provided by Guideline No. 16.6, namely, one machine per Assembly Constituency or Assembly Segment in a Parliamentary Constituency."

True copy of the Judgment and Order, dated 08.04.2019, passed by this Hon'ble Court in Writ Petition (C) No. 273 of 2019 (N. Chandrababu Naidu Vs. Union of India & Anr.) is annexed herewith and marked as **ANNEXURE-C/34** at pages 418 to 430.

4. PRELIMINARY SUBMISSIONS:

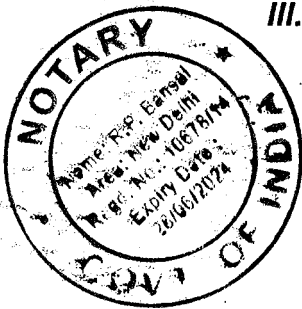
At the outset, the Answering Respondent craves leave of this Hon'ble Court to make preliminary submissions relevant to the subject matter of the present Writ Petition as under:

- 4.1** The Answering Respondent submits that the present Writ Petition under reply has been filed before this Hon'ble Court under Article 32 of the Constitution of India, seeking the following reliefs:



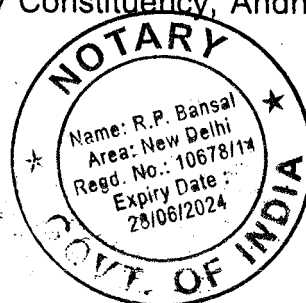
"In these circumstances, it is therefore most respectfully prayed that your Lordships may graciously be pleased to:

- I. Issue a writ of Mandamus or any other appropriate writ, order, or direction to the respondents to cross verify the count in EVMs with votes that have been verifiably 'recorded as cast' by the voters themselves i.e. the VVPATs;*
- II. Issue a writ of Mandamus or any other appropriate writ, order, or direction to the respondents to ensure that the voters are able to verify through VVPATs that their vote has been 'counted as recorded';*
- III. Declare as unconstitutional the Conduct of Election Rules, 1961, and the practice and procedure of Election Commission of India to the extent that they violate the fundamental right of the voters to verify through VVPATs that their vote has been 'recorded as cast' and 'counted as recorded'; &/or,*
- IV. Pass such other orders or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition."*



4.2 The aforementioned prayers have been sought by the Petitioner by on the following, inter alia, grounds:

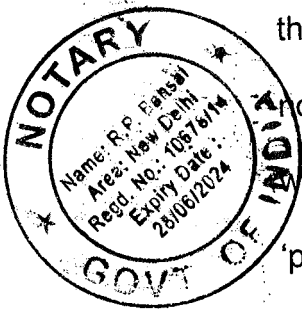
- A. Reliance on the ratio of *Subramanian Swamy V/s Election Commission of India* [(2013) 10 SCC 500];
- B. That the term "voter verifiable" in VVPAT implies a system where casting / recording as well as counting of votes is verifiable by the voter and there is a complete vacuum in law as the ECI has provided no procedure for the voter to verify that her vote has been 'counted as recorded' which is an indispensable part of voter verifiability;
- C. That it is finally the VVPAT which accurately captures the will of the voter and that variance/errors/malafides in the results captured in the EVMs cannot be ruled out for any given reason and it is manifestly arbitrary and violative of Article 14 to then not cross verify the count in EVMs with that in VVPATs;
- D. Discrepancy noted during mandatory verification of paper slips of VVPAT with EVM count in Polling Station No. 63, Mydukur Assembly Constituency, Andhra Pradesh in 2019 General Election;



- E. Prevalent rules and procedure do not meet the criteria of certain basic 'Democracy Principles';
- F. Report of Citizens' Commission on Elections (CCE).

4.3 The Answering Respondent craves the leave to deal with each of the above grounds at the very outset.

4.4 That in so far as **GROUND A** mentioned above, i.e. reliance on the ratio of *Subramanian Swamy V/s Election Commission of India* [(2013) 10 SCC 500] is concerned, it may be noted that the Petitioner has incorrectly relied on a ratio of *Subramanian Swamy* (*supra*) which is not applicable in the present case, because in the referred decision of this Hon'ble Court, this Hon'ble Court has not given any direction for cross verification of the count in EVMs with VVPATs. The petition was only about the introduction of 'paper trail' to facilitate the voter to verify his or her vote in the form of VVPAT slip for fullest transparency in the system. In other words, Voter Verifiable Paper Audit Trail or VVPAT is essentially introduced for the purpose of voter to verify the vote cast in the form of a VVPAT slip at the time of voting in the polling station, and not with the objective of cross verification or counting of slips at a later stage.



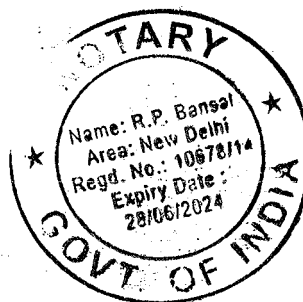
4.5 It is also pertinent to note at this juncture that such a prayer was never even made in the above noted case and the same may be seen at para 8 of the Judgment dated 8th October 2013:

".....The applicant has further highlighted that the "paper trail" system is to supplement a vote in the EVM, a printout will come out which will appraise the voter that his vote has been rightly registered and the same will be deposited in a box which can only be used by the ECI in case of election dispute."

(Emphasis supplied)

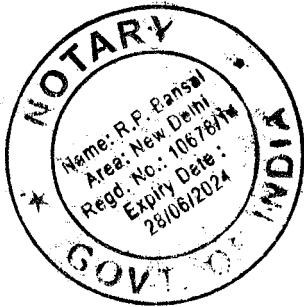
In the aforesaid Judgment, this Hon'ble Court appreciated the efforts made by the Answering Respondent in introducing the VVPAT system and observed that such a system ensured the accuracy of the voting system. Relevant extract of the Judgment is reproduced here below:

"28. From the materials placed by both the sides, we are satisfied that the "paper trail" is an indispensable requirement of free and fair elections. The confidence of the voters in the EVMs can be achieved only with the introduction of the "paper trail". EVMs with VVPAT system



ensure the accuracy of the voting system. With an intent to have fullest transparency in the system and to restore the confidence of the voters, it is necessary to set up EVMs with VVPAT system because vote is nothing but an act of expression which has immense importance in a democratic system.

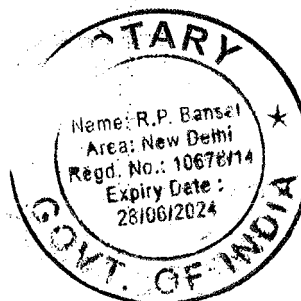
29. In the light of the above discussion and taking notice of the pragmatic and reasonable approach of ECI and considering the fact that in general elections all over India, ECI has to handle one million (ten lakh) polling booths, we permit ECI to introduce VVPAT in gradual stages or geographical-wise in the ensuing general elections. The area, State or actual booth(s) are to be decided by ECI and ECI is free to implement the same in a phased manner. We appreciate the efforts and good gesture made by ECI in introducing the same. For implementation of such a system (VVPAT) in a phased manner, the Government of India is directed to provide required financial assistance for procurement of units of VVPAT.



4.6 It is further noteworthy to mention that on 13th February, 2018, the Election Commission of India mandated verification of VVPAT

paper slips of randomly selected 01 polling station per Assembly Constituency/each Assembly Segment of the Parliamentary Constituency in elections, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961. In a Parliamentary General Election, this would entail mandatory ballot slip verification of 4,120 randomly selected VVPATs.

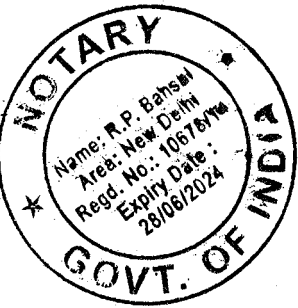
- 4.7 It is further submitted that subsequent to the above development, the Election Commission of India had received demands from various political parties for increase in the mandatory VVPAT slip count ranging from 10% to 100% at different points of time.
- 4.8 In view of the above, on 10th August, 2018, for a systematic and scientific examination of the issue, the Election Commission of India engaged the Indian Statistical Institute (ISI), one of the most prominent and reputed national institutes devoted to research, teaching and application of statistics and sampling knowledge in the country to give its expert findings in the matter appropriate sampling size of VVPAT paper slips count. ISI co-opted the Director, Chennai Mathematical Institute, Chennai & Dy. Director General (Social Statistics Division), Ministry of Statistics and Programme Implementation (MOSPI) in the Expert Committee.



4.9 Thereafter, on 15th March, 2019, this Hon'ble Court issued notice in a petition filed by 23 political parties led by Sh. Chandrababu Naidu on counting of printed slips of 50% VVPATs.

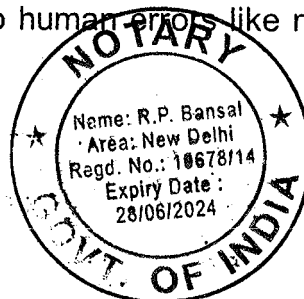
4.10 Thereafter, on 22nd March, 2019, the Expert Committee submitted its Report to the Election Commission of India. The ISI report recommended that undertaking slip verification for 479 EVMs and VVPATs is sufficient to indicate a confidence level of 4 Sigma or 99.9936% as explained in detail in subsequent paragraphs of this affidavit. The same was placed before this Hon'ble Court as well.

4.11 As mentioned above, prior to the ISI report, the Election Commission of India had mandated verification of VVPAT paper slips of randomly selected 01 polling station per Assembly Constituency/Assembly Segment (AC/AS) of the Parliamentary Constituency in elections totaling to 4,120 randomly selected VVPATs, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961. In other words, the Election Commission of India's already existing norms for cross-verification was significantly higher than verification of 479 VVPATs recommended in the report of the ISI.



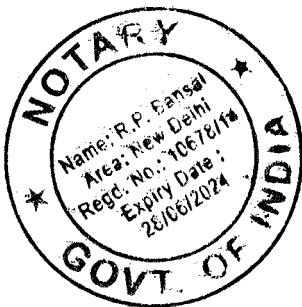
4.12 Moreover, the prevalent practice of testing of five (5) randomly chosen EVM-VVPAT systems per AC/AS in compliance of the mandate of this Hon'ble Court (vide its Judgment/Order dated 08.04.2019) translates to a total of 20,600 randomly chosen EVM-VVPAT systems. This is far beyond the recommendation of ISI, and the Election Commission of India's own earlier practice of verification of one (01) EVM-VVPAT system per AC/AS which in itself was much in excess to the statistically recommended figure. As per the present sampling mandate of five (5) randomly chosen EVM-VVPAT systems per assembly segment - the proportion of error in the entire population of EVM-VVPAT systems used in that election is less than 0.2% with 99.9998479% confidence level which is much higher than 4 sigma and near-certainty. It may be noted that complying with the rigor of statistical sciences, the present system of random verification of five (5) VVPATs per AC/AS achieves a state of near-certainty.

4.13 Till date, ballot slips of 38,156 randomly selected VVPATs have been tallied with the electronic counts of their CUs and not a single case of transfer of vote meant for candidate 'A' to candidate 'B' has been detected. Differences in count, if any, have always been traceable to human errors like non-deletion of



Mock Poll votes from the CU or non-removal of Mock poll slips from VVPAT. It is submitted that well-established protocols are in place to handle such eventualities in a transparent manner. Therefore, the present mandate of counting of five (5) randomly selected VVPATs for the purpose of cross verification is on a sound statistical footing and ensures highest degree of transparency and confidence.

4.14 Thereafter, on 8th April 2019, this Hon'ble Court pronounced its Judgment/Order on 08.04.2019 in *N. Chandrababu Naidu & Ors. versus Election Commission of India* [(2019) 15 SCC 377] wherein the following directions were given:



".....our considered view that having regard to the totality of the facts of the case and need to generate the greatest degree of satisfaction in all with regard to the full accuracy of the election results, the number of EVMs that would now be subjected to verification so far as VVPAT paper trail is concerned would be 5 per Assembly Constituency or Assembly Segments in a Parliamentary Constituency instead of what is provided by Guideline No. 16.6, namely, one machine

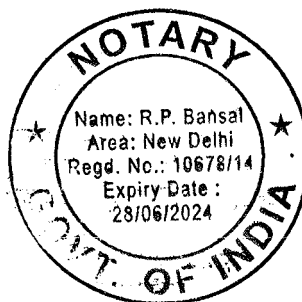
per Assembly Constituency or Assembly Segment in a
Parliamentary Constituency."

(Emphasis supplied)

4.15 That, thereafter, a Review Petition was filed against the aforesaid Judgment/Order [Review Petition(C) No. 1084/2019 in W.P. (C) No. 273/2019] which came to be dismissed by this Hon'ble Court, vide Judgment and Order dated 07.05.2019.

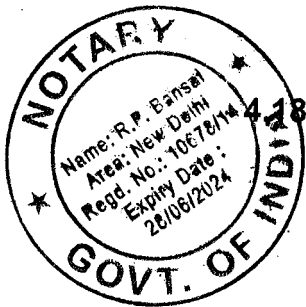
A true copy of the Judgment and Order dated 07.05.2019 passed by this Hon'ble Court in Review Petition (C) No. 1084/2019 in W.P. (C) No. 273/2019 is annexed herewith and marked as ANNEXURE-C/35 at pages 431 to 434.

4.16 It is also humbly submitted that the dismissal of the above referred Review Petition further shows that the submission of the Petitioner that this Hon'ble Court declined to interfere in the above referred matter only due to paucity of time and due to the fact that the petition was moved close to the elections is devoid of merit as this Hon'ble Court, as always, took the entire gamut of factors into consideration, including the proximity of time, but not only the proximity and, therefore, the above decision is not rendered



devoid of its precedent value and continues to make this a covered field.

4.17 Notwithstanding the above, it is submitted that any possible increase in the number of randomly chosen VVPATs that are to be verified from the existing number of five (5) VVPATs per Assembly Constituency/Assembly Segment will pose tremendous administrative challenges that may not commensurate with the potential improvements that may be achieved in the statistical confidence levels. Given the fact that till now there has been no discrepancy observed in the VVPAT slip count, the plea appears to be in nature of finding a solution wherein no problem exists in the first place.

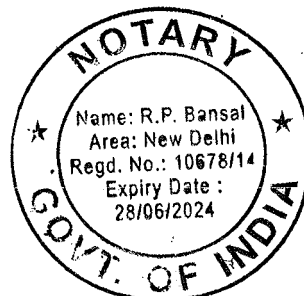


It is therefore most humbly submitted that the above referred ground is devoid of any merit and deserves no indulgence by this Hon'ble Court.

4.19 That in so far as **GROUND B** mentioned above, i.e. the term "voter verifiable" in VVPAT implies a system where casting / recording as well as counting of votes is verifiable by the voter and there is a complete vacuum in law as the Election Commission of India has provided no procedure for the voter to

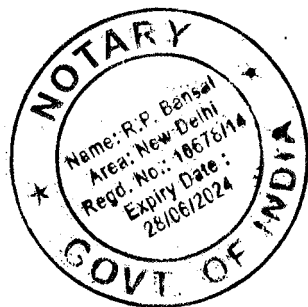
verify that her vote has been 'counted as recorded' which is an indispensable part of voter verifiability, is concerned, it is submitted by the Answering Respondent herein that the aforementioned ground is highly misconceived and misleading, as even the granting of the prayers in the present Petition would also fail to achieve "voter verifiable" counting of votes in the sense in which it has been projected in the present Petition. It is the mechanism, procedures and protocols of counting that ensure the counting of each vote and when these mechanisms, procedures and protocols survive the test of scrutiny by society at large as well as judicial scrutiny for many years, then they naturally earn the trust of the people and recognition and appreciation by various national as well as international institutions such as the trust, recognition and appreciation that has been earned by the EVM of India.

4.20 Moreover, it is most humbly submitted that the plea of the Petitioner is misconceived for the simple reason that in the ECI-EVM, the Control Unit (CU) retains in the memory each vote recorded elector-wise. The ECI-EVM has inbuilt system of recording each vote (candidate button no. pressed by the voter on Ballot Unit) with date and time stamp and the same can be

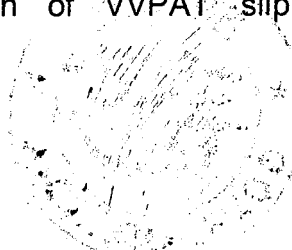


retrieved by using decoder or printer (customized) based on orders of the Courts. In this regard, Judgment of the Hon'ble High Court of Rajasthan at Jodhpur in case of ***C.P. Joshi Vs. Kalyan Singh Chouhan [S.B. Election Petition No. 1/2009]*** may be referred. It is also highlighted that various Courts had earlier taken decision of using decoder to take print-out of sequential votes from the Control Unit(s), when there was no concept of Voter Verifiable Paper Audit Trail. Hence, even counting of votes from the Control Unit of EVM, without even involving VVPATs, meets the requirement 'counted as recorded'.

A true copy of the Judgment and Order dated 25.03.2010 passed by the Hon'ble Rajasthan High Court in *C.P. Joshi Vs. Kalyan Singh Chouhan* [S.B. Election Petition No. 1/2009] is annexed herewith and marked as **ANNEXURE-C/36** at pages 435 to 455.



4.21 It is submitted that VVPAT is essentially an 'audit trail' for the voter to instantaneously verify his or her vote cast in the Ballot unit. However, based on the directions of the Hon'ble Apex Court, VVPATs slips are being cross verified on a statistically robust sampling basis. Therefore, to press forward a ground for 100% verification of VVPAT slips is a regressive thought and

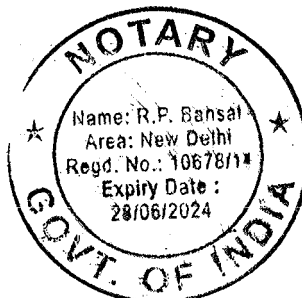


tantamount only to going back indirectly to the days of manual voting using ballot system. Therefore, it may not be entertained.

4.22 At this juncture, it is also submitted that various Courts including this Hon'ble Court has held voting EVMs/VVPATs in high esteem as early as in the early introductory years, even when the VVPAT system was not in place. Reference is drawn to the observation made by the Hon'ble Karnataka High Court in the Judgment and Order dated 05.02.2004 in ***Michael B. Fernandes vs. C.K. Jaffer Sharief [2004 SCC OnLine Kar 72]*** that '*..this invention is undoubtedly a great achievement in the electronic and computer technology and a national pride.*'

A true copy of the Judgment and Order dated 05.02.2004 passed by the Hon'ble Karnataka High Court in *Michael B. Fernandes vs. C. K. Jaffer Sharief [2004 SCC OnLine Kar 72]* is annexed herewith and marked as **ANNEXURE-C/37** at pages 456 to 462 .

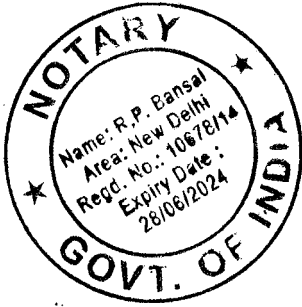
4.23 It may also be noted that the Hon'ble Courts have dismissed petitions seeking the Election Commission of India to refrain from using EVMs and to use ballot paper instead. In one such petition, i.e. *Madhya Pradesh Jan Vikas Party vs. Election Commission of*



India [SLP (Civil) No.16870/2022], the SLP was dismissed by this Hon'ble Court with costs of Rs. 50,000.

A true copy of the Order dated 30.09.2022 passed by this Hon'ble Court in *Madhya Pradesh Jan Vikas Party vs. Election Commission of India*, SLP (Civil) No. 16870/2022 is annexed herewith and marked as **ANNEXURE-C/38** at pages 463 to 464.

4.24 It is also apposite to mention the observation of the Hon'ble Gujarat High Court in the matter of *Khemchand Rajaram Koshti vs. Election Commission of India* [WP(PIL) No. 36 of 2019], wherein the Hon'ble Court vide Judgment dated 19.03.2019 observed that "17.1 The entire step-wise procedural safeguards that the Election Commission undertakes in the manner of the conduct of elections through the EVMs and VVPATS, in exercise of its constitutional obligation under Article 324 of the Constitution Of India coupled with the technology, leaves no room of doubt for the petitioner to contend that the discretion of the Returning Officer to entertain an application under Rule 56(D) (2) of the Rules can be said to be an unguided discretion when they are qualified with the words that the rejection will only be on the ground of the application being frivolous or unreasonable. Such a

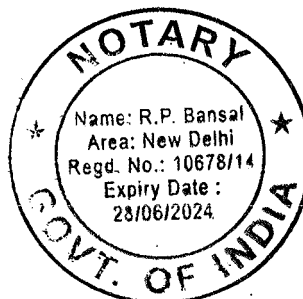


rule existed even when the voting was carried out through the Ballot Box. The apprehension of the petitioner seems to be based on the unjustified apprehension of a malfunction and tamperability of the EVMs, which claims have been rendered completely unfounded and unjustified."

A true copy of the Judgment and Order dated 19.03.2019 passed by the Hon'ble Gujarat High Court in *Khemchand Rajaram Koshti vs Election Commission of India*, Writ Petition (PIL) No. 36 of 2019 is annexed herewith and marked as **ANNEXURE-C/39** at pages 465 to 559.

4.25 It is therefore most humbly submitted that the above referred ground is devoid of any merit and deserves no indulgence by this Hon'ble Court.

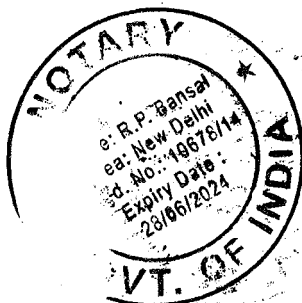
4.26 That in so far as **GROUND C** mentioned above, i.e. that it is finally the VVPAT which accurately captures the will of the voter and that variance/errors/mala fides in the results captured in the EVMs cannot be ruled out for any given reason and it is manifestly arbitrary and violative of Article 14 to then not cross verify the count in EVMs with that in VVPATs, is concerned, it is submitted by the Answering Respondent herein that there is no



provision of counting of VVPAT slips in the Election Law except the provision available in Rule 56D (Scrutiny of paper trail) of the Conduct of Elections Rules 1961. Under this rule, after the entries made in the result sheet are announced, any candidate or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

4.27 It is humbly submitted that on 13th February, 2018, the Election Commission of India mandated verification of VVPAT paper slips of randomly selected one (01) polling station per Assembly Constituency/each Assembly Segment of the Parliamentary Constituency in elections, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961.

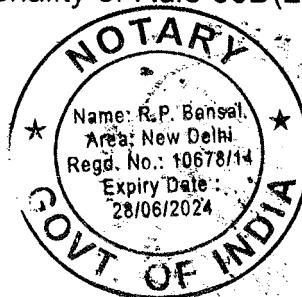
4.28 It is further humbly submitted that the Answering Respondent extended the mandated verification of VVPAT paper slips from randomly selected one (01) polling station to five (05) polling stations per Assembly Constituency/each Assembly Segment of the Parliamentary Constituency in elections, in pursuance of this Hon'ble Court's Judgment/Order dated 8th April 2019.



4.29 It is humbly submitted that in the above scrutiny, there may be possibility of variation of EVM count and VVPAT slips count due to human errors like non-deletion of mock poll data from EVM, non-removal of mock poll VVPAT slips from VVPAT etc. Hence, Rule 56(D)(4)(b) has been inserted in the Conduct of Elections Rules 1961 to prevail VVPAT slips count to counter a dispute, as is the purpose behind introduction of VVPAT directed by this Hon'ble Court in the case of *Subramanian Swamy V/s Election Commission of India*.

4.30 It is humbly submitted that theoretically there may be discrepancy between the EVM count and the VVPAT slips count, but practically there may be no possibility of any discrepancy between the EVM count and the VVPAT slips count, except human error in counting the VVPAT slips.

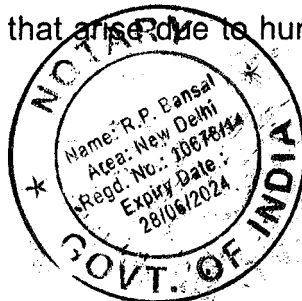
4.31 It is also pertinent to note that challenges to constitutionality of the concerned provisions in the Conduct of Election Rules have been dismissed time and again by various courts of law in the country. For example, in *Khemchand Rajaram Koshti vs Election Commission of India [Writ Petition (PIL) No. 36 of 2019]*, the Hon'ble Gujarat High Court vide Judgment dated 19.03.2019, upheld the constitutionality of Rule 56D(2) and also dismissed the



prayer to count cent percentage VVPAT slips. Similar judgment had also been rendered by this Hon'ble Court vide Order dated 20.11.2017 in the case of *Manubhai Chavda vs Election Commission of India [Writ Petition (Civil) No. 1012 of 2017]*, wherein this Hon'ble Court not only upheld the constitutional validity of Rule 56D(2) but also declined to pass any order on the prayer for mandatory counting of printed paper slips in all elections.

4.32 It is therefore most humbly submitted that the above referred ground is devoid of any merit and deserves no indulgence by this Hon'ble Court.

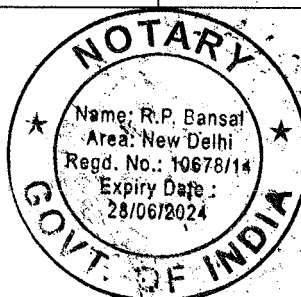
4.33 That in so far as **GROUND D** mentioned above, i.e. the discrepancy noted during mandatory verification of paper slips of VVPAT with EVM count in Polling Station No. 63, Mydukur Assembly Constituency, Andhra Pradesh in 2019 General Election, is concerned, it is submitted by the Answering Respondent herein that the Petitioner has highlighted that the discrepancy was due to non-clearance of votes polled in the mock poll. As per the submissions made in the earlier paragraphs, there are well-established, transparent protocols to handle such situations that arise due to human errors. Mock poll is conducted



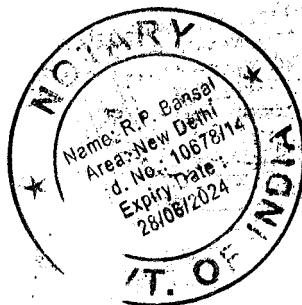
at every polling station before actual poll before the polling agents appointed by the candidates to ensure and verify votes are recorded in EVM correctly. And while necessary efforts is taken by one and all under the overall superintendence and control of the ECI to conduct zero-error process, there have been cases of human errors from time to time. However, necessary systems and processes in the form of SOPs, Instructions, Circulars, etc. are in place to handle such situations without affecting the voting and counting process in any way as submitted in the preceding paragraphs.

4.34 It is most humbly submitted that it is pertinent to make a reference in this regard to Para 14.5 of Chapter 14 of the updated Manual on Electronic Voting Machine and VVPAT. The following are such possible scenarios presented along with the gist of the protocol to be followed in such cases.

Instance	CU	VVPAT	Mock poll Certificate	Status
No.1	Mock poll data not erased and CU was not switched off / on after	Mock Poll VVPAT slips not removed	Available	Counting can be done using VVPAT slips by subtracting the no. of votes from



	mock poll			the VVPAT slip. count of the respective candidate count mentioned in Mock Poll Certificate.
No.2	Mock poll data not erased but CU was switched off / on after mock poll	Mock Poll VVPAT slips not removed	Can be available or not available	VVPAT slips of mock poll can be segregated by session ID and counted.
No.3	Mock poll data not erased and CU was not switched off / on after mock poll OR was switched off / on after mock poll	Mock Poll VVPAT slips removed	Can be available or not available	VVPAT slips can be counted
No.4	Mock poll data erased	Mock Poll VVPAT slip not removed	Can be available or not available	VVPAT slips can be counted (1. Session ID or 2. Mock poll Certificate, if available)

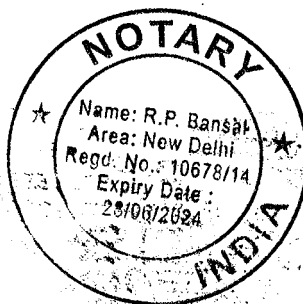


Such VVPATs are counted only if winning margin (including Postal ballot count) is less than vote polled in such polling station(s). Further, these are done in a transparent way in the presence of candidates/counting agents.

A true copy of the Manual on Electronic Voting Machine and VVPAT published by the Election Commission of India is annexed herewith and marked as **ANNEXURE-C/40** at pages 560 to 741 .

4.35 As submitted earlier and to stress the overall perspective, it is submitted that till date ballot slips of 34,680 randomly selected VVPATs have been tallied with the electronic counts of their CUs. And not a single case of transfer of vote meant for candidate 'A' to candidate 'B' has been detected. Differences in count, if any, have always been traceable to human errors like non-deletion of Mock Poll votes from CU or non-removal of Mock poll slips from VVPAT as pointed out by the Petitioner as an instance.

4.36 It is therefore most humbly submitted that the above referred ground is devoid of any merit and deserves no indulgence by this Hon'ble Court.



4.37 That in so far as **GROUND E** mentioned above, i.e. prevalent rules and procedure do not meet the criteria of certain basic 'Democracy Principles', is concerned, it is submitted by the Answering Respondent herein that elections are conducted as per Acts and Rules made and/or approved by the Parliament of India. All the electoral processes are implemented transparently with active involvement of all stakeholders including the political parties. Further, the processes have come under judicial review and as elaborated earlier, the directions of the Hon'ble Courts have been complied with.

4.38 It is also pertinent to note that there is already a provision in the law to challenge the elections through Election Petition. So far no such cases have come to the notice of the Election Commission of India where election result is challenged on the ground that EVMs used in election had been tampered and the same could be verified from VVPAT slips count.

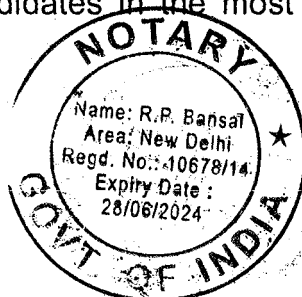
4.39 It is further submitted with utmost humility that on multiple occasions, many of the higher Courts of the country have reposed their faith in the EVM/VVPAT system over a period of decades and therefore, this Ground appears to be a vague and specious one.



4.40 It is, therefore, most humbly submitted that the above referred ground is devoid of any merit and deserves no indulgence by this Hon'ble Court.

4.41 That in so far as **GROUND F** mentioned above, i.e. Report of Citizens' Commission on Elections (CCE), is concerned, it is submitted by the Answering Respondent herein that the Election Commission of India is a constitutional body responsible for conduct of Union and State Elections in India. The body administers elections to the Lok Sabha, Rajya Sabha, State Legislative Assembly in India, and for the offices of the President and Vice-President in the country. The election process and system adopted and executed by the Election Commission of India complies with the general Democratic Principles, Election laws i.e. R.P Acts & Conduct of Elections Rules etc., and are subject of rigorous scrutiny by the Hon'ble Courts.

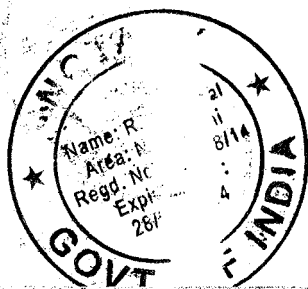
4.42 It is further submitted that the Election Commission of India has put in place stringent technical and administrative safeguards for the EVMs so that the machines could not be tampered or manipulated to any extent whatsoever. Further, all the election activities related to the EVMs are carried out in the presence of the political parties/candidates in the most transparent manner.



EVMs are totally stand-alone machines having One Time Programmable (OTP) chips. It cannot be hacked or tampered.

4.43 It is further submitted that the Election Commission of India has constituted the Technical Expert Committee, which comprises of eminent professors from institutes of excellence in India like the IITs. This committee reviews and monitors the design of the EVMs & VVPATs and works continuously on the evolution of EVMs in accordance with the technological changes. Further, the EVMs undergo quality and functional testing which is conducted by a third-party independent testing agency i.e. Standardization Testing and Quality Certification (STQC) which works under Ministry of Electronics & Information Technology, GOI.

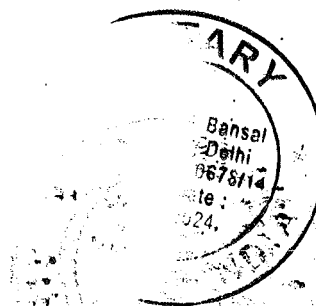
4.44 It is further submitted that there is no need of redesign of VVPATs for voter verification. The existing VVPAT enables the electors to check whether their votes have gone to the candidate of their choice. When a voter presses a button against the candidate of his/her choice in Ballot Unit, red light glows against candidate of his/her choice in Ballot Unit. A paper slip showing the serial no., name and the symbol of the candidate of his/her choice is generated and visible for about seven (7) seconds through transparent window of VVPAT. Thereafter, printed paper slip is



cut and stored in Drop Box (Ballot Compartment) of VVPAT. A loud BEEP sound from the Control Unit confirms the vote is registered successfully. Thus, the voter is able to satisfy himself that his vote is recorded correctly.

4.45 It is further humbly submitted that there is provision, under Rule 49MA of Conduct of Elections Rules, 1961, for a Voter to lodge a complaint before the Presiding Officer, if the paper slip generated by VVPAT shows the name or symbol of a candidate other than the one he voted. With introduction of VVPATs, none of the complaints lodged under Rule 49MA of the Conduct of Elections Rules, 1961 have been found to be true.

4.46 It is further submitted that the integrity of VVPAT slips is already maintained. There is a provision for counting of VVPAT slip under Rule 56D of the Conduct of Elections Rules, 1961. Further, there is a provision for mandatory verification of printed VVPAT paper slips of five (05) randomly selected polling stations of each Assembly Constituency/Assembly Segment as applicable, which is audit of the electronic vote count before the results.



4.47 It is therefore most humbly submitted that the above referred ground is devoid of any merit and deserves no indulgence by this Hon'ble Court.

4.48 In this context, it is also pertinent to refer to the relevant provisions of the Conduct of Election Rules, 1961 (hereafter "CER, 1961"), which are as under:

"Rule 49S. Account of votes recorded.—(1) *The presiding officer shall at the close of the poll prepare an account of votes recorded in Form 17C and enclose it in a separate cover with the words 'Account of Votes Recorded' superscribed thereon.*

(2) *The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form 17C after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.*

Rule 55C. Scrutiny and inspection of voting machines. –

(1) *The returning officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.*

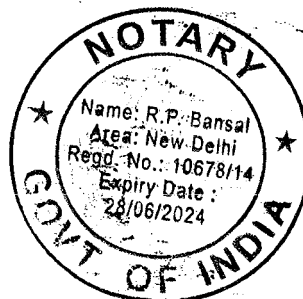


(2) Before the votes recorded in any control unit of voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The returning officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(4) If the returning officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in section 58, or section 58A or section 64A, as may be applicable in respect of the polling station or stations where that machine was used.

Rule 56C. Counting of votes.—(1) After the returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such



candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the returning officer shall have,—

(a) the number of such votes recorded separately in respect of each candidate in Part II on Form 17C;

(b) Part II of Form 17C completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and

(c) corresponding entries made in a result sheet in Form 20 and the particulars so entered in the result sheet announced.

Rule 56D. Scrutiny of paper trail. – (1) Where printer of paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued



by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in parts, he shall –

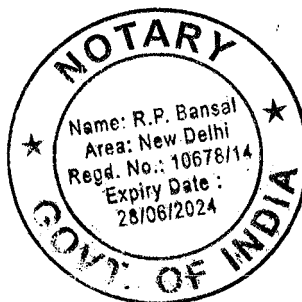
(a) do the counting in the manner as may be directed by the Election Commission;

(b) if there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form 20 as per the paper slips count;

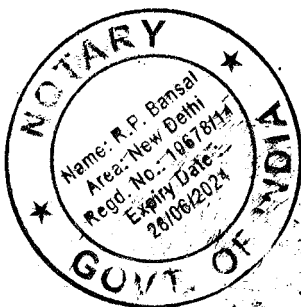
(c) announce the amendments so made by him; and

(d) complete and sign the result sheet.”

4.49 It is humbly submitted that if the numbers of EVMs are increased for verification, the entire counting process will be adversely affected along with difficulties in logistic management.

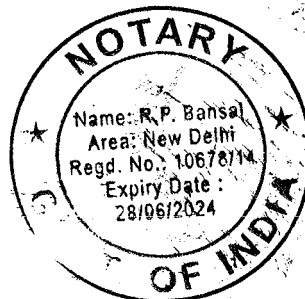


- For existing sample verification of VVPAT paper slips of randomly selected five (05) polling stations, one counting table is converted into VVPAT Counting Booth (VCB) like bank cashier cabin. Increased VVPAT slips counting will require additional VCBs and it shall require larger Counting Halls which will pose a great difficulty.
- It is done by a team of three officers under CCTV coverage and direct supervision of the Returning Officer and ECI Observer of the Constituency.
- The counting of VVPAT slips is not like as counting of ballot papers as the size of VVPAT slips is 9.9cm X 5.6cm and is of thermal paper coated with chemical to ensure retention of print for longer period of time (more than 5 years) that makes it a little sticky. It takes around one hour to count the VVPAT slips of one VVPAT as it is not easier to count as ballot paper due to its stickiness.
- Human error could not be ruled out in manual counting of votes. Manual count is always prone to human errors or deliberate mischief and any large-scale slip verification



substantially compounds this likelihood of manual error and mischief in counting of votes.

- In ballot paper system time taken in counting of votes was around 1 to 6 days based on number of polling stations and voters in the constituency. In case of 100% counting of VVPAT slips, it may take more time than the time specified above for ballot counting. Moreover, in case of recounting due to recounting demand or any human error the time may be endless.
- There are no barcodes on the paper slip which allows the same to be tallied mechanically through a counting machine. Thus, there is no present mechanical system for counting of votes.
- Further, human intervention in counting may also lead to manipulation of result. The purpose of counting of votes from EVMs is to eliminate human intervention.
- Rule 56D was inserted by the Conduct of Elections, 1961 which provides that after announcement of result sheet entries, any candidate, their election agent or their counting



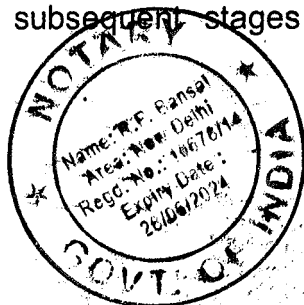
agents may apply in writing to the RO to count the printed VVPAT paper slips of any or all polling stations.

Hence, the counting of 100% VVPAT slips will be against the spirit of use of EVM i.e. reverting back to Paper ballot system.

4.50 It is stated that before every election all the EVMs and VVPATs to be used in the election undergo First Level Checking (FLC) in the presence of representatives of National & State Recognised Political Parties. A fully automated Pre-First Level Checking Unit (P-FLCU) has been introduced to check and pass the machines for manual FLC. P-FLCU can test and check the BU, CU and VVPAT for more than 400 parameters which is not feasible to do manually during FLC. P-FLCU can do the following:

- Check LEDs, switches and thumbwheel of BU,
- Check battery, LEDs, switches and 17 segment displays in CU,
- Check battery, LEDs and Sensors in VVPAT,
- CU diagnostic data capturing and clock time setting,
- VVPAT diagnostic data capturing and sensor validation.

Use of PFLCU has reduced failures of machines during FLC & subsequent stages of elections by accurately identifying the



errors which could sometimes escape identification in manual FLC process.

4.51 It is submitted that the serial numbers, symbols and name of the candidates in VVPATs are loaded by a device named Symbol Loading Unit (SLU). Symbols are loaded by the engineers of the manufactures during the commissioning process in the presence of the candidates/their representatives. The SLUs are also used while conducting the First Level Check (FLC) of VVPATs with dummy symbols/candidate names in presence of the representatives of the National and State recognized political parties. However, the Election Commission of India has modified the design of SLU in order to bring more transparency among the stakeholders. Now, while the symbols being loaded onto VVPAT, the display of the serial numbers, symbols and name can be viewed simultaneously by the representatives of National & State recognised political parties/candidates on TV/monitor.

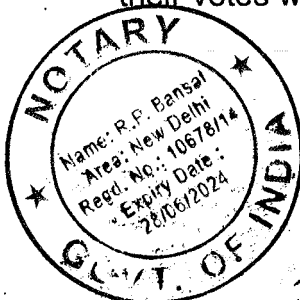
4.52 Before announcement of every election, awareness programs are conducted for the electors throughout the State by District Election Officers. In these awareness programs, EVM Demonstration Centres are setup in the District Headquarters and HQs of Returning Officers; in addition to this, Mobile



Demonstration Vans approach all polling locations. During the awareness campaigns, electors are given opportunity to cast vote and verify the vote cast with VVPAT slip and to clear their doubts.

Further, Election Commission of India has been continuously striving for inclusive elections and has regularly introduced facilitative measures for various disadvantaged groups like illiterate, visually challenged electors. Illiterate electors are made aware about EVMs/VVPATs during awareness campaigning. With respect to visually challenged voters, the following facilities are made available to assist them in casting their vote.

- **Ballot Unit** has embossed Braille signage of digits 1 to 16 along the candidates' vote buttons. Visually challenged electors, who are well versed with Braille signage, can use this facility.
- **Braille Ballot Sheet for visually challenged electors:** At every polling station, Braille ballot sheet is provided to facilitate visually challenged electors, if they prefer to cast their votes with the help of same.



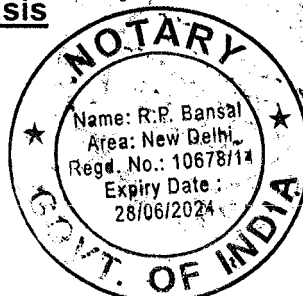
- **Provision of Rule 49N of the Conduct of Election Rules, 1961.** Visually Challenged Electors are permitted to take with them a companion for assistance.

4.53 Furthermore, under Rule 49S of Conduct of Elections Rules, 1961, at the close of poll, the Presiding Officer furnishes an attested true copy of the account of votes recorded as prepared by him/her in Part-1 of the Form 17C to each polling agent, after obtaining a receipt from them. Copies of the accounts are furnished to every polling agent, without him/her asking for it. Form 17C has details of serial nos. of BU, CU and VVPAT, total number of votes recorded as per voting machine, serial numbers of paper seals used on machines etc.

Before starting the Counting of Votes, unique ID of the CU, Pink Paper Seals, Green Paper Seal are verified with the details mentioned in Part-1 of Form 17C, and shown to the counting agents.

4.54 It is submitted that in addition to the VVPAT slips count under Rule 56D of Conduct of Elections Rules, 1961, counting of printed paper slips of VVPAT is done in following cases also:

1. On Compulsory basis

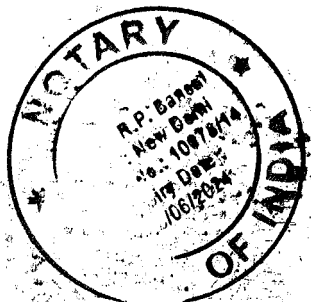


- In case of no display of result from the Control Unit, the printed paper slips of the respective VVPAT are counted.
- Mandatory verification of VVPAT slips of randomly selected five (05) polling stations per Assembly Constituency/each Assembly Segment of Parliament Constituency.

2. On Need Basis

- In case of non-clearance of mock poll data/slips or mismatch of votes polled in CU and Form-17C, the printed VVPAT slips are counted of respective polling station(s), if winning margin is less than total votes polled in such CU(s).

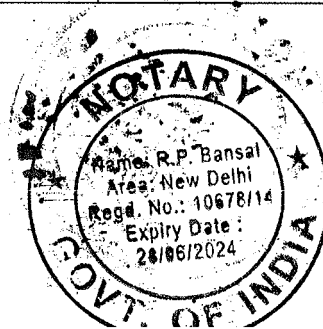
4.55 It is submitted that since the introduction of VVPATs, more than 118 Crore voters have cast their votes with full satisfaction & only 25 (twenty-five) complaints have been received under Rule 49MA, which were all found to be false. Further, ROs have allowed VVPAT slip counting under Rule 56D of the Conduct of Elections Rules, 1961, in 61 (Sixty-one) cases, since 2017.



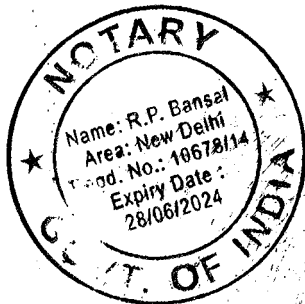
Moreover, it is submitted that the VVPAT slip count matched with the EVM count in all cases.

Till date ballot slips of 38,156 randomly selected VVPATs have been tallied with the electronic counts of their CUs and not a single case of transfer of vote meant for candidate 'A' to candidate 'B' has been detected. Differences in count, if any, have always been traceable to human errors like non deletion of Mock Poll votes from CU or non-removal of Mock poll slips from VVPAT.

S.No.	Name of Elections	Total VVPATs counted	49 MA Cases
1.	Before Lok Sabha Election 2019	1500	0
2.	In Lok Sabha Election 2019	20,687	17
3.	General Elections to State Legislative Assemblies of Haryana and Maharashtra 2019 and Bye-elections held in 2019	2205	2
4.	General Election to Jharkhand Legislative Assembly 2020	405	0
5.	General Election to Delhi Legislative Assembly 2020	350	0
6.	General Election to Bihar Legislative Assembly 2020 and Bye-elections held in 2020	1540	0
7.	General Elections to State	4367	6

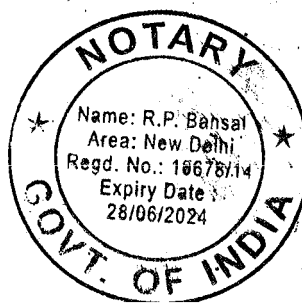


	Legislative Assemblies of Assam, Kerala, Tamil Nadu, Puducherry and West Bengal, 2021 and Bye-elections held in 2021		
8.	General Elections to State Legislative Assembly of Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand held in 2022.	3479	0
9	Bye-elections held in 2022 (upto June 22)	147	0
10	Bye-elections held June – Dec. 2022	90	0
11	General Elections to State Legislative Assembly of Gujarat & Himachal Pradesh held in 2022.	1262	0
12	General Elections to State Legislative Assembly of Meghalaya, Nagaland & Tripura held in 2023.	899	0
13	Bye-elections held with above Assembly elections in 2023 (Till Feb 2023)	27	0
14	General Elections to Karnataka State Legislative Assembly held in May 2023.	1132	0
15	Bye-elections & Adjourned Poll of Meghalaya {23-Sohiong(ST)AC} held with Karnataka Assembly elections in May 2023	66	0
TOTAL		38,156	25



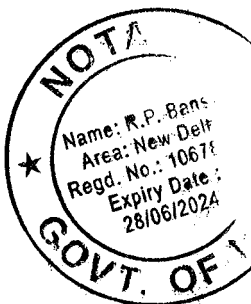
4.56 It is submitted that the EVMs and VVPATs being used by Election Commission of India are manufactured and supplied by Bharat Electronics Limited (PSU under Ministry of Defense) and Electronics Corporation of India Limited (PSU under Department of Atomic Energy).

- (i) The software of EVMs is developed in-house by a selected group of Engineers in BEL and ECIL independently from each other. This select software development group of few engineers design and develop the source code. After completion of software development, testing and evaluation of the software is carried out by another independent testing group in the PSUs as per the software requirements specifications (SRS). Entire software is vetted by the Technical Expert Committee and sealed by them. Golden copy remains under sealed condition only. This ensures that the software has really been written as per the requirements laid down for its intended use only.
- (ii) In M1 and M2 EVMs manufactured till 2010, Machine code compiled from source programme code was given to the micro controller manufacturer for writing in ONE TIME PROGRAMMABLE (OTP) micro controllers. From this



machine code, the exact original source code cannot be derived. For such OTP microcontrollers, the code once programmed cannot be modified and cannot be read by any means. The technological advancements now permit the writing of the machine code into the chips at PSU premises, hence in M3 (post 2013) EVMs, the program is burnt into the chip at PSU premises itself. Due to absence of requisite facilities to produce micro-controllers in India micro-controllers are procured from manufacturers abroad.

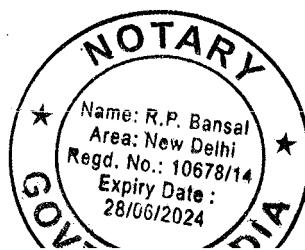
- (iii) During production of EVMs in the factory, functional testing is carried out by production group as per the laid down Quality plan and performance test procedures. Samples of EVMs from production batches are regularly checked for functionality by Quality Assurance Group, which is an independent unit within the PSUs. In addition, a third-party testing agency, STQC, tests and clears the EVMs before these are shipped out from BEL/ECIL.
- (iv) Post supply to ECI, the EVMs are kept, transported and used under strict administrative and secure conditions. When used for elections they are operated and kept in full view of stake holders and media scrutiny.



- (v) The EVM software is so designed that it allows a voter to cast the vote only once. The vote can be recorded by a voter from the ballot unit only after the Presiding Officer enables the ballot unit from Control Unit. On press of "candidate" button by voter, the voter sees lighting of red LED near the candidate button, and a long beep is heard signifying that vote has been recorded. The CU machine is designed not to receive any signal other than that from BU. It cannot respond to any outside signal (nor receive any signal from outside at any time). The next vote can be recorded only after the Presiding Officer enables the ballot on the Control Unit for the next voter. In between, the BU becomes dead to any signal from outside (except from the Control Unit). Vote stuffing is not possible due to a specially designed feature that CU cannot accept another vote in less than 15 seconds. Votes are date and time stamped, and no votes can be cast before or after the poll.

4.57 EVM SAFETY AND SECURITY FEATURES:

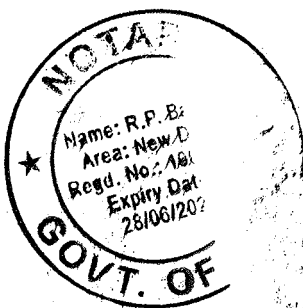
It is submitted that the machines are non-tamperable, both due to technological measures, and also due to strict administrative and security procedures laid out by ECI, whereby no access to



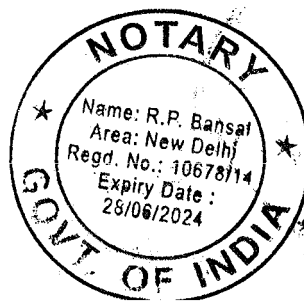
EVM/VVPAT is allowed to any unauthorized person. Hence, these are protected from any tampering/manipulation whether before the polls, or during the polls, or after the polls, in storage or transportation from manufacturer to the State/District or vice versa, or when transported from one state to another.

A. Technological safeguards that contribute to non-tamperability of EVM are the following.

- i. EVM used by the Commission is a stand-alone non-networked, one time-programmable (OTP) machine, which is neither computer controlled, nor connected to the internet or any network; and hence, cannot be 'Hacked'.
- ii. The machine is electronically protected to prevent any tampering/manipulation. The programme (software) used in these machines is burnt into a One Time Programmable (OTP)/Masked chip so that it cannot be altered or tampered with.
- iii. The software of EVMs is developed in-house by a selected group of Engineers in BEL (Defence Ministry PSU) and ECIL (Atomic Energy Ministry's PSU) independently from each other.



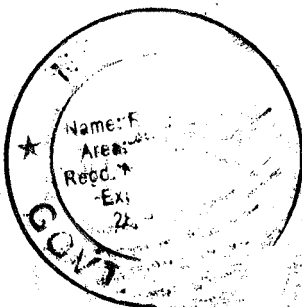
- iv. After completion of software design, testing and evaluation of the software is carried out by an Independent Testing Group as per the software requirements specifications (SRS). This is then fully vetted and sealed by the TEC. This ensures that the software has really been written as per the requirements laid down for its intended use only.
- v. The source code for the EVM is stored under controlled conditions at all times. Checks and balances are in place to ensure that it is accessible to authorized personnel only.
- vi. The software is so designed that it allows a voter to cast the vote only once. The vote can be recorded by a voter from the ballot unit only after the Presiding Officer enables the ballot on the Control Unit. The machine does not receive any signal from outside at any time. The next vote can be recorded only after the Presiding Officer enables the ballot on the Control Unit. In between, the machine becomes dead to any signal from outside (except from the Control Unit).
- vii. Samples of EVMs from production batches are regularly checked for functionality by Quality Assurance Group, which is an independent unit within the PSUs. During



production in the factory, functional testing is done by production group as well as independently by third party agency as per the laid down Quality plan and performance test procedures.

- viii. Several security features in the design itself: such as dynamic coding between Ballot Unit (BU) and Control Unit (CU), real time clock, full display system and date and time stamping of all key-presses in EVM.
- ix. Unauthorised Access Detection Module disables EVM, if any attempt is made to access microcontroller or memory.
- x. The Report of the Expert Committee for the Technical Evaluation of the Upgraded EVMs in 2006 has concluded that any tampering of CU by coded signals by wireless or outside or Bluetooth or WiFi is ruled out as CU does not have any radio frequency (RF) receiver and data decoder. CU accepts only specially encrypted and dynamically coded data from BU. Data from any outside source cannot be accepted by CU.

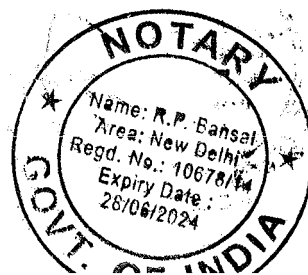
B. Stringent Administrative Procedures for handling of EVMs.



It is submitted that the Election Commission of India has put in place an elaborate administrative system of security measures and procedural checks-and-balances aimed at prevention of any possible misuse or procedural lapses. These safeguards are implemented by ECI transparently with the active and documented involvement of Political Parties, Candidates and their Representatives at every stage, so as to build their confidence on efficacy and reliability of EVMs. All these functions and procedures are implemented through the District Election Officers (DEOs), Returning Officers (ROs), Assistant Returning Officers (AROs) and other officers and officials of the State Government concerned, who are on deemed deputation to the ECI and are under its superintendence, direction and control in so far as election related duties are concerned. These safeguards are:

(i) **First Level Checking of EVMs/VVPATs**

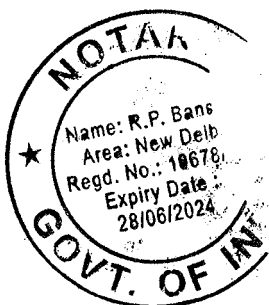
Before every election, a first level checking (FLC) is done for every EVM and VVPAT to be used in the election by the engineers of the manufacturers *in the presence of political parties' representatives*. The entire FLC process is carried out at the District level under the



supervision of the DEO concerned. Any malfunctioning EVM i.e. EVM either not switching on or not displaying results etc., is kept separately and is not used in the election.

Manufacturers certify at the time of FLC that all components in the EVM are original. After this, the plastic cabinet of Control Unit of the EVM is sealed using a "Pink Paper Seal", *which is signed by representatives of political parties* and stored in strong rooms. After this stage, the plastic cabinet of control unit of the EVMs cannot be opened. There is no access to any component of inside of EVMs.

Mock poll with a few votes is conducted on every EVM at the time of FLC. Additionally, 1200 votes are cast in 1% of EVMs, 1000 votes in 2% and 500 votes in another 2% of EVMs using VVPATs in the presence of the representatives of political parties. After the Mock Poll, the printed VVPAT slips are counted and the result tallied with the electronic result of CU. The tally is also shown to the representative of political parties present in the FLC. *Representatives of political parties are allowed*



to do mock poll themselves. It is all documented by DEOs/ROs.

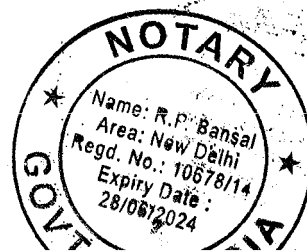
(ii) Randomizations of EVMs/VVPATs

Subsequently, stored EVMs are randomized twice by EVM Management System twice (developed by ECI), once for allocation of machines to assembly constituencies and second to polling stations in the presence of candidates or their representatives before they are distributed for use in individual polling stations.

The randomization is carried out through EVM Management System (EMS) by the DEO in the presence of the representatives of political parties/candidates and Central Observers deputed by the ECI for complete transparency. The lists of EVM containing serial number of EVM randomly allocated to the constituency and then to particular polling station are provided to the political parties/candidates.

(iii) Candidate Setting

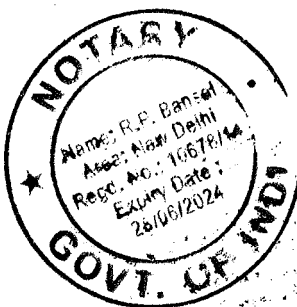
During the process of Candidate setting on the EVMs, Ballot Paper is fixed on the Ballot Unit and the EVMs are prepared for the number of candidates in fray in a



particular constituency. It must be noted here that the arrangement of names in the ballot paper, and hence the Ballot Unit, is in alphabetical order, first for the National & State Recognized parties, followed by other State Registered Parties, and then by Independents. Thus, the sequence in which the candidates appear on the Ballot Unit is contingent on the names of the candidates and their party affiliation and cannot be ascertained beforehand. *This arrangement of sequencing names of candidates in ballot paper effectively precludes the possibility of any pre-determined manipulation of software for rigging the votes.*

Once the candidate setting is done, the Ballot Unit of the EVM is also sealed with thread/Pink Paper seals so that nobody has access to the inside of the Ballot Unit too. These Pink seals also bear signatures of representatives of political parties/candidates.

Mock poll on each EVM/VVPAT at the time of EVM Preparation and Candidate Setting. In addition, a mock poll of 1000 votes is cast in 5% of randomly selected

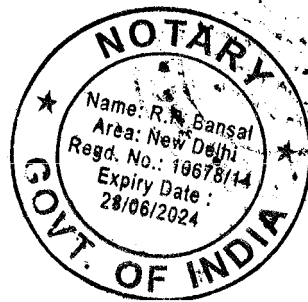


EVMs, as well as VVPATs. The electronic result is tallied with VVPAT slip count by the RO and his designated officers in the presence of the candidate or his agents for complete transparency.

(iv) **Poll Day Safeguards**

On the poll day, a mock poll by casting at least 50 votes is conducted at every polling station by the Presiding Officer *in the presence of the representatives of the candidates/polling agents with their signature and a mock-poll certificate to that effect is obtained from every Presiding Officer.*

After the mock poll is over, another thread seal and green paper seals are put on the Control Unit to block access to all buttons on the CU, except those, which are used for the conduct of poll. *These paper seals and thread seals are allowed to be signed by the polling agents. Seals are procured from Indian Security Press, Nashik which prints currency notes. After the poll is over, the Presiding officer presses the "Close" button on the CU in the presence of polling agents. Thereafter, no votes can be polled in the EVM.*

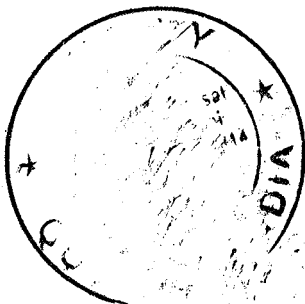


After this, the entire EVM is sealed. *Candidates and their agents are allowed to put their signatures on the seals, which they can check for the intactness of the seal before counting. Candidates/representatives are allowed to follow vehicles carrying EVMs from polling stations to counting storage rooms.*

In addition to this, the strong rooms where EVMs are stored, for counting are also sealed and secured fully by Central Armed Police Force (CAPF) guards round-the-clock. *The candidates and their representatives are allowed to put their own seals on the strong rooms. They are also allowed to keep a watch round the clock on the strong room. Security forces are deployed in three layers around storage rooms with Central Armed Police Forces (CAPF) guarding the inner ring.*

FLC, Preparation of EVMs before poll, mock poll, etc., are mandatorily conducted in the presence of the representatives of candidates or political parties and duly documented.

(v) Storage and Transportation Protocols:



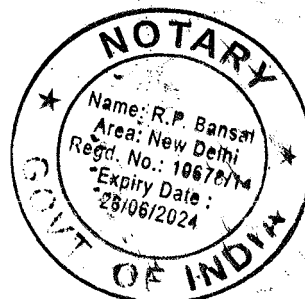
Election Commission of India ensures the storage and transportation of EVMs/VVPATs remain under the strict control of ECI at all times through the following procedures and instructions:

I. DURING NON-ELECTION PERIOD:

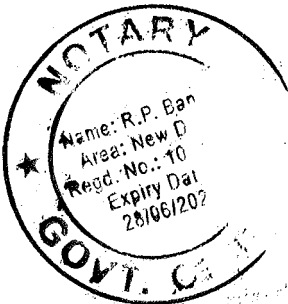
[Non-election period means, after passage of the Election Petition (EP) period (i.e. 45-days from the date of declaration of the result of the last election) and upto the announcement of next election in the constituency.]

(a) Storage of EVMs

- i. EVM should be stored in Treasury, wherever possible.
- ii. Where not stored in the Treasury, EVMs must be stored in a separate warehouse where nothing other than EVM is kept.
- iii. Normally the EVMs should be stored at District Head Quarters.
- iv. However, if it is not possible to store the EVMs at District HQs, then EVM storage warehouse should not be at a place below Tehsil headquarters.

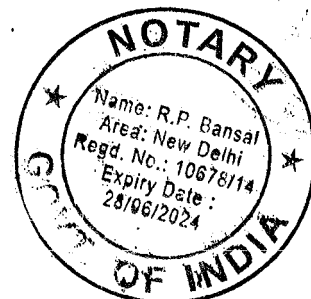


- v. No EVM shall be kept outside the EVM warehouse (i.e. all the EVMs should be kept in EVM warehouse and not at any other place) for any purpose without specific approval of the Commission
- vi. EVM storage warehouse must not have more than one (1) entry point. If there are any other doors or windows in the warehouse, they should be sealed using brick-masonry or concrete.
- vii. Entry of EVM storage warehouse must be secured by a double lock system. The keys shall be in custody of DEO and Dy.DEO, *each having all keys of one lock*. Handing over and taking over of keys to be a part of CTC.
- viii. 24x7 Police Security of EVM/VVPAT warehouses.
In addition, CCTV from start of FLC till EP completion period.
- ix. Security:
 - Non Poll (Post EP to FLC)- Minimum ½ Section
 - FLC to Polling- Minimum 1 Section
 - Poll to EP- Minimum 1 Section



(b) **Movement of EVMs:** During non-election period, EVMs shall not be moved in or out of the EVM warehouse without specific approval of the Chief Electoral Officer/Commission. In case of intra or inter State shifting of EVMs, on the direction of the CEO/Commission, the following shall be strictly followed:

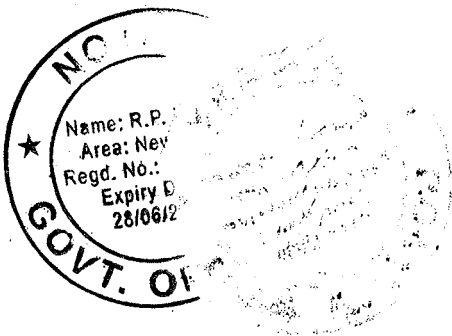
- i. The CEO will communicate the direction of the Commission on shifting of EVMs to the DEO concerned.
- ii. DEO(s) will issue written order to the officer in-charge for opening of EVM-warehouse to shift the required number of EVMs.
- iii. On receiving the written order of the DEO, the nominated Officer shall identify the EVMs to be moved out and make an entry of the details of such EVMs in the Master Stock Register/Movement Register and shall take a written acknowledgement from the officer, who is receiving the EVM, as proof of having received the EVMs.



- iv. The shifting of EVMs/VVPATs is managed through EVM Management System (EMS) for which each unit is scanned using Mobile App while sending and receiving.
- v. Containerized trucks or sealed trucks on which proper locking arrangements can be made are used for transporting EVMs and VVPATs, so that these could be locked and sealed with paper seals.
- vi. Vehicles with GPS tracking only are used for movement of EVMs/VVPATs.
- vii. Political Parties are informed in advance about opening, stocking and sealing of warehouses while shifting EVMs and VVPATs.

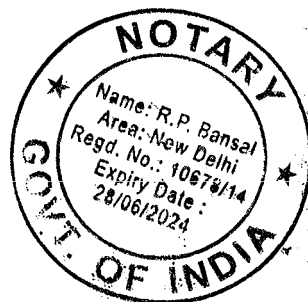
(c) Protocol for Repairs:

EVMs found non-functional during the poll period or non-poll period and requiring electronic repairs are sent to the manufacturers BEL and ECIL for repairs and are tracked under ETS. The repaired EVMs are allocated by the Commission once the report of repair is received from the manufacturer.



II. DURING ELECTION PERIOD:

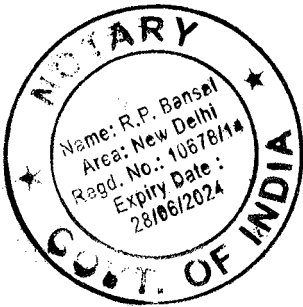
- (a) **Pre-Poll Storage:** After FLC and first randomization of EVMs, EVMs shall be handed over to the Returning Officer/Assistant Returning Officer concerned. The Returning Officers shall follow the following guidelines:-
- i) RO/ARO shall store the EVMs, allocated for his constituency, in a strong room in the presence of representatives of National/State Level Political Parties, under videography. EVMs meant for training and awareness of voters shall be kept in a separate strong room so that strong room having EVMs (including reserve EVMs) meant for poll need not be opened before preparation of EVMs. Reserve EVMs are those EVMs which are used to replace a malfunctioning/defective EVM on the poll day.
 - ii) Thereafter, RO shall open the strong room having EVMs (including reserve EVMs) meant for poll at the time of preparation of EVMs (candidate setting)



in the presence of candidates/their representatives, under videography.

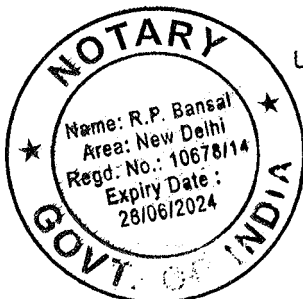
- iii) The Reserve EVMs are also duly prepared with Candidate setting and ballot paper fixing like other EVMs earmarked for polls and are subjected to the same standards of security and storage protocols.
- iv) After preparation of EVMs at RO level, EVMs including reserve EVMs shall again be kept in strong room in the presence of candidates/their representatives, under videography.
- v) Thereafter, RO shall open the strong room having EVMs (including reserve EVMs) on the day of dispersal of polling parties in the presence of candidates/their representatives, under videography.
- vi) After completion of poll on the Polling Day, the polled EVMs shall be escorted back to the strong room for storing in double lock system in the presence of candidates/their representatives, under videography.

(b) Storage of polled EVMs in strong room:



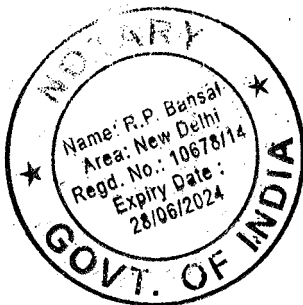
All Presiding Officers or the Collecting Parties should deposit the voting machines and election papers and materials at the storage centres without any avoidable delay and stored in the Strong Room in the presence of candidates/their authorised representatives. Any officer who defaults in this respect will make himself liable to disciplinary action.

If any of the contesting candidates so desires, he may be permitted to post an agent to keep watch at the place where the voting machines are stored pending the counting and allow him to affix his own seals to the doors and windows of the building in which voting machines have been stored in addition to the seals that may be affixed by you. It should also be ensured that immediately after all the voting machines have been received and stored, the room is locked forthwith. Thereafter, no one is allowed to go in until the morning of the day fixed for counting. If during this interval, for some unavoidable reason, the room has to be opened



you should send for the candidates or their authorized representatives by giving them intimation in writing and open the room in their presence and immediately after the purpose for which the room is opened is over, this room should be closed and sealed and the candidates or their representatives should again be allowed to put their seal on the door lock and windows.

Strong Room having polled EVMs/VVPATs is opened only on the day of counting of votes in the presence of contesting candidates/their agents, Returning Officer and Observer (appointed by ECI), under videography.

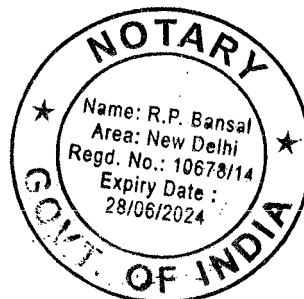


(c) Post-Poll Storage: The following instructions shall be strictly followed for the security and safety of strong rooms where the polled EVMs are kept for counting of votes –

- (i) The strong rooms should have double lock system. All keys of one lock should be kept with District Election Officer and all keys of the other lock with

Returning Officer of concerned assembly constituency.

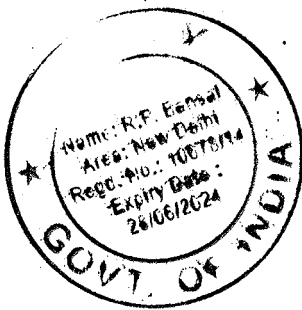
- (ii) Three cordoned security arrangements should be made round the clock for the strong rooms having polled EVMs kept for counting of votes. The CPF should man the innermost perimeter security immediately outside the strong room and the State Armed Police should man the outermost perimeter security.
- (iii) All contesting candidates should be intimated in writing to depute their representatives to keep a close watch on security arrangement of strong room. They should be allowed to stay outside the inner perimeter at a location, which enables them to view the entry points of the strong-room. As far as possible, facilities such as proper shade, drinking water, etc. shall be provided to them. If there is no direct view to the entry point of the strong room, CCTV may be arranged at such location, from where they can see the strong room door on CCTV. In such a case, they may be taken periodically to



the inner perimeter in batches, to see, verify and satisfy themselves regarding the security of strong room. The CCTV display of Strong Room shall be arranged on a large TV screen at the place earmarked for the representatives of Political Parties and agents of the candidates, so that they can continuously monitor the Strong Room.

(iv) A control room adjacent to the strong room SHOULD BE operative round the clock.

(v) A Gazetted officer along with a senior police officer should be put on duty round the clock for monitoring the security arrangements of strong room.

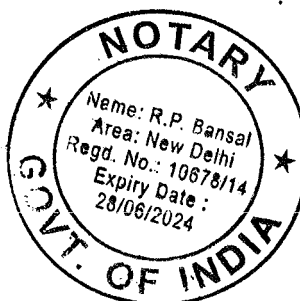


(vi) There should be sufficient arrangement of fire extinguishers outside and inside the strong room.

(vii) There should be an arrangement round the clock for the security of unused EVMs also.

(viii) No one should be allowed to enter the inner perimeter without adhering to the following protocols:-

- a) The log book shall be maintained by the CPF in which entry should be made about date, time, duration and name(s) of person(s) crossing the second security ring i.e. the middle perimeter. This includes visits by the Observers or DEOs or SPs or candidates or their agents or any other person.
- b) Video cameras should be provided to the CPF contingent to record all visits made by such visitors.
- (ix) It should be ensured that there is uninterrupted power supply at the strong room locations during the entire period wherein EVMs are stored.
- (x) The phone nos. of CEO, Addl. CEOs, DEC in-charge in the ECI and the DEO/SP/COP/ROs concerned should be given to the candidates, who may provide the same to their representatives, keeping vigil at the strong room location(s). The candidates may advise their representatives to contact the officials, in case of any emergency.
- (xi) All the entry points (doors etc.) of strong rooms should be under constant videography using the web-cams. If there are other doors of the strong



room, they should also be covered by the web-cams/videography.

(xii) Returning Officers should visit the storage campus (upto the inner perimeter only) every day in the morning and evening and check the log book and videography and send a report to the DEO on the status every day. In case of strong rooms located in the district headquarters, the DEO should do the same. Where the strong rooms are situated outside the District Headquarters, DEO should visit the same as frequently as possible and at least once in 3 to 4 days.

(xiii) No vehicle, including that of any official or ministers or any other political functionary, should be allowed inside the secured campus where the EVMs are stored. Alighting point for the vehicles should be marked clearly ahead of the outer security perimeter itself beyond it, it should be a pedestrian zone only.

(xiv) DEOs and SPs shall be personally responsible for security of strong room within the district and



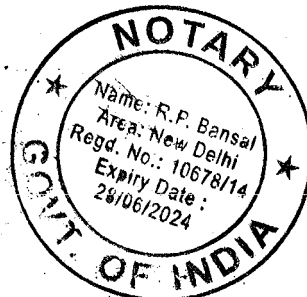
meticulous implementation of the protocol. The copy of this Manual should be made available to all candidates, DEOs, ROs and CPF commandant.

(xv) On the day of counting of votes, the strong room shall be opened in the presence of candidates/their representative, RO and Observer under videography.

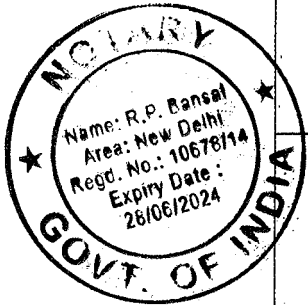
(xvi) After completion of counting of votes, Control Units shall be sealed as per existing instruction of the Commission. Thereafter, EVMs (Balloting Units and Control Units) shall be shifted back to Strong Room for safe storage.

4.58 All the election activities related to the EVMs are carried out in the presence of the political parties/candidates in the most transparent manner. The gist of activities for participation of the stakeholders is as under:

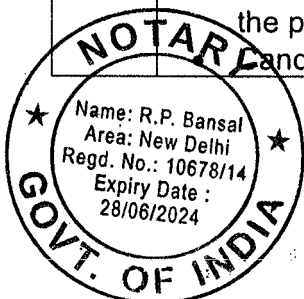
S.No.	Activity/Process
1.	Opening and Closing of EVM warehouse <ul style="list-style-type: none"> During non-election period till finalization of list of the contesting candidates, EVM-VVPAT warehouses are opened/closed (for any purpose like movement, inspection etc.) in the presence of the representatives of National and State Recognised Political Parties.



	<ul style="list-style-type: none"> With finalization of list of the contesting candidates, candidates and their representatives are involved while opening and closing of EVM-VVPAT warehouses/strong room. Opening and Closing of EVM warehouse/strong room is done under videography.
2	First Level Checking of EVMs and VVPATs <ul style="list-style-type: none"> First Level Checking of EVMs and VVPATs is conducted before every election by the authorised engineers of Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL) at DEO level. For this purpose, National and State Recognised Political Parties at district headquarters are invited in writing by DEO concerned at least two days before the beginning of FLC and a copy is endorsed to state headquarters. The representatives of National and State Recognised Political Parties are involved to oversee entire FLC process. Higher mock poll is conducted in 5% randomly selected EVMs and VVPATs (i.e., 1200 votes in 1% EVMs, 1000 votes in 2% EVMs and 500 votes in 2% EVMs). The electronic result of EVM is tallied with the VVPAT slips count. The representatives of National and State Recognised Political Parties are allowed to pick 5% EVMs and VVPATs randomly and to do mock poll also. List of FLC ok EVMs and VVPATs is shared with all National and State Recognised Political Parties. The representatives of National and State Recognised Political Parties are allowed to sign the seals, forms, register during FLC.
3	Taking out of EVMs and VVPATs for Training and Awareness after FLC <ul style="list-style-type: none"> After completion of FLC, up to 10% EVMs and VVPATs of total no. of Polling Stations are taken out for awareness and training purpose in the presence of National and State Recognised Political Parties. The list of awareness and training EVMs and VVPATs is shared with them.
4	Randomizations of EVMs and VVPATs <ul style="list-style-type: none"> First randomization of EVMs and VVPATs is conducted in the presence of National and State Recognised Political Parties to allocate EVMs and VVPATs to the Assembly constituency/ Assembly Segment. List of first randomized EVMs and VVPATs (AC/AS-wise) is



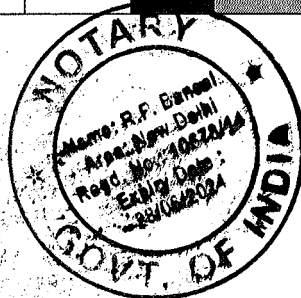
	shared with National and State Recognised Political Parties.
	<ul style="list-style-type: none"> • After finalization of list of contesting candidates, list of first randomized EVMs and VVPATs (AC/AS-wise) is also shared with contesting candidates. • Second randomization of EVMs and VVPATs is conducted, before commissioning of EVMs and VVPATs, in the presence of contesting candidates to allocate polling stations wise and to keep reserve machines. • The list of second randomized EVMs and VVPATs is shared with contesting candidates.
5	Commissioning of EVMs and VVPATs
	<ul style="list-style-type: none"> • Commissioning of EVMs and VVPATs for use in poll is done in the presence of contesting candidates. • Candidates/their representatives are allowed to sign the seals used in sealing EVMs and VVPATs. • Higher mock poll is conducted in 5% randomly selected EVMs and VVPATs by casting 1000 votes. The electronic result of EVM is tallied with the VVPAT slips count. Candidates/their representatives are allowed to pick 5% EVMs and VVPATs randomly and to do mock poll also.
6	Dispersal of EVMs and VVPATs with Polling Parties
	<ul style="list-style-type: none"> • Dispersal of EVMs and VVPATs are done in the presence of the contesting candidates.
7	Mock Poll and Actual Poll on Poll Day
	<ul style="list-style-type: none"> • Mock Poll on Poll Day is conducted at every polling station in the presence of the polling agents nominated by the contesting candidates. • Polling agents nominated by the contesting candidates are allowed to remain in polling stations to observe polling process. • Polling agents are allowed to sign the seals used in sealing EVMs and VVPATs (before commencement of poll and after close of poll).
8	Transportation of polled EVMs and VVPATs from Polling Stations to Collection Centre
	<ul style="list-style-type: none"> • Candidates/Polling agents are allowed to follow vehicles carrying polled EVMs and VVPATs from polling station to collection centres.
9	Storage of Polled EVMs and VVPATs
	<ul style="list-style-type: none"> • Polled EVMs and VVPATs are stored in the strong room in the presence of Candidates/their representatives.
	Candidates/their representatives are also allowed to put their



	seals on the locks of the strong room. • Candidates/their representatives are also allowed to monitor storage and security of polled EVMs and VVPATs.
10	Counting Day • Polled Strong Room is opened in the presence of Candidates/their representatives, Returning Officer, ECI Observer on counting days. • Counting of votes is done in the presence of candidates and counting agents appointed by them. • After completion of counting of votes, VVPAT slips are taken out from VVPATs and stored in black envelope in the presence of the candidates/their representatives. • After counting of votes, EVMs and VVPAT slips are kept in the strong rooms in the presence of candidates/their representatives. They are allowed to put their seals on the locks of the strong rooms.

4.59 It is humbly submitted that the sheer length of continuous use of EVMs since the year 2000, with all possible permutations of electoral outcomes, both favoring and disfavoring the Political Parties. The political parties with maximum number of seats in Assembly and Parliamentary elections since 2004 is as under:

PARTY WITH MAXIMUM NUMBER OF SEATS IN LEGISLATIVE ASSEMBLY ELECTION SINCE 2004										
Andhra Pradesh	2004 INC	2009 INC	2014 TDP	2019 YSRCP		Meghalaya	2008 INC	2013 INC	2018 INC	2023 NPEP
Arunachal Pradesh	2004 INC	2009 INC	2014 INC	2019 BJP		Mizoram	2008 INC	2013 INC	2018 MNF	
Assam	2006 INC	2011 INC	2016 BJP	2021 BJP		Nagaland	2008 NPF	2013 NPF	2018 NPF	2023 NDPP
Bihar	2005 RJD	2010 JD(U)	2015 RJD	2020 RJD		Odisha	2004 BJD	2009 BJD	2014 BJD	2019 BJD
Chhattisgarh	2008 BJP	2013 BJP	2018 INC			Punjab	2007 SAD	2012 SAD	2017 INC	2022 AAP
Goa	2007 INC	2012 BJP	2017 INC	2022 BJP		Rajasthan	2008 INC	2013 BJP	2018 INC	
Gujarat	2007	2012	2017	2022		Sikkim	2004	2009	2014	2019

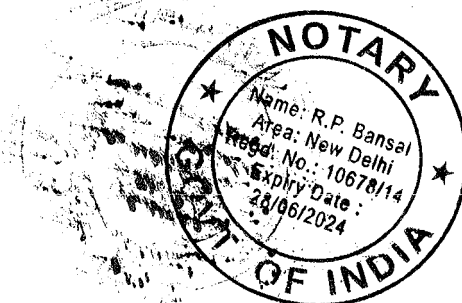


	BJP	BJP	BJP	BJP			SDF	SDF	SDF	SKM
Haryana	2005 INC	2009 INC	2014 BJP	2019 BJP		Tamil Nadu	2006 DMK	2011 AIADMK	2016 AIADMK	2021 DMK
Himachal Pradesh	2007 BJP	2012 INC	2017 BJP	2022 INC		Telangana	2014 TRS	2019 TRS		
Jammu & Kashmir	2008 JKNC	2014 JKPDP				Tripura	2008 CIP(M)	2013 CPI(M)	2018 BJP	2023 BJP
Jharkhand	2005 BJP	2009 BJP & JMM	2014 BJP	2019 JMM		Uttarakhand	2007 BJP	2012 INC	2017 BJP	2022 BJP
Karnataka	2004 BJP	2008 BJP	2013 INC	2018 BJP	2023 INC	Uttar Pradesh	2007 BSP	2012 SP	2017 BJP	2022 BJP
Kerala	2006 CPI(M)	2011 CPI(M)	2016 CPI(M)	2021 CPI(M)		West Bengal	2006 CPI(M)	2011 TMC	2016 TMC	2021 TMC
Madhya Pradesh	2008 BJP	2013 BJP	2018 INC			NCT of Delhi	2008 INC	2013 BJP	2015 AAP	2020 AAP
Maharashtra	2004 NCP	2009 INC	2014 BJP	2019 BJP		Puducherry	2006 INC	2011 AINRC	2016 INC	2021 AINRC
Manipur	2007 INC	2012 INC	2017 INC	2022 BJP						

It may be seen from the above that maximum seat won in the State by any political party have got changed 44 times.

PARTY WITH MAXIMUM NUMBER OF SEATS IN LOK SABHA ELECTIONS				
	2004	2009	2014	2019
Max. Seats	INC 145	INC 206	BJP 282	BJP 303
2 nd Max. Seats	BJP 138	BJP 116	INC 44	INC 52

4.60 A point is raised from time to time that several foreign countries have discontinued the use of voting machines and why India is using EVMs. With the rapid advances in technology over the years, Election Management Bodies, professionals, experts, and

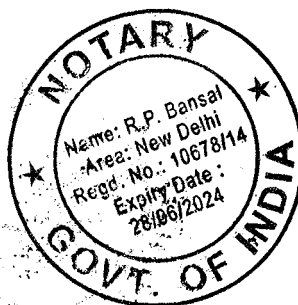


activists (particularly Green Activists) have mooted the idea of using paperless electronic voting methods in different parts of the world in order to overcome the disadvantages of manual marking of paper ballots. The marriage between technology and election management goes back to at least 1892, when the first 'lever voting machine' was used in New York, after using the paper ballot for a long time. In the 1960s, punch-card machines were introduced in the USA, and the first EVM was introduced there in 1975. Electronic Voting has moved quite ahead since then.

Types of Electronic Voting:

The process of electronic voting can be of three types:

- (i) Direct Recording Machines placed at designated polling station,
- (ii) Internet Voting
 - Remote Online Voting
 - At Designated Polling Stations
- (iii) Optical Scanners
 - Stand-alone
 - Networked for centralized counting of results

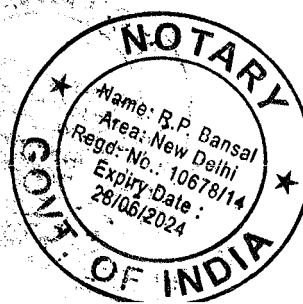


EVMs used in India fall under the first type of stand-alone direct recording machines with no possibility of any kind of network connectivity where voters cast their votes at an assigned polling station on the day of election under strict administrative security ensured by the ECI.

Even though ECI EVMs are also direct recording machines ECI EVMs are completely different from any of the EVMs used internationally either for direct recording or for internet voting or for optical scanning.

Comparison between ECI EVMs and Foreign EVMs

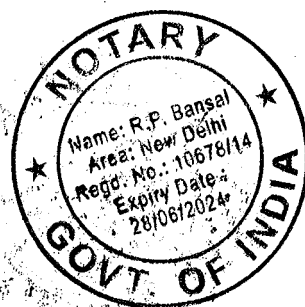
ECI EVMs	Foreign EVMs
Standalone	Mostly networked
Manufactured in Premium PSUs	Manufactured by private entities
Data is stored internally and not transferrable by any device	Voting data recorded in the DRM is transferred by means of CD, etc
Full end to end security protocol and administrative safeguards for the use, storage, transportation, and tracking	No such end to end security protocols
Administrative and physical security as per legal regulatory framework across the country.	No such strong legal regulatory framework



Voter verifiability and auditability of every vote cast	Lack of such facility in the NEDAP machines- un-Constitutional by German Supreme Court as lacked public examinability
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4.61 E- Voting in Germany: As gleaned from available literature, it is submitted that in Germany, the e-voting machines manufactured by NEDAP were used in between 2005 – 2009 before it came under criticism and finally discontinued. The Judgment dated 03.03.2009 of the Second Senate of Germany (the Federal Constitutional Court of Germany) ordered the discontinuation of the use of NEDAP machines in 2009 because of the below-mentioned reasons:

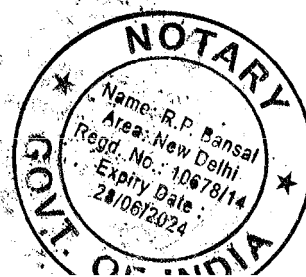
- The use of NEDAP electronic voting machines violated the principle of the public nature of elections (Article 38 in conjunction with Article 20.1 and 20.2 of the Basic Law) that requires that all essential steps in the elections are subject to public examinability unless other constitutional interests justify an exception.



- It also observed that "it must be possible for the citizen to check the essential steps in the election act and in the ascertainment of the results reliably and without special expert knowledge".

True copy of the Judgment dated 03.03.2009 of the Second Senate of Germany ordering the discontinuation of the use of NEDAP machines in 2009 is annexed herewith and marked as ANNEXURE-C/41 at pages 742 to 778 .

4.62 . It is humbly submitted that the Election Commission of India has put tremendous effort for placing an elaborate administrative system, security measures and procedural checks-and-balances for prevention of any possible misuse or procedural lapses on use of EVMs & VVPATs during elections process. These measures/safeguards are implemented transparently with the active participation of the stakeholders i.e., National and State Recognised Political Parties, Contesting Candidates, or their representative. Documentations of political parties' invitation, participation in EVMs related activities, list sharing of EVMs/VVPATs used in elections etc; are also maintained by ROs/DEOs/CEOs. Further, some documents on EVM/VVPAT viz

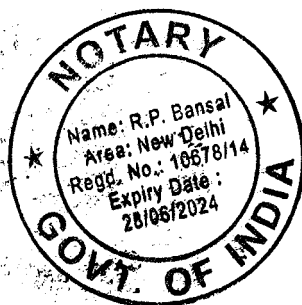


Manual on EVM/VVPAT, Presentation on EVM/VVPAT, Status Paper on EVM, Legal History of EVM etc; are available in public domain by uploading on the ECI Website. All these activities are performed to make political parties aware about credibility of EVMs/VVPATs. Despite the availability of reliable information in the public domain and the active participation of political parties at various stages of election process of EVMs/VVPATs, political parties raises unfounded doubts and specious concerns on EVMs/VVPATs from time to time. These doubts and concerns vitiate the election environment and creates embarrassing situation for the Commission.

4.63 Various important points, *inter alia* are reiterated for ease of summing up:

4.63.1 Technical Security:

It is submitted that EVMs deployed by the Election Commission of India are technically robust and sound owing to its technical security features like Unauthorized Access Detection Module (UADM), One Time Programmable (OTP) chip, non-connectivity through wire or wireless for any unwanted communication, mutual authentication, digital signature, date and time stamping of every

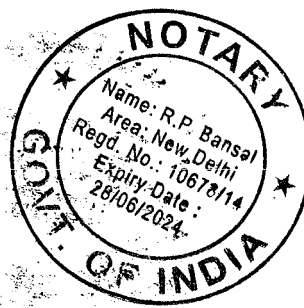


key press and numerous internal precautions like use of encryption technique with dynamic coding to protect data integrity.

The Election Commission of India has also organized "EVM challenge" in year 2017 but no political party or any organization has been able to demonstrate anything adverse against Indian EVMs, given its technical security and administrative safeguards.

4.63.2 Administrative safeguards:

- a) Elaborate administrative system of security measures and procedural checks-and-balances, as detailed in paragraphs 4.56, 4.57 and 4.58, are in place aimed to prevent any possible misuse or procedural lapses from the manufacturing to final deployment and counting, including ancillary processes like training and awareness. These safeguards are implemented by ECI transparently with the involvement of Political Parties, Candidates and their representatives at every stage i.e., storage, transportation, First Level Check, Randomization, Commissioning, Dispersal, Poll Day processes, receipts, counting of votes to build their confidence on efficacy and reliability of EVMs.



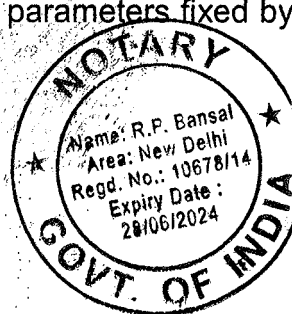


b) Randomization is *inter alia* key of the administrative safeguards:

- Sequence of candidates on BU in any constituency is known only after last day of withdrawal.
- Which BU/CU/VVPAT will go to which constituency in a district is decided by randomization in presence of political parties and lists are immediately shared with them.
- Which BU/CU/VVPAT will go to which polling station in a constituency is decided by randomization in presence of candidates and Observer and lists are immediately shared with them.

c) Moreover, candidates or polling agents are immediately provided with a signed copy of Form 17C (Account of Votes) depicting total votes cast at polling station, at the end of poll, which he/she can bring to counting center to verify when total vote count as shown on EVM.

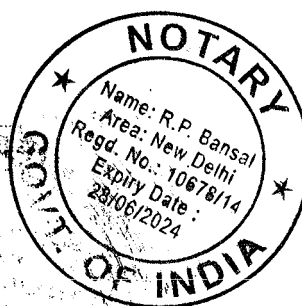
d) Next day of the poll day, Returning Officer, in presence of Observers, does scrutiny of Form 17A (Voter's Register) in presence of all candidates (or their representatives) on specified parameters fixed by the Commission and also based



on any complaints from candidates. Entire process of scrutiny is video recorded.

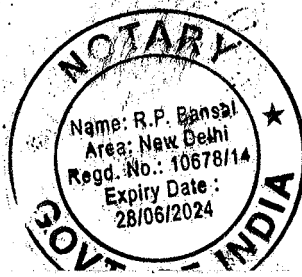
4.63.3 Science of Statistics for CU-VVPAT matching:

- a) The Election Commission of India has already put in place the system of verification of mock poll slips of 100% VVPATs at various stages of deployment of EVM/VVPATs in election processes (like First Level Checking, Commissioning) involving the political parties/ candidates. Moreover 100% VVPAT slips verification is done during mock poll on poll day before start of actual poll. In addition, 10% EVMs are randomly selected (by draw or by stakeholders) for higher vote (500 or more) mock polls.
- b) Moreover, 10% EVM/VVPATs randomly taken out for training and awareness undergo Mock polls several times during training sessions and awareness campaigns by employees and citizens at large. During General Election to Lok Sabha 2019 approximately 9 crore mock votes were cast and checked on around 1 lakh EVM/VVVPATs during awareness campaigns. Similar numbers are also for the General



Elections to State Assemblies after General Elections to Lok Sabha 2019.

- c) Science of Statistics, including sampling theory, has been widely used in every aspect of policy making, scientific research, forensic evidences, manufacturing industries etc. throughout the world for several decades. Sampling techniques are used for the entire spectrum of manufacturing industry, including in strategic sectors like biotechnology, drug discovery, vaccine approvals, forensic science (including DNA matching), defense, space and nuclear energy etc. where several million lives are involved and at stake. Current level of sampling of VVPATs for audit for each Assembly Segment (resulting into total 20615) is comparable or way ahead than the prescribed by experts at 479 for the entire population of EVM-VVPATs, resulting into much higher level of confidence.
- d) The accuracy of the results obtained by a sampling procedure mainly depends on the absolute sample size and not on the sample size as a percentage of the population size. The sample size of 479 VVPATs for a Lok Sabha election recommended by experts in statistics provides a confidence level of 99.993665752% (4 Sigma Level). However, the

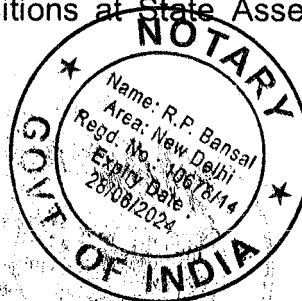


sample size of five (05) numbers per AC/AS mandated by this Hon'ble Court which the Election Commission of India is now implementing provides a much higher level of confidence with the counting of 20615 VVPATs. Hence, any further increase in sample size will not add any substantial confidence level in terms of statistics.

- e) Science of Statistics suggests that 100% confidence level can be achieved only through 100% VVPAT counting. This proposition is essentially all about *going back to ballot paper system*.

4.63.4 Election Results after introduction of EVM/VVPSTs:

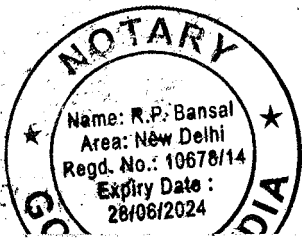
- a) True test of any election systems is faithful translation of people's will into election results. Apart from the fact that EVM has faithfully reflected the mandates of the people over these years as visible from Table X (available in public domain through ECI publication), the Constitutional Courts have also always upheld its technological integrity and transparent procedural safeguards.
- b) After 100% EVM/ VVPATs (100% VVPAT from year 2017) based elections, 44 transitions at State Assembly level and



one transition at Lok Sabha level have happened wherein incumbent governments have been transited out of power.

4.63.5 Judicial pronouncements on EVM/VVPATs:

- a) It is now 40 years since induction of EVMs in Indian election system. Time and again, EVMs has been subjected to various kinds of allegations related to technological and non-technological aspects by various stakeholders and others and most of such allegations have been examined by the Constitutional Courts several times.
- b) The Hon'ble Delhi High Court in the case of *C R Jaya Sukin Vs Election Commission of India [W.P.(C) 6635/2021]*, vide its Order dated 3rd August 2021, dismissed the petition with costs of Rs.10,000/- whilst observation that petition is akin to a "publicity interest litigation" and is based on hearsay and baseless allegations.
- c) Moreover, this Hon'ble Court, vide its Order dated 30th September 2022 in *Madhya Pradesh Jan Vikas Party vs. Election Commission of India [SLP (Civil) No.16870/2022]*, observed that EVMs have been utilized in country for decades now but periodically issues are sought to be raised. This



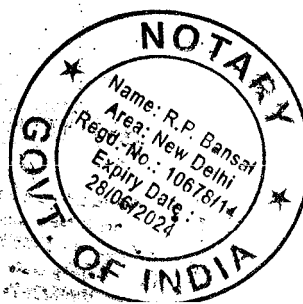
Hon'ble Court was of the view that party which may not have got much recognition from the electorate seeks recognition by filing such frivolous petitions. Thus, the SLP was dismissed with costs of Rs. 50,000/-.

4.63.6 Foreign EVMs:

It is submitted that EVMs deployed by the Election Commission of India is technologically different from EVMs being used or ever used by any foreign countries. Indian EVMs are designed and produced indigenously by PSUs of Defense Ministry and Atomic Energy Department. Its use, in Indian election system, is legally backed (Section 61A R P Act 1951), procedurally safeguarded and involves stakeholder consultations and presence at every stage of its deployment for an election, resulting into full transparency.

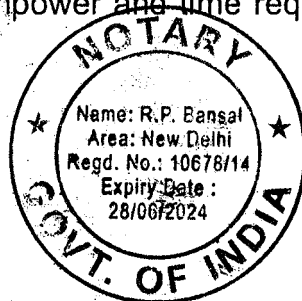
4.63.7 Uncertainty is not healthy for democracy:

- a) It is very unfortunate that such petitions come up before every General Election to Lok Sabha without any substances or new facts. It is pertinent to submit that the Election Commission of India starts preparing for General Election to Lok Sabha roughly one year before or more by consolidating its instructions,



preparing training materials and actually imparting training to number of field functionaries. The Election Commission of India also organizes logistics of election materials including EVM/VVPATs well in time. Preparatory work for upcoming General Election to Lok Sabha has already started in the field. Indian elections are one of the largest peace time human mobilizations on the earth. Such baseless petitions without new facts create uncertainty during enormous scale coordinated efforts of preparations for next election. Needless to add that slightest change in any protocol *at the last minute* poses serious technical, manufacturing issues which will take several levels to reach the execution level.

- b) It is submitted that millions of government employees and security forces works tirelessly, dedicatedly, against all geographical challenges and under adverse and challenging work environment to conduct elections. Such kind of baseless repetitive doubts and aspersions cast shadow on honesty, dedication and toil of such millions of election soldiers. It is very unfortunate.
- c) Counting all the paper slips has its costs in terms of skilled manpower and time required. Manual counting of this scale will



also be prone to human error and mischief, leaving aside the drudgery of days of counting small slips of paper potent with possibilities of mischievous false narratives on social media, round after round of counting across the country.

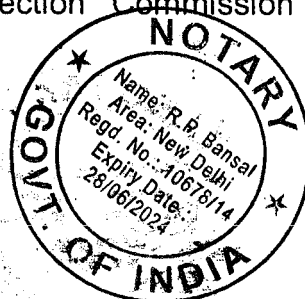
- d) Moreover, alleged demand of compliance of so-called one of the three democracy principle of “*counted as recorded*” from the Indian election system is quite unclear in the context that it is also not clear how from the solution suggested, counting more and more slips, the principle will be complied. The petition is essentially suggesting going back to paper ballot system.

4.63.8 Transparency for citizens at large:

- a) The Election Commission of India has already placed following four documents on EVM/VVPATs in the public domain:

- Manual on Electronic Voting Machine (8th Edition)
[ANNEXURE – C/40]
- Status Paper on EVM [ANNEXURE-C/10]
- Presentation on EVM & VVPATs [ANNEXURE-C/42]
- Legal history of EVM/VVPATs [ANNEXURE-C/43]

True copy of the Presentation on EVM & VVPAT, dated September 2019, by the Election Commission of India is



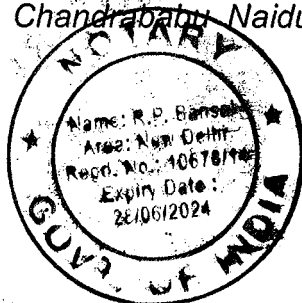
annexed herewith and marked as ANNEXURE-C/42 at pages 779 to 854

True copy of the Legal History of EVMS and VVPATs issued by the Election Commission of India is annexed herewith and marked as ANNEXURE-C/43 at pages 855 to 922

- b) The Election Commission of India has further updated its Frequently Asked Questions (FAQs) in public domain which answers all questions, for citizens at large, apart from various documents available in public domain which can be referred for any doubt.

True copy of the Frequently Asked Questions (FAQs) as provided by the Election Commission of India in public domain is annexed herewith and marked as ANNEXURE-C/44 at pages 923 to 962.

- 4.64** It is submitted that the law does not provide for counting of VVPAT slips, except in the circumstances as specified in Rule 56D of Conduct of Election Rules, 1961. It is submitted that the prevalent practice of testing of five (05) randomly chosen EVM-VVPAT systems per AC/AS, as directed by this Hon'ble Court in *N. Chandrababu Naidu & Ors. versus Election Commission of*

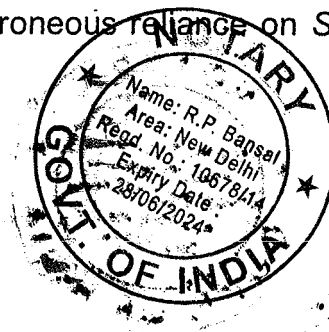


India [(2019) 15 SCC 377], is already far beyond the recommendation of the expert committee appointed by the Election Commission of India (report already on record with Honourable Supreme Court), and the Election Commission of India's own earlier practice of verification of one (01) EVM-VVPAT system per AC/AS which in itself was much in excess to the statistically recommended figure, and therefore, VVPATs slips are being cross verified on a statistically robust sampling basis.

- 4.65 It is humbly submitted that the petition tries to open up, in vain, matters which have already been settled by this Hon'ble Court and further it tries to take the country back to the system of manual voting through back door / indirect means.

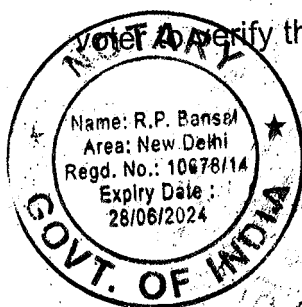
REPLY ON MERITS:

5. It is humbly submitted that the answering Respondent craves the leave of this Hon'ble Court to refer to the above preliminary submissions in relation to the merits and the same are not being repeated herein for the sake of brevity.
6. Insofar as the prayer (I) of the Writ Petition under reply is concerned, it is stated that the said direction has been sought by the Petitioner by placing an erroneous reliance on *Subramanian*



Swamy (supra) and the Petition essentially prays for a re-look at the decision of this Hon'ble Court in *N. Chandrababu Naidu & Ors. versus Election Commission of India* [(2019) 15 SCC 377] against which a Review Petition was also filed vide Review Petition (C) No. 1084/2019 in W.P. (C) No. 273/2019, which came to be dismissed by this Hon'ble Court vide Judgment and Order dated 07.05.2019. It is therefore humbly submitted that this issue has been decided time and again by this Hon'ble Court and the present petition brings no new cause that merits a relook or fresh examination of a settled issue.

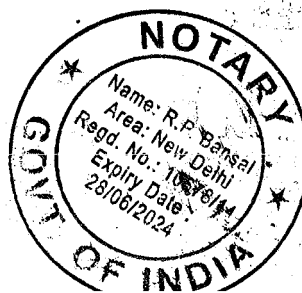
7. Insofar as the prayer II of the Writ Petition under reply is concerned, it is submitted that the said prayer of the Petitioner is misconceived and incorrect and seeks a re-introduction of paper ballot by indirect means, which ought not to be entertained by this Hon'ble Court.
8. Insofar as the prayer III of the Writ Petition under reply is concerned, it is submitted that the said prayer of the Petitioner is misconceived and incorrect as there is no difference between 'recorded as cast' and 'counted as recorded' as explained in the above provisions. Moreover, there is no 'fundamental right' of the



verify through VVPATs that their vote has been 'recorded

as cast' and 'counted as recorded' and therefore, the provisions of the Conduct of Election Rules, 1961 do not violate any fundamental right and in fact the concerned provisions of the Conduct of Election Rules, 1961 have undergone judicial scrutiny at many occasions and their constitutionality has been upheld time and again and therefore the said prayer is also devoid of any merit.

9. In the above background, it is submitted that the Election Commission of India is always open to bringing about any improvements that would further the cause of free and fair elections and the Commission undertakes to make every possible effort to implement any direction that this Hon'ble Court may deem fit to pass in the facts and circumstances of the case.
10. Thus, in view of the aforementioned facts and circumstances, it is humbly submitted that the present petition is a yet another attempt to cast doubt over the functioning of EVMs/ VVPATs with vague and baseless grounds. The Answering Respondent anticipates that the present petition casting aspersion over the EVM/ VVPAT system will not be the last of such petitions before the Lok Sabha Elections, 2024. The Election Commission of India, in response to such petitions, has continuously

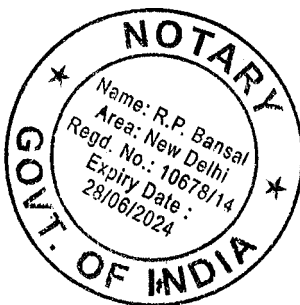


demonstrated a wide range of technical & administrative protocol and procedural safeguards that fortify the EVMs and VVPATs against any sort of manipulation or tampering. Yet, on the eve of elections, such petitions are filed to rile up unfounded and baseless doubts about the veracity of EVM/ VVPAT system in the minds of the voters. In view of above, the Answering Respondent humbly prays this Hon'ble Court to dismiss the present petition with heavy costs.

11. The Answering Respondent craves leave of this Hon'ble Court to file further additional affidavit, if so required or deemed fit besides

making detailed submissions at the time of hearing.

12. Hence, it is prayed that this Hon'ble Court may be pleased to record the above position in so far as Answering Respondent (i.e. Respondent No. 1/Election Commission of India) is concerned and pass such order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and, thus, render justice.



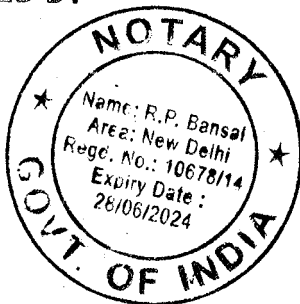
V.V. Pandey
DEPONENT

विजय कुमार पाण्डेय
VIJAY KUMAR PANDEY
निदेशक (विधि) / Director (Law)
भारत निर्वाचन आयोग
Election Commission of India
निर्वाचन सदन/Nirvachan Sadan
अशोक रोड /Ashoka Road
नई दिल्ली-110001 /New Delhi-110001

VERIFICATION

I, the deponent above named, do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge no part of it is false and nothing material has been concealed thereof.

Verified at New Delhi, on this 4 day of SEP 2023.

IDENTIFIED BY**ATTESTED**

Notary Public Delhi

4 SEP 2023**DEPONENT**

विजय कुमार पाण्डेय
VIJAY KUMAR PANDEY
 निदेशक (विधि) / Director (Law)
 भारत निर्वाचन आयोग
 Election Commission of India
 निर्वाचन सदन/Nirvachan Sadan
 अशोक रोड /Ashoka Road
 नई दिल्ली-110001 /New Delhi-110001

FILED BY

AMIT SHARMA,
ADVOCATE FOR THE RESPONDENT NO.1
CC 1781

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ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001**

No. ECI/PN/44/2011**Dated: 20th July, 2011****PRESS NOTE**

Electronic Voting Machines- Field trial of Voter Verifiable Paper Audit Trail (VVPAT) system in five locations in the country.

Commission invites public involvement

The Commission vide its Press Note dated 14th June, 2011, announced the details of the conduct of field trial of the VVPAT system in simulated election in the districts of Leh (Jammu & Kashmir), Thiruvananthapuram (Kerala), Cherrapunjee i.e. East Khasi Hills (Meghalaya), East Delhi District (NCT of Delhi) and Jaisalmer (Rajasthan).

In wider fulfillment of the objectives of the field trial, the Commission has requested the National and State Parties to extend necessary cooperation by getting involved in the trial process actively and also witness the trial in order to have a first hand experience of the system. The Commission has also requested the individuals, who have been engaged with the Commission on the issue of EVM-VVPAT, to witness the trial in any of the five locations of their choice. The Commission is sending its officials and the members of the Technical Expert Committee to observe the performance of the system during the said trial.

In addition to the above, the Commission has decided that any groups or individuals from among the civil society, media, technology & academic associations, interested formations and the public at large will be allowed to vote in the simulated election and witness any of the events that are part of the field trial.

In order to facilitate such involvement, the details of place, time/date etc. alongwith name and designation of officials in charge of the events in respect of the above trials are given below: -

Details of date, time and venue of field trial of Voter Verifiable Paper Audit Trail (VVPAT) system

S.No.	Activities	Schedule	Jammu & Kashmir (Ladakh)	Kerala (Thiruvananthapuram)	Meghalaya (Cherrapunjee)	Rajasthan (Jaisalmer)	NCT of Delhi (East Delhi District)
1	First Level Checking of EVMs and VVPAT systems	Date	21/07/11	21/07/11	22/07/11	21/07/11	21/07/11
		Location	District HQs.	District HQs.	R.O. HQ. Shohra	District HQs.	District HQs.
		Time	9.00 AM to 5.00 PM	9.00 AM to 5.00 PM	8.00 AM to 4.00 PM	9.00 AM to 5.00 PM	9.00 AM to 5.00 PM
2	Preparation of EVMs and VVPAT systems	Date	22/07/11	22/07/11	23/07/11	22/07/11	22/07/11
		Location	District HQs.	District HQs.	R.O. HQ. Shohra	District HQs.	District HQs.
		Time	From 9.00 AM	From 9.00 AM	From 8.00 AM	From 9.00 AM	From 9.00 AM
3	Dispersal of polling parties	Date	23/07/11	23/07/11	25/07/11	23/07/11	23/07/11
		Location	District HQs.	District HQs.	R.O. HQ. Shohra	District HQs.	District HQs.
		Time	From 9.00 AM	From 9.00 AM	From 8.00 AM	From 9.00 AM	From 9.00 AM
4	Simulated Poll	Date	24/07/11	24/07/11	26/07/11	24/07/11	24/07/11
		Location	List enclosed	List enclosed	List enclosed	List enclosed	List enclosed
		Time	8.00 AM to 4.00 PM	8.00 AM to 4.00 PM	7.00 AM to 3.00 PM	8.00 AM to 4.00 PM	8.00 AM to 4.00 PM
5	Counting of votes	Date	25/07/11	25/07/11	27/07/11	25/07/11	25/07/11
		Location	District HQs.	District HQs.	R.O. HQ. Shohra	District HQs.	District HQs.
		Time	8.00 AM to till completion of counting of votes	8.00 AM to till completion of counting of votes	7.00 AM to till completion of counting of votes	8.00 AM to till completion of counting of votes	8.00 AM to till completion of counting of votes

Name of District Election Officer (DEO)/Deputy Commissioner DC) and Returning Officer (RO)

Sl.No.	Name of District	DEO/DC	RO
1	Leh	Mr. T. Angchok, DC, Leh Cell No.-09419139028	Mrs T Dolma Cell No.-09419878999
2	Thiruvananthapuram	Mr P.M. Francis Cell No.-09447700222 Tel. No.-0471-2731177	Mrs P.K. Giriraj Cell No.-09846672365 Tel. No.-0471-2324120
3	East Khasi Hills	Sh J Lyngdoh Cell No.-09436102916	Sh J D Suchiang Cell No.-09436106618
4	East Delhi District	Sh R.K. Misra Cell No.-09650291010	Smt Usha Chaturvedi Cell No.-09999490996
5	Jaisalmer	Sh M P Swamy Cell No.-09415065347 Tel. No.02992-252201 (O)	Sh. Baldev Singh Cell No.09414411506 Tel.No.02992251621 (O)

List of Polling Stations for field trial of VVPAT System**Name of State: Jammu & Kashmir****Name of District: Leh****No. and Name of Assembly Constituency: 48-Leh Assembly Constituency****Details of Polling Stations:**

Sl.No.	Polling Station No.	Name of Polling Station	Location of Polling Station
1	48	Ranbirpur	Govt. M/S Building
2	49	Thiksay-A	Govt. H/S Building
3	50	Thiksary-B	Govt. P/S Building
4	52	Shey	Govt. H/S Building
5	53	Shey-Yoknos	Govt. P/S Building
6	54	Saboo	Govt. M/S Building
7	55	Palam	Govt. P/S Building
8	56	Choglamsar	Govt. P/S Building
9	57	Tashi-Gatsal-A	Govt. M/S Building
10	58	Tashi-Gatsal-B	Private Building
11	59	Gompa-Ganglas	Govt. M/S Building
12	60	Sankar-Yourtung	Govt. P/S Building
13	61	Sankar	Private Building
14	62	Zangsti-Gongsum	Govt. M/S Building
15	63	Changspa-A	Govt. P/S Building
16	64	Tukcha	Govt. P/S Building
17	65	Skyanos-A	Distt. Panchayat Office
18	66	Skampari-A	New Office Complex
19	67	Skampari-B	New Office Complex
20	68	Skyanos-B	Auditorium Hall
21	69	Skara	Govt. M/S Building
22	70	Skalzung-Ling-A	Govt. M/S Building
23	71	Skalzung-Ling-B	Govt. M/S Building
24	72	Shenam	Govt. P/S Building
25	73	Housing Colony-A	Govt. M/S Building
26	74	Housing Colony-B	Community Hall
27	75	Housing Colony-C	Degree College
28	76	Housing Colony-D	Degree College
29	77	Spituk	Govt. M/S Building
30	78	Phey	Govt. P/S Building
31	153	Stok	Govt. H/S Building
32	154	Chuchot Yokam-A	Govt. M/S Building
33	155	Chuchot Yokam-B	Panchayat Ghar
34	156	Chuchot Shama	Govt. H/S Building
35	157	Chuchot Gongma	Govt. H/S Building
36	158	Matho	Govt. H/S Building

Name of State: Kerala

Name of District: Thiruvananthapuram

No. and Name of Assembly Constituency: 133-Vattiyoorkavu Assembly Constituency

Details of Polling Stations:

Sl.No.	Name of Polling Station
1	St. Gerotees Higher Secondary School, Nalanchira
2	Govt. U.P.S. Kudappanakunnu
3	Concordia Luthern Higher Secondary School, Peroorkada
4	Govt. G.H.S.S. Peroorkada
5	Govt. U.P.S. Kusavarkal
6	P.S. Nadarajapillai Memorial H.S.S. Peroorkada
7	FLMSC LPS. Vettikonam
8	G.H.S. Kachani
9	L.P.S. Machampara
10	Govt. Central Polytechnic, Vattiyoorkavu
11	Govt. U.P.S. Kulasekharam
12	B.V.H.S.S. Kodunganur
13	St. John's U.P.S. Vattiyoorkavu
14	Vidyathiraja English Medium School, Valiyavila
15	Govt. LPS. Thirumala
16	Rajakesavadas N.S.S.H.S.S., Sasthamangalam
17	Govt. LPS. Kanjirampara
18	Senath Day English Medium School, Pangode
19	Govt. H.S. Vattiyoorkavu
20	Govt. Model Girls H.S.S. Pattom
21	Govt. Vocational H.S.S. Muttada
22	Sri Pattom Thanupilla Memorial UPS, Kuravankonam
23	Salvation Army H.S.S. Kawdiar
24	Holy Angels (Mary Mount) ISC School, Nanthancode
25	Govt. City Vocational H.S.S., P.M.G. Junction
26	St. Mary's H.S.S. Pattom
27	Arya Central School, Pattom
28	Kendriya Vidyalaya, Pattom
29	Govt. UPS. Kumarapuram
30	Govt. Engineering College, Barton Hill
31	Vidyadiraja UPS, Pattur
32	Govt. UPS. Kunnukuzhi
33	Sri Ramakrishna Smaraka School, Nettayam
34	Kshethra Pravesana Smaraka UPS, Peroorkada
35	Govt. LPS, Oolamapara
36	Govt. LPS. Sasthamangalam

Name of State: Meghalaya

Name of District: East Khasi Hills

No. and Name of Assembly Constituency: 28-Sohra (ST) Assembly Constituency

Details of Polling Stations:

Sl.No.	Polling Station No.	Name of Polling Station	Location of Polling Station
1	4	Mawkdok 'A'	Tirot Singh Memorial Secondary School (East Wing)
2	5	Mawkdok 'B'	Tirot Singh Memorial Secondary School (West Wing)
3	7	Ladmawphlang	R.K.M.L.P. School,
4	8	Sohrarim	Tirot Singh Syiem U.P. School,
5	9	Laitryngew 'A'	M.P.K. memorial School (East Wing)
6	10	Laitryngew 'B'	M.P.K. memorial School (West Wing)
7	11	Laitmawsiang	Community Hall, laitmawsiang
8	18	Pomsohmen	R.K.M.L.P. School
9	19	Pdengshnong	Community Hall
10	20	Maraikaphon	Community Hall
11	21	Khliehshnong 'A'	Community Hall (East Wing)
12	22	Khliehshnong 'B'	Community Hall (West Wing)
13	28	Lewmawiong 'A'	Govt. LP School (East Wing)
14	29	Lewmawiong 'B'	Govt. LP School (West Wing)
15	32	Laitlyngkot 'A'	Govt. LP School (East Wing)
16	33	Laitlyngkot 'B'	Govt. LP School (West Wing)
17	34	Laitlyngkot-Nongthymmai 'A'	Kyntiew Shaphrang Sec. School (East Wing)
18	35	Laitlyngkot-Nongthymmai 'B'	Kyntiew Shaphrang Sec. School (West Wing)
19	6	Tyrna	Govt. L.P. School
20	7	Laittyra	M.E. School
21	12	Mawlong 'A'	Mawlong Umwai M.E. School (East Wing)
22	13	Mawlong 'B'	Mawlong Umwai M.E. School (West Wing)
23	14	Laitkynsew	M.E. School
24	16	Mawsahew	M.E. School
25	18	Nongwar	R.K.M.M.E. School
26	20	Disong	R.K.M.L.P. School
27	21	Sohlab	Roman Catholic L.P. School
28	22	Ichamati	L.P. School
29	23	Saikarap	R.C.L.P. School
30	32	Mawsmmai	Community Hall
31	33	Mawpun 'A'	Govt. Normal Training School (East Wing)
32	34	Mawpun 'B'	Govt. Normal Training School (West Wing)
33	35	Mawkisyiem	Community Hall
34	36	Mawmluh	R.K.M. Secondary School
35	37	MeSEB – MCCL	Recreation Hall
36	38	Kutmadan	Presbyterian L.P. School

Name of State: NCT of Delhi

Name of District: East Delhi District

No. and Name of Assembly Constituency: 59-Vishwas Nagar Assembly

Constituency

Details of Polling Stations:

Sl.No.	Polling Station No.	Name/Location of Polling Station
1	32	Govt. Co.Sr. Sec. School, Karkari Mod, Vishwas Nagar, New Delhi.
2	33	
3	35	
4	37	
5	40	
6	55	Govt. Sarvodaya Boys School, Kiran Vihar, Delhi.
7	56	
8	58	
9	59	
10	62	
11	65	Govt. Sarvodaya Boys School, Suraj mal Vihar, Delhi.
12	66	
13	67	
14	68	
15	69	
16	73	M.C. Primary School, Anand Vihar, Delhi.
17	76	
18	77	
19	78	
20	79	
21	98	Govt. Co-Ed Sr. Sec. School, I.P. Extn. Delhi.
22	100	
23	108	
24	109	
25	110	
26	142	Govt. Co-Ed Sr. School, Preet Vihar. Delhi.
27	143	
28	144	
29	145	
30	147	
31	88	R.S.K.V. Mandawali, Delhi.
32	89	
33	90	
34	91	
35	101	
36	127	

Name of State: Rajasthan

Name of District: Jaisalmer

No. and Name of Assembly Constituency: 132-Jaisalmer & 133-Pokran Assembly Constituencies

Details of Polling Stations:

Sl.N o.	Polling Station No.	Name of Polling Station	Location of Polling Station	Assembly Constituency
1	2	Rajkiya Prathmik Vidyalay Daya Bhag Tanotwas	Ramgarh	132-Jaisalmer Assembly Constituency
2	4	Rajkiya Prathmik Vidyalay		
3	13	Rajkiya Prathmik Vidyalay Khueyala	Khueyala	
4	24	Rajkiya Madhyamik Vidyalaya	Habul	
5	26	Rajkiya Madhyamik Vidyalaya	Sonu	
6	37	Rajkiya Madhyamik Vidyalaya	Sultana	
7	47	Rajkiya Uchch Prathmik Vidyalaya	Khinya	
8	49	Rajkiya Madhyamik Vidyalaya	Parewar	
9	64	Rajkiya Uchch Madhyamik Vidyalaya	Mohangar	
10	70	Rajkiya Uchch Madhyamik Vidyalaya		
11	81	Rajkiya Madhyamik Vidyalaya	Hamira	
12	91	Rajkiya Uchch Madhyamik Vidyalaya	Chandhan	
13	101	Rajkiya Uchch Madhyamik Vidyalaya	Badodagaon	
14	105	Rajkiya Madhyamik Vidyalaya	Dabla	
15	120	Gandhi Bal Mandir Prathmik Vidyalaya	Jaisalmer	
16	122	Imanual Middan School Indra Colony		
17	124	Samudayik Sabha Bhawan Babar Magra		
18	126	Rajkiya Balika Uchch Madhyamik Vidyalaya		
19	135	Rajkiya Prathmik Vidyalaya Malka Prol		
20	140	Rajkiya Uchch Prathmik Vidyalaya Megwala Vas		
21	156	Rajkiya Uchch Madhyamik Vidyalaya	Kanoi	133-Pokran Assembly Constituency
22	261	Rajkiya Madhyamik Vidyalaya	Mulana	
23	289	Rajkiya Uchch Prathmik Vidyalaya	Fatehgarh	
24	305	Rajkiya Madhyamik Vidyalaya	Devda	
25	47	Rajkiya Sanskrit Madhyamik Vidyalaya	Ramdevra	
26	49	Rajkiya Uchch Madhyamik Vidyalaya		
27	57	Rajkiya Madhyamik Vidyalaya	Lanwa	
28	60	Rajkiya Uchch Madhyamik Vidyalaya	Ujla	
29	65	Rajkiya Balika Uchch Madhyamik Vidyalaya	Pokran	
30	70	Rajkiya Uchch Prathmick Vidyalya No.3		
31	73	Rajkiya Uchch Prathmick Vidyalya No.2		
32	79	Rajkiya Madhyamik Vidyalaya	Gomta	
33	83	Rajkiya Madhyamik Vidyalaya	Lathi	
34	86	Rajkiya Madhyamik Vidyalaya	Dholiya	
35	106	Rajkiya Uchch Madhyamik Vidyalaya	Sankada	
36	154	Rajkiya Uchch Madhyamik Vidyalaya	Bhaisda	

Apart from the detailed arrangements made at the locations, if any group/individual finds any difficulty in duly associating with or in witnessing the events of the field trial of VVPAT, they may contact Sh. K.N. Bhar, Secretary (Tel.No. 011-23052014) at the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001.

(YASHVIR SINGH)
DIRECTOR

// True Copy//

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ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001**

No. ECI/PN/ 59 /2012

Dated: 25 July, 2012

PRESS NOTE

Subject: Electronic Voting Machines – Second field trial of Voter Verifiable Paper Audit Trail (VVPAT) system in five locations in the country – regarding.

Several political parties had requested the Commission that the possibility of introducing Voter Verifiable Paper Audit Trail along with Electronic Voting Machines (EVMs) may be examined. The Commission had asked manufacturers of EVMs – BEL and ECIL to develop a VVPAT. The prototype VVPAT system was field tested in Ladakh in Jammu & Kashmir, Thiruvananthapuram in Kerala, Cherrapunjee in Meghalaya, East Delhi district in NCT of Delhi and Jaisalmer in Rajasthan in July, 2011. After this field trial, it was felt that further improvement is needed in the VVPAT system. BEL and ECIL have now produced prototypes of improved VVPAT system which have been demonstrated to the Commission's Technical Expert Committee on EVMs. On the recommendation of Technical Expert Committee on EVMs, the Commission has decided to undertake another field trial of the improved prototype VVPAT system in the same five places where it was held in July, 2011. Accordingly, the second field trial of improved prototype VVPAT shall be held in these five places according to the calendar of events given below:-

Sl. No.	Name of State	Name of Place	Training of poll and counting personnel	Training of officials engaged for voters' training	FLC of EVMs & VVPAT systems	Preparation of EVMs & VVPAT systems	Dispersal of polling parties	Date & Hours of poll	Counting of votes	Computerisation of data and statistical analysis of the same, preparation of report by DEO & CEO and submission of the same in the Commission
1	NCT of Delhi	East Delhi	16.7.12 & 26.7.12	27.7.12	26.7.12	27.7.12	28.7.12	28.7.12 8.00 AM to 4.00 PM	29.7.12 8.00 AM onwards	3.8.12
2	Kerala	Thiruvananthapuram	26.7.12	27.7.12	27.7.12	27.7.12	27.7.12	28.7.12 8.00 AM to 4.00 PM	29.7.12 8.00 AM onwards	3.8.12
3	Jammu & Kashmir	Ladakh	9.8.12	10.8.12	10.8.12	10.8.12	10.8.12	11.8.12 8.00 AM to 4.00 PM	12.8.12 8.00 AM onwards	17.8.12
4	Rajasthan	Jaisalmer	8.8.12	8.8.12	9.8.12	9.8.12	10.8.12	11.8.12 8.00 AM to 4.00 PM	12.8.12 8.00 AM onwards	17.8.12
5	Meghalaya	Cherapunjee	23.8.12	24.8.12	24.8.12	24.8.12	24.8.12	25.8.12 7.00 AM to 3.00 PM	27.8.12 8.00 AM onwards	31.8.12

In wider fulfillment of the objectives of the field trial, the Commission has requested the National and State Parties to extend necessary cooperation by getting involved in the trial process actively and also witness the trial in order to have a firsthand experience of the system. The Commission has also requested the individuals and groups, who have been engaged with the Commission on the issue of EVM-VVPAT, to witness the trial. The Commission is sending its officials and the members of the Technical Expert Committee to observe the performance of the system during the said trial.

In addition to the above, the Commission has decided that any groups or individuals from among the civil society, media, technology & academic associations, interested formations and the public at large will be allowed to vote in the simulated election and witness any of the events that are part of the field trial.

In order to facilitate such involvement, the details of place, time/date etc. alongwith name and designation of officials in charge of the events in respect of the above trails is enclosed.

(Padma Angmo)

Deputy Secretary

**Name of District Election Officer (DEO)/Deputy Commissioner (DC)
and Retraining Officer (RO)**

Sl. No.	Name of District	DEO/DC	RO
1	Leh	Sh. Tsering Anchok Cell No. 09419139028 Tel. No. 01982-25010	Smt. Tashi Dolma Cell No. 09419114677
2	Thiruvananthapuram	Smt. P.K.Girija Cell. No. 09447700222 Tel. No. 0471-2731177 (O)	Smt. Sheeba George Cell. No.09446203628 Tel. No. 0471-2731230 (O)
3	East Khasi Hills	Sh. Sanjay Goyal Cell No. 09436313316 Tel. No. 0364-2224003 (O)	Sh. D. M. Wahlang Cell No. 09436160954 09856022111 Tel. No. 0364-2500782 (O)
4	East Delhi District	Sh. B.M.Mishra Cell. No. 09999926659	Sh. Raj Kumar 09868185298
5	Jaisalmer	Smt. Suchi Tyagi Cell No. 09414082800 Tel. No. 02992-252201 (O)	Sh. Ramesh Chand Jainth Cell No. 08764231790 Tel. No. 02992-251127 (O)

List of Polling Stations for field trial of VVPAT System**Name of State: Jammu & Kashmir****Name of District: Leh****No. and Name of Assembly Constituency: 48-Leh Assembly Constituency****Details of Polling Stations:**

Sl.No.	Polling Station No. & Name	Building in which located
1.	52-Shey	H/S Building
2.	53-Shey-Yoknos	P/S Building
3.	54-Saboo	M/S Building
4.	56-Choglamsar	P/S Building
5.	57-Tashi-Gatsal	P/S Building
6.	58-Tashi Thongmon	P/S Building
7.	59-Gonpa-Ganglas	M/S Building
8.	60-Sankar-Yourtung	P/S Building
9.	61-Sankar	Private Building
10.	62-Zangsti-Gogsum	H/S/S Building
11.	63-Changspa-A	P/S Building
12.	64-Tukcha	P/S Building
13.	65-Skyanos-A	Panchayat Office
14.	66-Skampari-A	New Office Complex
15.	67- Skampari-B	New Office Complex
16.	68-Skynanos-B	Auditorium Hall
17.	69-Skara	M/S Building
18.	70-Skalzang Ling-A	M/S Building
19.	71-Skalzang-Ling-B	P/S Building
20.	72-Shenam	P/S Building
21.	73-Housing-Colony-A	M/S Building
22.	74-Housing-Colony-B	Committee Hall
23.	75-Housing-Colony-C	Degree College
24.	76-Housing-Colony-D	Degree College
25.	154-Choshot-Yokma-A	H/S Building
26.	155-Choshot-Yokma-B	Panchayat Ghar
27.	156- Choshot Shama	H/S/S Building
28.	157-Choshot Gongme	H/S Building

Name of State: Meghalaya

Name of District: East Khasi Hills

No. and Name of Assembly Constituency:

1. **26-Shella Assembly Constituency**
2. **28-Sohra (ST) Assembly Constituency**

Details of Polling Stations:

Sl.No.	P.S. No. & Name	Building in which located
26-Shella Assembly Constituency		
1.	6-Tyrna	Govt. L.P. School, Tyrna
2.	7-Laityra	M.E. School, Laityra
3.	12-Mawlong 'A'	Mawlong Umwai M.E. School (East Wing), Mawlong
4.	13-Mawlong 'B'	Mawlong Umwal M.E. School (West Wing), Mawlong
5.	14-Laitkynsew	M.E. School, Laitkynsew
6.	18-Nongwar	R.K. M.M.E. School, Nongwar
7.	22-Ichamati	L.P. School, Ichamati
8.	33--Mawsmi	Community Hall, Mawsmi
9.	34-Mawpun 'A'	Govt Normal Training School (East Wing), Mawpun
10.	35-Mawpun 'B'	Govt. Normal Training School (west Wing), Mawpun
11.	36-Mawkisyiem	Community Hall, Mawkisyiem
12.	37-Mawmluh	R.K.M. Secondary School, Mawmluh
13.	38-MeSEB-MCCL	Recreation Hall, MeSEB-MCCL
14.	39-kutmadan	Presbyterian L.P. School, Kutmadan
28-Sohra (ST) Assembly Constituency		
15.	7-Ladmawphlang	R.K.M.L.P. School, Ladmawphlang
16.	8-Sohrarim	Tirot Sing Syiem U.P. School, Sohrarim
17.	9-Laitryngew 'A'	M.P.K. Memorial School (East Wing) Laitryngew
18.	10-Laitryngew 'B'	M.P.K. Memorial School (West Wing) Laitryngew
19.	18-Pomsohmen	R.K.M.L.P.School, Posohmen
20.	20-Pdengshnong	Community Hall, Pdengshnong
21.	21-Maraikaphon	Community Hall, Maraikaphon
22.	22-Khliehshnong 'A'	Community Hall (East Wing), Khliehshnong
23.	23-Khliehshnong 'B'	Community Hall (West Wing), Khliehshnong
24.	25-Mawkma	Presbyterian L.P. School, Mawkma
25.	30-Iewmawiong 'A'	Govt.L.P. School (East Wing) Iewmawiong
26.	31-Iewmawiong 'B'	Govt. L.P. School(West Wing) Lewmawiong
27.	34-Laitlyngkot 'A'	Govt. L.P. School (East Wing), Laitlyngkot
28.	34-Laitlyngkot 'B'	Govt. L.P. School (West Wing), Laitlyngkot

Name of State: Rajasthan

Name of District: Jaisalmer

No. and Name of Assembly Constituency: 132-Jaisalmer Assembly Constituencies

Details of Polling Stations:

S.No	Polling Station No.	Building in which located
1	29	Govt. Sr. Secondary School, Sonu
2	59	Govt. Secondary School, Deva
3	89	Govt. Secondary School, Hameera
4	96	Govt. Secondary School, Bhagu ka Gaon
5	99	Govt. Sr. Secondary School, East part New Hall , Room No.14, Chandhan
6	100	Govt. Sr. Secondary School, East part New Hall , Room No.12, Chandhan
7	102	Govt. Secondary School, Sodhakore
8	109	Govt. Sr. Secondary School, Badoda Gaon, North Part
9	111	Govt. Sr. Secondary School, Badoda Gaon, South Part
10	114	Govt. Secondary School, Dabla
11	117	Govt. Secondary School, Bhoo
12	122	Govt. Secondary School, Pithla
13	128	Govt. Secondary School, Kishan Ghat
14	132	Emmanuel Mission School, Indira Colony, South West Part Jaisalmer
15	136	Govt. Girls Sr. Secondary School, Room No.01, Jaisalmer
16	137	Govt. Girls Sr. Secondary School, South Part Lab Room Jaisalmer
17	139	Govt. Secondary School, Sutharpara North Part, Jaisalmer
18	140	Govt. Secondary School, Sutharpara, Middle Part Jaisalmer
19	144	Amar Shahid Sagar Mal Gopa Sr. Secondary School, Jaisalmer
20	159	Govt. Secondary School, Baramsar
21	163	Govt. Secondary School, Roopsi North Part
22	168	Govt. Secondary School, Damodara
23	171	Govt. Secondary School, North Part Kanoi
24	172	Govt. Secondary School, Kanoi South Part
25	182	Govt. Secondary School, Sam
26	221	Govt. Secondary School, Dedha
27	223	Govt. Secondary School, Sipla
28	291	Govt. Sr. Secondary School, Devikot

Name of State: NCT of Delhi

Name of District: East Delhi District

Details of Polling Stations:

S. No	Polling Station No.	Building in which located
1	1	RSBV, Jheel Khurenja, Geeta Colony, Delhi
2	2	RSBV, Jheel Khurenja, Geeta Colony, Delhi
3	3	RSBV, Jheel Khurenja, Geeta Colony, Delhi
4	4	RSBV, Jheel Khurenja, Geeta Colony, Delhi
5	5	Vivekanand Mahila College, Vivek Vihar, Delhi
6	6	Vivekanand Mahila College, Vivek Vihar, Delhi
7	7	Vivekanand Mahila College, Vivek Vihar, Delhi
8	8	Vivekanand Mahila College, Vivek Vihar, Delhi
9	9	Maharaja Aggresain College, Vasundhara Enclave, Delhi
10	10	Maharaja Aggresain College, Vasundhara Enclave, Delhi
11	11	Maharaja Aggresain College, Vasundhara Enclave, Delhi
12	12	Maharaja Aggresain College, Vasundhara Enclave, Delhi
13	13	RSBV, No-2, Madhuban Road, Shakarpur, Delhi-92
14	14	RSBV, No-2, Madhuban Road, Shakarpur, Delhi-92
15	15	RSBV, No-2, Madhuban Road, Shakarpur, Delhi-92
16	16	SRSBV, No-2, Madhuban Road, Shakarpur, Delhi-92
17	17	SBV (Jai Prakash Narayan), East Vinod Nagar, Mayur Vihar Phase-II, Delhi-91.
18	18	SBV (Jai Prakash Narayan), East Vinod Nagar, Mayur Vihar Phase-II, Delhi-91.
19	19	SBV (Jai Prakash Narayan), East Vinod Nagar, Mayur Vihar Phase-II, Delhi-91.
20	20	SBV (Jai Prakash Narayan), East Vinod Nagar, Mayur Vihar Phase-II, Delhi-91.
21	21	SKV (Sharda Sen), Block-20, TrilokPuri, Delhi
22	22	SKV (Sharda Sen), Block-20, TrilokPuri, Delhi
23	23	SKV (Sharda Sen), Block-20, TrilokPuri, Delhi
24	24	SKV (Sharda Sen), Block-20, TrilokPuri, Delhi
25	25	SBV Karkari Road, Vishwas Nagar Delhi
26	26	SBV Karkari Road, Vishwas Nagar Delhi
27	27	SBV Karkari Road, Vishwas Nagar Delhi
28	28	SBV Karkari Road, Vishwas Nagar Delhi

Name of State: Kerala

Name of District: Thiruvananthapuram

No. and Name of Assembly Constituency: 133-Vattiyoorkavu Assembly

Constituency

Details of Polling Stations:

Sl.No.	P.S. No.	Building in which located
1	43	SMVHSS Thiruvananthapuram (Northern portion of East Building, Ground)
2	53	Sanskrit College Thiruvananthapuram (Southern Portion of West Building)
3	54	Sanskrit College Thiruvananthapuram (Western Portion of South Building)
4	55	College of Fine Arts (East Portion of South East Building, BFA Hall)
5	58	S M V HSS Thiruvananthapuram (Southern portion of of east building (Ground)
6	63	Sanskrit High School, Fort (Southern portion of Main Building)
7	65	Sanskrit High School, Fort (Northern portion of Main Building)
8	68	Fort High School TVM (Southern portion of east building)
9	71	Govt. Cotton Hill MGHSS Thiruvananthapuram (Eastern portion of assembly hall)
10	72	Govt. Cotton Hill MGHSS Thiruvananthapuram (Eastern portion of office building)
11	73	Govt. Cotton Hill MGHSS Thiruvananthapuram (Eastern portion of west building)
12	74	Govt. Cotton Hill MGHSS Thiruvananthapuram (Middle portion of west Building)
13	75	Govt. Model HS Thiruvananthapuram (PTA Building, Southern portion of Ground Floor)
14	76	Govt. Model BHSS Thiruvananthapuram (Ground Floor of PTA Building, Northern part)
15	82	Govt. Model BHSS Thiruvananthapuram (Middle portion of Ground Floor of PTA building)
16	88	Sree Swathithirunal Sangeetha Academy Tvm (Western Building No.1)
17	89	Sree Swathithirunal Sangeetha Academy Tvm (Western Building No.2)
18	90	Govt. BHS Chalai (Middle portion of south building)
19	91	Govt. BHS Chalai (Eastern portion of south building)
20	92	Thamizh HSS Chalai (Northern portion old building)
21	93	Thamizh HSS Chalai (Southern portion of main building)
22	94	Thamizh HSS Chalai (Middle portion of old building)
23	95	Govt. BHS Chalai (Northern portion of West building)
24	105	Central HS Attakulangara (Southern portion of main building)
25	106	Central HS Attakulangara (Middle portion of middle building)
26	107	Central HS Attakulangara (Middle portion of west building)
27	128	Govt. Girls Higher Secondary School Manacaud (Western Portion of Assembly Hall)
28	129	Govt. Girls Higher Secondary School Manacaud (Eastern Portion of Assembly Hall)

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

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विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 14 अगस्त, 2013

का.आ. 2470(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात्, निर्वाचनों का संचालन नियम, 1961 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

- 1 (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2013 है ।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।
- 2 निर्वाचनों का संचालन नियम, 1961 (जिन्हे इसमें इसके पश्चात् मूल-नियम कहा गया है), के नियम 49क के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :—
“परंतु ऐसे निर्वाचन क्षेत्र या निर्वाचन क्षेत्रों या उनके हिस्सों में, जैसा निर्वाचन आयोग निदेशित करे, मत के कागज़ पुच्छ के मुद्रण के लिए मतदान मशीन से ऐसे अभिकल्प के ड्रॉपबॉक्स के साथ प्रिटर जोड़ा जा सकेगा, जैसा निर्वाचन आयोग द्वारा अनुमोदित किया जाए ।”
- 3 मूल नियमों के नियम 49ख के उपनियम (4) में खंड (ख) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :—

“(ग) नियम 49क के परंतुक के अधीन जहां कागज़ पुच्छ के लिए प्रिटर प्रयुक्त किया जाता है—

- (i) खंड (क) के अधीन मतदान युनिटों पर यथाप्रदत्त अभ्यर्थियों के क्रम संख्यांक और नाम तथा उन्हें आबंटित चिह्नों को प्रिटर में लोड करके ;
- (ii) प्रिटर में कागज़ लोड करके ; और
- (iii) प्रिटर को ऐसी रीति में मुद्राबंद करके जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए,

नियंत्रण युनिटों में सेट किए गए निर्वाचन लड़ने वाले अभ्यर्थियों की संख्या के अनुसार प्रिटर सेट किया जाएगा ।”

4. मूल नियमों के नियम 49ड में,--

(क) उपनियम (1) आरंभिक भाग में, "प्रत्येक मतदान मशीन के नियंत्रण यूनिट और मतदान यूनिट पर" शब्दों के पश्चात्, "और कागज़ पुच्छ के लिए प्रिटर पर, जहां प्रयुक्त हो" शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में, "मतदान मशीन में पहले से ही कोई मत दर्ज नहीं किया गया है और उस पर उपनियम (4) में निर्दिष्ट लेबल लगा है" शब्दों, कोष्ठकों और अंक के स्थान पर, "मतदान मशीन में पहले से ही कोई मत दर्ज नहीं है और उस पर उपनियम (1) में निर्दिष्ट लेबल लगा है, और जहां कागज़ पुच्छ के लिए प्रिटर प्रयुक्त किया जाता है वहां प्रिटर का ड्रापबॉक्स खाली है" शब्द, कोष्ठक और अंक रखे जाएंगे ।

(ग) उपनियम (6) के पश्चात् निम्नलिखित उपनियम अंतःस्थापित किया जाएगा, अर्थात् :--

"(7) जहां कागज़ पुच्छ के लिए प्रिटर प्रयुक्त किया जाता है, वहां मतदान कोष्ठ में मतदान यूनिट के साथ प्रिटर भी रखा जाएगा और उस रीति में इलैक्ट्रॉनिक मतदान मशीन से जोड़ा जाएगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए ।"

5. मूल नियमों के नियम 49ड के उपनियम (3) में, खंड (ग) के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :--

"परंतु जहां कागज़ पुच्छ के लिए प्रिटर प्रयुक्त किया जाता है, खंड (ख) में यथानिर्दिष्ट बटन दबाकर मतदान करने पर निर्वाचक मतदान कोष्ठ के अंदर मतदान यूनिट के साथ रखे प्रिटर की पारदर्शी खिड़की से प्रिटर के ड्रापबॉक्स में ऐसी कागज़ की पर्ची कटकर गिरने के पूर्व उस अभ्यर्थी का क्रम संख्यांक, नाम और चिह्न, जिसे उसने अपना मत दिया है, दर्शित करने वाली मुद्रित कागज़ की पर्ची देखने में समर्थ होगा ।"

6. मूल नियमों के नियम 49ड के पश्चात्, निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात् :--

"49डक. कागज़ की पर्ची पर मुद्रित विशिष्टियों के बारे में परिवाद की दशा में प्रक्रिया-(1) जहां कागज़ पुच्छ के लिए प्रिटर प्रयुक्त किया जाता है, यदि नियम 49ड के अधीन अपना मत अभिलिखित करने के पश्चात् निर्वाचक यह आरोप लगाता है कि प्रिटर से निकली हुई कागज़ की पर्ची में उस अभ्यर्थी से भिन्न अभ्यर्थी का नाम या चिह्न दर्शाया गया है जिसे उसने मत दिया था, तो पीठासीन अधिकारी निर्वाचक को झूठी घोषणा करने के परिणाम के बारे में चेतावनी देने के पश्चात्, निर्वाचक से आरोप के संबंध में लिखित घोषणा प्राप्त करेगा ।

(2) यदि निर्वाचक उपनियम (1) में निर्दिष्ट लिखित घोषणा देता है तो पीठासीन अधिकारी प्ररूप 17क में उस निर्वाचक से संबंधित दूसरी प्रविष्टि करेगा, अपनी उपस्थिति में तथा अभ्यर्थियों या मतदान अभिकर्ताओं की उपस्थिति में, जो मतदान केन्द्र में उपस्थित रह सकेंगे तथा प्रिटर द्वारा निकाली गई कागज़ की पर्ची का प्रेक्षण करेंगे, निर्वाचक को मतदान मशीन में एक परीक्षण मतदान अभिलिखित करने की अनुज्ञा देगा ।

(3) यदि आरोप सत्य पाया जाता है तो पीठासीन अधिकारी इन तथ्यों की रिपोर्ट तुरंत रिटर्निंग आफिसर को करेगा, उस मतदान मशीन में और मत अभिलिखित करना बंद कर देगा तथा उन निर्देशों के अनुसार कार्य करेगा जो रिटर्निंग आफिसर द्वारा दिए जाएं।

(4) तथापि, यदि आरोप मिथ्या पाया जाता है और उपनियम (1) के अधीन इस प्रकार निकाली हुई कागज़ की पर्ची उपनियम (2) के अधीन निर्वाचक द्वारा अभिलिखित परीक्षण मत से मेल खाती है तो पीठासीन अधिकारी-

(i) प्ररूप 17क में उस अभ्यर्थी का क्रम संख्यांक और नाम जिसके लिए ऐसा परीक्षण मत अभिलिखित किया गया है, वर्णित करते हुए उस निर्वाचक से संबंधित दूसरी प्रविष्टि के सामने उस प्रभाव की टिप्पणी करेगा ;

(ii) ऐसी टिप्पणियों के सामने उस निर्वाचक के हस्ताक्षर या अंगूठे की छाप लेगा ; और

(iii) प्ररूप 17ग के भाग 1 में मद 5 में ऐसे परीक्षण मत के संबंध में आवश्यक प्रविष्टियां करेगा ।"

7. मूल नियमों के नियम 49न में, -

(क) उपनियम (1) में, "मतदान यूनिट को नियंत्रण यूनिट से" शब्दों के पश्चात्, "और प्रिंटर से, जहां प्रिंटर भी प्रयुक्त होता है, किंतु इस प्रकार कि प्रिंटर के ड्रापबॉक्स में अंतर्विष्ट कागज़ की पर्चियां अविकल रहेंगी," शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में "नियंत्रण यूनिट और मतदान यूनिट को" शब्दों के स्थान पर, जहां प्रयुक्त होते हैं, "नियंत्रण यूनिट, मतदान यूनिट और प्रिंटर को, शब्द अंतःस्थापित किए जाएंगे"

8. मूल नियमों के नियम 66क में, खंड (i) में, -

(अ) नियम 56ग के उपनियम (2) में खंड (क) के पश्चात्, निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :-

"परंतु प्ररूप 17ग के भाग 1 के मद 5 के अनुसार, किसी अभ्यर्थी के लिए, अभिलिखित परीक्षण मत, यदि कोई हो, नियंत्रण यूनिट पर यथा प्रदर्शित ऐसे अभ्यर्थी के लिए अभिलिखित किए गए मतों की संख्या में से घटा दिया जाएगा ।";

(आ) नियम 56ग के पश्चात्, निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात् :-

"56घ. कागज़ पुच्छ की संवीक्षा-(1) जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, परिणाम शीट में की गई प्रविष्टियों की घोषणा किए जाने के पश्चात्, कोई अभ्यर्थी, या उसकी अनुपस्थिति में उसका निर्वाचन अभिकर्ता या उसका कोई मतगणना अभिकर्ता किसी मतदान केन्द्र या मतदान केन्द्रों के संबंध में प्रिंटर के ड्रापबॉक्स में मुद्रित कागज़ पर्चियों की गणना करने के लिए लिखित में रिटर्निंग आफिसर को आवेदन कर सकेगा ।

(2) ऐसा आवेदन किए जाने पर, रिटर्निंग आफिसर, ऐसे साधारण या विशेष दिशा निर्देशों के अधीन रहते हुए जो निर्वाचन आयोग द्वारा जारी किए जाएं, मामले का विनिश्चय करेगा तथा आवेदन को पूर्णतः या भागतः अनुज्ञात कर सकेगा या पूर्णतः अस्वीकृत कर सकेगा, यदि उसे वह तुच्छ या अयुक्तियुक्त प्रतीत होता है ।

(3) उपनियम (2) के अधीन रिटर्निंग आफिसर का प्रत्येक विनिश्चय लिखित में होगा तथा उसमें उसके कारण अंतर्विष्ट होंगे ।

(4) यदि उपनियम (2) के अधीन रिटर्निंग आफिसर कागज़ पर्चियों की गणना या तो पूर्णतः या भाग या भागों को अनुज्ञात करता है तो वह—

(क) गणना उस रीति में करेगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए ;

(ख) यदि नियंत्रण यूनिट पर प्रदर्शित मतों और कागज़ की पर्चियों की गणना में कोई विसंगति है तो कागज़ की पर्चियों की गणना के अनुसार प्ररूप 20 में परिणाम शीट को संशोधित करेगा ;

(ग) उसके द्वारा इस प्रकार किए गए संशोधनों की घोषणा करेगा ; और

(घ) परिणाम शीट को पूर्ण करेगा तथा उस पर हस्ताक्षर करेगा”;

(इ) नियम 57ग में,—

(क) उपनियम (1) में, “ऐसे परिणाम की स्मृति प्रतिधारित कर सके” शब्दों के पश्चात्, “और जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, रिटर्निंग आफिसर ऐसी रीति में कागज़ की पर्चियों को मुद्राबंद करेगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए” शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में,—

(i) आरंभिक भाग में, “नियंत्रण यूनिट” शब्दों के पश्चात्, “और कागज़ की पर्चियों” शब्द अंतःस्थापित किए जाएंगे ;

(ii) खंड (ग) में, “नियंत्रण यूनिट” शब्दों के पश्चात्, “और प्रिंटर, जहां कहीं प्रयुक्त हो,” शब्द अंतःस्थापित किए जाएंगे ।

9. मूल नियमों के नियम 92 के उपनियम (2) में, खंड (ग) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :—

“(गग) नियम 57ग के उपबंधों के अधीन मुद्राबंद मुद्रित कागज़ की पर्चियां ;” ।

10. मूल नियमों के नियम 93 के उपनियम (1) में, खंड (ग) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :—

“(गग) नियम 57ग के उपबंधों के अधीन मुद्राबंद मुद्रित कागज़ की पर्चियां ;” ।

11. मूल नियमों के नियम 94 में, खंड (ख) के परंतुक में “प्रयुक्त मतपत्रों के प्रतिपर्णों” शब्दों के पश्चात्, “और मुद्रित कागज़ की पर्चियों, यदि कोई हों,” शब्द अंतःस्थापित किए जाएंगे ।

12. मूल नियमों में, प्ररूप 17ग के स्थान पर, निम्नलिखित प्ररूप रखा जाएगा, अर्थात् :—

प्ररूप 17ग

(नियम 49घ और 56ग (2) देखिए)

भाग 1 - अभिलिखित मतों का लेखा

.....निर्वाचन-क्षेत्र से.....लोक सभा क्षेत्र/राज्य/संघ
राज्यक्षेत्र की विधान सभा के लिए निर्वाचन

मतदान केन्द्र संख्यांक और नाम :

नियंत्रण यूनिट.....

मतदान केन्द्र में प्रयुक्त मतदान :
मशीन का पहचान संख्यांक :मतदान यूनिट.....
प्रिंटर (यदि प्रयुक्त हुआ है).....

1. मतदान केन्द्र को नियत निर्वाचकों की कुल संख्या
2. मतदाता रजिस्टर (प्रारूप 17क) में दर्ज मतदाताओं की कुल संख्या
3. नियम 49ण के अधीन मतदान अभिलिखित न करने का विनिश्चय करने वाले मतदाताओं की संख्या
4. नियम 49ड के अधीन मतदान करने के लिए अनुज्ञात न किए गए मतदाताओं की संख्या
5. नियम 43एमए(घ) के अधीन अपेक्षित कटौती के लिए अभिलिखित परीक्षण मत-

(क) कटौती के लिए परीक्षण मतों की कुल संख्या	प्रारूप 17(क) में निर्वाचक संख्याएं	(संख्याएं)	(निर्वाचकों) की क्रम सं०

(ख) अभ्यर्थी (अभ्यर्थियों) जिनके लिए परीक्षण मत डाले गए	क्रम सं०	अभ्यर्थी का नाम	मतों की सं०

6. मतदान मशीन के अनुसार अभिलिखित मतों की कुल संख्या :
7. क्या मद 5 के सामने यथादर्शित मतों की कुल संख्या मद 2 के सामने यथादर्शित मतदाताओं की कुल संख्या घटा-मद 3 के सामने दर्शित मत अभिलिखित न करने का विनिश्चय करने वाले मतदाताओं की संख्या घटा-मद 4 के सामने मतदाताओं की संख्या (2-3-4) से मेल करती है या इसमें कोई फर्क पाया गया है
7. उन मतदाताओं की संख्या जिनको नियम 49त के अधीन निविदित मतपत्र जारी किए गए :
8. निविदित मतपत्रों की संख्या

कुल	से	तक
(क) प्रयोग के लिए प्राप्त.....		
(ख) निर्वाचकों को जारी किए गए.....		
(ग) प्रयुक्त न किए गए और वापस लिए गए.....		
9. कागज की सीलों का लेखा

मतदान अधिकर्ता के हस्ताक्षर

- | | | |
|---|-------------------------|--------|
| 1. उपयोग के लिए प्रदाय की गई कागज की सीले | कुल सं०..... | 1..... |
| | क्र०सं०..... से..... तक | |
| 2. प्रयुक्त हुई कागज की सीले | कुल सं०..... | 2..... |
| | क्र०सं०..... से..... तक | |
| 3. रिटर्निंग आफिसर को वापस की गई अप्रयुक्त कागज की सीले | कुल सं०..... | 3..... |
| | क्र०सं०..... से..... तक | |
| 4. नष्ट हुई कागज की सीले, यदि कोई हों : | कुल सं०..... | 4..... |
| | क्र०सं०..... से..... तक | 5..... |
| | | 6..... |

तारीख

स्थान.....

पीठासीन अधिकारी के हस्ताक्षर

मतदान केन्द्र सं०.....

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भाग 2 -- मतगणना का परिणाम

क्रम संख्यांक	अभ्यर्थी का नाम	नियंत्रण प्रदर्शित संख्या	यूनिट पर मतों की संख्या	भाग 1 के मद 5 के अनुसार कटौती किए जाने वाले मतों की संख्या	विधिमाम्य मतों की संख्या
(1)	(2)	(3)	(4)	(5)	(3-4)

1.

2.

3.

4.

5.

6.

योग

क्या ऊपर दर्शित मतों की कुल संख्या भाग 1 की मद 6 के सामने दर्शित मतों की कुल संख्या से मेल करती है या उनके दोनों योगों में कोई फर्क दर्शित होता है।

स्थान

तारीख

गणन पर्यवेक्षक के हस्ताक्षर
अभ्यर्थी/निर्वाचन अभिकर्ता/गणन अभिकर्ता का नाम
पूरे हस्ताक्षर

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स्थान

तारीख

रिटर्निंग आफिसर के हस्ताक्षर

[फा. सं. एच 110/9(10)/2010-वि. 2]

डॉ. जी. नारायण राजू, संयुक्त सचिव और विधायी प्रामर्श

टिप्पणी : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उपखण्ड (ii), में अधिसूचना संख्यांक का.आ. 859 तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए और उनमें अंतिम संशोधन अधिसूचना संख्यांक का.आ. 1732(अ) तारीख 1 अगस्त, 2012 द्वारा किया गया।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 14th August, 2013

S.O. 2470(E).—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2013.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961 (hereinafter referred to as the principal rules), after rule 49A, the following proviso shall be inserted, namely:—

“Provided that a printer with a drop box of such design, as may be approved by the Election Commission, may also be attached to a voting machine for printing a paper trail of the vote, in such constituency or constituencies or parts thereof as the Election Commission may direct.”

3. In the principal rules, in rule 49B, in sub-rule (4), after clause (b), the following clause shall be inserted, namely:—

“(c)where the printer for paper trail is used under the proviso to rule 49A, set the printer as per the number of contesting candidates set in the control unit by —

- (i) loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (a);
- (ii) loading paper in the printer; and
- (iii) sealing the printer in such manner as may be directed by the Election Commission.”

4. In the principal rules, in rule 49E,—

- (a) in sub-rule (1), in the opening portion, after the words “every voting machine used at polling station,”, the words “and the printer for paper trail where used,” shall be inserted;
- (b) in sub-rule (2), for the words, brackets and figure “no voter has been already recorded in the voting machine and it bears the label referred to in sub-rule (4).”, the words, brackets and figure “no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1), and where the printer for paper trail is used that the drop box of the printer is empty.” shall be substituted;

(c) after sub-rule (6), the following sub-rule shall be inserted, namely:-

“(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the Election Commission.”.

5. In the principal rules, in rule 49M, in sub-rule (3), after clause (c), the following proviso shall be inserted, namely:—

“Provided that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept alongwith the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.”.

6. In the principal rules, after rule 49M, the following rule shall be inserted, namely:-

“49MA. Procedure in case of complaint about particulars printed on paper slip.—(1)

Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the returning officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the presiding officer shall—

- (i) make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- (ii) obtain the signature or thumb impression of that elector against such remarks; and
- (iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.”.

7. In the principal rules, in rule 49T,—

- (a) in sub-rule (1), after the words “detach the balloting unit from the control unit”, the words “and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact” shall be inserted;
- (b) in sub-rule (2), for the words “The control unit and the balloting unit shall,”, the words “The control unit, the balloting unit and the printer, where it is used, shall” shall be inserted.

8. In the principal rules, in rule 66A, in clause (i),—

(A) in rule 56C, in sub-rule (2), after clause (a), the following proviso shall be inserted, namely:—

“Provided that the test vote recorded, if any, for a candidate, as per item 5 in Part I of Form 17C, shall be subtracted from the number of votes recorded for such candidate as displayed on the control unit.”;

(B) after rule 56C, the following rule shall be inserted, namely:—

“56D. Scrutiny of paper trail.— (1) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in part or parts, he shall—

- (a) do the counting in the manner as may be directed by the Election Commission;
- (b) if there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form 20 as per the paper slips count;
- (c) announce the amendments so made by him; and
- (d) complete and sign the result sheet.”;

(C) in rule 57C,—

(a) in sub-rule (1), after the words "the memory of such result", the words "and where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the Election Commission" shall be inserted;

(b) in sub-rule (2), —

(i) in the opening portion, after the words "The control unit", the words "and the paper slips" shall be inserted;

(ii) in clause (c), after the words "the control unit", the words "and printer wherever used" shall be inserted.

9. In the principal rules, in rule 92, in sub-rule (2), after clause (c), the following clause shall be inserted, namely:—

"(cc) the printed paper slips sealed under the provisions of rule 57C;".

10. In the principal rules, in rule 93, in sub-rule (1), after clause (c), the following clause shall be inserted, namely:—

"(cc) the printed paper slips sealed under the provisions of rule 57C;".

11. In the principal rules, in rule 94, in the proviso to clause (b), after the words "counterfoils of used ballot papers", the words "and the printed paper slips, if any," shall be inserted.

12. In the principal rules, for FORM 17C, the following form shall be substituted, namely:—

"FORM 17C"

[See rules 49S and 56C(2)]

PART I.—ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union territory.....from.....Constituency.

Number and Name of Polling Station:

Identification Number of voting

Machine used at the Polling Station :

control unit

balloting unit.....

Printer (if used)

1. Total number of electors assigned to the Polling Station

2. Total number of voters as entered in the Register for Voters (Form 17A)

3. Number of voters deciding not to record votes under rule 49-O

4. Number of voters not allowed to vote under rule 49M

5. Test votes recorded under rule 49MA (d) required to be deducted-

(a) total number of test votes to be deducted: Total No. Sl. No.(s) of elector(s) in Form 17A
.....

(b) candidate(s) for whom test vote(s) cast:

Sl.No	Name of candidate	No. of votes
.....
.....

6. Total number of votes recorded as per voting machine:.....

7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4 (i.e. 2-3-4) or any discrepancy noticed:.....

8. Number of voters to whom tendered ballot papers were issued under rule 49P:.....

9. Number of tendered ballot papers.

Total	From	Sl.No.	To
-------	------	--------	----

(a) received for use _____
(b) issued to electors _____
(c) not used and returned _____

10. Account of papers seals

Signature of polling agents.

1. Paper seals supplied for use :	Total No..... Sl. No. from.....to	1. _____
2. Paper seals used :	Total No Sl. No. (s).....	2. _____
3. Unused paper seals returned to Returning Officer :	Total No Sl. No.(s)	3. _____
4. Damaged paper seal, if any :	Total No Sl. No.(s)	4. _____
		5. _____
		6. _____

Date.....
Place.....

Signature of Presiding Officer
Polling Station No.....

PART II—RESULT OF COUNTING

Sl.No. of candidate	Name of candidate	Number of votes as displayed on control unit	Number of test votes to be deducted as per item 5 of Part I.	Number of valid votes. (3 -4)
(1)	(2)	(3)	(4)	(5)

1.

2.

3.

4.

5.

6.

Total

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place.....

Date.....

Name of candidate/election agent/counting agent

Signature of Counting Supervisor
Full signature

1.

2.

3.

4.

5.

6.

7.

Place.....

Date.....

Signature of Returning Officer."

[F No. 11-11019(10)/2010-1.cg.II]

Dr. G. NARAYANA RAJU, Jr. Secy. and Legislative Counsel.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 859, dated the 15th April, 1961 and last amended vide notification number S.O. 1732(F), dated 1st August, 2012.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI

No ECI/PN/25/2013

Dated:- 07.09.2013

PRESS NOTE

Sub:- Bye-election from 51-Noksen (ST) Assembly Constituency to Nagaland Legislative Assembly – Use of Voter Verifiable Paper Audit Trail (VVPAT) system for the first time by the Commission in Elections - regarding.

A piece of election history was made in the remote Tuensang district of Nagaland with the successful culmination of counting of votes today, i.e, on 7th September, 2013 for the bye-election to 51-Noksen (ST) Assembly Constituency, where poll was held on 4th September, 2013 using, **for the first time ever**, the Voter Verifiable Paper Audit Trail (VVPAT) system with Electronic Voting Machines. Under the VVPAT system, newly developed by the Electronics Corporation of India Limited and Bharat Electronic Limited, under the direction of the Election Commission and its Technical Experts Committee, a printer is attached to the balloting unit of the voting machine and is kept along with the balloting unit inside the screened voting compartment. When a voter casts his vote by pressing of the candidate's button against the name and symbol of the candidate of his choice, apart from the red light glowing against the name and symbol of that candidate, the printer also generates a paper slip containing the serial number, name and symbol of candidate for whom the vote has been cast. This paper slip remains visible to the voter through a window covered by glass on the printer and after sufficient time gets automatically cut and falls into the box permanently attached below the printer. This enables the voter to verify and satisfy himself that the vote cast by him for the candidate of his choice has been actually recorded correctly for that candidate. In case of any doubt, these paper slips can be counted at the time of the counting of votes and tallied with the number of votes recorded in the control unit of the voting machine.

The poll on 4th September, 2013 as well as the counting of votes today went off smoothly and without any problem. At the time of counting, the number of votes

displayed in the voting machines against each of the two contesting candidates tallied with the paper slips generated by the printers of the VVPAT system on actual counting of these paper slips.

51-Noksen (ST) Assembly Constituency had 12088 electors distributed across 21 polling stations (including one auxiliary polling station). The two candidates who contested the said bye-election were - Shri C.M. Chang of Naga People's Front and Shri Luma Onen Chang of Indian National Congress. The counting of votes was conducted by the Returning Officer of 51-Noksen (ST) A.C. in the presence of Commission's Observers and Counting Agents of both the contesting candidates. The details of votes cast are as under :

- | | |
|---|---------|
| a) Total No. of electors | : 12088 |
| b) Total No. of Votes polled (including postal ballot papers) | : 8553 |
| c) Total No. of postal ballot papers rejected | : 3 |

Sh. C.M. Chang (NPF) secured 5708 votes, whereas Sh. Luma Onen Chang (INC) got 2845 votes and, accordingly, Sh. C.M. Chang (NPF) was declared elected by the Returning Officer.


(ANUJ JAIPURIAR)
SECRETARY

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BY SPEED POST/FAX

ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001****K.N.BHAR**
SECRETARY

No. 51/8/VVPAT/2014-EMS

Dated: 24th September, 2014

To

The Chief Electoral Officers of

1. Haryana, Chandigarh.
2. Maharashtra, Mumbai.

Subject: Instructions on the use of EVMs with Voter Verifiable Paper Audit Trail system (VVPAT) - reg.

Sir,

I am directed to state that the Commission has decided to use Voter Verifiable Paper Audit Trail system (VVPAT) alongwith Electronic Voting Machines (EVMs) in the following assembly constituencies during the ensuing General Election to the Legislative Assemblies of Haryana and Maharashtra, 2014.

S. No.	Name of State	Name of the District	Number and Name of Assembly Constituency
1	Maharashtra	Aurangabad	107-Aurangabad Central
2			108- Aurangabad West (SC)
3			109- Aurangabad East
4		Amravati	38-Amravati
5			42-Achalpur
6		Nashik	123-Nashik East
7			124-Nashik Central
8			125-Nashik West
9		Wardha	47-Wardha
10		Bhandara	61-Bhandara (SC)
11		Chandrapur	71-Chandrapur (SC)
12		Yavatmal	78-Yavatmal
13		Ahmednagar	225-Ahmednagar City
14	Haryana	Kurukshetra	13-Thanesar
15		Karnal	21-Karnal
16		Panipat	25-Panipat City
17		Sonipat	31-Sonipat

S. No.	Name of State	Name of the District	Number and Name of Assembly Constituency
18	Haryana (Contd....)	Rohtak	62-Rohtak
19		Gurgaon	77-Gurgaon

The Rule 49A of the Conduct of Elections Rules, 1961, provides that the “*Every electronic voting machine (hereinafter referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Election Commission. **Provided that a printer with a drop box of such design as may be approved by the Election Commission may also be attached to a voting machine for printing a paper trail of the vote, in such constituency or constituencies or parts thereof as the Election Commission may direct***”. Pursuant to the said rules, the Election Commission has approved the printers as developed by the manufacturing companies viz. ECIL and BEL.

The Rule 49B[4(c)] of the said Rules provides that ***where the printer for paper trail is used under the proviso to rule 49A, set the printer as per the number of contesting candidates set in the Control Unit by –***

- i) *loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (a);*
- ii) *loading paper in the printer; and*
- iii) *sealing the printer in such manner as may be directed by the Election Commission”.*

The Rule 49E [1, 2 &7] of the said Rules provides that –

(1) The Control Unit, the Balloting Unit of every voting machine used at a polling station, ***and the printer for paper trail where used,*** shall bear a label marked with—

- (a) the serial number, if any, and the name of the constituency;
- (b) the serial number and name of the polling station or stations as the case may be;
- (c) the serial number of the unit of voting machine; and
- (d) the date of poll.

(2) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine, ***and where the printer for paper trail is used that the drop box of the printer is empty.***

(7) ***Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the EVM in the manner as directed by the Commission.***

The Rule 49MA of the said Rules provides that ***—where printer for paper trail is used, upon casting the vote by pressing the button under clause (b), the elector shall be able to view through the transparent window of the printer, kept alongwith the balloting unit inside the voting compartment, the printed paper slip showing the serial no, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.***

The Rule 49T(1) of the said Rules provides that (1) As soon as practicable after the closing of the poll, the presiding officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit, **and from the printer where the printer is also used.**

Taking into consideration the provisions made under Rules 49A, 49B [4(c)], 49E [1, 2 &7], 49M (A), 49 T (1) by the Conduct of Elections (Amendment) Rules, 2013 the Commission has directed that the following instructions on use of VVPAT system with EVM shall be strictly followed in the aforesaid election: -

1. **Training of Master Trainers:** It is necessary to provide very good quality training to all election officials. “Hands-on” training should be organized for Presiding Officers, Polling officers, Returning Officer, Assistant Returning Officers, Sector Officers and counting personnel.
2. **Training of polling personnel and counting personnel: - Immediately after the second randomisation of polling personnel in respect of the Assembly Constituencies in which the VVPAT will be used training for the polling personnel should be conducted.** The Master Trainers will impart training to the field officials. The training should include theoretical inputs and also hands on training. Every officer should get an opportunity to operate the EVMs with the VVPAT system and learn the process of recording the vote using VVPAT. Separate training on counting of printed ballot slips from the VVPAT system and tallying the count of printed ballot slips with the electronic count in the EVMs using the modified Form 17C should also be given. Questions should be encouraged and all doubts should be cleared in the training. Detailed operational manual of VVPAT will be made available by the manufacturers of EVM. Copies of the operational manual should be given to all officers during training. Copies of operational manual should also be available at the polling station on the poll day. Complete training process should be videographed.
3. **Awareness about use of VVPAT:** Awareness should be created amongst the political parties and electors of the Assembly Constituencies, where VVPAT to be used, about the purpose and use of VVPAT. For this purpose a demonstration of VVPAT system should be organized by the Returning Officers for all Candidates and Political Parties. The demonstration will be done by Engineers of VVPAT manufacturers. Demonstration of VVPAT system should also be organized for voters at suitable locations in the constituencies. A simple poster on method of voting on EVMs with VVPAT should be prepared and pasted at prominent places in all villages of the constituencies. This poster should also be pasted at two or three places in each polling station in such a manner that voters waiting in the queue are able to read the instructions in the poster. Pamphlets on the method of voting using EVMs with VVPAT should be printed and distributed to voters along with Photo Voter slips before the poll. **A copy of the sample Pamphlet is attached at Annexure-V.** Each voter should be given detailed instructions on the method of voting on EVMs with VVPAT on the poll day when his or her signatures/thumb impressions are obtained in the register of Voters in Form 17 A by a polling officer. The CEO, DEO and RO should also organize programmes for awareness about use of EVMs with VVPAT on Doordarshan and All India Radio.

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4. First Level Checking of VVPAT system: If the First Level Checking of EVMs has already been completed it need not be repeated alongwith the First Level Checking of VVPAT systems. Some spare EVMs from reserved may be used for this purpose. The FLC of VVPAT shall be done in the presence of representatives of the National and State Political parties. During this FLC in addition to the normal FLC procedure, political party representatives will also be asked to check the printed ballot slip in VVPAT for each vote cast, before it is cut and falls in the drop box of the VVPAT printer, in the manner a voter is supposed to check the printed ballot slip in a real election. After the mock poll, the printed ballot slips of each VVPAT printer shall be counted to compute the result independent of the electronic result in the CU and the result of the printed ballot slips shall be tallied with the electronic result of the CU. The tally should be shown to those present in the FLC. The whole process shall be videographed. FLC should also be treated as an opportunity for training the representatives of the political parties in the use of EVMs with VVPAT system.

5. Preparation of EVMs and VVPAT system for Poll: EVMs shall be prepared for poll according to the instructions of the Commission on preparation of EVMs for polls in the usual manner. After preparation of EVM, the VVPAT system shall be prepared for poll in the following manner as mentioned in Rule 49 B (4) (c) (i) – (iii) of the Conduct of Elections (Amendment) Rules, 2013 : -

- a. VVPAT system consists of one VVPAT Status Display Unit (VSDU) and one VVPAT Printer unit.
- b. Fresh Paper roll shall be installed in VVPAT printer unit by following the procedure given in the user manual for VVPAT system.
- c. Serial numbers and names of candidates and symbols allotted to them shall be loaded in VVPAT unit with the help of engineers of manufacturer i.e. ECIL/BEL.
- d. A test printout of the Serial numbers and names of candidates and symbols loaded shall be checked with the ballot paper placed on Ballot Unit. Thereafter, switch OFF the Control Unit and **the latches of Paper Roll Compartment shall be sealed by using thread seals and address tags.**

(Switching OFF of Control Unit before sealing of paper roll compartment should be ensured)

- e. New power pack (battery) shall be connected to the VVPAT unit. The door of the battery compartment must be properly shut. However, it is not sealed as the power pack can be replaced, if low battery status is indicated in VSDU, during the poll.
- f. Thereafter one vote to each candidate will be given to check that the VVPAT is correctly printing the paper slips in respect of all the candidates.
- g. VVPAT units should be randomly allocated to polling stations. For this purpose serial numbers of VVPAT printers shall be written on separate paper slips. These paper slips shall

be put in a big jar and mixed. After that the slips shall be taken out one by one and allocated to polling stations.

- h. The VVPAT unit will then be kept in the carrying case provided and taken to the polling station along with the EVM.

6. **Additional Polling Official:** While constituting polling parties, care should be taken to provide one extra polling official in each polling station to handle the VVPAT unit. The duty of this polling official will be to watch the VVPAT Status Display Unit (VSDU) continuously during the entire poll process. He will bring any error messages to the notice of the Presiding Officer immediately. One additional power pack battery will be provided to every polling party. In case of low battery error message the battery will be changed. For any other error message the VVPAT printer unit will be changed. It may be noted that change of paper is not allowed during poll.
7. **Dispersal of polling parties:-** At the time of dispersal of polling parties, two copies of the following shall be handed over to the Presiding Officers:
 - i) Trouble shooting instructions given at Annexure-III
 - ii) List of additional items of Polling materials given at Annexure-IV
8. **Conduct of Mock Poll and sealing of EVMs and VVPATs in the Polling Stations:** During the mock poll in the polling stations, the Ballot Unit(s) and VVPAT unit should be placed in the Voting Compartment and Control Unit and VSDU on the table of the Presiding Officer/Polling Officer who will operate the Control Unit after being properly connected. One polling officer should be present in the Voting Compartment along with polling agents to watch operations on the Ballot Unit and the printed ballot slip by the VVPAT Printer unit. This polling officer will keep a record of the votes cast. After the mock poll, Presiding Officer will ascertain the result in the Control Unit and count the ballot slips in respect of each candidate in the presence of the polling agents and confirm that the result tallies with the votes polled in respect of each candidate. The Presiding Officer shall ensure that the data of mock poll is cleared in the Control Unit, without fail, and also remove all the printed paper (ballot) slips from the drop box in the VVPAT unit. These printed-paper slips of the mock poll shall be kept in an envelope made of thick black paper. The envelope will be sealed with the seal of the presiding officer. The Presiding Officer and the polling agents present shall put their signatures on the envelope. The number and name of the polling station and number and name of Assembly Constituency alongwith the date of poll shall be written on the Envelope. Words- "Printed paper slips of Mock Poll" shall also be written on the envelope. The envelope shall then be kept in the special plastic box provided for the purpose. The plastic box shall be sealed with a Pink Paper Seal placed all around in such a manner that opening of the box shall not be possible without breaking the seal. The number and name of the polling station and number and name of Assembly Constituency alongwith the date of poll shall be written on the plastic box. The Presiding Officer and Polling Agents present shall put their signatures on the pink paper seal. This plastic box containing printed paper slips of the mock poll shall be kept along with other documents relating to elections by the

Returning Officer and shall be preserved till the period of filing of Election Petitions is over or in case an election petition is filed, till the final disposal by a Competent Court. Polling agents present will be allowed to verify that the drop box of VVPAT unit is empty. Thereafter, Presiding Officer will prepare and sign the mock poll certificate (Annexure-I) in the revised format of Mock Poll Certificate enclosed herewith and seal the Control Unit as per procedure laid down in the Presiding Officers' Handbook. The Presiding Officer shall also prepare the VVPAT system as under:

- (i) The lower part of the VVPAT unit i.e. drop box shall be sealed with the Address Tag before actual poll starts.
- (ii) After that BU and VSDU shall be connected to the VVPAT printer and connect the VVPAT printer to the Control Unit.
- (iii) Switch ON the Control Unit, after making all connection.

This is a very critical step and this should be emphasised during training. Observer should visit maximum number of polling stations on the poll day to check that everything is being done in the manner prescribed by the Commission.

9. **Complaint about incorrect printing of particulars on paper slip:** If any voter alleges about the wrong printing of particulars of a candidate and/or symbol of that candidate on paper slip printed by the printer on pressing of concerned blue button on the Balloting unit to which the printer is connected, the Presiding Officer of the polling station should provide him a 'Form of Declaration' (Annexure-II) to lodge a complaint and follows the procedure prescribed under rule 49MA, which reads as under:

“49MA. Procedure in case of complaint about particulars printed on paper slip.-(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2). If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3). If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the Returning Officer.

(4). If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the presiding officer shall-

- (i)** make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test votes has been recorded;

- (ii) obtain the signature or thumb impression of that elector against such remarks; and
- (iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.”.

10. Action in case of certain contingencies during poll: Certain contingencies may arise during the polling process, which may require certain actions. These are as follows:-

- a. In case the CU or the BU does not work properly replacement of the whole EVM including CU, BU and VVPAT is required. **Fresh mock-poll is also required to be done on the replaced set of CU, BU and VVPAT, following the same procedure as it was done earlier, prior to start of actual poll. The printed paper slips of the mock-poll shall be taken out and kept in the Black Envelope and shall be kept in the same plastic box, in which printed paper slip of mock-poll done prior to start of actual poll are kept.**
- b. In case the VSDU is showing “Low Battery”, the power pack battery of VVPAT should be replaced. **It should be ensured that before taking out the power pack battery of VVPAT control unit must be switched OFF and after installing new power pack battery in VVPAT, control unit should be switched ON. Control Unit should not be switched ON without installing power pack in VVPAT.**
- c. In case there is any other error, like “Paper Low” error, the VVPAT will stop printing and the error shall be displayed on the VSDU. In such case the VVPAT unit is to be replaced (**No mock-poll is required to be taken, if only VVPAT is replaced**). **It should be noted that vote is not recorded in the CU electronically unless the paper slip has been printed by VVPAT and also has been cut so that it falls in the drop box.** Therefore, if VVPAT has not printed the paper slip, or the printed paper slip has not been cut, the last voter whose paper slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT has been replaced. In case the printed paper slip has not been cut and is hanging from the paper roll, no effort should be made to make it fall into the drop box. It should be allowed to remain hanging as it is not to be counted at the time of counting of the printed-paper slips. The details of such an occurrences should be clearly recorded in the Presiding Officers dairy in the following format:-
 - i. The date and time of the occurrence.
 - ii. The name of the voter and his serial number in the part in the electoral roll, who was allowed to cast his vote after replacement of VVPAT.
 - iii. Whether the voter cast his vote after replacement of VVPAT or went away without casting his vote.
 - iv. The Total number of votes cast before the occurrence.

11. Counting of Votes: Counting of votes shall be done according to rule 56C of the Conduct of Elections Rules, 1961. After the entries made in the result sheet of election are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to

the Returning Officer to count the printed paper slips of VVPAT unit in respect of any polling station or all polling stations. On such application being made, the Returning Officer shall pass a speaking order on whether the counting of paper slips shall be done or not. While deciding the matter the Returning Officer shall give due consideration to the following: -

- a) Whether the total number of votes polled in that polling station is more or less than the margin of votes between winning candidate and candidate making the application,
- b) Whether EVM met with any defect and was replaced at that polling station during poll,
- c) Whether there was any complaint about VVPAT not printing the paper slips or complaints under rule 49MA by any voter, in that polling station during the poll.

12. If the Returning Officer decides to allow counting of the paper slips of any polling station or all polling stations such decision of the Returning Officer shall be recorded in writing and shall contain the reasons therefor.

13. The following procedures shall be strictly followed in case it is decided to count the printed slips of VVPAT : -

- a. VVPAT unit(s) of the respective polling station(s) shall be brought to the Counting table(s).
- b. Address tag(s) of the drop box of the VVPAT unit(s) shall be cross checked to ascertain that it actually pertains to the same polling station, address tag of VVPAT unit should be removed and ballot paper slips shall be taken out from the drop box. Care should be taken that no printed paper slip is left in the drop box. Empty drop box should be shown to all counting agents.
- c. In case a VVPAT unit was replaced during poll at any polling station, all the VVPAT units used at that polling station should be brought to the counting table and printed paper slips from all of them should be taken out before beginning the counting of printed paper slips for that polling station.
- d. In case a VVPAT unit was replaced, it may so happen that an uncut fully or partially printed paper slip is hanging and has not got cut and dropped in the drop box and still connected to the paper roll. This uncut printed paper slip should not be torn and should not be counted because the vote is not recorded electronically in the CU unless the printed paper slip is cut. In such an event the last voter whose printed paper slip was not cut would have been given an opportunity to cast his vote after replacement of VVPAT and the printed paper slip of the vote cast by him shall be in the next VVPAT printer used in that polling station.
- e. The drop box of the VVPAT printer will also have slips of self test report. These are easily identified, as they do not have either the name or the symbol of any candidate and are of larger length. These self-test report slips are to be preserved alongwith the printed-paper slips as part of the record but they are not to be counted.
- f. Pigeonholes will be prepared to put ballot paper slips of the respective candidates.

- g. After all the ballot paper slips are put in the respective pigeon holes, bundle of 25 paper slips of respective candidates will be prepared for counting purpose.
- h. Printed-paper slips will then be counted by the counting staff.
- i. The result of the count of ballot slips will be announced loudly in the counting hall and shown to the counting agents.
- j. If there is discrepancy between the count of votes displayed on the control unit and the count of printed-paper slips in respect of any Polling Station, the result sheet will be amended as per the printed-paper slips count.
- k. The Returning Officer shall announce the amendments so made by him and declare the result.

14. **Sealing of Control Units and VVPAT units:** After the result is announced, whether the printed paper slips of VVPAT were counted or not, the printed paper slips will be taken out of the drop box of the VVPAT Printer unit and stored in the following manner: -

- a. The printed-paper slips shall be kept in a paper envelope made of thick black paper. The envelope shall be sealed with red wax with the bilingual secret seal of the Commission provided to the RO for sealing of the documents. Following shall be written on the envelope: -
 - i. The name of election;
 - ii. The number and name of Parliamentary constituency;
 - iii. The number and name of Assembly Segment;
 - iv. The particulars of polling station in respective boxes;
 - v. Unique serial number of the Control Unit & VVPAT units in respective boxes;
 - vi. Date of poll; and
 - vii. Date of counting.
- b. The envelope will then be kept in a special plastic prepared box supplied by the manufacturers of VVPAT for this purpose. The plastic box shall be sealed with a pink paper seal in such a manner that the box cannot be opened without breaking the seal. The Returning Officer shall put his signature on the pink paper seal. Following shall be written on the plastic box: -
 - i. The name of election;
 - ii. The number and name of Parliamentary constituency;
 - iii. The number and name of Assembly Segment;
 - iv. The particulars of polling station in respective boxes;
 - v. Unique serial number of the Control Unit & VVPAT units in respective boxes;
 - vi. Date of poll; and
 - vii. Date of counting.
- c. These Plastic boxes shall be kept with all the statutory documents relating to that election till the statutory time limit for filing an election petition is over or in case where and election

petition is filed till the final disposal of the election petition by a competent Court. The plastic boxes shall not be opened or destroyed without obtaining the permission of the Commission.

- d. The VVPAT printers after taking out the printed paper slips shall be kept in a separate strong room and should not be kept in the strong room where EVMs are stored, so that even if there is any election petition is filed from the constituency, the VVPAT units can be taken out for use, if required, without opening the strong room having EVMs.**
- e. It should be ensured that the Thermal Paper Roll and Battery (Power Pack) are taken out from the VVPAT, before keeping the VVPAT units in the Strong Room.**

15. The Power Pack and Paper Roll for use in the VVPAT is supplied by the manufacturer, therefore three sets of these material may be procured from the manufacturers. Apart from this adequate numbers of black paper envelope and plastic boxes may also be procured for storing the Printed Paper Slips of VVPAT after counting of votes for each polling station irrespective of whether these printed slips have been counted or not.

The above instructions shall be brought to the notice of all concerned.

Yours faithfully,

(K.N. BHAR)

Copy to

- 1. The Chairman-cum-Managing Director
Bharat Electronics Limited
Nagavara, Outer Ring Road
Bangalore-560045.**
- 2. The Chairman-cum-Managing Director
Electronics Corporation of India Limited
Hyderabad, Andhra Pradesh.**
- 3. Zonal Secretary/Under Secretary**

Mock Poll Certificate

This is certified that I, Presiding Officer at the Polling Station No.....ofAssembly Constituency (or theAssembly segment underParliamentary Constituency) conducted the mock poll at AM today, the poll day i.e.(date), following scrupulously all the instructions issued by the Election Commission of India, using –

CU of Serial No. (as printed on back-side of the CU).....

BU of Serial No. (as printed on back-side of the BU).....

VVPAT Unit of Serial Number (if used).....

1. A total of votes were cast for each candidate and also for NOTA.
2. It was verified that the LED light was getting lit up against the correct candidate/NOTA button, when the button was pressed and beep sound was properly heard.
3. The candidate-wise detail of votes polled during mock-poll and result displayed, is as under:

S. No.	Name of the Candidate	Number of votes cast during mock poll	Number of votes displayed in CU on checking the result	Number of Printed Paper Slips, as per counting on checking mock poll result (if VVPAT used)	Votes Cast and Result displayed & Printed Paper Slip count (if VVPAT used) Talled with each other (YES/NO)
	NOTA				
	Total				

4. **I have cleared the memory of the EVM after the mock poll and verified that the memory has been cleared, by pressing the Total button and seeing the Total is shown as '0'.**
5. At the time of mock poll the following polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.
6. Poll Start Date and Time seen on the display of CU at the time of start of actual poll..... (To be filled in case of Post-2006 EVMs).

Sl.No. Name of Polling Agent Name of Party Name of candidate Signature of Polling Agent

- 1.
- 2.
- 3.
- 4.
- 5.

or

At the time scheduled for mock poll no polling agent was present/the agent of only one contesting candidate was present. After waiting for fifteen more minutes, I conducted the mock poll along with other polling staff atAM.

Signature of Micro-Observer (if posted at the polling station)

Date:

Time:

Name & Signature of the Presiding Officer

Polling Station No.....

Polling Station Name.....

General/Bye-Election to.....

Sl. No. and Name of Parliamentary/Assembly Constituency.....

No. and Name of Polling Station.....

FORM OF DECLARATION BY ELECTOR UNDER RULE 49MA OF CONDUCT OF ELECTIONS RULES, 1961

1. I hereby solemnly declare and affirm under sub-rule (1) of Rule 49 MA of the Conduct of Elections Rules 1961 that the paper slip generated by the printer attached to the Balloting Unit has shown the name and/or symbol of a candidate other than the candidate for whom I voted by pressing the concerned blue button against the name and symbol of the candidate of my choice on the Balloting Unit. I am ready to cast a test vote again to show that the allegation made by me is true and bonafide.

(2). I am aware of the penal provisions of Section 177 of the IPC that I shall be liable to be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, if the declaration given by me in para 1 above to the Presiding Officer appointed under Section 26 of the RP Act, 1951 is found to be incorrect.

Signature/Thumb impression of the Elector

Name of the Elector.....

Father/Mother/Husband's Name.....

Part No. of elector roll.....

Sl. No. of elector in that Part.....

Sl. No. in Register of Voters (Form 17A).....

Dated.....

Certified that the above declaration was made and subscribed by the elector above named before me.

Signature of the Presiding Officer

.....

Dated.....

TROUBLE SHOOTING

HANDLING OF CU-BU-VVPAT FAILURES/ERRORS DURING POLL

PREPARATION OF POLLING OFFICIALS FOR FAULT HANDLING-SUGGESTIONS

Certain contingencies may arise during the polling process which may require certain actions. These are as follows: -

- a. In case the CU or the BU does not work properly, (I) SWITCH OFF the CU, DON'T SWITCH IT ON AGAIN (ii) Replace the complete set of EVM namely BU and CU with VVPAT (i.e. CU, BU and VVPAT) by another set of BU, CU and VVPAT. (iii) Continue the poll with the new EVM set.

- b. In case Display Penal of the Control Unit displays "Link Error" -

- i) Check that the cable connections are made properly by visual inspection (DON'T REMOVE and RECONNECT THE CONNECTORS);

- ii) If "Link Error" still persists, replace the complete set of EVM with VVPAT (i.e. CU, BU and VVPAT).

- c. In case the "VVPAT Status Display Unit (VSDU) displays 'Error Code – 1 Replace Battery'.

Switch off the Control Unit and replace the Power Pack of VVPAT printer. ***It shall be ensured that in no case replacement of power pack is done without switching off the Control Unit.***

- d. In case the VSDU displays "Error Code – 2 Replace Printer" and the Presiding Officer has not pressed the BU enable button then-

Switch off the Control Unit and replace the defective VVPAT unit with the new VVPAT unit. ***It shall be ensured that in no case replacement of VVPAT unit is done without switching off the Control Unit.***

- e. In case the Presiding Officer has pressed BU enable Button and the Voter has pressed the Candidate Button of the Ballot Unit and complains that 'Paper Slip' has not been printed or the Paper Slip printed by the VVPAT unit has not been cut and hanging against the display window then:

- i) In case the busy lamp of the Control Unit is not glowing, and no Message/Error is displayed on VSDU, the complaint should be considered as baseless and rejected.

- ii) In case busy lamp is glowing on the Control Unit, and no Message/Error is displayed on VSDU, the Voter shall be requested to go into the Voting Compartment once again and Press the Candidate Button of Ballot Unit of his choice.

- iii) If even than busy lamp is glowing on the Control Unit, please check the display of the VSDU of VVPAT. If VSDU busy lamp is also glowing and VSDU has no display message, please switch OFF the Control Unit and replace the VVPAT unit.

- iv) The last voter whose paper slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT unit has been replaced. Please keep in mind that the vote is not recorded in the CU electronically unless the paper slip has been printed, it is cut and falls in the drop box of VVPAT. Therefore if VVPAT has not printed the paper slip, or the printed paper slip has not been cut, the last voter whose paper

slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT unit has been replaced.

- v) In case the printed paper slip has not been cut and is hanging from the paper roll, replace the Printer, but no effort should be made to make it fall into the drop box. It should be allowed to remain hanging, as it is not to be counted at the time of counting of the printed paper slips. The details of such an occurrence should be clearly recorded in the Presiding Officers diary in the following format:
 - i. The date and time of the occurrence.
 - ii. The name of the voter and his serial number in part in the electoral roll who was allowed to cast his vote after replacement of VVPAT.
 - iii. Whether the voter cast his vote after replacement of VVPAT or went away without casting his vote.
 - iv. The Total number of votes cast before the occurrence.
- f. In case a voter alleges after recording his vote that the printed paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, action should be taken as per provisions of Rule 49MA of the Conduct of Elections (Amendment) Rules, 2013, as mentioned below:-
 - i) Obtain a declaration from the complainant in the Declaration Form supplied to you for this purpose under his/her signature/thumb impression;
 - ii) Proceed to the voting compartment alongwith the voter (complainant) and polling agents present in the polling station at that moment;
 - iii) The voter shall be asked to cast a test vote in favour of any candidate and make second entry related to that elector in the Form-17A;
 - iv) Observe carefully whether the Printer has printed the paper slip correctly;
 - v) If the complaint of the elector is found genuine, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further Poll at the polling station;
 - vi) If the complaint of the elector is found false, make a remark to that effect against the second entry relating to that elector in Form-17A mentioning the serial number and name of the candidate for whom such test vote has been recorded and obtain the signature or thumb impression against such remark. Further make necessary entries regarding such test vote in item 5 in Part-I of Form 17-C.

CHECK LIST OF ADDITIONAL ITEMS OF POLLING MATERIALS TO BE PROVIDED TO THE POLLING PARTY

- | | | |
|---|---|------------|
| 1. Voter Verifiable Paper Audit Trail (VVPAT) Printer Unit | : | 1 No. |
| 2. VVPAT Status Display Unit (VSDU) | : | 1 No. |
| 3. Additional Power Pack for VVPAT Printer Unit | : | 1 No. |
| 4. Carrying Case for the VVPAT system | : | 1 No. |
| 5. Envelope made of thick black paper
(For sealing printed paper slips of Mock Poll) | : | 2 Nos. |
| 6. Plastic Box for Black Paper Envelope Sealing | : | 1 No. |
| 7. Pink Paper Seal for sealing Plastic Box | : | 2 Nos. |
| 8. Form of declaration by elector under rule 49MA
of the Conduct of Elections Rules | : | 100 copies |
| 9. Operational Manual of VVPAT | : | 1 No. |

PLEASE COME AND VOTE

“ELECTION COMMISSION OF INDIA HAS INTRODUCED VOTER VERIFIABLE PAPER AUDIT TRAIL TO ENABLE YOU AS A VOTER TO PHYSICALLY VERIFY THE VOTE CAST BY YOU”

***PLEASE PAY ATTENTION TO THE FOLLOWING
WHEN YOU GO TO CAST VOTE***

***WHEN YOU PRESS CANDIDATE’S BUTTON ON BALLOT UNIT
PLEASE WATCH:***

- (i) THE LIGHT GLOWING ON THE BALLOT UNIT AGAINST THE NAME OF YOUR CANDIDATE;
- (ii) ALSO AT THE SAME TIME WATCH THE PAPER SLIP PRINTED BY PRINTER (KEPT ALONGSIDE BALLOT UNIT) IN THE WINDOW OF THE PRINTER SHOWING SERIAL NUMBER, NAME AND SYMBOL OF THE CANDIDATE OF YOUR CHOICE; AND
- (iii) LISTEN ALSO TO THE BEEP SOUND WHEN YOU CAST YOUR VOTE.

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\214ITEM NO.55

COURT NO.5

SECTION XIV

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

RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 303/2016

IN

CIVIL APPEAL NO. 9093/2013

BACKWARD & MINORITY COMMUNITY EMPLOYEES

FEDERATION (BAMCEF) PETITIONER(S)

VERSUS

SYED NASIM AHMAD ZAIDI

RESPONDENT(S)

(WITH APPLN. (S) FOR APPLICATION FOR PERMISSION TO FILE CONTEMPT
PETITION AND OFFICE REPORT)

WITH

CONTEMPT PETITION (C) NO. 745/2016 IN C.A. NO. 9093/2013

Date : 02/01/2017 These petitions were called on for hearing today.

CORAM : HON&#39;BLE MR. JUSTICE RANJAN GOGOI

HON&#39;BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)

CC 303/2016 Mr. Manoj Prasad, Sr. Adv.

Mr./Ms. Ambika Ray, Adv.

Mr. Irshad Ahmad, Adv.

CC 745/2016 Mr. Sarvesh Bisaria, Adv.

Mr. Ashish Azad, Adv.

Mr. Nishant Bhardwaj, Adv.

Mr. Parkash Chandra Sharma, Adv.

Mrs. S. Usha Reddy, Adv.

For Respondent(s) Mr. Ashok Desai, Sr. Adv.

Ms. Meenakshi Arora, Sr. Adv.

Mr. S.K. Mendiratta, Adv.

Mr. Mohit D. Ram, Adv.

Ms. Monisha Handa, Adv.

Page No. 1 of 2

UPON hearing the counsel the Court made the following

O R D E R

Having heard the learned counsels for the parties,
we direct the Election Commission of India to bring on
record the approximate time within which the entire system
of VVPAT can be introduced subject to grant of sanction and
release of funds as and when required. We also request the
learned Solicitor General of India to assist the Court
insofar as sanction and release of funds is concerned.

List the matters after eight weeks.

[VINOD LAKHINA]

COURT MASTER [ASHA SONI]

COURT MASTER

Page No. 2 of 2

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S.No. 17(i)

By Speed Post/email

ELECTION COMMISSION OF INDIA**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

No. 51/8/VVPAT/2017/EMS

Dated: 21st April, 2017

To

1. The Chairman-cum-Managing Director,
Bharat Electronic Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka.
2. The Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
MCU Complex, Phase-II, IDA Cherapalli, P.O. HCL,
Hyderabad-500051, Andhra Pradesh.

Subject: Letter of Intent for purchase of Voter Verifiable Paper Audit Trail Units during the years 2017-18 and 2018-19 – regarding.

Sir,

I am directed to state that the Commission has got the approval of the competent authority for purchase of 16,15,000 Voter Verifiable Paper Audit Trail (VVPAT) Units at a tentative cost of Rs. 19,650/-, and at a total estimated cost of Rs. 3173.47 crores (excluding taxes and freight as applicable) during the years 2017-18 and 2018-19 from M/s Bharat Electronics Ltd., Bangalore and M/s Electronics Corporations of India Ltd., Hyderabad.

2. Therefore, the Commission has decided to place a "Letter of Intent" for purchase of 8,07,500 Voter Verifiable Paper Audit Trail (VVPAT) Units from each firm during the years 2017-18 and 2018-19, subject to production capacity so that all the VVPAT units can be procured by September, 2018. The Commission may vary the quantity depending on the performance.

3. The above unit price of the VVPAT is subject to negotiation with the manufacturers for rationalization of the final unit price. The payment of the price of VVPAT units shall be made on delivery and acceptance on pro rata basis.

4. The manufacturers will provide a standard warranty against any manufacturing defect for each unit for a period of one year from the date of accepted delivery with a test certificate in respect of each machine supplied along with the bills.

Yours faithfully,


(ARVIND ANAND)
SECRETARY

Copy to Deputy Secretary to the Govt. of India, Ministry of Law and Justice, Legislative Department, Shastri Bhawan, New Delhi w.r.t. letter No.H-11019/8/2014-Leg-II, dated 19th April, 2017.

// True Copy //

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ITEM NO.44 COURT NO.4 SECTION XIV
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) NO. 303/2016

IN

C.A. NO. 9093/2013

BACKWARD & MINORITY COMMUNITY EMPLOYEES

FEDERATION (BAMCEF) PETITIONER(S)

VERSUS

SYED NASIM AHMAD ZAIDI

RESPONDENT(S)

(WITH OFFICE REPORT)

WITH

CONMT.PET.(C) NO. 745/2016 IN C.A. NO. 9093/2013

Date : 24/04/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE NAVIN SINHA

For parties: Mr. Ranjit Kumar, SG

Mr. Neeraj Kishan Kaul, ASG

Mr. Aman Sinha, Sr. Adv.

Mr. S.S. Ray, Adv.

Mr. Nalin Kohli, Adv.

Mr. Ashok Panigrahi, Adv.

Mr. Ankit Roy, Adv.

Mr. Sri Om Swarup, Adv.

Ms. Anil Katiyar, Adv.

Mr. Ranjit Kumar, SG

Mr. Aman Sinha, Sr. Adv.

Mr. S.S. Ray, Adv.

Mr. Nalin Kohli, Adv.

Mr. M.K. Maroria, Adv.

Mr. Manoj Prasad, Sr. Adv.

Ms. Ambika Ray, Adv.

Mr. Ashutosh Dubey, Adv.

Mr. Irshad Ahmad, Adv.

Ms. Sarvesh Bisaria, Adv.

Mr. Prakash Chandra Sharma, Adv.

Mrs. S. Usha Reddy, Adv.

2

Mr. Ashok Desai, Sr. Adv.

Ms. Meenakshi Arora, Sr. Adv.

Mr. S.K. Mehndirata, Adv.

Ms. Monisha Handa, Adv.

Mr. Mohit D. Ram, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The contempt petitions are closed in terms of the signed order.

[VINOD LAKHINA]

COURT MASTER [ASHA SONI]

COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

1

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 303/2016

IN

CIVIL APPEAL NO. 9093/2013

BACKWARD & MINORITY COMMUNITY

EMPLOYEES FEDERATION

(BAMCEF) ...PETITIONER(S)

VERSUS

SYED NASIM AHMAD ZAIDI ...RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 745/2016

IN

CIVIL APPEAL NO. 9093/2013

[SWAMI ISHAVARDAS SINGH VS. NASIM ZAIDI]

ORDER

1. During the pendency of the present contempt petitions certain developments have taken place as evident from the relevant information placed by Shri Ranjit Kumar, learned Solicitor General appearing for the Union of India as well as Shri Ashok Desai, learned Senior Counsel appearing for the Election Commission of India.

2

2. From the materials laid before the Court it appears that on 19th April, 2017

the sanction of the President of India for purchase of 16,15,000 Voter Verifiable Paper Audit Trail (VVPAT) at an estimated cost of Rs.3,173.47 crore (excluding taxes and freight as applicable) from M/s Bharat Electronics Ltd., Bangalore and M/s Electronics Corporation of India Ltd., Hyderabad has been conveyed to the Election Commission of India.

3. Pursuant to the above, on 21st April, 2017, the Election Commission of India has placed orders with M/s Bharat Electronics Ltd., Bangalore and M/s Electronics Corporation of India Ltd., Hyderabad for purchase of 8,07,500 VVPAT units from each of the aforesaid firms indicating September, 2018 as the outer limit for procurement of the said units.

3

4. Shri Ashok Desai, learned Senior Counsel for the Election Commission of India has also placed a set of written instructions received by him from the Election Commission of India which indicates that all the VVPAT machines should be available by September 2018 and such machines should be available for deployment in the next General Elections to constitute 17th

Lok Sabha. Paragraphs 3 and 4 of the written instructions which deal with the above are as follows:

â S 3. It is submitted that on this schedule it is anticipated that the all VVPATs machines should be available by September, 2018 and should be able to be deployed by and be in situ by February, 2019. As a result all VVPAT Units would be available by March, 2019 which is the expected commencement date of next General Elections to constitute 17th

Lok Sabha.

4. That for General Elections for Parliament alone

4

there are more than 10,00,000 polling stations and as such

equal number of VVPATs are required. A margin is however, necessary in case there are simultaneous elections in some constituencies and also for reserves.

5. In view of the aforesaid developments that have taken place we are of the view that the present Contempt Petitions ought not to be entertained any further. We accordingly close the contempt petitions in the light of the developments noticed and mentioned above.

.....,J.

(RANJAN GOGOI)

.....,J.

(NAVIN SINHA)

NEW DELHI

APRIL 24, 2017

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

PRESS NOTE

No. ECI/PN/37/2017

Dated: 9th May, 2017**ECI EVMs are Non-Tamperable**

The Election Commission, through media, has learnt about a so called demonstration of tampering of 'look-alike' EVM. In this context it should be understood that it is possible for anyone to make any electronic gadget which 'looks-like' ECI EVM and demonstrate any Magic or Tampering. Very simply put, any 'look-alike' machine is just a different gadget, which is manifestly designed and made to function in a 'tampered' manner and has no relevance, incidence or bearing on the Commission's EVMs. It is common sense that gadgets other than ECI EVMs can be programmed to perform in a pre-determined way, but it simply cannot be implied that ECI EVMs will behave in the same manner because the ECI EVMs are Technically Secured and function under an elaborate Administrative and Security Protocol. Such so called demonstration on extraneous and duplicate gadgets which are not owned by the ECI cannot be exploited to influence our Intelligent Citizens & Electorate to assail or vilify the EVMs used by the Commission in its electoral process.

Election Commission of India (ECI) has scheduled an All Political Parties meeting on 12th May 2017 for EVM Issues and other Electoral Reforms. The Status Paper on ECI EVMs is available on ECI's website (http://eci.nic.in/eci_main1/current/StatusPaperonEVM_09052017.pdf) which gives details of Safety and Security Measures taken by ECI to make ECI EVMs non-tamperable.

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STATUS PAPER ON ELECTRONIC VOTING MACHINE (EVM)



Election Commission of India

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Abbreviations & Acronyms

AC	Assembly Constituency
BEL	Bharat Electronic Limited
BU	Balloting Unit
CU	Control Unit
DRM	Direct Recording Machines
ECI	Election Commission of India
ECIL	Electronics Corporation of India Limited
EMB	Election Management Body
ERC	Electoral Reforms Committee
EVM	Electronic Voting Machine
HC	High Court
IIT	Indian Institute of Technology
OTP	One Time Programmable
PC	Parliamentary Constituency
PSU	Public Sector Undertaking
SC	Supreme Court
TEC	Technical Experts Committee
VVPAT	Voter Verifiable Paper Audit Trail

Introduction:

- India is the largest Participatory Democracy of the world, with about 850 million registered voters. The Constitutional mandate of superintendence, direction and control of Elections to the Parliament and the State Legislative Assemblies has been conferred on the Election Commission of India.
- The Election Commission of India is an independent Constitutional entity, which has successfully conducted regular elections to the Parliament and various State Legislative Assemblies for the past 66 years in a free, fair, participative, informed and credible manner. The Commission is widely acknowledged as a “Global Gold Standard” in Election Management across the World, setting ever-higher standards of efficient and professional conduct of Elections.
- The Commission has been at the forefront of embracing, adopting and implementing the latest technological advancements in improving and fine-tuning the election processes and systems. The Commission has taken the pioneering initiative of introducing Electronic Voting Machine (EVM) for recording, storing and counting of votes across the length and breadth of the Country in a transparent, credible and secure manner, backed by appropriate legal support. The use of EVM demonstrates the Commission’s unflinching resolve to continually improve, upgrade and strengthen the Electoral Process in the country.
- The Commission has successfully used EVMs in conducting 107 General Elections to the State Legislative Assemblies and 3 Lok Sabha Elections over the last 23 years. The List of States, along with the years in which 100% EVMs were used in the Assembly Elections is placed at ANNEXURE - 1.
- 55.41 crore (554 million) voters exercised their franchise in 2014 Lok Sabha elections using EVMs.
- Since the very inception of the EVMs in 1982, as a positive electoral reform on the electoral scene in India, blames and aspersions have been cast on the EVMs from various quarters including political. Recently, after the announcement of the results of the five State Assembly Elections in March 2017, again certain allegations have been leveled against the EVMs. A group of thirteen political parties met the Commission on 10 April 2017 and expressed certain reservations about the use of EVMs.

- It needs to be emphasized that the wide range of technical security, administrative protocols and procedural safeguards mandated by the Commission robustly ensures the integrity, non-tamperability and credibility of the EVMs. The stringent procedures and well-defined poll processes prescribed by the Commission protect the EVMs against any sort of manipulation.
- It is also significant to highlight that the Commission is committed to the 100% coverage of VVPATs in all future elections to the Parliament and State Assembly Elections. The requisite funds for the procurement of adequate number of VVPATs and latest generation (M3) EVMs have been sanctioned by the Government and machines are expected to be manufactured and delivered by BEL and ECIL to the ECI by September 2018 as committed by the manufacturers.
- At the present juncture, when EVMs are once again encumbered with yet another debate on its efficacy and robustness, it is imperative to hold consultations with stakeholders.

The Journey of EVM in India

- Voting system in India has gone through multiple changes. During the first two General Elections to the Lok Sabha in 1952 and 1957, each candidate was allotted a separate ballot box pasted with the symbol of the candidate. The names and symbols of the candidates were not printed on the ballot paper and voters had to drop an pre-printed ballot paper in the ballot box of the candidate of their choice. This system ignited fears of tampering, booth capturing, and manipulation in the minds of the various stakeholders and was soon replaced. In 1960-61, a marking system on the ballot paper was introduced during the mid-term elections to the Legislative Assemblies in Kerala and Odisha and this system continued till the 1999 Lok Sabha elections.
- Before introduction of the EVM, the ubiquitous Ballot papers were used to cast votes in the Indian Elections, with considerable success. The use of ballot papers was time consuming, prone to malpractices like booth-capturing and ballot-box stuffing, large number of invalid votes due to wrong/incorrect marking, subject to prolonged counting drills, more disputes and delayed result announcement besides being an eco logically straining and non environment friendly method.
- However, in comparison, EVM has substantial comparative and noticeable advantages.
 - i. The manner of voting by EVMs is much more simpler and voter-friendly as the voter is merely to press the button on BU for casting his votes in favour of the candidate of his choice.
 - ii. Under the EVM system, there is no invalid vote, whereas in the ballot paper system large number of ballot papers were invalidated and in some cases, the number of such invalid ballot papers was even more than the winning margin of the elected candidate.
 - iii. It is auditable, transparent, accurate, secure and helps reduce human error.
 - iv. It gives faster results in hours, which is particularly relevant in large countries like India having Constituencies of several hundred thousand voters, where counting used to take days and weeks earlier.
 - v. In addition, EVM voting saves time, energy and money, not to speak of the millions of trees it saves in the process.

- vi. Earlier crores of ballot papers were printed requiring hundreds of tonnes of paper for printing the same and the printing of ballot papers had to be undertaken in large number of Government Presses for very long periods, involving hundreds of election officials in each constituency.
- vii. Additionally, the innovative use of advancements in modern electronics for voting in the country provides for a fulsome endorsement of the creativity, inventiveness and pioneering acumen of the Indian society at large and serves to enhance the image and prestige of the country in the international arena.
- As can be easily appreciated, the weight of cumulative comparative experience of conducting elections for over 7 decades, both with ballot papers and EVMs, and the numerous undeniable merits in the use of EVMs, render the EVMs as a preferred instrument of casting votes.
- Quite evidently, the use of ballot papers was a traditional, anachronistic and archaic voting method. In order to overcome the aforementioned problems associated with the erstwhile practice of using ballot papers, and also to keep updated with the advances of technology, the ECI mooted the idea of EVM in 1977.
- In 1977, Mr. S.L. Shakhdar, the then Chief Election Commissioner of ECI, during a tour in Hyderabad requested the Electronics Corporation of India (ECIL) to study the possibility of using an electronic device for conducting elections. The Electronics Corporation of India Ltd (ECIL), Hyderabad, a PSU of the Atomic Energy Ministry, was assigned the task to design and develop an electronic gadget for conducting elections. In 1979, a proto-type was developed and its operation was demonstrated by the ECI before the representatives of political parties on 6th August, 1980.
- The Bharat Electronics Limited (BEL), Bengaluru, a Defense Ministry PSU, had also developed a “microcomputer based voting equipment, which they had used for the elections for the various unions of the company”. In January 1981, BEL approached ECI for manufacturing EVMs and on 29th July, 1981, the Commission held a meeting with the representatives of BEL, ECIL, the Ministry of Law and Chief Electoral Officers of some states regarding use of EVMs in elections.
- On 19th May, 1982, the ECI issued directives under Article 324 of the Constitution of India for the use of EVMs and conducted elections at fifty polling stations using

the machines in a bye-election in 70-Parur Assembly Constituency (AC) of Kerala on an experimental basis. The EVMs were further used in 10 Bye-elections across the country in 1982-83. However, due to the absence of any specific law prescribing the use of EVMs, the election was challenged in a petition (Election Petition 01 of 1982 filed by A.C. Jose) and on 5th March, 1984, the Hon'ble Supreme Court of India held that EVM cannot be used in an election unless a specific provision is made in law for its use. Consequently, the law was amended by the Parliament in December 1988 and a new Section 61A was included in the Representation of the People Act 1951, thereby empowering the ECI to use EVM. The amendment came into force on 15th March, 1989. The Supreme Court upheld the Constitutional validity of Section 61A in its judgment in *AIADMK versus Chief Election Commissioner and Others* {(2002 UJ(1)387)}.

- However, doubts and speculations regarding this new entrant in the voting system of India persisted in the political atmosphere of the country. In order to gain popular trust and affirm the integrity of the new electronic voting system, the Government of India instituted an Electoral Reforms Committee (ERC) in January 1990, consisting of representatives from several national and state-level political parties under the chairmanship of Mr. Dinesh Goswami. The ERC recommended the examination of EVM by a team of technical experts.
- Consequently, a Technical Expert Committee was formed under the chairmanship of Mr. S. Sampath, Chairman, RAC, DRDO with eminent scientists like Dr. P.V. Indiresen (IIT, Delhi), Dr. Rao C. Kasarbada (ER&DC, Trivandrum) in the list among others. The members of the TEC have always been renowned professionals of technical excellence and eminent academic/research record. In April 1990, the Expert Committee unanimously recommended the use of EVMs without any further loss of time marking it technically sound, secure and transparent. On 24th March, 1992, necessary amendments to the Conduct of Elections Rules 1961 were notified by the government vis-à-vis the use of EVMs.
- In 1998, a general consensus was reached on the use of EVMs for conducting Indian elections. In 1998, EVMs were used in 16 Legislative ACs across three states of Madhya Pradesh, Rajasthan, and Delhi. The use of EVMs further expanded in 1999 to 46 Parliamentary Constituencies (PC), and later, in February 2000, EVMs were used in 45 ACs in Haryana state assembly polls. In 2001, the state assembly elections in

Tamil Nadu, Kerala, Puducherry, and West Bengal were completely conducted using EVMs. All state assembly elections thereafter witnessed the use of this machine. In 2004, the EVMs were used in all 543 PCs for the elections to the Lok Sabha. A new technologically advanced voting system completely replaced the erstwhile voting method of using ballot papers. Since 2000, India has witnessed 107 State Assembly Elections and 3 General Elections to the Lok Sabha (2004, 2009, and 2014) where votes were cast and recorded using the EVMs (Annexure 1)

- A number of technological changes were made in the EVMs in 2001 and the machines were further upgraded in 2006. The pre-2006 era EVMs are known as ‘M1 EVMs’, while EVMs manufactured between 2006 to 2010 are called ‘M2 EVMs’. The next generation of EVMs, produced since 2013 are known as ‘M3 EVMs’.
- The latest addition to the Indian EVM is the Voter Verifiable Paper Audit Trail (VVPAT), which was introduced in 2013, as an additional measure of transparency in the EVM-based voting system. The task of developing a VVPAT model was assigned by the Commission to the EVM manufacturers under the expert guidance of the Technical Expert Committee (TEC). A prototype was manufactured and field trials were conducted in Thiruvananthapuram (Kerala), Delhi, Cherapunjee (Meghalaya), Jaisalmer (Rajasthan) and Leh (Jammu & Kashmir) in July 2011. Following the first field trials, the Commission directed the manufacturers to re-design the VVPAT.
- A second field trial was conducted in July-August 2012 after the new model was manufactured. On 19th February, 2013, the final model was approved by the TEC. The model was demonstrated to the political parties in a meeting on 10th May, 2013. The Conduct of Elections Rules, 1961 were amended and notified on 14th August, 2013, thereby, allowing the ECI to use VVPATs along with EVMs. On 4th September, 2013, VVPATs were first used in the bye-election for 51-Noksen AC in Nagaland.
- In the meanwhile, on 8th October, 2013, in a Public Interest Litigation matter, the Hon’ble Supreme Court directed the ECI to introduce the VVPAT system in a phased manner. In 2013, the ECI had procured 20,000 VVPATs which were used in different elections. In 2017 during the recently concluded State Assembly Elections, 53500 VVPATs were used in 33 ACs in Punjab, 6 ACs in Manipur, 3 ACs in Uttarakhand, 30 ACs in Uttar Pradesh, and 40 ACs in Goa.

EVM in Indian Elections

Date	Chronology of Events
1977	ECI mooted the idea of EVM
1979	A proto-type was developed
6th August, 1980	Demonstration by ECI before the representatives of political parties
January 1981	BEL approached ECI for manufacturing EVMs
29th July, 1981,	ECI held a meeting with the representatives of BEL, ECIL, the Ministry of Law and Chief Electoral Officers of some state
19th May, 1982	EVMs first used in 70-Parur AC in Kerala
1982-83	EVMs used in 10 Bye-elections in different parts of the Country
5th March, 1984	Supreme Court of India held that EVMs cannot be used in elections without a specific provision in law.
December 1988	A new Section 61A was included in the Representation of the People Act 1951 (The Supreme Court upheld the validity of section 61A in 2001)
15th March, 1989	The amendment came into force
January 1990	Electoral Reforms Committee (ERC) formed by Government of India
April 1990	Technical Experts Committee recommended the use of EVMs
24th March, 1992	Necessary amendments to the Conduct of Elections Rules 1961 were notified by the Government
1998	A general consensus was reached on the use of EVMs for conducting Indian elections.
1999-2004	EVMs used in different state assembly elections
2004 - 2014	EVMs used in three consecutive elections to the Lok Sabha
14th August, 2013	The Conduct of Elections Rules 1961 were further amended and notified to provide for VVPATs
4th September, 2013,	VVPAT was first used in a bye-election for 51-Noksen AC in Nagaland
8th October, 2013	Hon'ble Supreme Court directed the ECI to introduce the VVPAT system in a phased manner
2013 – present	Limited number of VVPATs introduced in phases by ECI
April 2017	Approval received for purchase of 16,15,000 VVPATs at a cost of Rs. 3173.47 Crore during 2017-18 and 2018-19. All required VVPATs will be procured by the Commission by September, 2018, subject to manufacturing exigencies.

Socio-Political Feedback

- The use of EVMs meant an amalgamation of technology and trust, tradition and modernity, like moving away from horse-drawn carriage to motor vehicles.
- In 1982, when EVM was first used in Kerala, a candidate Sivan Pillai challenged its use even before the election. But, Kerala High Court did not entertain his challenge and EVM was introduced as a pilot project. Interestingly, Mr. Pillai, the challenger, won the election when the result was declared. However, Mr. Pillai's opponent challenged the introduction of EVMs thereafter. The said election was re-conducted with paper ballots after Supreme Court ruling in 1984.
- However, the 1984 SC ruling against EVMs had been on a legal technicality, and not about their fundamental suitability, and the legal glitch was corrected through amendment of the Representation of the People Act 1951 in 1988.
- The introduction of EVMs for voting in India was met with certain reservations considering the large scale illiteracy and socio-economic backwardness plaguing large parts of the country. It was often asserted by the naysayers that the multitudes of poor, illiterate, down-trodden, especially in the rural areas, would face hardships and problems in accessing the EVMs and may get dis-enfranchised out of ignorance, lack of voting education or awareness. However, the concerted and focused information, education and communication programmes launched by the Commission, especially to spread awareness and familiarity with the EVMs and its commitment to reach the last elector, effectively nullified all reservations and doubts in this regard. It is heartening to see the cross-section of Indian society eagerly and positively embracing the EVMs and actively and enthusiastically participating in the electoral process by casting their votes on EVMs.
- Since the advent of EVMs on the electoral scene certain aspersions on its use have been cast from various quarters, including political parties and individuals. To meet the challenge raised against the EVMs, the ECI, as an extra-ordinary measure, threw an open challenge to all stakeholders between 3rd and 7th August, 2009 to come forward and prove if the ECI-EVMs could be tampered. None of them could prove that EVMs could be tampered.
- In 2017, after the results of the 5 State Assembly elections were declared, some political parties have again cast aspersions on the credibility of EVMs.

Legal Interventions and Court Cases

- Since 2001, the issue of possible tampering of EVM has been raised before various High Courts. Some of these are mentioned below:
 - (a) Madras High Court-2001
 - (b) Kerala High Court-2002
 - (c) Delhi High Court-2004
 - (d) Karnataka High Court- 2004
 - (e) Bombay High Court (Nagpur Bench)-2004
- **Analysis:** All the aforementioned High Courts after going through various aspects of the technological soundness and the administrative measures involved in the use of EVMs, have held that the EVMs are credible, reliable and totally tamperproof. In some of these cases, even the Supreme Court has dismissed appeals filed by some petitioners against High Court orders.
- In 2004, this matter was placed before the Delhi High Court by advocate Pran Nath Lekhi who had alleged that EVMs were tampered with to favour UPA in the election results. But HC found no merit in the petition. In this context, the Hon'ble Karnataka High Court held that *"This invention is undoubtedly a great achievement in the electronic and computer technology and a national pride"*. The order was delivered on a plea filed in 1999 by a defeated candidate who had challenged the role of EVM machines in Yelahanka parliamentary constituency. The court studied the safety features and examined BEL scientists and ruled that machines were tamper-proof and any attempt to doctor them cannot be kept away from the public eye.
- Both the Karnataka High Court and the Madras High Court observed that use of EVMs in election has several advantages over the system of ballot paper/ballot box election. The Hon'ble Madras High Court also categorically ruled out any question of tampering of the EVMs. The following observations made by the Madras High Court may be taken note of:

"There is also no question of introducing any virus or bugs for the reason that the EVMs cannot be compared to personal computers. The programming in computers, as suggested, has no bearing with the EVMs. The computer would have inherent limitations having connections through Internet and by their very design, they may allow the alteration of the programme but the EVMs are independent units and the programme in EVM is entirely a different system."

- The Bombay High Court (Nagpur Bench) examined certain witnesses who claimed to be experts in the field of electronics and electronic gadgets. These witnesses, however, admitted before the Court that tampering of EVMs was not possible unless the persons new entire things and had free access to the machines.
- In one of the cases, the Hon'ble High Court of Kerala in its order dated 6th February, 2002 had recorded its appreciation on the efficiency of the EVM mechanism. The judgment of the Kerala High Court in the said Election Petition was upheld by the Hon'ble Supreme Court in Civil Appeal (AIR 2003 SC 2271). It is admitted before various courts that the data or technique brought in use of EVM in India were not subject to piracy as nobody knows anything about the contents of any type or has any unauthorized or free access to EVM.
- In Oct 2013 to bring about greater transparency the Hon'ble Supreme Court directed ECI to introduce VVPAT in phased manner.
- Till date, 33 (thirty-three) cases have been filed in the various Courts (including various High Courts and Supreme Court) , where the issues pertaining to EVMs have been agitated. Of these, 26 (twenty six) petitions have already been rejected by the Courts and the remaining are under judicial process.

Indian EVM: Design and Manufacture Protocol:

- Indian EVMs and VVPATs are manufactured by Bharat Electronics Limited (PSU under Ministry of Defence, Govt. of India) and Electronics Corporation of India Limited (PSU under the Department of Atomic Energy, Govt. of India). The software of EVMs is developed in-house by a selected group of Engineers in BEL and ECIL independently from each other. This select software development group of few engineers design and develop the source code. After completion of software development, testing and evaluation of the software is carried out by another independent testing group in the PSUs as per the software requirements specifications (SRS). This ensures that the software has really been written as per the requirements laid down for its intended use only. The original source code for the EVM is stored by PSUs under controlled conditions at all times and is not accessible to anyone outside the software development group of PSUs.
- In M1 and M2 EVMs manufactured till 2010, Machine code compiled from source programme code was given to the micro controller manufacturer for writing in ONE TIME PROGRAMMABLE (OTP) micro controllers. From this machine code, the exact original source code cannot be read. For such OTP microcontrollers, the code once programmed cannot be modified and cannot be read by any means. The technological advancements permit the writing of the machine code into the chips at PSU premises, hence in M3 (post 2013) EVMs, the program is burnt into the chip at PSU premises itself. Due to absence of requisite facilities to produce micro-controllers in India these are procured from manufacturers abroad.
- Up on receipt of machine code, the micro controller manufacturer verifies against any modifications during transit and programs this code in the micro controller in the OTP area and initially provides engineering samples of programmed chip to PSUs for evaluation. These samples are then assembled into the EVM, evaluated and verified for authenticity of code and functionality at great length. Bulk production clearance by PSU is given to micro controller manufacturer only after successful completion of this verification.
- During production of EVMs in the factory, functional testing is carried out by production group as per the laid down Quality plan and performance test procedures. Samples of EVMs from production batches are regularly checked for functionality by Quality Assurance Group, which is an independent unit within the PSUs.

- Post supply to ECI, the EVMs are kept, transported and used under strict administrative and secure conditions. When used for elections they are operated and kept in full view of stake holders and media scrutiny.
- The EVM software is so designed that it allows a voter to cast the vote only once. The vote can be recorded by a voter from the ballot unit only after the Presiding Officer enables the ballot unit from Control Unit. On press of “candidate” button by voter, the voter sees lighting of red LED near the candidate button, and a long beep is heard signifying that vote has been recorded. The CU machine is designed not to receive any signal other than that from BU. It cannot respond to any outside signal (nor receive any signal from outside at any time). The next vote can be recorded only after the Presiding Officer enables the ballot on the Control Unit for the next voter. In between, the BU becomes dead to any signal from outside (except from the Control Unit). Vote stuffing is not possible due to a specially designed feature that CU cannot accept another vote in less than 12 seconds. Votes are date and time stamped, and no votes can be cast before or after the poll.
- **Voter Verifiable Paper Audit Trail system (VVPAT)** was introduced in 2013 to provide even greater transparency to the poll process. The VVPAT is an additional unit attached to the EVM, which prints a small slip of paper that carries the symbol, name and serial number of the candidate voted by Voter, which is visible for 7 (seven) seconds in the viewing window. The voter after pressing the button on BU can view the printed slip on VVPAT through the viewing window and thus can verify that the vote is recorded for the Candidate of his/her choice. These paper slips are automatically cut and stored in a sealed compartment of VVPAT and can be used later to cross check the votes in CU as per the prescribed procedure by ECI. The printing of slip in VVPAT is an additional verification to the voter, besides glowing of LED near candidate button and the beep in EVM system. VVPATs are being introduced in phased manner. At present 53500 VVPATs are available with ECI for use in Elections. Pursuant to the approval of the Government, ECIL and BEL have committed to manufacture and supply 16,15,000 VVPAT machines required for conduct of General Elections to Lok Sabha 2019 to the Election Commission by September 2018.

EVM Safety and Security Features:

- **The machines are non-tamperable, both due to technological measures, and also due to strict administrative and security procedures laid out by ECI, whereby no access to EVM/VVPAT is allowed to any unauthorized person.** Hence, these are protected from any tampering/manipulation whether before the polls, or during the polls, or after the polls, in storage or transportation from manufacturer to the State/District or vice versa, or when transported from one state to another.
- **Technological safeguards that contribute to non-tamperability of EVM are the following.**
 - i. EVM used by the Commission is a stand-alone non-networked, one time-programmable (OTP) machine, which is neither computer controlled, nor connected to the internet or any network; and hence, cannot be ‘Hacked’.
 - ii. The machine is electronically protected to prevent any tampering/manipulation. The programme (software) used in these machines is burnt into a One Time Programmable (OTP)/Masked chip so that it cannot be altered or tampered with.
 - iii. The software of EVMs is developed in-house by a selected group of Engineers in BEL (Defence Ministry PSU) and ECIL (Atomic Energy Ministry’s PSU) independently from each other.
 - iv. After completion of software design, testing and evaluation of the software is carried out by an Independent Testing Group as per the software requirements specifications (SRS). This ensures that the software has really been written as per the requirements laid down for its intended use only.
 - v. After successful completion of such evaluation, machine code is given to the micro controller manufacturer for writing in the micro controllers. From this machine code, the source code cannot be read. Source code is never handed over to anyone outside the software group of PSUs.
 - vi. Micro controller manufacturer initially provides engineering samples to PSUs for evaluation. These samples are assembled into the EVM, evaluated and verified for functionality at great length. Bulk production clearance by PSU is given to micro controller manufacturer only after successful completion of this verification.

- vii. The source code for the EVM is stored under controlled conditions at all times. Checks and balances are in place to ensure that it is accessible to authorized personnel only.
 - viii. During production in the factory, functional testing is done by production group as per the laid down Quality plan and performance test procedures.
 - ix. The software is so designed that it allows a voter to cast the vote only once. The vote can be recorded by a voter from the ballot unit only after the Presiding Officer enables the ballot on the Control Unit. The machine does not receive any signal from outside at any time. The next vote can be recorded only after the Presiding Officer enables the ballot on the Control Unit. In between, the machine becomes dead to any signal from outside (except from the Control Unit).
 - x. Samples of EVMs from production batches are regularly checked for functionality by Quality Assurance Group, which is an independent unit within the PSUs.
 - xi. Certain additional features were introduced in M2 generation of EVMs (Post-2006) such as dynamic coding between **Ballot Unit (BU) and Control Unit (CU)**, installation of real time clock, installation of full display system and date and time stamping of key-pressing in EVM.
 - xii. The Report of the Expert Committee for the Technical Evaluation of the Upgraded EVMs in 2006 has concluded that any tampering of CU by coded signals by wireless or outside or Bluetooth or WiFi is ruled out as CU does not have any radio frequency (RF) receiver and data decoder. CU accepts only specially encrypted and dynamically coded data from BU. Data from any outside source cannot be accepted by CU.
- **Administrative Procedures laid by ECI for handling of EVMS are stringent.**

The Commission has put in place an elaborate administrative system of security measures and procedural checks-and-balances aimed at prevention of any possible misuse or procedural lapses. These safeguards are implemented by ECI transparently with the active and documented involvement of Political Parties, Candidates and their Representatives at every stage, so as to build their confidence on efficacy and reliability of EVMs. All these functions and procedures are implemented through the

District Election Officers (DEOs), Returning Officers (ROs), Assistant Returning Officers (AROs) and other officers and officials of the State Government concerned, who are on deemed deputation to the ECI and are under its superintendence, direction and control in so far as election related duties are concerned. These safeguards are:

- i. Before every election, a first level checking (FLC) is done for every EVM to be used in the election by the engineers of the manufacturers **in the presence of political parties' representatives**. The entire FLC process is carried out at the District level under the supervision of the DEO concerned. Any malfunctioning EVM i.e. EVM either not switching on or not displaying results etc., is kept separately and is not used in the election.
- ii. Manufacturers certify at the time of FLC that all components in the EVM are original. After this, the plastic cabinet of Control Unit of the EVM is sealed using a "Pink Paper Seal", **which is signed by representatives of political parties** and stored in strong rooms. After this stage, the plastic cabinet of control unit of the EVMs cannot be opened. There is no access to any component of inside of EVMs.
- iii. Mock poll with a few votes is conducted on every functioning EVM at the time of FLC. Additionally, at the time of FLC, **at least 1000 votes are cast by the representatives of political parties on each of the 5% of EVMs randomly selected by them**. A printout of the results of this mock poll as well as a sequential print out of every vote polled during the mock poll at the time of First Level Checking of EVMs are taken out for at least 5% of EVMs and shown to the representatives of political parties. Representatives of political parties are allowed to pick machines randomly for this purpose. In rest of the machines, numbers of votes polled during the mock poll are to the satisfaction of the representatives of political parties. **Representatives of political parties are allowed to do mock poll themselves**. It is all documented by DEOs/ROs.
- iv. Subsequently, stored EVMs are **randomized by computer software twice, once for allocation of machines to assembly constituencies and second to polling stations in the presence of candidates or their representatives before they are distributed for use in individual polling stations**. The randomization is carried out through EVM Tracking Software (ETS) by the DEO in the presence of the representatives of political parties/

candidates and Central Observers deputed by the ECI for complete transparency. The lists of EVM containing serial number of EVM allocated to particular polling station are provided to the political parties/candidates.

- v. During the process of Candidate setting on the EVMs, Ballot Paper is fixed on the Ballot Unit and the EVMs are prepared for the number of candidates in fray in a particular constituency. It must be noted here that the arrangement of names in the ballot paper, and hence the Ballot Unit, is in alphabetical order, first for the National & State Recognized parties, followed by other State Registered Parties, and then by Independents. Thus, the sequence in which the candidates appear on the Ballot Unit is contingent on the names of the candidates and their party affiliation and cannot be ascertained beforehand. This arrangement of sequencing names of candidates in ballot paper effectively precludes the possibility of any pre-determined manipulation of software for rigging the votes. **Hence, the serial number of the candidates of any particular political party will vary in each constituency and cannot be determined beforehand thereby ruling out any possibility of manipulation.**
- vi. Once the **candidate setting** is done, the Ballot Unit of the EVM is also sealed with thread/Pink Paper seals so that nobody has access to the inside of the Ballot Unit too. These Pink seals also bear signatures of representatives of political parties/candidate.
- vii. During the time of EVM Preparation and Candidate Setting, a mock poll is again conducted on each EVM by the RO and his designated officers in the presence of the candidate or his agents for complete transparency. Mock poll on each of the 5% randomly picked EVMs is then also done with 1000 votes. A printout of the results of mock poll as well as a sequential print out of every vote polled during the mock poll at the time of Preparation of EVMs and candidate setting are also taken out for at least 5% of EVMs and **shown to the representatives of political parties/candidates. Representatives of political parties/candidates are allowed to pick machines randomly for this purpose.**
- viii. On the poll day, a mock poll by casting at least 50 votes is conducted at every polling station by the Presiding Officer **in the presence of the representatives of the candidates/polling agents with their signature and a mock-poll certificate to that effect is obtained from every Presiding Officer.**

- ix. After the mock poll is over, another thread seal and green paper seals are put on the Control Unit to block access to all buttons on the CU, except those, which are used for the conduct of poll. **These paper seals and thread seals are allowed to be signed by the polling agents.** After the poll is over, the Presiding officer presses the “Close” button on the CU in the presence of polling agents. Thereafter, no votes can be polled in the EVM.
- x. After this, the entire EVM is sealed. Candidates and their agents are allowed to put their signatures on the seals, which they can check for the intactness of the seal before counting. Candidates/representatives travel behind vehicles carrying EVMs from polling stations to counting storage rooms.
- xi. In addition to this, the strong rooms where EVMs are stored, for counting are also sealed and secured fully by Central Armed Police Force (CAPF) guards round-the-clock. The **candidates and their representatives are allowed to put their own seals** on the strong rooms. They are also allowed to keep a watch round the clock on the strong room. Security forces are deployed in three layers around storage rooms with Central Armed Police Forces (CAPF) guarding the inner ring.
- xii. FLC, Preparation of EVMs before poll, mock poll, etc., are mandatorily conducted in the presence of the representatives of candidates or political parties and duly documented.
- xiii. Coupled with randomization of EVMs, the polling officials deputed to the Polling Stations are also randomized through a 3 stage randomization process.

- **Storage and Transportation Protocols:**

Election Commission of India ensures the storage and transportation of EVMs/VVPATs remain under the strict control of ECI at all times through the following procedures and instructions:

A. DURING NON-ELECTION PERIOD:

[Non-election period means, after passage of the Election Petition (EP) period (i.e. 45-days from the date of declaration of the result of the last election) and upto the announcement of next election in the constituency.]

Physical Verification of EVMs: During non-election period, 100% physical verification of EVMs is carried out by the District Election Officers (DEOs) annually. For this purpose, the Commission issues a direction for opening of EVM-warehouses. On receiving direction from the Commission, the DEOs take the following course of action:-

- a) CEO/DEO shall ensure that EVM-warehouses, in which EVMs pertaining to any election petition or court cases are stored, shall not be opened for the purpose of physical verification of EVMs.
- b) DEO shall nominate an Election authority for the purpose of opening of EVM-warehouse [except EVM-warehouse mentioned at (a) above] and for conducting physical verification of EVMs.
- c) National and State recognized political parties shall be informed in writing, at least 24 hours in advance, about the date and time of opening and closure of EVM warehouse. Their authorized representatives shall be allowed to remain present at the time of opening and closure of the warehouse. A report shall be prepared in this regard and signature of the authorized representatives of political parties shall also be taken on the report.

Storage of EVMs

- i. EVM should be stored in Treasury, wherever possible.
- ii. Where not stored in the Treasury, EVMs must be stored in a separate warehouse where nothing other than EVM is kept.
- iii. Normally the EVMs should be stored at District Head Quarters.
- iv. However, if it is not possible to store the EVMs at District HQs, then EVM storage warehouse should not be at a place below Tehsil headquarters.
- v. No EVM shall be kept outside the EVM warehouse (i.e. all the EVMs should be kept in EVM warehouse and not at any other place) for any purpose without specific approval of the Commission
- vi. EVM storage warehouse must not have more than one (1) entry point. If there are any other doors or windows in the warehouse, they should be sealed using brick-masonry or concrete.

- vii. Entry of EVM storage warehouse must be secured by a double lock system, which should be held jointly by two separate officers, to be nominated by the DEO.
- viii. Warehouse must be free from dampness, pests, rodents etc. Proper fire-fighting arrangement must be made available. Warehouse should be free from flood/ water logging risk/cracks/leakage/broken window etc. To provide an inlet/ outlet for air-circulation to avoid foul smell in strong rooms, exhaust fan may be installed, subject to the following conditions:-
 - a) Exhaust fan shall be installed on the front side of the strong room, where security guards are posted and not on the rear side;
 - b) Exhaust fan shall be installed at the highest point feasible, below the roof;
 - c) A strong iron grill shall be installed at the vent/passage where exhaust fan will be installed.
 - d) EVMs must be kept in a safe manner.
- ix. Adequate security arrangement must be made at warehouse by deputing police/ security guard round the clock.

Movement of EVMs: During non-election period, EVMs shall not be moved in or out of the EVM warehouse without specific approval of the Commission. In case of intra or inter State shifting of EVMs, on the direction of the Commission, the following shall be strictly followed:

- i. The CEO will communicate the direction of the Commission on shifting of EVMs to the DEO concerned.
- ii. DEO(s) will issue written order to the officer in-charge for opening of EVM-warehouse to shift the required number of EVMs.
- iii. On receiving the written order of the DEO, the nominated Officer shall identify the EVMs to be moved out and make an entry of the details of such EVMs in the Master Stock Register/Movement Register and shall take a written acknowledgement from the officer, who is receiving the EVM, as proof of having received the EVMs.

Protocol for Repairs:

EVMs found defective during the poll period or non-poll period and requiring electronic repairs are sent to the manufacturers BEL and ECIL for repairs and are tracked under ETS. The repaired EVMs are allocated by the Commission once the report of repair is received from the manufacturer.

EVM Tracking Software (ETS):

The Commission has introduced an ETS as a modern inventory management system where the identity and physical presence of all EVMS/VVPATs is tracked on real time basis by the Election Commission of India and any movement of these machines ordered by ECI has to mandatorily be through this system.

B. DURING ELECTION PERIOD:

Physical Verification of EVMs: If there is a general election during the year, the DEO shall carry out 100% physical verification of EVMs during the First Level Checking of the EVMs and send the report to the Commission through Chief Electoral Officer in the prescribed format.

Storage of EVMs

Pre-Poll Storage: After FLC and first randomization of EVMs, EVMs shall be handed over to the Returning Officer/Assistant Returning Officer concerned. The Returning Officers shall follow the following guidelines:-

- i) RO/ARO shall store the EVMs, allocated for his constituency, in a strong room in the presence of representatives of National/State Level Political Parties, under videography. EVMs meant for training and awareness of voters shall be kept in a separate strong room so that strong room having EVMs (including reserve EVMs) meant for poll need not be opened before preparation of EVMs. Reserve EVMs are those EVMs which are used to replace a malfunctioning/defective EVM on the poll day. The Reserve EVMs are duly prepared with Candidate setting and ballot paper fixing like other EVMs earmarked for polls and are subjected to the same standards of security and storage protocols.
- ii) Thereafter, RO shall open the strong room having EVMs (including reserve EVMs) meant for poll at the time of preparation of EVMs (candidate setting) in the presence of candidates/their representatives, under videography.

- iii) After preparation of EVMs at RO level, EVMs including reserve EVMs shall again be kept in strong room in the presence of candidates/their representatives, under videography.
 - iv) Thereafter, RO shall open the strong room having EVMs (including reserve EVMs) on the day of dispersal of polling parties in the presence of candidates/their representatives, under videography.
 - v) After completion of poll on the Polling Day, the polled EVMs shall be escorted back to the strong room for storing in double lock system in the presence of candidates/their representatives, under videography.
- **Procedure to be followed for storing polled EVMs in strong room:**
 - (i) All Presiding Officers or the Collecting Parties should deposit the voting machines and election papers and materials at the storage centres without any avoidable delay. Any officer who defaults in this respect will make himself liable to disciplinary action.
 - (ii) Returning Officer may earmark inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking the voting machines received from particular polling stations. The arrangement for this should follow the serial number of polling stations.
 - (iii) All Balloting unit(s) and control unit received from one polling station must invariably be kept together at one place on the same square. The control unit should be kept on top of the Balloting unit(s). One copy of the Part I of Form-17 C, as filled by the concerned Presiding Officer of each polling station, should be kept on top of the control unit pertaining to the polling station. Sealed envelope containing the declarations made by the Presiding Officers before the start of the poll and at the end of the poll should also be kept in the strong room with polled EVMs. The duplicate copy of the account of votes recorded and the paper seal account should be kept under your safe custody along with the Presiding Officers Diary and other records like Register of Voters(17A), reports of Sector/Zonal magistrates, Additional inputs provided by the Presiding Officer (refer ECI instruction in this regard) etc. Under no circumstance, these papers/records should be put in strong room where polled EVMs are kept.

- (iv) Sufficient space should be left between rows of voting machines as they are being stacked so that other machines received subsequently out of turn (from the point of view of serial numbers of the polling stations) may be kept at their appropriate allotted space without the necessity of having to shift any of the voting machines received and stacked in earlier point of time.
- (v) If any of the contesting candidates so desires, he may be permitted to post an agent to keep watch at the place where the voting machines are stored pending the counting and allow him to affix his own seals to the doors and windows of the building in which voting machines have been stored in addition to the seals that may be affixed by you. It should also be ensured that immediately after all the voting machines have been received and stored, the room is locked forthwith. Thereafter, no one is allowed to go in until the morning of the day fixed for counting. If during this interval, for some unavoidable reason, the room has to be opened you should send for the candidates or their authorized representatives by giving them intimation in writing and open the room in their presence and immediately after the purpose for which the room is opened is over, this room should be closed and sealed and the candidates or their representatives should again be allowed to put their seal on the door lock and windows.
- (vi) Whenever it is necessary to open the room in which the voting machines are stored, proper entries should be made in the logbook giving details of the persons entering the room, the purpose of such entry, time of entry, time of exit, signature of the guards, etc.

These instructions will also apply mutatis mutandis to the storage of the voting machines during the interval between the original count and the recount, if any.

Post-Poll Storage: The following instructions shall be strictly followed for the security and safety of strong rooms where the polled EVMs are kept for counting of votes –

- i The strong rooms should have double lock system. One key should be kept with District Election Officer and the other with Returning Officer of concerned assembly constituency.
- ii Three cordoned security arrangements should be made round the clock for the strong rooms having polled EVMs kept for counting of votes. The CPF should man the innermost perimeter security immediately outside the strong room and the State Armed Police should man the outermost perimeter security.

- iii All contesting candidates should be intimated in writing to depute their representatives to keep a close watch on security arrangement of strong room. They should be allowed to stay outside the inner perimeter at a location, which enables them to view the entry points of the strong room. As far as possible, facilities such as proper shade, drinking water, etc. shall be provided to them. If there is no direct view to the entry point of the strong room, CCTV may be arranged at such location, from where they can see the strong room door on CCTV. In such a case, they may be taken periodically to the inner perimeter in batches, to see, verify and satisfy themselves regarding the security of strong room. The CCTV display of Strong Room shall be arranged on a large TV screen at the place earmarked for the representatives of Political Parties and agents of the candidates, so that they can continuously monitor the Strong Room.
- iv A control room adjacent to the strong room SHOULD BE operative round the clock.
- v A Gazetted officer along with a senior police officer should be put on duty round the clock for monitoring the security arrangements of strong room.
- vi There should be sufficient arrangement of fire extinguishers near and inside the strong room.
- vii There should be an arrangement round the clock for the security of unused EVMs also.
- viii No one should be allowed to enter the inner perimeter without adhering the following protocols:-
 - a) The log book shall be maintained by the CPF in which entry should be made about date, time, duration and name(s) of person(s) crossing the second security ring i.e. the middle perimeter. This includes visits by the Observers or DEOs or SPs or candidates or their agents or any other person.
 - b) Video cameras should be provided to the CPF contingent to record all visits made by such visitors.
- ix It should be ensured that there is uninterrupted power supply at the strong room locations during the entire period wherein EVMs are stored. CEO may address the Chairman of Electricity Board concerned separately regarding

this. Local Electricity Board officials should be asked to ensure the same. Contingency arrangement of stand-by generators should be made to ensure uninterrupted power supply.

- x The phone nos. of CEO, Addl. CEOs, DEC in-charge in the ECI and the DEO/SP/COP/ROs concerned should be given to the candidates, who may provide the same to their representatives, keeping vigil at the strong room location(s). The candidates may advise their representatives to contact the officials, in case of any emergency.
- xi All the entry points (doors etc.) of strong rooms should be under constant videography using the web-cams and laptops available. If there are other doors of the strong room, they should also be covered by the web-cams/ videography.
- xii Returning Officers should visit the storage campus (upto the inner perimeter only) every day in the morning and evening and check the log book and videography and send a report to the DEO on the status every day. In case of strong rooms located in the district headquarters, the DEO should do the same. Where the strong rooms are situated outside the District Headquarters, DEO should visit the same as frequently as possible and at least once in 3 to 4 days.
- xiii No vehicle, including that of any official or ministers or any other political functionary, should be allowed inside the secured campus where the EVMs are stored. Alighting point for the vehicles should be marked clearly ahead of the outer security perimeter itself beyond it, it should be a pedestrian zone only.
- xiv DEOs and SPs shall be personally responsible for security of strong room within the district and meticulous implementation of the protocol. The copy of this Manual should be made available to all candidates, DEOs, ROs and CPF commandant.
- xv On the day of counting of votes, the strong room shall be opened in the presence of candidates/their representative, RO and Observer under videography.
- xvi After completion of counting of votes, Control Units shall be sealed as per existing instruction of the Commission. Thereafter, EVMs (Balloting Units and Control Units) shall be shifted back to Strong Room for safe storage.

- **Under rule 94(aa) of the Conduct of Elections Rules 1961, the guidelines of the Commission on retention period of the EVMs after using in election and for using the same in the subsequent elections, are as under:**
 - A. Every Voting Machine (EVM) used in an election and kept in the custody of the District Election Officer shall be kept untouched, under the standard protocol of security, till confirmation of Election petition position from the High Court concerned after the completion of the period for filing Election Petition i.e. 45 days from the date of declaration of the result.
 - B. In the case of elections, where no election petition has been filed or no other court cases are pending, after the aforesaid period, the EVMs may be allowed to be used by the Election Commission for any future election or any other purpose like movement, physical verification of EVMs, etc.
 - C. In case of any election where election petition has been filed, the following action shall be taken:-
 - (i) If the EVMs are the subject of the election petition, the EVMs used at all Polling Stations in the constituency concerned shall continue to be kept in the safe custody of the District Election Officer, till such time the Election Petition is finally disposed of by the Courts.
 - (ii) If the EVMs are not the subject of the election petition, an application may be moved to the concerned Court for allowing the EVMs concerned to be taken out of the strong room for any future election or any other purpose like movement, physical verification of EVMs etc.
 - (iii) In case EVMs not involved in any Election Petition/Court Case are stored with the EVMs involved in Election Petition/Court Case, with the Court's permission, the following procedure shall be followed for segregating the EVMs not involved in any election petition/court case from the EVMs involved in EP/Court case:-
 - (a) A Notice informing the opening of Strong Room having EVMs involved in EP/Court Case shall be given to the petitioners/respondents of the EP/Court Case and the representatives of all political parties in writing at least 72 hours in advance, requesting them to remain present at the time of opening of strong room.

- (b) The strong room shall be opened in the presence of the District Election Officer, Petitioners/respondents of the EP/Court case and representatives of Political Parties.
 - (c) The EVMs not involved in any EP/Court Case shall be segregated from the EVMs involved in EP/Court Case for taking out of the strong room. A list of EVMs being so taken out from the strong room shall be prepared.
 - (d) The EVMs, which are not involved in any EP/Court Case, should alone be taken out of the Strong room.
 - (e) The entire process shall be videographed.
 - (f) A copy of the list of EVMs being taken out from the strong room and copy of videography shall be given to the petitioner/respondent of the EP/court case and acknowledgement taken.
- D. If any other Court Case is pending, like, booth capturing, etc., in which any EVM is involved, the EVM concerned or the EVM(s) used at such Polling Station(s) concerned may also be kept till the final disposal of the said case.
- E. After the final disposal of the election petitions or other court cases, as the case may be, referred to above, the EVMs can be used for subsequent elections.

Thus, the technological security features along with administrative safeguards defined by ECI, together make EVMs non-tamperable, leaving nothing to chance, whether in manufacturing, storage, transportation or during use in elections. While design features like using OTP chips, technical safeguards like non – connectivity of EVMs with computers, internet, wireless or wired for any unwanted communication, and numerous internal precautions like encoding to protect data integrity, the administrative safeguards rule out any possibility of tampering by offering transparency via 24x7 scrutiny by party representatives and their participation in sealing and signing important spaces during election.

In this way the Indian EVM used by ECI is unique in the world and non-tamperable under the control and custody of ECI.

Technical Experts Committee (TEC)

- **Composition of First Technical Expert Committee on EVMs**

- Central Government appointed the Electoral Reforms Committee in January, 1990 (Goswami Committee) consisting of representative of several recognized National and State Parties.
- The Electoral Reforms Committee felt that the machines should be tested by technical experts with a view to removing any doubts or misapprehensions in the minds of the public with regard to credibility of the working of the machines and desired that a clearance from the technical experts to the effect that doubts and misapprehension entertained about the credibility of the machines were not well founded should be obtained.
- An Expert Committee for the evaluation of the electronic voting machines was constituted under the chairmanship of Professor S. Sampath, Chairman Technical Advisory Committee, Defence Research & Development Organization (DRDO), Ministry of Defence, Professor P.V. Indiresan of the IIT Delhi and Dr. Rao C. Kasarabada, Director, Electronic Research & Development Centre (ERDC), Trivandrum.
- The Committee, after a review of the material presented to it, technical presentation by the manufacturers, meeting election administrators and technical experts and also detailed laboratory tests, came to the conclusion that the electronic voting machine is a secure system. The expert committee, therefore, unanimously recommended, in April, 1990, the use of the electronic voting machines without further loss of time.

- **Composition of Second Technical Expert Committee**

- The Commission constituted the Second Technical Expert Committee in December, 2005 comprising Prof. P.V. Indiresan, Prof. D.T. Shahani of IIT Delhi and Prof. A.K. Agarwala of IIT Delhi to get the upgraded EVMs (Post 2006 EVMs) evaluated before finally accepting these machines for actual use in elections.

- **Expansion of Technical Expert Committee**

In November, 2010, the Commission expanded its Technical Expert Committee by including two more experts, namely, Prof D.K. Sharma from Department of Electrical

Engineering, IIT Bombay and Prof. Rajat Moona from Department of Computer Science and Engineering, IIT of Kanpur (now, Director IIT Bhilai)

The current composition of TEC is as below:

1. Prof. D.T. Shahani of IIT Delhi
 2. Prof Rajat Moona, Director IIT Bhilai
 3. Prof Dinesh Sharma of IIT Bombay
 4. Prof. A.K. Agarwala of IIT Delhi
- The members of the TEC are eminent professionals and renowned specialists in their respective areas of expertise. The members of TEC have an illustrious academic record with proven technical excellence with numerous creditable and pioneering achievements to their credit. The fact that they hail from different Centres of Excellence in public domain, further adds to their calibre, competence and credibility. The honorary contribution made by the TEC towards the design and development of EVMs/VVPATs has also been recognized by the Hon'ble President of India.
 - **Role of Technical Expert Committee on EVMs:**

ECI has maintained an independent Technical Expert Committee to help evaluate specific technical features, designs and performance improvement of EVMs.

The role of TEC has been to:

 - i. Give technical advice to build specifications and design of newer versions of EVMs/VVPATs so that they incorporate latest Technology both in Hardware and Software Design and Improving Robustness against Tampering
 - ii. Examine design proposals of manufacturers on EVMs and offer recommendations for improvement
 - iii. Mentor designs process wherever asked.
 - iv. Examine concerns raised on EVMs tamperability.
 - v. Any other advice that Commission may seek or any other technical work that the Commission may entrust from time to time.
 - The Commission holds regular intensive and extensive meetings with the TEC and reviews the design, technical specifications and related issues of the EVMs/VVPATs or any other technical matter emerging from time to time.

Evolution & Incorporation of Technology in EVMs:

- EVMs being electronic machines, are based on a fast evolving technology, both in software and hardware. With use of EVMs in Polls, many useful suggestions have come from public and political parties, and ECI has responded by incorporating newer features with every version of EVM produced. Also, from time to time, contemporary software practices as matured over time, contemporary components as improved over time and contemporary security practices were taken into account to ensure that EVMs of each version had the best of all practices being used. Nonetheless, the non-tamperability of EVMs is of supreme consideration in all versions. To that extent safety features have been used based on the technologies available at that time and customized for the needs of the EVMs. This along with ECI's strict administrative practices on use of EVMs have ensured truthful operations of EVMs over years.
- On advice of Technical Expert Committee (TEC), certain features were introduced in EVMs from time to time, based on available technology and state-of-the-art for hardware and software. While improvements have been brought in the designs of EVMs which were enabled by the availability of advanced technology in Electronics and which have led to incorporation of many features in newer EVMs, EVMs of earlier versions also had such key features built in. Notwithstanding all this, the non-tamperability of EVMs has been of supreme consideration in all versions of EVMs. This along with ECI's strict administrative practices on use of EVMs have ensured truthful operations of EVMs over years.
- Some new features added by TEC in M2 (Post 2006) EVMs due to technological advancements:
 - (i) Dynamic Coding between Ballot Unit and Control Unit.
 - (ii) Real time clock
 - (iii) Time stamping of key presses
- Some new features added by TEC in M3 (post 2013) EVMs due to latest advancements in technology:
 - (i) Mutual authentication among all components of EVMs such as BU, CU and VVPAT
 - (ii) Automated self-diagnostics
 - (iii) Battery life predication

International Comparison:

- A point is raised from time to time that several foreign countries have discontinued the use of voting machines and why India is using EVMs.
- With the rapid advances in technology over the years, Election Management Bodies, professionals, experts, and activists (particularly Green Activists) have mooted the idea of using paperless electronic voting methods in different parts of the world in order to overcome the disadvantages of manual marking of paper ballots. The marriage between technology and election management goes back to at least 1892, when the first 'lever voting machine' was used in New York, after using the paper ballot for a long time. In the 1960s, punch-card machines were introduced in the USA, and the first EVM was introduced there in 1975. Electronic Voting has moved quite ahead since then.
- **Types of Electronic Voting:**
The process of electronic voting can be of three types:
 - (i) Direct Recording Machines placed at designated polling station,
 - (ii) Internet Voting
 - Remote Online Voting
 - At Designated Polling Stations
 - (iii) Optical Scanners
 - Stand-alone
 - Networked for centralized counting of results
- EVMs used in India fall under the first type of stand-alone direct recording machines with no possibility of any kind of network connectivity where voters cast their votes at an assigned polling station on the day of election under strict administrative security ensured by the ECI.
- Even though ECI EVMs are also direct recording machines ECI EVMs are completely different from any of the EVMs used internationally either for direct recording or for internet voting or for optical scanning. This is clearly highlighted in the comparative analysis of ECI EVMs with the DRMs used in countries like Germany, Netherland, Ireland, and USA as follows:

- **The Netherlands**

Electronic Voting was used in The Netherlands in between 1990-2007. The voting machines were manufactured by a private Dutch-company called NEDAP (Nederlandse Apparaten Fabriek NV). In 2006, the government ordered an independent testing of the voting machines. Two independent commissions, The Voting Machines Decision-making Commission and the Election Process Advisory Commission (EPAC) were also established on December 19, 2006 and January 18, 2007, respectively, to review the security and reliability features of NEDAP machines.

Following the observations of the two Commissions, the use of NEDAP machines and electronic voting was discontinued in 2007 on the following grounds:

- The Ministry of Interior and Kingdom Relations (MOIKR) of The Netherlands lacked adequate technical knowledge vis-à-vis the NEDAP machines, leading officials to depend on external actors for the conduct of elections.
- Technology vendors became part of the decision making process and the ministry was not in a position to exercise effective oversight.
- The Dutch Organization for Applied Scientific Research (Toegepast Natuurwetenschappelijk Onderzoek, TNO) certified and tested these machines following “outdated standards” which were not immune to modern IT and security threats.
- Moreover, the certification and testing reports were not made public depriving independent experts to verify the analysis.
- The legal framework, particularly the necessary security requirements, was inadequate to deal with the specificities of the electronic voting process.

(For a comprehensive report on electronic voting in The Netherlands, see link: https://www.ndi.org/sites/default/files/5_Netherlands.pdf)

- **Germany:**

In Germany, the e-voting machines manufactured by NEDAP were used in between 2005 – 2009 before it came under criticism and finally discontinued. The Bundesverfassungsgericht (the Federal Constitutional Court of Germany) ordered the discontinuation of the use of NEDAP machines in 2009 because of the below-mentioned reasons:

- The use of Nedap electronic voting machines violated the principle of the public nature of elections (Article 38 in conjunction with Article 20.1 and 20.2 of the Basic Law) that requires that all essential steps in the elections are subject to public examinability unless other constitutional interests justify an exception.
- It also observed that “it must be possible for the citizen to check the essential steps in the election act and in the ascertainment of the results reliably and without special expert knowledge”.

(See the judgment in the following link: http://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2009/03/cs20090303_2bvc000307en.html;jsessionid=FEA71E86E2CEE030FF7AAAC90572279C.2_cid383)

- **Ireland:**

NEDAP machines were used in Ireland in between 2002 – 2004. The use of these machines was questioned following which two independent commissions were set up. The two Commissions on the Secrecy, Accuracy and Testing of the Chosen Electronic Voting System, concluded the NEDAP machines could not be used in elections in Ireland on the following grounds:

- Inadequate technological safeguards
- Insecure transfer of data by the use of CDs
- Absence of a comprehensive independent end-to-end testing, verification and certification by a single accredited body
- Inconsistencies in physical security of machines across constituencies
- Absence of a clear policy guideline via-a-vis storage, transport, set-up, use and disposal of voting equipment; and
- Absence of comprehensive electronic register to record the identity, location and movement of the electronic voting devices.

(See links: <http://www.unic.pt/images/stories/publicacoes1/00Index.pdf>; <http://www.unic.pt/images/stories/publicacoes1/Part%200%20Index.pdf>)

- **United States of America:**

In 2000, after the dispute on the voting method in the USA presidential elections, the voting method was reviewed (Esteve, Goldsmith, & Turner, 2012: 185). Accordingly, Direct Recording Electronic (DRE) Systems (like the widely used AccuVote TS developed by Premier Election Solutions, commonly called Diebold) were introduced. DRE Systems uses “one of three basic interfaces (pushbutton, touchscreen or dial)” through which “voters record their votes directly into computer memory. The voter’s choices are stored in DREs via a memory cartridge, diskette or smart card...Some DREs can be equipped with Voter Verified Paper Audit Trail (VVPAT) printers...” Currently, in the USA, the Direct Recording Machines are used in 27 states, among which paper audit trails are used in 15 states. The other voting methods include: Optical Scan Paper Ballot Systems, Ballot Marking Devices, and the Punch Card Ballot.

(See link: <https://www.verifiedvoting.org/resources/voting-equipment/>)

- **Other countries:**

In Brazil, the machines used in elections are called ‘electronic ballot boxes’ which are stand-alone direct electronic recording systems. In Venezuela, SATIS (Smartmatic Auditable Election Systems) voting machines are used which were fully implemented across the nation in 2004. (Esteve, Goldsmith, & Turner, 2012: 185)

- **India:**

Indian EVMs are truly unique compared to the e-voting machines used in other parts of the world for the following reasons:

- ECI-EVMs are stand-alone non-networked machines
- The ECI-EVMs are manufactured in two PSUs namely ECIL and BEL, unlike machines used in other countries, which were manufactured entirely by private entities. Hence there is no chance of involvement of vested interest of private players or technology vendors in decision making or production of the ECI-EVMs.
- ECI-EVMs have been time and again successfully verified and certified by an independent Technical Experts Committee after an end-to-end testing process. STQC under Ministry of Information and Technology, an accredited third party entity, conducts standardization and certification of ECI EVMs produced by manufacturers, unlike the machines used in Netherlands,

- In ECI EVMs data is stored internally and not transferrable by any device, unlike other countries where voting data recorded in the DRM is transferred by means of CD, etc.
- Commission has evolved full end to end security protocol and administrative safeguards for the use, storage, transportation and tracking of ECI EVMs, unlike in other countries where NEDAP machines were used.
- Unlike MOIKR of Netherlands, the Commission is fully backed by a Technical Expert Committee comprising of eminent professors.
- Every EVM has a unique number attached to it, which is recorded in the Election Commission's database through EVM Tracking Software. This number of the EVM can always be cross-checked against the database.
- The software used in these EVMs is One Time Programmable (OTP), which can't be re-written after manufacture.
- The ECI-EVMs are always under strict, uniform, high profile administrative and physical security as per legal framework across the country.
- Section 61 A of the Representation of the Peoples Act 1951 allows the use of EVMs by ECI. The different High Courts across the country have also upheld the use of EVMs time and again in various judgments and the Karnataka High Court in 2004 declared ECI-EVMs as "national pride" because of its transparency and robustness.
- Following the direction of the Hon'ble Supreme Court, the ECI has introduced the technology of VVPAT in order to ensure public examinability. The Commission is committed to implement VVPATs nation-wide by 2019. Thus there will be 100% voter verifiability and auditability of every vote cast as opposed to lack of such facility in the NEDAP machines which was struck down by the German Supreme Court as un-Constitutional. Whereas Indian Supreme Court has upheld the validity of use of EVM for conducting elections in the country.
- Thus any comparison of ECI-EVMs with machines used elsewhere is misplaced.

VOTER VERIFIABLE PAPER AUDIT TRAIL (VVPAT)

- In a meeting of all political parties held on 4th October, 2010, the parties expressed satisfaction with the EVM but some parties requested the Commission to consider introducing Voter Verifiable Paper Audit Trail for further transparency and verifiability in poll process. In India, the demand of VVPAT to increase transparency was floating in the air for some time after such a tool was first demonstrated in New York City in March 2001 and first used in Sacramento, California in 2002. The demand was referred to the Technical Expert Committee (TEC) by the ECI.
- Introduction of VVPAT implied that a paper slip is generated bearing name and symbol of the candidate along with recording of vote in Control Unit, so that in case of any dispute, paper slip could be counted to verify the result being shown on the EVM. Under VVPAT, a printer is attached to the balloting Unit and kept in the voting compartment. The paper slip remains visible on VVPAT for 07 seconds through a transparent window. The Commission referred the matter to its Technical Expert Committee (TEC) on EVMs for examining and making a recommendation in this regard. The Expert Committee had several rounds of meetings with the manufacturers of EVM, namely, BEL & ECIL, on this issue and then had met the political parties and other civil society members to explore the design requirement of the VVPAT system with the EVM.
- On the direction of the Expert Committee, the BEL and ECIL made a prototype and demonstrated before the Committee and the Commission in 2011. On the recommendation of the Expert Committee on EVM & VVPAT system, the Commission conducted simulated election for the field trial of VVPAT system in Ladakh (Jammu & Kashmir), Thiruvananthapuram (Kerala), Cherrapunjee (Meghalaya), East Delhi District (NCT of Delhi) and Jaisalmer (Rajasthan) in July 2011. All stake holders including senior leaders of political parties and civil society members participated and witnessed enthusiastically in the field trial. After 1st field trial of the VVPAT system, Commission made a detailed reassessment of the VVPAT system to further fine tune the VVPAT system. Accordingly, the manufacturers developed 2nd version of VVPAT prototype. The same was again subjected to 2nd field trial in the said five locations in July-August 2012.
- In the meeting of the Technical Expert Committee held on 19th February, 2013, the Committee approved the design of VVPAT and also recommended the Commission to take action on amendment of the rules for using VVPAT. The model was demonstrated to all the political parties in an all-party meeting on 10th May, 2013. The Government of India notified the amended Conduct of Elections Rules, 1961 on

14th August, 2013, enabling the Commission to use VVPAT with EVMs. On 4th September, 2013, the Commission used VVPAT with EVMs first time in bye-election from 51-Noksen (ST) Assembly Constituency of Nagaland.

- On 8th October, 2013, the Hon'ble Supreme Court ordered introduction of VVPAT in phases in its judgment on a PIL and asked Government to sanction funds for procurement. As directed by the Hon'ble Supreme Court of India, the ECI introduced the VVPAT system in a phased manner so that full implementation could be achieved by 2019. In 2013, the ECI procured 20000 VVPATs. On 25th November, 2013, VVPATs were used in 10 ACs in Mizoram; on 4th December 2013, it was used in one AC in Delhi; and thereafter in subsequent elections.
- The following table gives us the journey of VVPAT in India at a glance:**

Date	Chronology of Events
4th Oct 2010	An all-party meeting held. Agreement on incorporation of VVPATs along with EVMs.
July 2011	Field trial conducted after the prototype was manufactured, in Thiruvananthapuram (Kerala), Delhi, Cherapunjee (Meghalaya), Jaisalmer (Rajasthan) and Leh (Jammu & Kashmir).
July-Aug 2012	A second field trial was conducted
19th Feb 2013	Final model was approved by TEC
10th May 2013	The Model was demonstrated to all political parties
14th Aug 2013	The conduct of Election Rules 1961 was amended and notified
4th Sep 2013	Election Commission of India used VVPAT along with EVMs in a bye-elections for 51-Noksen AC in Nagaland
8th Oct 2013	Hon'ble Supreme Court directed ECI to introduce the VVPAT system in a phased manner. full implementation to be achieved by 2019
25th Nov 2013	VVPATs were used in 10 ACs of Mizoram
4th Dec 2013	VVPAT was used in one AC in Delhi and thereafter in subsequent elections
Feb-Mar 2017	52000 VVPATs were used in 33 ACs in Punjab, 6 ACs in Manipur, 3 ACs in Uttarakhand, 30 ACs in Uttar Pradesh and 40 ACs in Goa
April 2017	Approval of Government received for purchase of 16, 15,000 VVPATs at a total estimated cost of Rs.3173.47 Crores

- So far, VVPATs have been used in 266 Assembly Constituencies and 9 Parliamentary Constituencies. In Goa elections in 2017, VVPAT was employed in all 40 LACs. ECI employed about 53,500 VVPATs in five States where elections were held recently.

Recent issues and controversies:

- After the declaration of the state assembly elections results in March 2017, some political parties have raised doubts about the fairness of the election process through the EVM, tagging it as tamperable, and hence an unreliable voting gadget.
- On 10.04.2017, representatives of thirteen (13) political parties met the Commission and submitted a joint representation expressing concerns about the transparency of voting method with the use of the EVM. Leaders of some of these parties either met or, wrote to the Election Commission of India (ECI), expressing their apprehensions and presenting their arguments against the use of EVM for casting and recording popular votes. Some excerpts from the petitions and representations made to the Commission are reproduced here:
 - “In view of the above, it is earnestly prayed that (a) To consider replacing/ substituting the current State CEO and Collector/DRO, Bhind. This is a minimum expectation to instill the faith in Indian democratic polity. (b) ECI may direct impartial and unimpeachable experts to revisit and re-verify the authenticity of all voting machines being deployed in the two bye-elections in MP, which must be done transparently in the presence of authorized representatives of political parties and/or candidates. (c).... it is necessary that the entire process should be reexamined thoroughly and all agencies and persons involved in the maintenance, operationalization and data feeding in the machines and all other performing duties and responsibilities including storage before use of EVMs in further elections and all parties should be taken in confidence...”. (Letter dated 01.04.2017 from All India Congress Committee)
 - “With regard to the Bhind incident, kindly allow us to examine that particular machine in the presence of your officers. There are serious apprehensions that its software has been changed.” (Letter dated 03.04.2017 from Aam Aadmi Party)
 - “It is in the paramount interest of all political parties concerned, that these incidents/allegations should be impartially investigated and the truth about the same be placed before the people of India...It is imperative that the Election Commission of India which has a Constitutional mandate to conduct national and State elections in a fair, free and impartial manner, take urgent note of the concerns and apprehensions raised by major political parties...

till such time, the issues of tampering and malfunctions of the EVMs are addressed and the tamper-proof and flawless functioning of EVMs is technologically established and endorsed globally, to the satisfaction of the political parties, the forthcoming elections should be conducted under the old paper ballot system.” (Representation on behalf of Political Parties dated 10.04.2017)

- Two more incidents were brought to the knowledge of the Commission - one pertaining to the recently concluded Bye-elections in Bhind (Madhya Pradesh) and the other one relating to Dholpur (Rajasthan). The incidents were enquired and the facts are as follows:
 - The first incident pertained to the bye-election to Ater AC in Bhind District of Madhya Pradesh in Mar-Apr 2017, wherein it was claimed that on pressing 4 (four) different buttons on the machine, only the symbols of one party were printed. A detailed enquiry into the reported allegations of EVM tampering to favour a specific political party was conducted by the Commission. The Enquiry report clearly pointed out that the allegations were totally unsubstantiated and baseless. The confusion was created due to the non-adherence of the prescribed protocols and instructions of the Commission at a mock demonstration by the competent officers, due to which the previously stored data in VVPAT was not erased. However, the allegation of every button press yielding the same symbol were found to be untrue. Nonetheless, the Commission took a serious view of the procedural lapses and non-compliance of extant instructions and initiated prompt action against the district level officers for the lapse. The detailed Press Note released by the Commission in this regard is available on the Commission’s website and is also placed at **ANNEXURE-2**.
 - The second incident relates to the factually incorrect and misleading news about 18 tampered and malfunctioning EVMs in Dholpur Bye-elections in Rajasthan. The matter was duly enquired and contrary to the allegations, only 2 EVMs out of 231 deployed in Dholpur AC (which is less than 1%) were found defective and changed. The Press Release issued by the Commission regarding this issue is also available on the website, as also placed here at **ANNEXURE-3**.

Present Status:

- Hon'ble Supreme Court in its order dated 8 Oct 2013 has observed that EVMs with VVPAT system ensures the accuracy of the voting system. With an intent to have fullest transparency in the system and to restore the confidence of the voters, it is necessary to set up EVMs with VVPAT systems because vote is nothing but an act of expression which has immense importance in democratic system. The apex court appreciated the efforts and good gesture made by the ECI in introducing VVPATs and permitted the ECI to introduce the same in a gradual stages or geographical wise in the ensuing general elections. The Court also directed the Government of India to provide required financial assistance for the procurement of units of VVPATs for the implementation of VVPAT system in a phased manner.
- Amidst the ongoing debate on the EVM, the ECI not only reaffirmed its faith on the transparency, credibility, non-tamperability and robustness of the machines, but also stressed on the immediate deployment of VVPATs for safeguarding the integrity of the voting system as well as strengthening confidence of the voters. In order to ensure the compliance of Hon'ble Supreme Court order The Chief Election Commissioner of India vigorously pursued the allocation of funds to the manufacturers for the timely manufacture and supply of required quantity of VVPATs to the ECI for ensuring 100% VVPAT coverage at all polling stations. The Election Commission also vigorously reviewed the production capacity of the manufacturers impressing upon them the need to strictly adhere to the schedule by enhancing their manufacturing capacity.
- Based on Commission's continuous follow up the funds have since been allocated on 19 April 2017 amounting to Rs 3173.47 crore for purchase of 16,15,000 VVPATs and orders have been issued to the manufacturers. It is pertinent to mention that Rs 1939.95 crore has been sanctioned and released by the Government for the manufacture of M3 EVMs. The manufacturers have committed to manufacture the EVMs and VVPATs and supply to ECI by Sep 2018.
- The Commission is committed to using VVPAT machines along with EVMs in all future elections to be conducted under its superintendence and direction for the Parliament and State Legislative Assemblies.

Conclusion:

- As is evident, the EVM used in Indian elections have gone through a long journey of evolution amidst challenges and has emerged as an effective machine of electoral reform over the years since its introduction. It has enhanced public confidence as well as legitimacy of Indian elections in the eyes of the world.
- The Indian EVM stands as one of the most credible, non-tamperable and transparent machine amongst all such machines used in other parts of the world. Indian EVMs have attracted the attention of many Afro-Asian countries also. Till date, no one could actually demonstrate that EVMs in possession of ECI and used by it, can be tampered with or manipulated. What has been demonstrated or claimed to have been demonstrated is on a privately assembled “look-alike of ECI-EVMs” and not the actual ECI-EVM used by ECI. Recently, on an allegation of EVMs yielding votes for only one political party in Bhind (Madhya Pradesh) and Dholpur (Rajasthan), the ECI promptly conducted an enquiry which found out that such allegations were found to be baseless.
- Today, the ECI once again completely reaffirms its faith in the non-tamperability of the EVMs of ECI in view of the technical security features and the stringent administrative protocols and procedural safeguards which are mandatorily to be followed during and after the polls. In conclusion, it will be pertinent to refer to the verdict of the Karnataka High Court in this respect, which observed that EVM in India is a “national pride” and the fact that Indian elections are widely internationally acknowledged as the “Global Gold Standard”.
- The Commission and electoral system stakeholders have taken a conscious decision that EVM is the right answer to the formidable task of election management and the huge logistical challenges it throws. The ECI hopes that once the VVPATs cover all the polling booths in the country, the confidence and transparency will be further enhanced.
- The Commission firmly believes that the introduction of VVPAT machines with the EVMs in all future elections will bring utmost transparency and credibility in the EVM-based voting system in our country and conclusively put to rest all misinformed doubts and misgivings regarding these machines.

- The Commission will launch a comprehensive, concerted and nation-wide voter education and awareness programme under its flagship SVEEP initiative, to educate, orient and inform the voters about the functioning, usage and advantages of the VVPAT machines and their immense utility in reinforcing the transparency, credibility and authenticity of the voting process. The Commission earnestly solicits the cooperation and collaboration of all the vital stakeholders, particularly the political parties, to join hands in spreading awareness about the advantages of VVPAT machines. The Commission is confident that the collaborative efforts of all the stakeholders in the electoral process will lead to continuous improvements in the electoral management and make our system more transparent, participative, informed and credible.
- The Commission firmly believes in an open, constructive and comprehensive dialogue with all crucial stakeholders in the electoral process and the political parties are a critical stakeholder of the democratic edifice in the country. Considering the recent issues regarding use of EVMs, the Commission offered to convene an All Party Meeting. The objective behind the said meeting is to facilitate threadbare discussions and detailed deliberations amongst the important players in the electoral arena on this vital issue, so that all views and counter-views are placed on the table and thrashed out transparently and cogently. The Commission sincerely solicits the views and suggestions of the various political parties on further improvement in the electoral system.

ANNEXURE – 1

Name of State/UT	Elections in which EVMs used			
States	Year	Year	Year	Year
Andhra Pradesh	2004	2009	2014	
Arunachal Pradesh	2004	2009	2014	
Assam	2001	2006	2011	2016
Bihar	2000	2005	2010	2015
Chhattisgarh	2000	2003	2008	2013
Goa	2002	2007	2012	2017
Gujarat	2002	2007	2012	
Haryana	2000	2005	2009	2014
Himachal Pradesh	2003	2007	2012	
Jammu & Kashmir*	2000	2004	2009	2014
Jharkhand	2000	2005	2010	2014
Karnataka	2004	2008	2013	
Kerala	2001	2006	2011	2016
Madhya Pradesh	2003	2003	2013	
Maharashtra	2004	2009	2014	
Manipur	2002	2007	2012	2017
Meghalaya	2003	2008	2013	
Mizoram	2003	2008	2013	
Nagaland	2003	2008	2013	
Orissa	2000	2004	2009	2014
Punjab	2002	2007	2012	2017
Rajasthan	2003	2008	2013	
Sikkim	2004	2009	2014	
Tamil Nadu	2001	2006	2011	2016
Tripura	2003	2008	2013	
Uttar Pradesh	2002	2007	2012	2017
Uttarakhand	2002	2007	2012	2017
West Bengal	2001	2006	2011	2017
Delhi	2003	2008	2013	2015
Puducherry	2001	2006	2011	2016

TOTAL: 107 State Assembly Elections

EVMs were also used in all constituencies in General Elections to Lok Sabha in 2004, 2009 and 2014.

ANNEXURE – 2

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110 001.

No.PN/34/2017

Dated: 7th April, 2017

PRESS RELEASE**Subject: Enquiry report on Bhind (MP) Episode**

Special Enquiry team led by Shri Bhanwar Lal, Chief Electoral Officer, Andhra Pradesh has submitted its report to the Commission. The team has found no anomaly or tampering in EVM and VVPAT used during demonstration in Ater (Bhind) on 31st March, 2017. The enquiry was instituted by Election Commission of India to enquire in to all aspects of various allegations raised in the media and by the political parties.

2. The technical examination of the Ballot Unit (BU), Control Unit (CU) and VVPAT of 31st March demonstration, oral examination of the officials present during the demonstration, data retrieved from the CU have conclusively established that during the demonstration, 4 buttons of BU were pressed in the following order:

Button No.	Symbol	Name of Candidate
03	Handpump	Raju Pal
04	Lotus	SatyaDev Pachori
03	Handpump	Raju Pal
01	Hand	Ambuj Shukla

Therefore it is clear that on pressing of various buttons on EVMS during the demonstration, corresponding symbols were displayed.

3. The team in its report concluded that it is completely false to say that at multiple times slips of lotus were printed on pressing different buttons during the demonstration on 31st March as alleged.

4. The lapse related to non-deletion of the pre-loaded data of Govind Nagar AC of Kanpur Nagar from where VVPATs (not EVMs) were received and reloading with the symbols/data of dummy candidate before demonstration as per the laid down protocol of the Commission necessitate appropriate action by the Commission.

The conclusion of the enquiry committee on the allegations are as follows:

1. The EVMs used in the demo in Bhind was not brought from UP. However, the VVPAT used in the demonstration was brought from UP. Since the VVPATs are limited in number and had been used by all the poll going states during the last 5 states elections, the distribution of VVPATs for 10 states bye-elections was made by the Commission by allocating VVPATs from different poll-gone states to different poll-going states. In this case, the VVPAT was allocated from UP and brought from Govind Nagar AC of Kanpur Nagar,UP.

2. Bringing the VVPAT from UP is not in violation of law. As per the law, only the EVMs used in the Poll and the VVPAT slips contained in the box are required to be preserved for the period of 45 days in a secured manner for the purpose of Election Petition, if any. There is no bar on the movement of VVPATs machines as the same are not required to be preserved for Election Petitions as the paper slips printed through the VVPAT and contained in the Box are required to be preserved separately. In this case, however, further precaution was taken to move only the reserve VVPATs used as substitutes during poll on which no restriction applies.

The Committee has recommended that the enquiry conclusively establishes that

1. The accuracy of the functioning of the EVMs and VVPATs including the said EVM/VVPAT is beyond doubt.

2. Commission may like to fix responsibility on DEO and RO for the lapses brought out in the enquiry reports.

3. Commission may like to prescribe check list for handling each activity relating to EVM/VVPAT which should be mandatorily adhered to by the electoral authorities and the same should be monitored through MIS online by the Commission. The existing instructions issued from time to time may be compiled in the form of these checklists. The said revised checklists laid down by the Election Commission of India regarding handling of various activities on EVMs/VVPATs, must be rigorously followed by the entire electoral machinery from the level of Presiding Officer to the CEO.

4. Commission may like to reiterate that there should be no room for casualness in handling the electoral matters, least of all, such unwarranted remarks, as the sanctity of electoral process forms the foundation of India's democracy.

-----sd-----
(DhirendraOjha)
Director

ANNEXURE – 3

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110 001.

ECI/PN/35/2017

Dated 11th April, 2017

PRESS-NOTE

Sub: Clarification on Dholpur bye poll.

A section of media has reported that 18 EVMs malfunctioned during Dholpur, Rajasthan bye-poll held on 9th April 2017. The reports also say that the votes given to one party were going to another party.

In this connection the report has been sought from Chief Electoral Officer of Rajasthan and CEO has confirmed that only 2 EVMs out of 231 deployed have been changed due to some snag during the poll process, which is less than 0.1 percent. The Chief Electoral Officer has also informed that no complaint of mismatch in the voting has been reported from anywhere by any voter or candidate/political party during the entire polling period.

It is also clarified that the ECI does not have constitutional mandate to conduct rural and urban local bodies' elections.

In the light of above, the reports appeared in a section of media have been found to be incorrect and baseless.

-----SD-----
(Dhirendra Ojha)
Director



“NO VOTER TO BE LEFT BEHIND”



Election Commission of India

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi

PRESS NOTE**No.ECI/PN/39/2017****Dated: 12th May, 2017****Subject: Meeting of all Political Parties on issues related to EVM/VVPAT and other Electoral reforms**

The Election Commission held a meeting with all recognised National and State Political parties today at Constitution Club, New Delhi to discuss the following issues:

- (i) EVMs and VVPATs.
- (ii) Making Bribery in Elections a Cognizable Offence.
- (iii) Disqualification on Framing of Charges for the Offence of Bribery in Elections
- (iv) Suggestions on VVPAT Recount Rules.

07 National Parties and 35 State Parties attended the meeting.



In his inaugural address, Chief Election Commissioner Dr. Nasim Zaidi, underlined the contribution of all political parties and stated that systemic improvements and progressive measures aimed at improving the electoral processes and systems have been evolved by the Commission in cooperation with all political parties.

CEC referred the queries raised by some political parties about the incidents of alleged EVM manipulation at Bhind and Dholpur during the recently concluded Bye-elections, and reiterated that baseless perceptions were generated about these incidents and there was no case of biased vote results.

Commission highlighted the wide range of technical, administrative protocol and procedural safeguards that fortify the EVMs and VVPATs against any sort of manipulation or tampering. He said that Commission is open to hear suggestions on how to further improve integrity and credibility of EVMs.

CEC also informed the political representatives that the Commission will hold a challenge and offer opportunity to political parties to demonstrate that EVMs used in the recently concluded Assemblies elections were tampered OR that EVMs can be tampered even under the laid down Technical & Administrative Safeguards.

CEC stated that the Commission will ensure 100% coverage of VVPATs in all future election to the Parliament and State Assembly Elections. That VVPATs slips of a percentage of EVMs to be determined by ECI will be counted. ECI will soon evolve a framework in this regard. To make the election process more transparent, the Commission has made proposal for electoral reforms on misuse of money power and bribery during elections. The Commission has also made proposal for amendments in the Income Tax Act and in the RP Act, 1951, for enhancing transparency in the funding of political parties.

Dr. Nasim Zaidi urged the political parties to ensure their continuous and qualitative participation at all crucial preparatory steps for elections like FLC, Randomization of EVM/VVPAT/Polling personnel, EVM Preparation/candidate setting, Mock Poll, EVM Sealing etc. CEC also stressed that continuous involvement is the shared responsibility of all the stakeholders including the political parties.

CEC conveyed neutral stand and equidistance of ECI from all political parties as it has no favourite which has enhanced India's reputation in the eyes of Global Community.

A detailed presentation on EVM was presented by Shri. Sudeep Jain, Director General of ECI explaining therein its secured design feature, development process, stakeholders' participation at various levels, and administrative processes making the EVMs secure.



Representatives of the political parties presented their views & suggestions on each of the agenda items.

Commission assured the political parties that their concerns & apprehensions regarding EVMs have been taken note of and would be duly considered & addressed through forthcoming challenge and further necessary actions. In respect of other Electoral Reforms, their views/suggestions would be examined and further action would be initiated appropriately.

-sd/-
(Dhirendra Ojha)
Director

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO.13598 OF 2017

M/S. RESHMA VITHALBHAI PATEL ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

AND

WRIT PETITION (CRL.) NO.41 OF 2017

MANOHAR LAL SHARMA ... PETITIONER(S)

VS.

ELECTION COMMISSION OF INDIA & ANR. ... RESPONDENT(S)

WITH

WRIT PETITION (C) NO.209 OF 2017

ATATUR REHMAN ... PETITIONER(S)

VS.

ELECTION COMMISSION OF INDIA & ANR. ... RESPONDENT(S)

WITH

WRIT PETITION (C) NO.225 OF 2017

BAHUJAN SAMAJ PARTY NATIONAL TREASURER ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

O R D E R

Signature Not Verified
Digitally signed by
SARITA PUSKHT
Date: 2017.08.16
16:27:41
Reason: [S]

1. In the counter affidavit filed on behalf of the
Election Commission of India, it is sought to be asserted

"4.10 Thereafter, pursuant to release of the requisite funds by the Government of India on 19.04.2017, the Election Commission of India published a Status Paper on EVMs and VVPATs on its website dated 09.05.2017, wherein inter-alia, the commitment to 100% coverage of VVPATs in all future elections was reiterated.

Thereafter, an all Political Parties meet was conducted by the Election Commission of India on 12.05.2017, which was attended by 07 National Parties and 35 State Parties, wherein the Election Commission of India informed the political parties present that it would ensure 100% coverage of VVPATs in all future elections to the Parliament and State Assembly Elections, and that VVPATs slips of a percentage of EVMs (to be determined by the Election Commission of India) would be counted.

Thereafter, after the conclusion of the EVM challenge on 03.06.2017, the Election Commission of India issued a Press Note on 03.06.2017 itself, wherein it reiterated its commitment to hold all future elections mandatorily with VVPATs."

2. The above statement of the Election Commission of India contained in the counter affidavit acknowledges, that all prayers made in the group of petitions, stand fulfilled and satisfied. It is also apparent, that the Government of India has sanctioned funds for the purchase of the VVPAT Units, needed during the course of the elections, which are to take place in the immediate future. The position expressed leaves no room for any doubt, that all future

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elections will be held by ~~using~~ VVPAT. The above stance is reiterated during the course of hearing by the learned counsel representing the Election commission of India.

3. In view of the above, we are of the considered view, that the present bunch of matters does not require any further adjudication at our hands. All the cases clubbed together, are accordingly disposed of in terms of the counter affidavit filed by the Election Commission of India, duly supported by the Government of India.

.....CJI.
[JAGDISH SINGH KHEHAR]

.....J.
[ADARSH KUMAR GOEL]

.....J.
[D.Y. CHANDRACHUD]

New Delhi;
9th August, 2017.

Petition(s) for Special Leave to Appeal (C) No(s).13598/2017

(Arising out of impugned final judgment and order dated 12-04-2017 in WPIL No.72/2017 passed by the High Court Of Gujarat At Ahmedabad)

MS. RESHMA VITHALBHAI PATEL

Petitioner(s)

VERSUS

UNION OF INDIA THROUGH THE JT. SECRETARY & ORS.

Respondent(s)

WITH

W.P. (CRL.) NO.41/2017 (PIL-W)

W.P. (C) NO.209/2017 (PIL-W)

W.P. (C) NO.225/2017 (X)

Date : 09-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Nizam M. Pasha, Adv.

In SLP 13598/2017 Mr. Dilip Patel, Adv.

Mr. Rafik Lokhandwala, Adv.

Ms. Pragya Baghel, AOR

For Petitioner(s) Mr. Manohar Lal Sharma, In-person (Not present)
in WR 41/2017

For Petitioner(s) Mr. Asad Alvi, Adv.

In WC 209/2017 Mrs. Saba Asad, Adv.

Mr. Faiz Rizvi, Adv.

for Mr. Satya Mitra, AOR

For Petitioner(s) Mr. Shail Kr. Dwivedi, Adv.

In WC 225/2017 Mr. Siddharth Krishna Dwivedi, Adv.

Ms. Vibha Dwivedi, Adv.

Ms. Nidhi Dwivedi, Adv.

for Mr. G.V. Rao, AOR

For Respondent(s) Mr. K.K. Venugopal, Attorney General for India
(UOI) Mr. Abhinav Mukherji, Adv.

Ms. Rukhmini Bobde, Adv.

Mr. Anish Kumar Gupta, Adv.

Mr. S.S. Shamsheery, Adv.

Mr. Chandre Shekhar Suman, Adv.
 Mr. R.K. Rajwanshi, Adv.
 for Mr. Mukesh Kumar Maroria, AOR

for Election Mr. Amit Sharma, Adv.
 Commission of India Mr. Dipesh Sinha, Adv.
 Ms. Ayiala Imti, Adv.

Mr. Annam D.N. Rao, AOR
 Mr. A. Venkatesh, Adv.
 Mr. Rahul Mishra, Adv.
 Mr. Sudipto Sircar, Adv.

Mr. Sanjay Kapur, Adv.
 Ms. Harleen Bains, Adv.
 Ms. Shubhra Kapur, Adv.

No.3 Mr. Adarsh Upadhyay, Adv.
 Mr. Amit Kumar Singh, Adv.

Mrs. Hemantika Wahi, AOR
 Ms. Jesal Wahi, Adv.
 Ms. Puja Singh, Adv.
 Ms. Shodhika Sharma, Adv.

Mr. Sunil Fernandes, AOR
 Ms. Astha Sharma, Adv.
 Ms. Anju Thomas, Adv.
 Mr. Adit S. Pujari, Adv.

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

The special leave petition and writ petitions are
 disposed of in terms of the signed order.

(Sarita Purohit)
 Court Master

(Renuka Sadana)
 Assistant Registrar

(Signed order is placed on the file)

// True Copy //

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ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001****NO. 51/8/16/4/2017-EMS****Dated: 30th August, 2017**

To

The Chief Electoral Officers Of
All States and Union Territories

Subject: Instructions on First Level Checking of EVMs and VVPATs (FLC)

Sir/Madam,

In supersession of the existing instructions in the subject matter, the Commission has directed that henceforth, the following instructions on the First Level Checking of EVMs and VVPATs shall be strictly followed:

OVERALL RESPONSIBILITY OF FLC → District Election Officer shall be responsible for overall FLC process and shall ensure strict adherence & compliance of FLC instructions. District Election Officer shall appoint an Addl./Dy. DEO fully trained with FLC process as FLC supervisor.

1. FLC when to be done:

1.1. FLC of EVMs and VVPATs shall be done before every bye-election and general election to State Legislative Assembly and House of the People (Lok Sabha) or in any elections where EVMs are used in future.

1.2. FLC of EVMs (Control Units and Balloting Units) and VVPATs shall commence

- (a) within one month of occurrence of vacancy in case of bye-election.
- (b) at least P-120 days in case of General Election to State Legislative Assembly.
- (c) at least P-180 days in case of General Election to Lok Sabha.

1.3. FLC is to be done sufficiently in advance so that all checks are carried out without any undue haste in the presence of representatives of political parties.

1.4. FLC of EVMs and VVPATs shall be completed, as far as possible, well before the issue of notification calling the election.

2 Schedule of FLC:

2.1. Depending on the number of EVMs and VVPATs to be checked in FLC, the CEO shall prepare a schedule for the FLC of EVMs in consultation with EVM manufacturers (ECIL & BEL).

2.2. The above schedule shall be made available to the Commission for approval by P-130 days in case of General Election to State Legislative Assembly and P-190 days in case of General Election to Lok Sabha.

3. FLC to be done in the presence of representatives of political parties:

3.1. The schedule for FLC shall be communicated to every national and state level recognized political party at the district headquarters under intimation to the parties at State headquarters, in writing by the DEO at least one week before the beginning of the FLC in the district.

3.2. On the day of the FLC, representatives of all national and state level recognized political parties authorized by the District President of the party shall be encouraged to be present.

3.3. A register shall be kept at FLC hall by the DEO in **Annexure –1** in which signatures of all political parties shall be taken every day as token of their presence.

4 Arrangements in the premises of FLC:

4.1. FLC shall be carried out in a large, well-lit, well ventilated and dust free hall. Non-heating high illumination LED lights may be installed so that each table is brightly lit.

4.2. The hall must be spacious to accommodate the EVMs and VVPATs to be checked, officials nominated by the DEO, engineers of BEL and ECIL and also representatives of political parties. The requirement of tables, chairs and labours shall be assessed in consultation with BEL and ECIL.

4.3. FLC area shall be barricaded and sanitized by police before the hall is used for FLC. It shall be ensured that the hall is free from any other electronic device or components of electronic devices, except those permitted by the Commission for the purpose of recording FLC process etc.

4.4. There should be adequate arrangement of fire extinguishers and fire alarm inside and outside the hall as FLC teams use highly inflammable thinners to clean the EVMs.

4.5. FLC area shall have the facilities of drinking water, toilet, first aid etc., including toilets for women.

4.6. There shall be only one entry and exit point to the hall, which shall be guarded by armed police force round the clock.

4.7. Every hall shall have a door frame metal detector (DFMD) & entry shall be permitted only through DFMD. Every person who enters the hall shall be frisked at every entry. If a person makes multiple entries in the hall, he/she shall be frisked each time the entry is made.

4.8. Entry to this hall shall be only on production of Identity Card of the authorized officials/passes issued by the District Election Officer.

4.9. Nobody will be allowed to carry any electronic device inside the hall including cell phones, camera and spy pens etc. Similarly, nobody will be allowed to carry anything out of the FLC hall. A collection center for electronics items like cell phones, camera etc. shall be made outside the hall. **Only two mobiles, to be used by the election officials nominated by the DEO, shall be allowed for marking of FLC-OK or FLC-Reject using Mobile App developed by the Commission for this purpose.** Security personnel will not allow any other equipment to be carried into the FLC hall by the engineers except those mentioned in FLC Standard Operating Procedure (SoP).

4.10. Arrangement of Web-casting/CCTVs/videography:

Web-casting must be done of the entire FLC process for monitoring by DEO/CEO/Commission only. The line feed of webcasting must be closely monitored at the Control Room at DEO and CEO level and report submitted to ECI.

4.11. A log book shall be maintained for entry and exit of every person including the officers, representatives of political parties etc.

4.12. A separate log book (i.e. duty roaster) shall also be maintained for armed police force deployed for FLC hall for recording the names, designation, shift duties, take over and handover charges etc.

4.13. The Commission will send an inspection team comprising of officers of ECI/CEO, alongwith engineers of the manufacturers to inspect the FLC hall and preparedness of FLC 3-5 days before start of FLC. DEO shall accompany this team to assess preparedness first hand.

5 Manpower in FLC:

5.1. FLC shall be carried out only by authorized engineers of BEL and ECIL. BEL and ECIL shall be fully responsible for the integrity, efficiency and competence of their engineers.

5.2. List of engineers deputed by BEL and ECIL for carrying out FLC will be randomized by the Commission for allotment of the State. District-wise allocation shall be done by CEO and this list alongwith engineers cell numbers shall be intimated to DEO.

5.3. Manufacturers shall depute Sr. level engineers at State headquarters as well as each district headquarters to supervise FLC.

5.3a One manager shall be appointed by BEL/ECIL for 4-5 districts & this manager shall remain in the field for daily supervision & coordination.

5.4. No engineers, technicians or other technical staff except authorized engineers/technical staff of BEL and ECIL shall be allowed to enter the FLC hall.

5.5. Sufficient unskilled labour shall be deployed for cleaning, unpacking and packing EVMs and VVPATs. The requirement of labour can be assessed in consultation with the manufacturers.

6 Work to be done during FLC:

At the time of FLC, the following activities must be undertaken:

Cleaning of machines: Removal of address tags, Ballot Papers, cleaning of superscriptions on CU & BU, clearing of earlier poll data, dusting of CU & BU etc. These activities are carried-out in the secured place at the FLC venue under close supervision of FLC in-charge and Engineers deputed by manufacturers.

Visual Inspection of EVM & VVPAT: Physical inspection of Carrying Cases, EVM, VVPAT , Connecting Cable, Connector, Latches etc. to ensure no structural damage or breakage of plastic parts, latches, switches etc.

Full functionality checks:

- Checking of all switches in Control Unit, Balloting Unit, doors (flaps), sealing provisions, scratches on acrylic screen etc.

- Response of all switches, confirmation tests for efficacy of Control Unit, Balloting Unit etc. – BEL and ECIL engineers shall carry out test prescribed by the manufacturers as per the SoP to confirm that all components of the EVM are original.
- The plastic cabinets of both Control Unit and Balloting Unit of the EVMs shall be opened by the BEL/ECIL engineers in the presence of political party representatives at the time of FLC and the PCB and other components of EVMs will be shown to them. BEL and ECIL engineers will certify in **Annexure-2** that all the components of the EVMs are original.
- If any EVM is found to be defective, it will be kept aside and sent to the factory of BEL and ECIL for repairs **within 7 days** of completion of FLC in the district. CEO shall club despatches from more than 1 district to economise transport..
- No electronic repair of the machine shall be carried out in the field. Changing of electronic components of the machines in the field is strictly prohibited.
- Detailed Standard Operating Procedure (SoP) mentioning the step-by-step instructions of checking of the machine is attached at **Annexure-3**. Copy of this SoP shall be pasted prominently at FLC Hall. These instructions include a list of equipment and spares, which the engineers shall be allowed to carry with them in FLC hall.

Conduct of Mock Poll:

- Casting of **1 (one) vote against each of the 16 candidate buttons**, observation of result and clearing of mock poll data will be done for each EVM (BU+CU).
- Additionally, mock-poll in **1% of EVMs of 1200 votes, in 2% of EVMs of 1000 votes and in 2% of EVMs of 500 votes** shall be done and a printout of the results, as well as sequential print-out of every vote polled, shall be taken out and shown to the representatives of political parties.
- Representatives of political parties shall be allowed to pick machines randomly for the purpose of mock-poll. Signatures of representatives of political parties shall be taken in a register in **Annexure-4**, as a token of having seen the print out and confirmation that there is no discrepancy between the votes polled during the mock poll and results in the sequential print out.

- In rest of the machines, number of votes polled during the mock poll should be to the satisfaction of the representatives of political parties.
- Representatives of political parties shall be allowed to do the mock poll themselves, if they so desire.
- Signatures of representatives of political parties shall be taken in a register in **Annexure -5** as a token of having done mock poll themselves.
- In case of VVPATs, mock-poll with **6 votes against each of the 16 candidate buttons** shall be done, followed by observation of result and tally of electronic count and printed paper slips of VVPATs for each VVPAT.
- Signatures of representatives of political parties shall be taken in a register in **Annexure-6**, as a token of having seen the print outs and confirmation that there are no discrepancies between the VVPAT paper slips count and electronic count/print outs of EVM.

7 Sealing of plastic cabinet of Control Unit of EVMs with pink paper seal:

7.1 In order to ensure that the Control Unit of the EVM cannot be opened after First Level Checking of the EVMs, the Control Unit shall be sealed with the 'Pink Paper Seal' supplied by the Nasik Security Press, in the presence of the representatives of the Political Parties present at the time of FLC. The Pink Paper Seal shall be affixed on the portion between the Candidate Set Section and the Result Section of the Control Unit.

7.2 FLC Supervisor shall ascertain that the EVM (BU & CU) and VVPAT are checked properly and are FLC-OK in all respect before affixing his signature on the Green FLC-OK stickers to be pasted on the machines. Further, he must be fully satisfied with the FLC process before using Pink Paper Seal for sealing the FLC-OK CU.

7.3 After fixing the Pink Paper Seal, the Engineer of the Manufacturer shall put his signature on the Pink Paper Seal; the representatives of the Political Parties shall also be allowed to put their signature on the said seal with party name in abbreviation below the signature.

7.4 The representatives of the Political Parties present should be allowed to note down the serial number of the pink paper seal affixed on the Control Unit.

7.5 A register in **Annexure-7** shall be maintained to note down the serial number of the pink paper seal used on the Control Unit by clearly mentioning the unique ID number of Control Unit and the Pink Paper Seal number. Signatures of representatives of political parties will also be obtained on this register.

7.6 Photocopy of this register shall be given free of cost to all National and State level recognized political parties as soon as FLC is over.

7.7 Photocopy of this register shall also be given to all contesting candidates as soon as last date of withdrawal of candidature is over.

7.8 Photocopy of this register should also be available at the time of candidate setting and at the time of counting, and should be shown to candidates and their representative and acknowledgement taken on the register.

8 Supervision of FLC:

8.1. FLC shall be carried out under the direct and close supervision of District Election Officer.

8.2 The DEO shall nominate one officer not below the rank of Additional/Deputy DEO as FLC-Supervisor to supervise the entire process of FLC. This officer shall be present in the FLC hall for the entire duration of FLC. FLC Supervisor shall submit a certificate in **Annexure-8** to the CEO concerned through DEO before starting of FLC to the effect that all arrangements for FLC have been done as per ECI instructions.

8.3. District Election Officer shall invariably conduct a daily inspection of the FLC venue & FLC process to ensure that the FLC is being carried out as per the instruction of the Commission. The process of FLC shall be webcast & continuously recorded. Video CD will be kept in the custody of DEO.

8.4. Webcast cameras shall be installed in the FLC hall in such a manner that the process of FLC can be fully seen on webcast.

8.5. Control Room shall be set up at CEO office for monitoring through webcast whether FLC instructions & procedures are being fully followed.

8.6. CEO shall depute teams to conduct surprise inspection of FLC process in the districts from time to time. The report of such inspection undertaken by CEO shall be submitted to the Commission.

8.7. After completion of the FLC of all the BUs, CUs and VVPATs and updating of FLC-status in the ETS, DEOs shall submit a Certificate to this effect to the CEO in the format given at **Annexure-9** and CEO will submit a consolidated certificate for all the districts to the Commission.

9 Security measures for EVMs after FLC of EVMs:

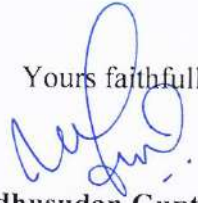
- 9.1. Comprehensive arrangements should be made for round-the-clock security of the strong rooms having EVMs after First-Level-Checking.
- 9.2. Minimum one section of Armed personnel of State Police + State Armed Police shall be deployed for 24 X 7 security of Strong room having FLC done EVMs/VVPATs
- 9.3. The entry point of strong room having EVMs after FLC shall have 24 X 7 CCTV coverage round the clock.
- 9.4. **There should be sufficient arrangement of fire extinguishers and fire alarm near and inside the strong room.**
- 9.5. A log book shall be maintained by the security personnel in which entry should be made about date, time, duration and name(s) of anyone entering near the strong rooms. This includes visits by the Observers or DEOs or SPs or Political Parties/candidates or their agents or any other person.

10 Recording of FLC Status in EVM Tracking Software:

FLC status (***FLC-OK or FLC-Failed***) of the BUs, CUs and VVPATs for which FLC has been completed by the Engineers, shall be updated in the ETS using 'Shifting/FLC/Randomisation' mobile-app on day-to-day basis. In respect of FLC-OK CUs serial number of the Pink-Paper Seal is also required to be entered, while entering serial number of Pink-Paper Seal, it should be ensured that only numerical number is to be entered **not** the alphabet pre-fixed to the numerals (i.e. if the serial no. of pink paper seal is X 123456, only 123456 will be entered as serial no. of pink paper seal). In case of VVPATs, the box number will always be '0'.

These instructions shall be brought to notice of all District Election Officers, State Political Parties and other stake-holders and strict compliance ensured.

Yours faithfully,



(Madhusudan Gupta)
Under Secretary

(Attendance Register for Political Parties-FLC Hall)**Name of State/UT:****Name of District:****Address of FLC hall:****Date:.....**

S.No.	Name of National/State Party	Name of representative of political party with affiliation	Identity document No. with date	Signature of representative	Remarks, if any.

Note: If the representative of a party is absent the proof of due service of notice to the party should be pasted in the register.

(Name and signature of engineers of BEL/ECIL with ID No.)**(Name, designation, signature of officers nominated by District Election Officer)**

(Certification of EVMs by BEL/ECIL)**Name of State/UT:****Name of District:****Address of hall:****Date:**

It is certified that tests prescribed by BEL/ECIL to ascertain that all components are original were carried out on the EVMs listed below on..... (date). On the basis of these tests it is certified that all components of the EVMs listed below are original.

<u>CU Identification No.</u>	<u>BU Identification No.</u>

(Name & signature of BEL/ECIL engineers with ID No.)**(Names of Representatives of political parties with their party affiliation and signature)****(Name, designation, signature of officers nominated by District Election Officer)**

**STANDARD OPERATING PROCEDURE FOR FLC
OF M-2 EVMs & VVPATs**

1. TOOLS TO BE CARRIED BY ENGINEERS

- a) Decoder Printer with accessories;
- b) Screw Drivers, forceps, nose pliers;
- c) Multi-meter;
- d) VVPAT AC-DC adapter;
- e) Symbol loading jig with Accessories (Power cable, 9 pin symbol loading cable and 9 pin PC interface cable); or PC / Laptop with preloaded symbol loading application; and
- f) RTC Jig for clock setting;

2. SPARE-PARTS AND OTHER MATERIAL TO BE BROUGHT BY ENGINEERS

- a) Flaps;
- b) Close Caps;
- c) Latches;
- d) Cables (BU, VVPAT & VSDU);
- e) Buttons (Ballot, Total, Close, Result, Clear & Candidate);
- g) [spare parts mentioned above (a) to (e) should be 20% of the number of EVMs/VVPATs to be tested]
- f) High Resolution Photographs of component side of CU-PCB and BU-PCB;
- g) FLC Stickers {FLC-OK (Green), FLC-Failed (Red)};
- h) Temper seals;
- i) VVPAT Stickers (Transportation, Working and Unlock before Switch ON);
- j) Coin Cells (RTC Battery); and
- k) Ballot Paper of Dummy symbols;

FLC OF EVMs (BU & CU)

3. **CLEANING OF MACHINES:** Removal of address tags, Ballot Papers, cleaning of superscriptions on CU & BU, clearing of earlier poll data, dusting of CU & BU etc. under close supervision of FLC in-charge and Engineers deputed by manufacturers.

4. VISUAL INSPECTION OF EVM & VVPAT:

- a) Open Carrying cases of Control Unit (CU) and Ballot Unit (BU) and take out the units. Remove all tags, pink paper seal, FLC stickers, wax seals and Ballot papers.
- b) Physically check all buttons, toggle switch, connectors, and doors, sealing provisions, display and plastic body of CU for damage / breakage. Replace the broken items with good items wherever possible and discard others.
- c) Similarly, check connecting cable, connector, latches, and flaps and slide Switch and plastic body of BU for damage / breakage. Replace the broken items with good items wherever possible and discard others.
- d) Open cabinet of CU and carryout visual inspection of PCB. Hidden components or unauthorized rework, if any, CU should be discarded and kept aside.
- e) Similarly, open cabinet of BU and carry out visual inspection of plastic parts and other and PCB for any damage, rework etc. and replace the damaged one if feasible. If any rework, BU should be discarded and kept aside.
- f) Check the number plate and number sticker pasted on the back of CU and BU for any mismatch.
- g) Record the serial numbers and defects of rejected units.

5. FUNCTIONALITY CHECK

- a) Installation of Power Pack
 - i) Open Battery compartment of CU
 - ii) Insert power pack of EVM
 - iii) Align power pack connector with plug in CU, Press power pack after insertion
 - iv) Close Battery compartment

b) Cable Connections

- i) Open connector compartment of CU
- ii) Connect BU cable to BU interface connector of Control Unit
- iii) Set slide switch position of BU to 1. Unmask all 16 buttons in BU.

c) Power ON Display Sequence

- i) Switch ON EVM.
- ii) Observe Power ON LED glowing green in CU.
- iii) Observe the following series of display messages on CU during Power ON
 - EVM IS ON
 - DATE and TIME
 - SL NO of the Control Unit
 - NO OF CANDIDATES
 - BATTERY STATUS

During Power ON, if any of the following defect is observed in CU, then reject that CU.

- a) If one or more segments are missing or extra segment is displayed.
- b) Check Beep after Switch ON. In case of no beep or continuous beep.
- c) If Green LED is not glowing during Power ON.
- d) Check the serial number displayed in CU. If it is not matching with the number given on the number plate and Number sticker pasted on the back of CU.
- e) Check the Date and Time on CU display. In case of wrong Date and Time, set Date and Time with the help of time set jig as detailed in para-17.

6. CLEARING OF PREVIOUS VOTES

- a) Open the outer door of Result compartment and then open the inner door. Press CLEAR button to delete any votes stored in CU.



b) If CU displays INVALID, press RESULT button. If it still displays INVALID, press CLOSE button.



c) Once CLOSE display sequence is completed, press RESULT button and wait till CU displays “End”. Press CLEAR button. During Clear operation, observe CU displays “0” votes for all candidates.

7. CANDIDATE SET OPERATION

a) Press CANDIDATE SET button for setting candidates. Observe “SET CANDIDATE – “display in CU. Press 16th button in BU to set the number of Candidates to 16.



BALLOT OPERATION

- a) Press BALLOT button in CU. BUSY LED in CU shall glow RED and READY LED in BU shall glow GREEN.



- b) Press first candidate button in BU. Observe LED by the side of the button glow RED.



- c) Beep shall be heard. Observe Busy LED in CU and READY LED in BU goes OFF.
- d) Follow the instructions “a” to “c” by casting votes for all 16 candidates in BU.
- e) Press TOTAL. Check number of candidates 16 and total votes 16 in CU display.

8. CLOSE OPERATION

Press CLOSE button. Observe CU displays “POLL CLOSED”.

9. RESULT OPERATION

Press RESULT button and observe the votes cast against each candidate.

10. CLEAR OPERATION AT THE END OF POLLING

Press CLEAR button and wait till CU displays “0” votes for all the candidates. Press TOTAL to confirm Total Votes 0.

11. REJECTED UNITS

- a) Reject the units found defective during the functionality check.

- b) Identify the defects and isolate them.
- c) Record the serial numbers and defects of rejected units.

12. MOCK POLL ON EVMs RANDOMLY SELECTED BY POLITICAL PARTIES

1200 votes in 1% EVMs,
1000 votes in 2% EVMs; and
500 votes in 2% EVMs

shall be done and a printout of the results, as well as sequential print-out of every vote polled, shall be taken out and shown to the representatives of political parties.

13. SEALING OF CONTROL UNIT

Seal the Control Unit with Pink Paper seal and affix signature of Engineer and representative of DEO. The Sl. No. of Pink Paper Seal is to be recorded along with Sl.No. of CU in a Register.

14. DOCUMENTATION

- a) Paste the FLC-OK (Green) sticker on back side of **FLC-OK** CU and BU. Record the Serial Number of Control Unit and Ballot Unit and affix signature on FLC sticker.
- b) Note down total numbers of CUs and BUs that are accepted after FLC in the prescribed format.
- c) Paste the FLC-FAILED (Red) sticker on back side of **FLC-FAILED** CU and BU. Record the Serial Number of Control Unit and Ballot Unit and affix signature on FLC sticker.
- d) Consolidate Serial numbers of defective units and defects observed in the prescribed format. Submit a copy of the same to FLC In-charge.

15. CHANGE OF COIN CELL

- a) Remove top cover of CU, replace the old RTC cell with new one and re-fix the cabinet.

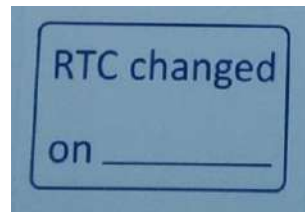


- b) Put the tamper sticker on four screws on top side. Fix the RTC cell sticker on the back of the Control Unit.
- c) Note down total number of Control Units in which RTC cells were replaced in the prescribed format.

Tamper Sticker



RTC cell sticker



16. TIME SETTING

- a) Bring the CU to “Result” mode. Hold simultaneously “Result” and “Print” buttons and switch ON CU. CU shall display “Set Time” mode.



- b) Connect the Time Set Jig with CU and press “Set” button in the Time Set Jig. Current Date and Time is set in CU.

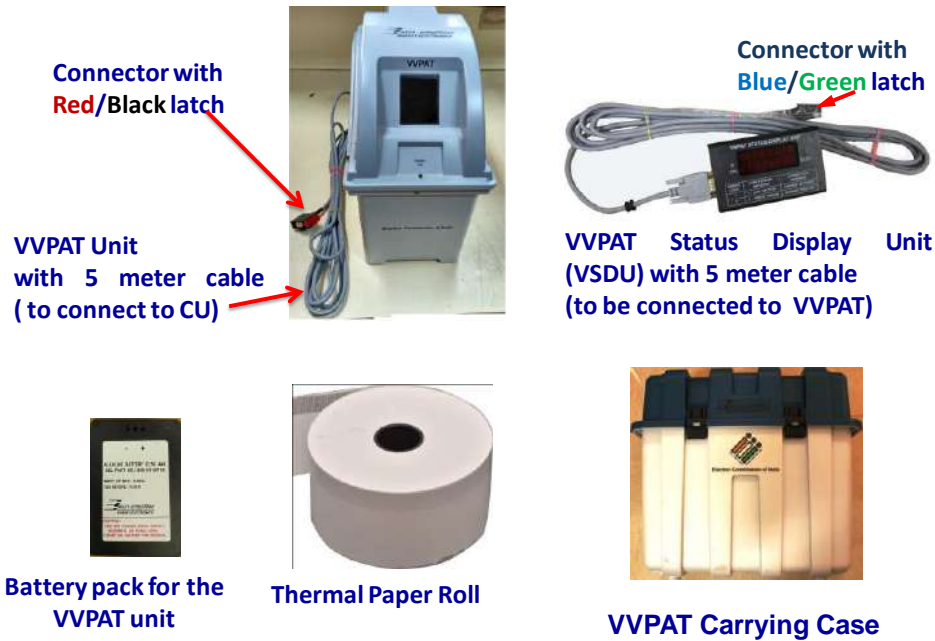
c) Switch OFF CU. Again, switch ON and confirm the Date and Time.



17. CLOSING OF FLC

Put all Units in respective carrying cases and, in turn, in bulk carrying cases and releases them for proper storage. Ensure that the rejected Units are identified with suitable stickers and kept separately.

FIRST LEVEL CHECK PROCEDURES FOR VVPAT



VVPAT AND ITS ACCESSORIES

18. PHYSICAL INSPECTION OF VVPAT

- Open the Ballot Slip Compartment and check for any ballot slips inside. If any old printed slips with election symbols is found, report to the FLC In-charge immediately.
- Remove previously placed address tag and FLC stickers from the VVPAT.
- Remove any paper slips from the VVPAT, if found inside. Remove battery pack from the battery compartment, if any, present in the VVPAT.
- Perform mechanical inspection by checking connector and battery compartment, LOCK-UNLOCK switch and latching/Unlatching of latches.

19. INSTALLATION OF BATTERY

- a) Open Battery Compartment of VVPAT by pressing both the latches together and pulling the door outwards.
- b) Observe the Battery Plug present inside Battery compartment.
- c) Insert the VVPAT Battery by plugging into the battery plug.
- d) Close the battery Compartment door.

20. INSTALLATION OF PAPER ROLL

- a) Open the Paper Roll compartment by opening the side latches and by lifting the top cover. Observe the Paper Roll Compartment which holds the Paper roll.
- b) Remove “Spindle” from its position by pulling towards upward direction.
- c) Insert “Spindle” into “Thermal Paper Roll”.
- d) Place the “Thermal Paper Roll” with “Spindle” into its position (i.e Paper Roll compartment) and press it towards down.
- e) Insert “Thermal Paper Roll” edge into the “Guide -Paper Entry”. Ensure that the plain paper should be on the top surface and the printed band should be on the lower Surface of the Paper.
- f) Move the paper into the slot by rotating the paper feed knob clockwise.



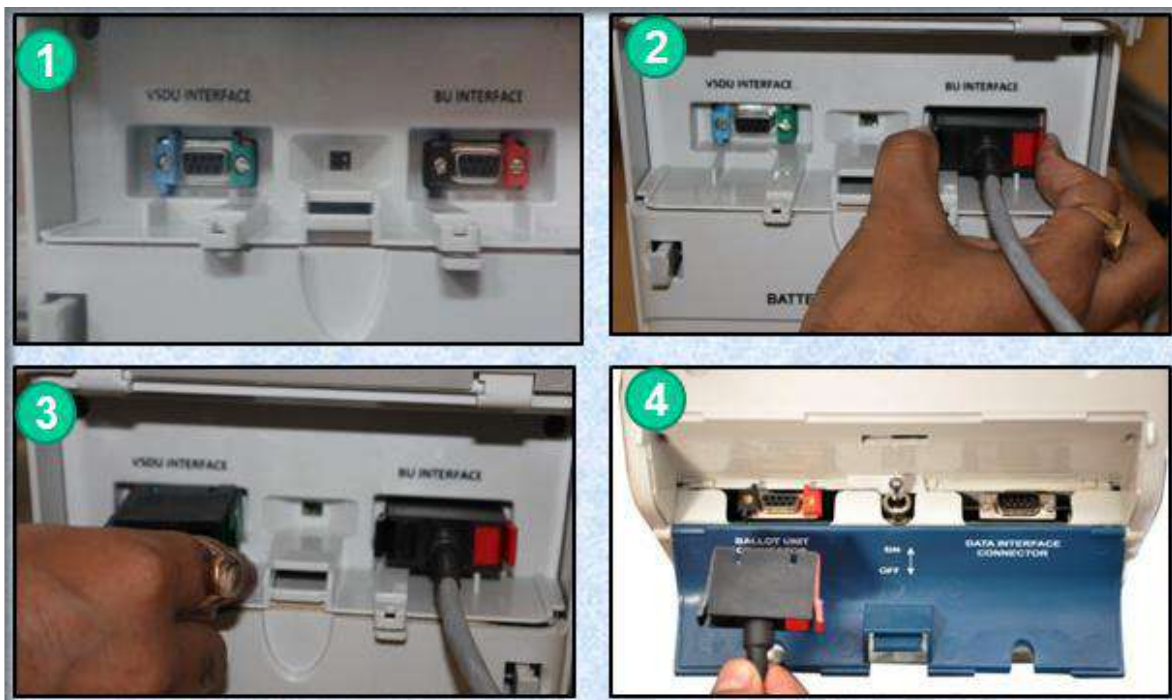
Paper Roll Installation steps

21. SYMBOL LOADING

Dummy symbols prescribed for FLC and demonstration purpose shall be loaded using Laptop/Computer/Symbol Loading Jig for 16 candidate buttons.

22. CABLE CONNECTIONS

- a) Open connector compartment of VVPAT.
- b) Connect cable from Ballot Unit to BU Interface connector matching the coloured latches (red/black connector).
- c) Connect cable from VSDU to VSDU interface connector matching the coloured latches (blue/green connector).
- d) Connect VVPAT cable to BU interface connector of Control Unit matching the coloured latches (red/black connector).



23. Testing Process:

- a) Test Preparation
 - 1 BU, VSDU and CU are needed.
 - The VVPAT should be initialized and loaded with 16 dummy-symbols.
 - Make connections and operate the VVPAT.

- The test has to be performed under standard conditions where a new battery (Voltage > 22 V) and a new paper roll are used.

- i. Ensure Lock-Unlock switch at the back-side of VVPAT is in unlock (Vertical) position.

**PAPER ROLL
LOCK IN UNLOCK
POSITION**



- ii. Switch on the CU.
- iii. After the VVPAT is turned on, the POST slip and five self-diagnostics reports are printed. In this case, the Diagnostics report should only be checked for PASS/FAIL status as self-diagnostics test would have been carried out on these units.
- iv. Before proceeding for mock-poll, check the status of each sensor in the diagnostics reports. Proceed to next step only if the status of each sensor is shown as “PASS” in the diagnostics report.
- v. If the status of Battery in Battery report is indicated as “FAIL”, change the battery pack and start the test again.
- vi. Put the CU in clear state
- vii. Press Ballot Button on CU and verify that the Busy LED glow Red on CU and VSDU. Ready LED on BU glow Green indicating BU is ready for Voting.
- viii. Cast vote for first candidate on BU. On the selection of candidate, VVPAT prints the selection on ballot slip.
- ix. The ballot slip is displayed behind a transparent window of VVPAT for 7 seconds. Verify the candidate number, symbol and name of the candidate in the slip. After that, ballot slip will automatically cut and fall into the Ballot slip compartment.
- x. Repeat steps from vii to ix for all the other candidates on the Ballot Unit. Check whether VVPAT prints the selected candidate information.

- xi. Continue polling for minimum of 96 votes i.e. by giving 6 vote to each candidate button. Note down the Ballot voted.
- xii. Press Close button on CU to Close the Poll and note down the Result by pressing Result Button on CU.
- xiii. Takeout the printed ballot slips from drop box (ballot slip compartment) and segregate candidate-wise.
- xiv. Count the candidate-wise printed ballot slips and note down the count.
- xv. Tally CU result with the ballot slip count.
- xvi. Clear the votes by pressing Clear button in CU. Check whether Total Votes displayed is '0'.

b) FLC OK CRITERIA

The VVPAT is FLC OK, if all of the following are achieved

- i. The total number of votes polled as displayed on the CU screen indicates equal to number of votes cast, when TOTAL key is pressed.
- ii. "PRINTER ERROR" "CHANGE PRINTER" should not be displayed on VSDU during the mock-poll.
- iii. "1-LOW BATTERY" "CHANGE BATTERY" should not be displayed on VSDU during mock-poll.
- iv. After conduct of mock-poll, the **FLC-OK (Green) Sticker** duly signed by the Engineer and representative of the District Election Officer shall be pasted on the **left side of VVPATs** whose results are obtained as 'PASS'.

NOTE-1: IF ANY VVPAT DO NOT PASS THE ABOVEMENTIONED CRITERIA, FLC-FAILED (RED) STICKER SHALL BE AFFIXED ON THAT VVPAT.

NOTE-2: PASTE THE FOLLOWING STICKERS, ON ALL VVPATs

1. "Transportation" 2. "Working" and 3. "Unlock before Switch ON"



MAXIMUM NUMBER OF CANDIDATES TEST

i. Purpose

The purpose of this test is to verify that the VVPAT is working properly with maximum number of candidates i.e. 64. The purpose is to test that the communication protocol between VVPAT, CU and BUs.

ii. Test Applicability

This test is applicable to VVPAT along with CU and BUs connected as a system. This test is an extended test of polling test and is performed only on 1% of the VVPAT lot.

iii. Test Preparation

One VVPAT with 64 symbols loaded, 4 BUs, 1VSDU and 1CU are needed. Make connections and operate the VVPAT. This test can be conducted with used Battery pack and used Paper roll (should be sufficient for printing 64 ballot slips).

iv. Test Procedure

- i. Press BALLOT key to enable the Ballot and vote for any candidate in the first BU. A total of 4 votes to be casted by voting to one candidate in each BU.
- ii. Press Close button on CU to Close the Poll and note down the Result by pressing Result Button on CU.
- iii. Tally CU result with the ballot slip count.
- iv. Remove all the ballot slips from VVPAT and clear the votes by pressing Clear button in CU. Check whether Total Votes displayed is '0'

v. Acceptance Criteria

The test is successful if the following conditions are met:

- i. No error message is displayed on CU during the balloting process.
- ii. "PRINTER ERROR" "CHANGE PRINTER" is not displayed on VSDU during the test.

Note: - Since the test is performed with a used Battery pack, the VSDU can display "1- LOW BATTERY" "CHANGE BATTERY" during the polling of 96 votes. In that case change the battery pack and start the test again.

SAMPLE REPORT FORMAT

NOT TO BE COUNTED
VVPAT UNIT POST REPORT

Version No: 10.42

Candidate set: 16

SI.No: 107152 Session:22

- 1.VVPAT Error History: Absent
- 2.Paper Under Head:Present
- 3.Printer Head Temperature:Ok
- 4.Platten:Closed
- 5.Length Sensor Std:Passed
- 6.Fall Sensor Std:Passed
- 7.Contrast Sensor Std:Passed
- 8.Deplete Sensor Std:Passed

NOT TO BE COUNTED
DEplete DIAGNOSTICS REPORT

SI.No: 107152 Session:22

Deplete Sensor
 Emitter Min Typ Max
 TX Cur(mA) 5 11.00 35
 Measured(mA): 9.35
 Result: Pass

Detector Min Typ Max
 White(mV) 380 400 420
 Measured(mV): 384
 Result: Pass

NOT TO BE COUNTED
CONTRAST DIAGNOSTICS REPORT

SI.No: 107152 Session:22

Contrast sensor
 Emitter Min Typ Max
 TX Cur(mA) 5 12.00 35
 Measured(mA): 13.92
 Result: Pass

Detector Min Typ Max
 White(mV) 300 315 330
 Measured(std)(mV): 304
 Measured white(mV): 284.7
 Measured Black(mV): 9.6
 Measured CR: 29
 Pass Limit: >=20
 Result: Pass

NOT TO BE COUNTED
FALL DIAGNOSTICS REPORT

SI.No: 107152 Session:22

Fall sensor
 Emitter Min Typ Max
 TX Cur(mA) 5 30.0 40
 Measured(mA): 22.24
 Result: Pass

Detector Min Typ Max
 No Paper(mV) 380 400 420
 Measured With Paper(mV): 1
 Measured No Paper(mV): 380
 Measured Differ(mV): 389
 Pass Limit(mV): 100
 Result: Pass

NOT TO BE COUNTED
LENGTH DIAGNOSTICS REPORT

SI.No: 107152 Session:22

Length Sensor
 Emitter Min Typ Max
 TX Cur(mA) 5 11.00 35
 Measured(mA): 11.67
 Result: Pass

Sensor Min Typ Max
 White(mV) 380 400 420
 Len(mm) 095 099 103
 Measured White(mV): 408
 Measured Black(mV): 21
 Measured Contrast: 19
 Measured Len: 99 mm
 Contrast Pass Lt: 10
 Res: Cntrst:Pass,Len:Pass

NOT TO BE COUNTED
BATTERY REPORT

SI.No: 107152 Session:22

Battery
 No load Full load Diff
 Volt(V): 22.5 21.0 1.5
 Cur(A): 0.01 1.60 1.59
 Measured Impedance(ohm): 0.95
 Pass Limit(ohm): 2.00
 mAh for Postslip: 0.84
 Result: Pass

ERROR CODE : 2 -PRINTER ERROR

On press of Ballot key on CU, if the error code 2 displayed on VSDU along with sequence of messages, then switch off CU. Note down the error code observed for Printer error in the Test format.

Error code details are given below:

- Printer Error 2.1 – Abnormal Head Temperature
- Printer Error 2.3 – Printer Timeout Error
- Printer Error 2.4 – Printer Low Voltage Error
- Printer Error 2.5 – Printer Incorrect Command Error
- Printer Error 2.6 – Cutter Error
- Printer Error 2.7 – Fall Error
- Printer Error 2.8 – Printer memory Error
- Printer Error 2.9 – Contrast Error
- Printer Error 2.10 – Length Error
- Printer Error 2.12 – Platen Open Error
- Printer Error 2.13 – No Paper Error
- Printer Error 2.14– Deplete Error

SAMPLE OF FIRST LEVEL CHECK REPORT FORMAT OF EVMs

Date:

Place:

District/State:[illegible]

SAMPLE OF FIRST LEVEL CHECK REPORT FORMAT FOR VVPAT

FIRST LEVEL CHECK REPORT - VVPAT						Date:		
						Place:		
						District / State:		
S.No.	VVPAT Serial Number	Visual inspection Ok / Not Ok	Post/ Diagnostic report Ok / Not Ok *	Symbol Loading Ok / Not Ok	Link Check Ok / Not Ok	Votes Polled (96)	PASS / FAIL	In case of Failure, Defect observed (Value of parameter causing failure)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								

Signature: Name: (BEL/ECIL Engineer)	Signature: Name : (DEO's Representative)
--	--

(Mock Poll Result Certification During FLC of EVMs)

Date:

Name of State/UT:**Name of District:**

Address of hall:

It is certified that a printout of the result of mock poll as well as a sequential print out of every vote polled during the mock poll has been taken out from EVMs picked up by me. There are no discrepancies between the votes polled during the mock poll and result in the print out.

[illegible]

(Mock Poll by Representatives of Political Parties during FLC of EVMs)

Date:.....

Name of State/UT:

Name of District:

Address of hall:

It is certified that I have done mock poll on..... EVMs and I am fully satisfied with the functioning of EVMs.

[illegible]

(Mock Poll certification during FLC of VVPATs)

Date:.....

Name of State/UT:**Name of District:****Address of hall:**

It is certified that the **results of the printed ballot slips of VVPATs** (*list of unique ID of VVPATs attached*) **have been tallied with the electronic result of the respective Control Units.** There are no discrepancies between the electronic count of the Control Units and count of printed ballot paper slips of VVPATs.

S.No.	Name of National/State Party	Name of representative of political party with affiliation	Identity document No. with date	Signature of representative	Remarks, if any.

Name of Engineers of BEL/ECIL (Signature)

1.

2.

3.

(Signature).....

Name of FLC-Supervisor.....

Designation.....

(Sealing of Control Unit of EVMs using Pink Paper Seal)**Name of State/UT:****Name of District:****Address of FLC hall:****Date:**

It is certified that the sealing of the Control Units using Pink Paper Seals has been done in my presence. I have put my signature on the Pink Paper Seals after sealing of the Control Units and I am satisfied with the sealing of the Control Units.

Sl.No.	Unique ID No. of Control Unit	Pink Paper Seal Number

S.No.	Name of National/State Party	Name of representative of political party with party affiliation	Identity document No. with date	Signature of representative

(Name, designation, signature of officers nominated by District Election Officer)

(Certificate on arrangement for FLC by DEO)**Name of State/UT:****Name of District:****Address of FLC hall:****Date:.....**

S.No.	Particulars	(Yes/No)
1	Whether FLC hall is sufficiently large to accommodate the EVMs and VVPATs to be checked, officials nominated by the DEO, engineers of BEL and ECIL and also representatives of political parties.	
2	Whether FLC Hall well-lighted, well ventilated and dust free.	
3	Whether FLC area has been barricaded and sanitized by police	
4	Whether adequate arrangement of fire extinguishers and fire alarm has been made inside and outside the hall.	
5	Whether hall is free from any other electronic device or components of electronic devices	
6	Whether facilities of drinking water, toilet, first aid etc are available	
7	Whether there is only one entry and exit point to the hall and guarded by armed police force round the clock.	
8	Whether door frame, metal detector are installed	
9	Whether arrangement for frisking has been made	
10	Whether Identity Cards for entry into the FLC hall to the authorized officials/Representatives of political parties have been issued by the District Election Officer	
11	Whether arrangement of webcasting have been made	
12	Whether log book to record entry of every person has been kept at FLC hall	
13	Whether a separate log book (i.e. duty roaster) to be maintained for armed police force deployed for FLC hall has been kept at FLC hall	
14	Whether all required registers and formats are ready and kept in FLC hall	
15	Number of Armed Police Personnel in each shift	

I have personally inspected the above arrangements.

(Name and Signature of District Election Officer)

(Certificate on completion of FLC process)**Name of State/UT:****Name of District:****Address of FLC hall:****Date:**

It is certified that FLC process has been completed on(date) as per instructions of the Commission on First Level Checking of EVMs and VVPATs. I personally inspected FLC on following dates:

The status of EVMs and VVPATs after completion of FLC is as under:

Name of District	Available in the District			FLC Ok Quantity			FLC Reject Quantity		
	BU	CU	VVPAT	BU	CU	VVPAT	BU	CU	VVPAT

The defective EVMs and VVPATs shall be shifted to the manufacturer (BEL/ECIL) on.....i.e. within 7 days from the date of completion of FLC process in the district.

(Name and Signature of District Election Officer)

// True Copy //

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By Speed Post/e-mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/7/2017-EMS

Dated: 30th August, 2017

To

1. The Chief Electoral Officers of
All States and Union Territories.
2. The Chairman-cum-Managing Directors of
 - a) Bharat Electronics Limited, Bangalore; and
 - b) Electronics Corporation of India Limited, Hyderabad.

Subject: Instructions on EVMs & VVPATs Regarding.

Sir/Madam,

The Commission had constituted a Working Group to revisit the existing administrative protocols for storage, transportation, stock-management etc. of EVMs and VVPATs to ensure end-to-end security protocol for safe, smooth and transparent movement of EVMs and VVPATs and their use in transparent manner. Considering the report of the group, the Commission has directed that henceforth, in addition to the existing instructions the following instructions shall be followed-

1. **Transportation of EVMs & VVPATs:** For any transportation of EVMs/VVPATs from one place to another (i.e. from factory to States, Inter-State, Intra-State etc.), following protocols shall be strictly followed:
 - (a) Movement of EVMs & VVPATs should mandatorily be done through EVM Tracking Software (ETS).
 - (b) Containerized trucks or sealed trucks on which proper locking arrangements can be made shall only be used for transporting EVMs and VVPATs, so that these could be locked and sealed with paper seals.
 - (c) All trucks transporting EVMs/VVPATs shall be sealed with lock and paper seals.
 - (d) Vehicles with GPS tracking only should be used for movement of EVM/VVPAT.
 - (e) Political Parties shall be informed in advanced about opening, stocking & sealing of warehouses while shifting EVMs and VVPATs. However, if no representative attends, the work should not stop.
 - (f) DEO to video-graph the whole process of transfer/receipt of EVM.

(i) Transportation from Factory to State

- (a) GPS tracking of vehicles shall be monitored on daily basis by the District Election Officers and randomly monitored by the Chief Electoral Officers. A daily monitoring report shall be sent by the Chief Electoral Officer to the Commission.
- (b) For transportation of EVMs/VVPATs (newly manufacture or repaired) from factory to State, transportation arrangements shall be done by the manufacturers. The transportation charges for shifting of repaired EVMs/VVPATs from factory to State/UT allocated by the Commission shall be borne by the State/UT concerned.
- (c) Manufacturers shall undertake Due Diligence for empaneling/engaging transport companies for transportation of EVMs/VVPATs.
- (d) Consignee State/UT shall depute its official at factory with security personnel from their State and follow the security protocol for Inter State transfers.

(ii) Inter State Transportation

- (a) A nodal officer at State as well as District level shall be appointed for constant coordination for smooth transportation of EVMs in donor and borrower States.
- (b) As far as possible, the CEOs shall ensure the location of districts for collection of EVMs/VVPATs by borrowing State are in a cluster or on the same route.
- (c) DEOs shall ensure that neither defective nor EVMs/VVPATs under conflict in ETS' are transferred to the borrowing State.

(iii) Intra State Transportation

- (a) Intra-district allocation as well as inter-district allocations to be done as per existing instructions only.
- (b) All movements of EVMs/VVPATs shall be done through ETS and with prior permission of the Commission.
- (c) In case of exigencies like flood or fire the CEO/DEO may shift the EVMs/VVPATs under intimation to the Commission and also take post facto approval.
- (d) DEOs will ensure appointment of team to accompany the truck for transporting EVMs/VVPATs, arrangement of district transport, arrangement for proper handing over and receipt of EVMs/VVPATs.

2 Storage and Security Arrangements for EVMs & VVPATs

- (a) The authorised representatives of Political Parties shall be allowed to witness the Annual Physical Verification of EVMs & VVPATs.
- (b) Duty Register of persons engaged in physical verification to be maintained. This register shall be preserved for 5 years.
- (c) **For warehouses at district headquarters, there shall be a double-lock system. The Keys shall be in custody of DEO & Dy. DEO, each having one key.** Handing over and taking over of keys to be a part of CTC.
- (d) Main switch of the warehouse/strong room should be installed outside the warehouse/strong room and the electricity be disconnected after sealing the warehouse/ strong room to avoid short circuiting. No externally powered unit should be installed or kept inside the strong room.
- (e) After opening the strong room for counting of votes, complete videography of taking out/bringing back of Control Units shall be done. Agents of candidates should also be allowed to watch strong room through CCTV coverage.
- (f) A log book must be maintained for the persons who have been allowed/deputed to view the CCTV.
- (g) The minimum security requirement for strong room of polled EVMs must be One Platoon. A logbook shall be maintained during the said period.
- (h) 24x365 Police Security of EVM/VVPAT warehouses. In addition, CCTV from start of FLC till EP completion period.
- (i) Security: Non Poll (Post EP to FLC) – Minimum 1/2 Section
 FLC to Polling – Minimum 1 Section
 Poll to EP - Minimum 1 Platoon

3. Randomizations of EVMs & VVPATs: Randomizations of EVMs & VVPATs shall be done through ETS only.

4. Preparation of EVMs & VVPATs (Candidate Setting)

- (a) In the written invitation, conveying schedule for preparation of EVMs/VVPAT to be sent to the Candidates, it shall be mentioned that they/their representatives must be

present to oversee preparation of EVMs/VVPATs and actively participate in the mock poll process.

(b) Manufacturers shall provide Protocol/checklist on preparation of EVMs/VVPATs to DEO/RO beforehand for proper watch on work of Engineers.

(c) Manufacturers shall also depute Sr. Level Engineers at State and District levels for supervision and coordination during preparation of EVMs/VVPATs.

5 Replacement of defective EVMs & VVPATs on Poll Day

a) Blue self-adhesive stickers (3"x2") with the words 'Replaced EVM' or 'Replaced VVPAT', shall be pasted on the Green Sticker pasted on EVM/VVPAT replaced during poll for identification.

ELECTION COMMISSION OF INDIA
 NAME OF STATE.....
 NAME OF AC/PC.....
 No. & NAME OF PS.....

(Sample of Blue Sticker)

b) Red self-adhesive stickers (3"x2") with the words 'Defective EVM' or 'Defective VVPAT', shall be pasted on the Green Sticker pasted on the EVM/VVPAT found defective after FLC and before start of poll for identification.

ELECTION COMMISSION OF INDIA
DEFECTIVE EVM/VVPAT
 NAME OF STATE.....
 NAME OF AC/PC.....
 No. & NAME OF PS.....

(Sample of Red Sticker)

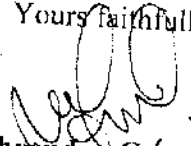
c) Returning Officers shall be responsible for ensuring pasting of these stickers.

6 Repairing of defective EVMs & VVPATs

- (a) No EVMs/VVPATs, whether defective or defect-free, shall be transported during the period from commencement of Candidate Setting to the Counting day except the EVMs/VVPATs required to be transported for use in polls in subsequent phases. In such case, the political parties/candidates shall be informed in writing conveying the purpose of shifting of such EVMs/VVPATs.
- (b) All Defective EVMs/VVPATs not used in the poll shall be stored in a separate room/warehouses, preferably in a separate campus, if possible, and shall never be stored along with **working EVMs/VVPATs**.
- (c) EVMs/VVPATs found defective during FLC shall be sent to the manufacturers for repair within **7 days** of completion of FLC in that district. The CEO shall coordinate and club defective EVMs/VVPATs of multiple districts for despatch to the factory.
- (d) EVMs/VVPATs found defective during candidate setting or mock-poll on poll day shall be stored in a separate warehouse, however, EVMs/VVPATs found defective after mock-poll (i.e. during actual poll) on poll-day shall be stored alongwith polled EVMs/VVPATs.
- (e) POST ELECTION REPAIRS: After election all the defective EVMs & VVPATs shall be sent to the respective factory for repairs.
- (f) After repairs are carried out, the testing protocol for all repaired machines shall be exactly the same as for new EVMs/VVPATs.

One Officer in the office of Chief Electoral Officer (Addl./Jt./Dy. CEO) shall exclusively be an 'EVM Officer', preferably with the technical knowledge.

Yours faithfully,


(Madhusudan Gupta)
Under Secretary

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ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001**

No.51/8/VVPAT/2017-EMS

Dated: 19th September, 2017

To

The Chief Electoral Officers of
all States and Union Territories.

Subject: Universal use of Voter Verifiable Paper Audit Trail (VVPAT) with EVM in all future General and Bye-elections to the State Legislative Assemblies and Lok Sabha at all polling stations - regarding.

Sir,

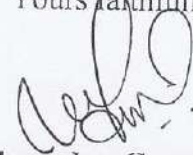
The Hon'ble Supreme Court of India in its order, dated 08.10.2013 in the Civil Appeal No. 9093 of 2013, permitted the ECI to introduce VVPATs in gradual stages in the general elections and further added that the area, State or actual booth (s) are to be decided by the ECI and the ECI is free to implement the same in phased manner. Since August 2013, VVPATs are being used with EVMs continuously, in selected constituencies, as per the availability of VVPATs. In the meeting of political parties held on 12th May, 2017, the Commission announced 100% coverage of VVPATs in all future election to Lok Sabha and State Legislative Assemblies.

Now, the Commission has directed that henceforth, VVPAT shall be used with EVMs at all the polling stations in all the future Elections to the Parliament and State Legislative Assemblies conducted using EVMs.

You are, therefore, requested to ensure that VVPATs shall be used with EVMs, in all polling stations, during General and Bye-elections to the State Legislative Assemblies and Lok Sabha.

The above direction of the Commission shall be brought to the notice of all concerned.

Yours faithfully,



(Madhusudan Gupta)
Under Secretary

// True Copy //

ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001**

No. 51/8/7/2017-EMS

Dated: 29th September, 2017

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: Taking out EVMs including VVPATs for training and awareness purpose-reg.

Sir/Madam,

As per existing instructions of the Commission, after FLC is over, first randomization of EVMs and VVPATs is to be done to randomly assign EVMs and VVPATs to Assembly Constituencies (ACs) and for Training and Awareness Programs. This should be done before the start of training of polling personnel. Generally, first randomization is done after announcement of election by the Commission. The Commission has already directed to use 100% VVPATs in all elections to the House of the People and State Legislative Assemblies. To ensure proper awareness on use of VVPATs with EVMs, the Commission has directed that **after FLC of EVMs and VVPATs:**

- (i) EVMs and VVPATs may be taken out for awareness purpose whenever needed even before first Randomization subject to an upper ceiling of 5% of the total allocation to the District. However, Training EVMs and VVPATs will be taken out as is being followed till now i.e. during first randomization of EVMs and VVPATs.
- (ii) Political Parties should necessarily be invited to witness this process from opening of Warehouse and re-sealing of warehouse after taking out the EVMs/VVPATs for awareness. Entire process to be videographed.
- (iii) The list of such EVMs and VVPATs to be used for awareness purpose shall immediately be given to the National and State Recognised Political Parties. This list shall also be shared with the candidates/their agents, as and when they are finalized.
- (iv) A sticker of Bright Orange colour mentioning "VOTER AWARENESS" shall be affixed on such EVMs and VVPATs.
- (v) The abovementioned EVMs and VVPATs shall be stored in a safe and secure manner in a separate room/hall under lock and seal with proper security. Under no circumstances, the safety and security of these EVMs and VVPATs shall be allowed to be compromised.
- (vi) Such EVMs and VVPATs shall be given only to the authorised officials deputed by the District Election Officer concerned.

- (vii) The DEO shall ensure that the officials chosen for creation of EVM/VVPAT related awareness/IEC campaign, as well as those nominated for handling these EVMs and VVPATs must be comprehensively trained on the usage and functioning of the EVMs and VVPATs.
- (viii) Proper log book shall be maintained.
- (ix) Awareness EVMs/VVPATs can be added to Training EVMs/VVPATs, if required.
- (x) Both Training and Awareness EVMs/VVPATs can be added to poll day reserve, if required, after due process of FLC, randomizations and Candidate Setting in the presence of political parties/contesting candidates/their agents.

Yours faithfully,

(Madhusudan Gupta)
Under Secretary

Copy to:

1. The Chairman-cum-Managing Director,
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka.
2. The Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
Hyderabad, Andhra Pradesh.

// True Copy //

ELECTION COMMISSION OF INDIA**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

No.51/8/VVPAT/2017-EVM

Dated: 11th October, 2017

To

The Chief Electoral Officers of

1. Gujarat, Gandhinagar
2. Himachal Pradesh, Shimla

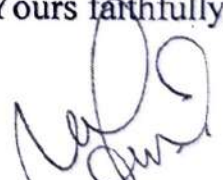
Subject: Verification of VVPAT paper slips-regarding.

I am directed to intimate that the Commission has directed that in the forthcoming General Elections to State Legislative Assemblies of Gujarat and Himachal Pradesh, **mandatory** verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency shall be done on a 'pilot' basis. The above mandatory verification of VVPAT paper slips of 01 (one) polling station (randomly selected) will be **in addition** to the provisions of Rule 56D of the Conduct of Elections Rules, 1961.

Detailed instructions for this purpose will be issued separately.

The above direction of the Commission shall be brought to the notice of all concerned.

Yours faithfully,


(Madhusudan Gupta)
Under Secretary

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/VVPAT/2017-EMS / ~~638~~ 639Dated: 13th October, 2017

To

The Chief Electoral Officers of

1. Gujarat, Gandhinagar
2. Himachal Pradesh, Shimla.

Subject: Verification of VVPAT paper slips- Pilot Testing – regarding.

Sir,

I am directed to state that the Commission has mandated that VVPATs will be used with EVMs at all polling stations in all future General/Bye-Elections to the Parliament and the State Legislative Assemblies, including the upcoming General Elections to State Legislative Assemblies of Himachal Pradesh and Gujarat at all Assembly Constituencies. Now, the Commission has directed that in the General Elections to State Legislative Assemblies of Himachal Pradesh and Gujarat, **mandatory** verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency shall be done on a 'pilot' basis. The above mandatory verification of VVPAT paper slips of 01 (one) polling station (randomly selected) will be **in addition** to the provisions of Rule 56D of the Conduct of Elections Rules, 1961.

For this 'pilot' verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency, the following procedure shall be followed:

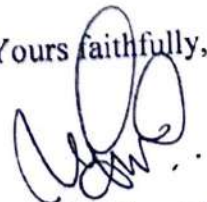
1. The verification of VVPAT paper slips of randomly selected 01 (one) polling station for each Assembly Constituency shall be taken up after the completion of the last round of counting of votes recorded in the EVMs.
2. The random selection of 01 (one) polling station per Assembly Constituency shall be done by Draw of lots, by the Returning Officer concerned, in the presence of candidates/their agents and the General Observer appointed by the Commission for that Assembly Constituency.
3. The draw of lots must be conducted immediately after the completion of the last round counting of votes recorded in the EVMs (Control Units) in the designated Counting Hall for the particular Assembly Constituency.
4. A written intimation regarding the conduct of draw of lots for the random selection of 01 (one) polling station for verification of VVPAT Slips shall be given by the Returning Officer to the Candidates/their election agents well in advance.
5. The following procedure shall be followed for the conduct of draw of lots:



- a. White colour paper cards of postcard size shall be used for conducting the draw of lots.
 - b. Total number of such paper cards should be equal to total number of polling stations in the Assembly Constituency.
 - c. The paper cards shall have pre-printed Assembly Constituency number, AC name and date of polling on the top, and the polling station number in the centre. Each digit of the polling station number shall be atleast 1" x 1" (1 inch by 1 inch) size and printed in black ink.
 - d. The paper cards to be used for draw of lots should be four-folded in such a way that polling station number is not visible.
 - e. Each paper card shall be shown to the candidates/their agents before folding and dropping in the container.
 - f. The paper cards shall be kept in the big container and must be shaken before picking up 01 (one) slip by the Returning Officer.
6. The verification of VVPAT paper slips shall be done in a 'VVPAT Counting Booth' (VCB), specially prepared for this purpose inside the Counting Hall. The booth shall be enclosed in a wire mesh just like a bank cashier's cabin so that no VVPAT paper slip can be accessed by any unauthorized person. One of the Counting tables in the Counting Hall can be converted into the VCB and can be used for normal counting of round-wise EVM votes before the count of VVPAT slips as per random selection after the completion of round-wise EVM counting.
 7. The Verification count of the VVPAT paper slips of the randomly selected 01 (one) polling station shall be conducted strictly in accordance with the instructions of the Commission on counting of printed paper slips.
 8. The Returning Officer shall personally supervise the counting of VVPAT paper slips at this booth. The General Observer concerned shall ensure close and careful observation of the entire exercise and ensure strict compliance of the Commission's instructions.
 9. The above process shall be fully videocographed.
 10. After completion of the above process, the Returning Officer shall give a certificate in the annexed format.

The above direction of the Commission shall be brought to the notice of all concerned.

Yours faithfully,



(Madhusudan Gupta)
Under Secretary

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Pilot Testing of Counting of paper slips of VVPAT of 01 randomly selected polling station

Name of State:.....
 No. and Name of Assembly Constituency:.....
 Sl.No. and name of Polling Station:.....
 Unique ID of Control Unit:.....
 Unique ID of VVPAT:.....

It is certify that pilot testing of counting of paper slips of VVPAT of 01 randomly selected polling station has been conducted as per the instructions of the Commission.

Name of Candidate	No. of Votes Cast		Discrepancy if any
	As per EVM	As per Paper Slips	
1.			
2.			
3.			
--			
--			
NOTA			
TOTAL VOTES			

Signature of Counting Agents

1.....
 2.....
 3.....

Signature of Counting Supervisor

Signature of Returning Officer

Signature of General Observer

// True Copy //

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.51/8/VVPAT/2017-EVM

Dated: 13th October, 2017

To

The Chief Electoral Officers of
All States and Union Territories.**Subject: Counting of Printed Paper Slips of VVPATs in case of non-retrieval of result from the Control Unit – regarding.**

Sir/Madam,

I am directed to refer to para 17.4.6 of Chapter 17 (*Instructions Relating to Counting*) of 'Manual on Electronic Voting Machine and VVPAT' (January 2017), wherein it has been mentioned that "In case, it is not possible to retrieve the result from the CU even after using printer, as instructed in para 17.4.4, the printed paper slips, where VVPAT is used, of the respective VVPAT to be counted"

The Commission has already directed to use VVPAT at every polling station in all elections to the House of the People and State Legislative Assemblies. Hence, in case of non-retrieval of result from any Control Unit, the printed paper slips of the respective VVPAT shall be counted, as per counting procedure prescribed by the Commission, for counting of printed paper slips.

A report regarding counting of printed ballot slips of VVPAT is to be sent to the Commission in the following format through Chief Electoral Officer concerned for information.

S. No.	No. & Name of Assembly Constituency	Polling Station No.	Unit ID of Control Unit from which result could not be retrieved	Unit ID of VVPAT	Total No. of votes recorded in EVM as per Item 6 in Part-I of Form-17C	Total No. of printed ballot slips taken out of the drop box(es)
1	2	3	4	5	6	7

Yours faithfully,


(Madhusudan Gupta)
 Under Secretary

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ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001****Madhusudan Gupta****Under Secretary**

No. 51/8/VVPAT/2017-EMS

Dated: 16th October, 2017

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: Instructions on use of EVMs with Voter Verifiable Paper Audit Trail system (VVPAT) - Regarding.

Sir/Madam,

In supersession of earlier instructions, the Commission has directed that the following instructions on use of VVPAT system with EVM shall be strictly followed in all General/Bye-elections to the House of the People (Lok Sabha) and State Legislative Assemblies:

1. Training of Master Trainers, Polling Personnel and storage Personnel:

Presiding Officers, Polling Officers, Returning Officer, Assistant Returning Officers, Sector Officers and Counting Personnel must be given hands-on-training related to their role/duties on use of EVMs with VVPATs. Every official should get an opportunity to operate the EVM with VVPAT system and understand the process of recording the vote using VVPAT. Separate training should be given on counting of printed paper slips from the VVPAT system and tallying the count of VVPAT paper slips with the count of the Control Unit. A copy of VVPAT brochure (**Annexure-I**) should be given to all officers during training and be available at polling station on poll day. A training session may be incorporated in the training module of State Public Administration Institutions, on operation & use of VVPATs.

2. Awareness about use of VVPAT:

A demonstration of VVPAT system should be organized by the District Election Officers (DEOs) for political parties, Returning Officers and electors at suitable locations. The Returning Officers (ROs) shall arrange demonstration of VVPAT system for candidates and electors at suitable locations in the constituency. The poster "How to Cast Your Vote Using EVMs and VVPATs" (**Annexure-II**) on method of voting with VVPAT should be pasted at prominent places of the constituencies and at places in each polling station in a manner that voters waiting in the queue are able to read the instructions. The DEO and RO

should also organize programmes for awareness about use of EVMs with VVPAT on print media and local cable-network etc. A short film on How to Cast Your Vote using VVPAT with EVM shall be made in regional language for this purpose.

NOTE: ONLY FLC-OK EVMs & VVPATs WITH DUMMY SYMBOLs SHALL BE USED FOR TRAINING, AWARENESS AND DEMONSTRATION.

3. Preparation of EVMs and VVPAT system for Poll:

EVMs shall be prepared according to the instructions of the Commission on the preparation of EVMs for polls. The VVPAT system shall be prepared for poll in the following manner as mentioned in Rule 49B [4(c) (i) – (iii)] of the Conduct of Elections Rules, 1961:

- i) The VVPAT consists of VVPAT Status Display Unit (VSDU) and VVPAT Printer unit. A new battery power pack shall be connected to the VVPAT unit and shut the door of the battery compartment, but no sealing is required on battery compartment as the power pack can be replaced if low battery status is indicated on VSDU during the poll.
- ii) A fresh paper roll shall be installed in the printer unit by following the procedure mentioned in the user manual for VVPAT.
- iii) Serial numbers, names of candidates and symbols allotted shall be loaded in VVPAT with the help of engineers. A test printout shall be checked with the ballot paper in Balloting Unit (BU).
- iv) Then one vote to each candidate shall be given to check that the VVPAT is printing the paper slips accurately.
- v) Thereafter, switch off the CU and seal the latches of paper roll compartment using thread seals and address tags. The candidates/their agents shall be allowed to affix their signatures with party abbreviations on Address Tags.
- vi) The units should be randomly allocated to polling stations and kept in the respective carrying case.

4. Polling Parties:

One extra polling official must be provided to handle the VVPAT unit while constituting polling parties, to handle VVPAT unit and also to watch VSDU continuously during poll process. The official shall immediately inform the Presiding Officer of any error noticed in VSDU. At the time of dispersal of polling parties, two copies of the Trouble shooting instructions (**Annexure-III**) and List of additional items of polling materials (**Annexure-IV**) shall be handed over to the Presiding Officers. Adequate numbers of black

paper envelopes and plastic boxes may also be procured for storing the paper ballot slips from the VVPAT.

NOTE: “The Polling parties shall strictly be instructed NOT TO TEST VVPAT at the time of dispersal and before mock poll at polling station under any circumstance, as VVPATs issued to them are already checked & tested.”

5. Conduct of Mock Poll and sealing of EVMs and VVPATs in the Polling Stations:

During the mock poll, BU and VVPAT should be placed in the Voting Compartment, where a Polling Officer should be present alongwith polling agents to observe. The CU and VSDU should be placed on the table of the Presiding Officer/Polling Officer. This Polling Officer will keep a record of the votes cast.

After the mock poll, Presiding Officer will ascertain the result in the CU, count the VVPAT paper slips in the presence of the polling agents and confirm that the results tally for each candidate. All mock poll data in CU and VVPAT paper slips from VVPAT must be removed by the Presiding Officer and the empty drop box verified by the Polling Agents. The mock poll VVPAT paper slips, should be stamped on their back side with rubber stamp having inscription **“MOCK POLL SLIP”**, thereafter these mock poll VVPAT paper slips shall be kept in an envelope made of thick black paper and sealed with the seal of the Presiding Officer. The sample image of the said stamp is as under:



(The dimensions of the stamp to be used for the purpose should be 3cms X 1.5 cms)

The Presiding Officer and polling agents must put their signatures on the envelope. The number and name of the polling station, number and name of Assembly Constituency, date of poll and the words “VVPAT paper slips of Mock Poll” shall be written on the envelope.

This envelope must be kept in the special plastic box for mock poll and sealed with a pink paper seal placed all around in such a manner that opening of the box will require breaking of the seal. The number and name of the polling station, number and name of Assembly Constituency and the date of poll shall be written on the plastic box. The Presiding Officer and Polling Agents must put their signatures on the pink paper seal and keep the box along with other documents relating to elections. Thereafter, Presiding Officer will sign the

Mock Poll Certificate (**Annexure-V**) and seal the CU. The drop box of VVPAT should be sealed with an address tag before the actual poll starts.

6. Complaint about incorrect printing of particulars on paper slip:

If any voter alleges about the wrong printing of particulars of a candidate and/or symbol of that candidate on VVPAT paper slip printed by the printer on pressing of concerned blue (candidate) button on the Balloting unit to which the printer is connected, the Presiding Officer of the polling station should provide him a 'Form of Declaration' (**Annexure-VI**) to lodge a complaint and follow the procedure prescribed under rule 49MA, which reads as under:

“49MA. Procedure in case of complaint about particulars printed on paper slip. -

(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the Returning Officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the presiding officer shall-

- (i) make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- (ii) obtain the signature or thumb impression of that elector against such remarks; and
- (iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.”.

7. Action in case of certain contingencies during poll:

Certain contingencies may arise during the polling process, which may require certain actions. These are as follows: -

- a. In case the CU or the BU does not work properly, replacement of the whole EVM including CU, BU and VVPAT is required. No mock poll is required to be taken.
- b. In case the VSDU is showing “Low Battery”, the power pack battery of VVPAT should be replaced. It should be ensured that before taking out the power pack battery of VVPAT, control unit must be switched OFF and after installing new power pack battery in VVPAT, control unit should be switched ON. Control Unit should not be switched ON without installing power pack in VVPAT.
- c. In case there is any other error, like “Paper Low” error, the VVPAT will stop printing and the error shall be displayed on the VSDU. In such case the VVPAT unit is to be replaced. No mock-poll is required to be taken. Therefore, if VVPAT has not printed the paper slip, or the printed paper slip has not been cut, the last voter whose paper slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT has been replaced. In case the printed paper slip has not been cut and is hanging from the paper roll, no effort should be made to make it fall into the drop box. It should be allowed to remain hanging as it means that the vote has not been recorded in Control Unit and as it is not to be counted at the time of counting of the printed-paper slips. The details of such an occurrence should be clearly recorded in the Presiding Officer’s dairy in the following format: -
 - i. The date and time of the occurrence.
 - ii. The name of the voter and his serial number in the part in the electoral roll, who was allowed to cast his vote after replacement of VVPAT.
 - iii. Whether the voter cast his vote after replacement of VVPAT or went away without casting his vote.
 - iv. The Total number of votes cast before the occurrence.

In case of contingencies, the Presiding Officers may also refer to **Annexure-III** for solutions.

8. Counting of votes and printed ballot slips:

After announcement of result sheet entries, any candidate, their election agent or their counting agents may apply in writing to the RO to count the printed VVPAT paper slips in any or all polling stations. If such application is made, the RO shall pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO shall give due consideration to the following:

- (a) Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate making the application,
- (b) Whether EVM had a problem and was replaced at that polling station during poll,
- (c) Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll.

9. Arrangements for counting of VVPAT paper slips:

- (a) One of the Counting Tables inside the Counting Hall shall be earmarked by the Returning Officer as VVPAT Counting Booth (VCB) for Counting of VVPAT Paper Slips.
- (b) VCB shall be enclosed in a wire-mesh just like a Bank Cashier Cabin, so that no VVPAT paper slip can be accessed by any unauthorised person.

10. Procedure to count VVPAT paper slips:

If the RO decides to count the printed paper slips of any polling station(s) on an appeal for recounting of any polling station(s), the following procedures shall be strictly followed:

Step-1:

- i) For keeping VVPAT Paper Slips taken out from the Drop Box of the VVPAT, a sufficiently sized container with lid, of dimensions 14 inch X 10 inch X 5 inch (length x breadth x height), to easily accommodate around 1400 Printed Paper Slips, shall be kept on the table of VCB. This Container should be made of sturdy transparent material like plastic etc. Sample images of the Container are available in Annexure- VIII
- ii) For keeping VVPAT paper slips of the respective candidates, a Pigeonhole Framework shall be prepared in advance according to the number of candidates including NOTA, with one additional pigeonhole for keeping self-test slips of the VVPAT, and shall be kept on the table of VCB.

- (a) The minimum number of Pigeonholes in the Framework must be equal to the number of candidates plus 2 (two).
- (b) The size of each compartment (Pigeonhole) must be atleast 6 inch X 4 inch X 4 inch (length x breadth x height).
- (c) The pigeonhole structure should be made of sturdy transparent material like plastic etc, having a fixed base, to prevent any VVPAT paper slip from slipping underneath.
- (d) The symbol of each contesting candidate as per the Ballot Paper should be affixed on the wall of the pigeonhole allotted to the particular candidates. The symbol should be printed in black and white on a plain paper of minimum size 4 inch X 3 inch. Sample images of the Pigeonhole Framework are placed in Annexure-VIII.

iii) Atleast 100 Rubber bands for making bundles of 25 VVPAT paper slips.

Step-2:

- i) The VVPAT unit(s) of the respective polling station(s) should be brought to the VCB one by one, as the case may be.
- ii) In case a VVPAT unit was replaced during poll at that polling station, all the VVPAT units used at that polling station should be brought to the VCB.

Step-3:

- i) The printed paper slips shall be taken out from all the VVPATs used at the polling station, before beginning the counting of VVPAT paper slips for that polling station.
- ii) Before taking out the VVPAT Paper Slips from the drop box, the address tag(s) of the drop box shall be crosschecked to ascertain that the VVPAT pertains to the respective polling station.
- iv) The VVPAT Paper Slips taken out from the Drop Box of the VVPAT shall be first kept in the container as per specification at step-1 (i).
- v) After taking out the VVPAT paper slips from Drop Box, the Counting Supervisor shall ensure that no VVPAT paper slip is left inside the VVPAT drop box and show the empty drop box to the counting agents.
- vi) In case a VVPAT unit was replaced, it may so happen that an uncut fully or partially VVPAT paper slip is hanging and has not got cut and dropped in the drop box and still connected to the paper roll. This uncut VVPAT paper slip should not be torn and should not be counted because the vote is not recorded electronically in the CU unless the VVPAT paper slip is cut. In such an event, the last voter whose VVPAT paper slip was

not cut would have been given an opportunity to cast his vote after replacement of VVPAT and the VVPAT paper slip of the vote cast by him shall be in the next VVPAT used in that polling station.

- vii) The drop box of the VVPAT will also have VVPAT slips of self-test report. These are easily identified, as they do not have either the name or the symbol of any candidate. These self-test report slips are to be preserved alongwith the VVPAT paper slips as part of the record but they are not to be counted.

Step-4:

- i) The VVPAT paperslips should be segregated one-by-one and put in respective pigeon holes after showing each slip to the Counting agents. The paper slips bearing self-tests report shall also be segregated and put in a separate pigeonhole provided for the purpose.
- ii) Bundles of 25VVPAT paper slips of respective candidates shall be prepared for counting purpose.
- iii) VVPAT PaperSlips shall then be counted by the counting staff.
- iv) Result of the VVPAT paper slips count shall be prepared in the format as per **Annexure-VII** and attached to Part-II of Form 17-C.
- v) The result of the count of VVPAT paper slips shall be announced loudly in the counting hall and shown to the counting agents.
- vi) As per Rule 56D(b) of the Conduct of Elections Rules 1961, if there is any discrepancy between EVM count and paper slip count, the paper slip count shall prevail. Hence, if there is discrepancy between the count of votes displayed on the Control Unit and the count of printed-paper slips in respect of that Polling Station, the result sheet will be amended as per the printed-paper slips count.

Step-5:

After completion of counting of VVPAT paper slips, the bundles of all the VVPAT Paper Slips shall be kept back in the Drop Box of the respective VVPAT and door of the Drop Box shall be sealed using address tags. The candidate(s)/their agents may also be allowed to affix their signature with party abbreviation on the Address Tags.

11. Removal of Thermal Paper Roll and Power Pack from VVPAT units:

After the result is announced, thermal paper rolls and power packs shall be removed from all the VVPAT units under videography and kept in separate strong room. **In no case, printed paper slips shall be taken-out of the Drop-Box of any VVPAT.**

12. Storage of VVPATs after counting of votes:

After completion of counting of votes, EVMs and VVPATs containing printed paper slips in its Drop box, shall be kept in the same strong room.

- a) The Strong room shall not be opened till completion of Election Petition (EP) period i.e. till EP list is received from respective High Court.
- b) After completion of Election Petition Period, the exact EP position should be ascertained from High Court concerned before opening the strong room.

13. Storage of VVPAT Paper Slips after expiry of period of filing of Election Petitions:

After expiry of the period of filing of Election Petitions (EPs) i.e. 45-days from the date of declaration of result, District Election Officers shall ascertain the position of EP from the concerned High Court. After obtaining the status of EP from the High Court concerned, the following action shall be taken:

- A. Every VVPAT used in an election and kept in the custody of the District Election Officer shall be kept untouched, under the standard protocol of security, till confirmation of Election petition position from the High Court concerned after the completion of the period for filing Election Petition i.e. 45 days from the date of declaration of the result.
- B. In the case of elections, where no election petition has been filed or no other court cases are pending, after the aforesaid period, the VVPAT shall be available for use in any future election or any other purpose like training, awareness, movement, physical verification etc.

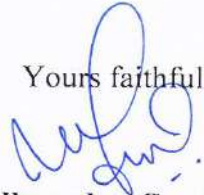
Before moving any VVPAT, printed paper slips shall be taken out from Drop-box of the VVPATs as per procedure mentioned below:

- i) A Notice informing the opening of Strong Room having VVPATs shall be given to the representatives of all political parties in writing at least 48 hours in advance, requesting them to remain present at the time of opening of strong room.
- ii) The strong room shall be opened in the presence of the District Election Officer and representatives of Political Parties.
- iii) The VVPAT paper slips shall be taken out from the Drop Box of VVPAT and kept in a paper envelope made of thick black paper, sealed using red wax under the seal of DEO. Name of election, number and name of assembly constituency, particulars of polling station, unique serial number of the VVPAT unit, date of poll and date of counting shall be mentioned on the envelope containing printed paper slips.
- iv) The envelopes containing VVPAT paper slips shall be kept with all other statutory documents relating to that election till the statutory time limit.

- v) Thorough checking of officials deputed for the removal of VVPAT paper slips and their sealing must be ensured. All pockets need to be emptied before entering the Sealing Room/Strong Room and thorough checking of officials leaving the sealing room should be done in addition to DFMD/Metal Detector Checking.
 - vi) Once the VVPAT paper slips have been taken out, the VVPATs must be kept in their separate designated warehouse. VVPAT should not be kept in the same warehouse where EVMs are stored.
 - vii) To ensure there is no deliberate attempt to remove any paper-slips from sealing room/strong room, the entire process should be conducted under high quality CCTV recording/videography.
- C. In case of any election where election petition has been filed, the following action shall be taken:-
- (i) If the EVMs or Counting of Votes are the subject of the election petition, the EVMs and VVPATs used at all Polling Stations in the constituency concerned shall continue to be kept in the safe custody of the District Election Officer, till such time the Election Petition is finally disposed of by the Courts.
 - (ii) If the EVMs or counting of votes are not the subject of the election petition, an application may be moved to the concerned Court for allowing the EVMs & VVPATs concerned to be taken out of the strong room for any future election or any other purpose like movement, physical verification etc.
 - (iii) In case VVPATs not involved in any Election Petition/Court Case are stored with the VVPATs involved in Election Petition/Court Case, the following procedure shall be followed for segregating the VVPATs not involved in any election petition/court case from the VVPATs involved in EP/Court case:-
 - (a) A Notice informing the opening of Strong Room having VVPATs involved in EP/Court Case as well as non-EP VVPATs, shall be given to the petitioners/respondents of the EP/Court Case and the representatives of all political parties in writing at least 72 hours in advance, requesting them to remain present at the time of opening of strong room.
 - (b) The strong room shall be opened in the presence of the District Election Officer, Petitioners/respondents of the EP/Court case and representatives of Political Parties.

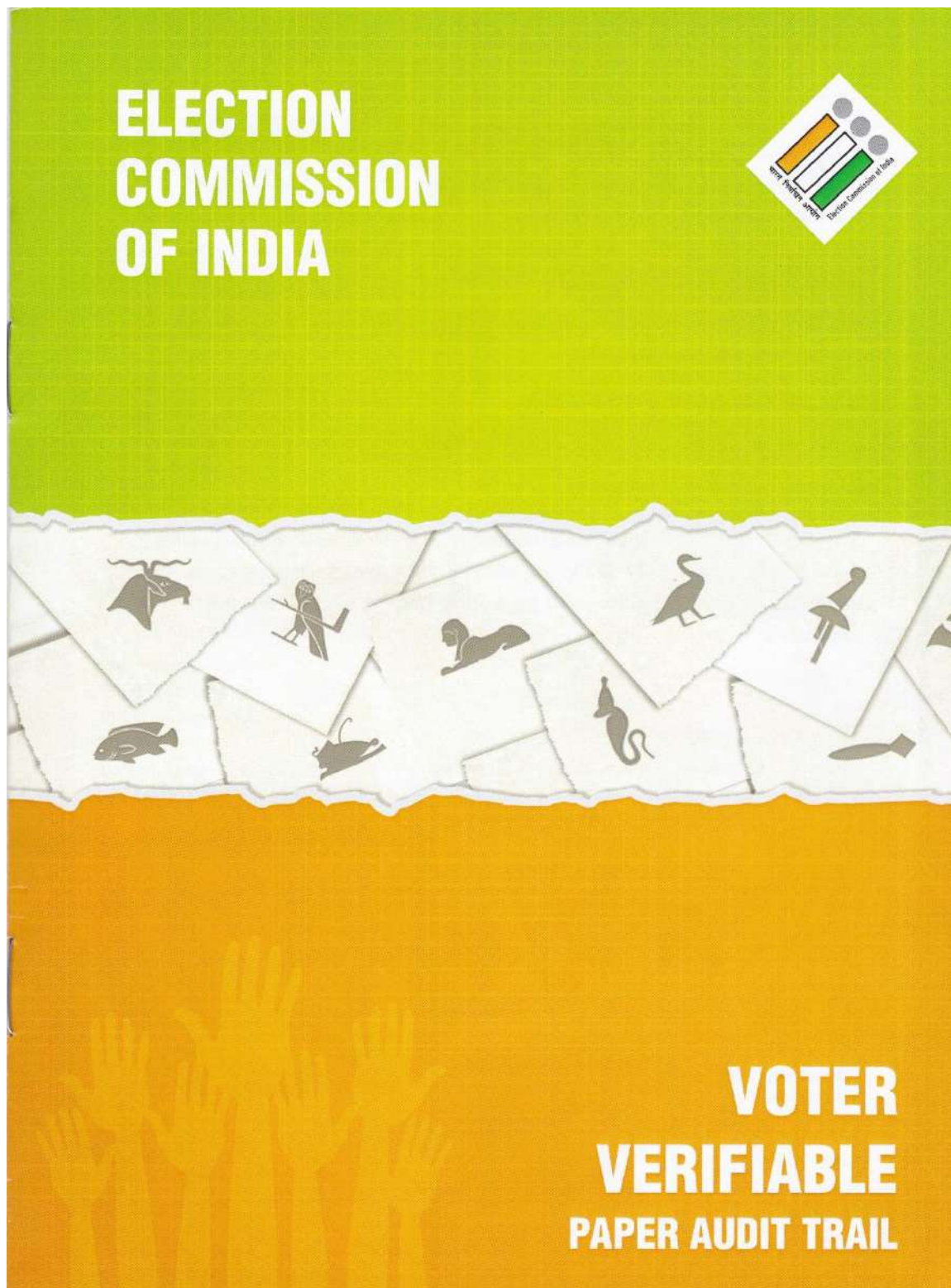
- (c) The VVPATs not involved in any EP/Court Case shall be segregated from the VVPATs involved in EP/Court Case for taking out of the strong room. A list of VVPATs being so taken out from the strong room shall be prepared.
- (d) The VVPATs, which are not involved in any EP/Court Case, should only be taken out of the Strong room.
- (e) The procedure mentioned in para 13 (B) above shall be followed for taking-out the printed paper slips from all such VVPATs, following which the VVPATs are available for any subsequent deployment/use.
- (f) The entire process shall be videographed and videography must be preserved for record.

The above instructions shall be brought to the notice of all concerned.

Yours faithfully,

(Madhusudan Gupta)
Under Secretary

Copy to: -

1. The Chairman-cum-Managing Director, Bharat Electronics Limited, Bangalore, Karnataka.
2. The Chairman-cum-Managing Director, Electronics Corporation of India Limited, Hyderabad, Andhra Pradesh.
3. Zonal - Sr. Principal Secretary/Secretary/Under Secretary.



Voter Verifiable Paper Audit Trail (VVPAT)

The VVPAT enables the voter to physically verify the vote cast on the EVM. It consists of the Printer Unit to print the voter's selection and the VSDU (VVPAT Status Display Unit) to display the error messages of VVPAT during poll.

The VVPAT prints the selection of the voter on a two inch long slip of paper called Ballot Slip. The ballot slip will display:

1. The serial number of the candidate
2. The name of the candidate
3. The corresponding symbol

The paper slip is displayed behind a transparent window for seven seconds before it is automatically cut and collected in the sealed Ballot compartment below. The VVPAT battery and paper roll are designed for printing minimum 1500 Ballot slips for each election.

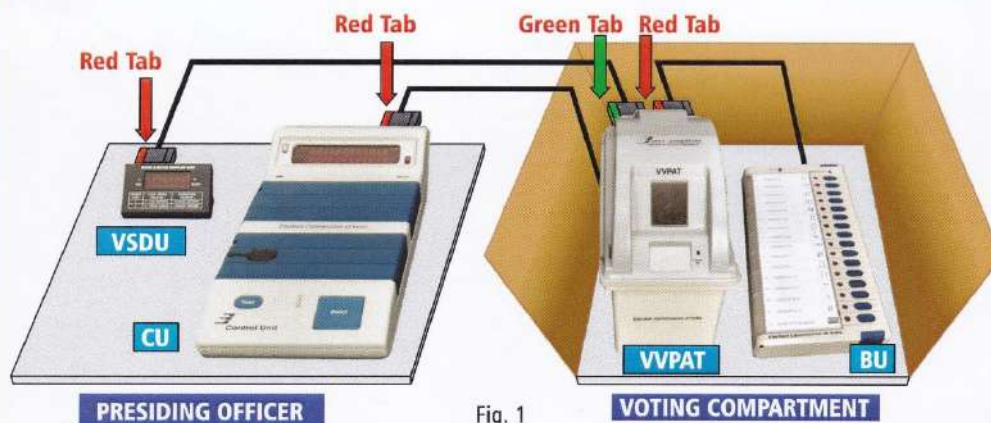


Fig. 1

VVPAT Components

The VVPAT system consists of following accessories.

1

VVPAT UNIT

The VVPAT printer prints the ballot slips and collects them in a secure sealed box. The VVPAT comes with an attached cable which is used to connect to the CU.



Connector with Red/Black latch

2

VVPAT STATUS DISPLAY UNIT (VSDU)

VVPAT Status Display Unit (VSDU) is used to indicate the VVPAT system status to the Presiding officer. The VSDU displays PRINTER ERRORS, LOW BATTERY and also the suggested action to be taken.

Connector with Blue/Green latch



3

INTERCONNECTING CABLE TO VSDU

The Interconnecting Cable connects the VSDU to the VVPAT unit



VVPAT Unit with 5 meter cable (to connect to CU)

4

BATTERY PACK FOR VVPAT

A Battery Pack for running the VVPAT is inserted at the appropriate compartment in the VVPAT unit

Battery pack for the VVPAT unit



5

PAPER ROLL



Paper Roll for Printing of Ballots

Thermal Paper Roll

6

CARRY CASE

A Strong Case to carry the whole VVPAT system in a secure way

VVPAT Carring Case



VVPAT Operation

*Commissioning of VVPAT by Presiding Officer (PO)
at Polling Station on day of poll*

STEP 1

Preliminary Checks

1. At the polling station, remove the VVPAT and VSDU with cables carefully from carrying case
2. Check for proper condition of the VVPAT unit, VSDU unit, connecting cables and connectors
3. Sealing should be intact for paper roll compartment.
4. Check and ensure that the ballot compartment is empty. All paper slips or ballot slips should be removed from inside the compartment.

STEP 2

VVPAT setup and connection with EVM System

- Place CU & VSDU and BU & VVPAT as per (Fig.1)
- Connect the VVPAT unit with EVM system as per steps below
- Close cable compartments after connecting the cables



All connection of EVM & VVPAT shall be done only in Power off condition.

STEP 3**Mock Poll Procedure**

To conduct a Mock Poll at polling booth follow the below process

SETUP

1. Power ON the CU.
2. ON lamp will glow on CU and VVPAT.
3. VVPAT prints Power ON Self Test (POST) slip. The POST slip is seen through the window and cuts and falls down.
4. In case of any error in the VVPAT, corresponding error is printed in the POST slip. In case POST slip does not cut, replace VVPAT with good one
5. Now the EVM – VVPAT system is ready for voting process.

Ballot Unit Ready for Voting



Red Light Indicates Register of Vote

**MOCK VOTING**

Follow the standard mock poll procedure for CU/BU as per the EVM instruction booklet.

1. The ballot process is initiated and each polling agent is allowed to vote for the candidate of choice.
2. VVPAT prints the ballot slip containing the serial number of the candidate, name of the candidate and corresponding party symbol.
3. The printed slip is held for 7 seconds and then cut and subsequently falls into the ballot collection drop box.
4. Repeat this ballot process by voting for each contesting candidate and verify the correctness of the printed ballot slips.
5. Keep a careful manual record of the votes polled in respect of each candidate.
6. Press the CLOSE button on CU.



Voter Sees Candidate Name, Number & Symbol Printed



At least 50 votes should be cast during mock poll

MOCK POLL VERIFICATION

1. Press the RESULT button on CU and manually record the result data displayed by CU.
2. Press the CLEAR button on CU and observe TOTAL should be zero in the CU.
3. Switch OFF the CU.
4. Open the ballot compartment door of the VVPAT and collect the VVPAT ballot slips.
5. Segregate these ballot slips as per the party symbol and record the result of the counted slips. Keep aside the POST slip(s).
6. Compare the VVPAT result data with the CU result data. Both must tally candidate wise.
7. After ensuring the correctness of the EVM-VVPAT system, remove the mock poll printed ballot slips and store separately.



Fill mock poll certificate carefully and correctly



Ensure that the ballot compartment is empty before actual poll.

STEP 4

Sealing of ballot slips compartment after mock poll

- The presiding officer should ensure that the ballot slips compartment of VVPAT is empty and does not contain any paper slips.
- The presiding Officer is required to seal the ballot slips compartment door in presence of polling agents. Sealing procedure is same as followed for the CU.

STEP 5**Actual Poll Procedure**

After ensuring that all seals are in proper condition and that the CU, VSDU, BU and VVPAT are placed as in Fig 1, power ON the CU.

- The presiding officer should ensure that the VVPAT should be in ON condition by checking the power ON LED.
- Continue the actual polling as per the standard procedure in the case of EVM.
- Polling officer shall be monitoring the Status of VVPAT through the VSDU messages.
- If the VVPAT stops printing and shows error in the VSDU the VVPAT Unit should be replaced by another VVPAT Unit. The voter should be asked to vote again on the replaced system.



In the event of any failure in the VVPAT the unit should be replaced with a good one.



In case of 'LOW BATTERY' indication by VSDU the battery Should be replaced by a new one.

STEP 6**Closing of Poll Procedure**

After completion of actual poll take the following steps

1. Press the close button on CU.
2. Switch OFF the CU.
3. Disconnect the VVPAT cable connected to CU.
4. Disconnect the VSDU cable connected to VVPAT
5. Disconnect the BU cable connected to VVPAT.

STEP 7***VVPAT Packing Instructions before
dispatch to strong room/counting center***

1. Keep VVPAT with its cable and VSDU with its cable in the VVPAT carrying case.
2. Care should be taken while winding of VVPAT and VSDU cables.
3. Seal the carrying case in the presence of Presiding Officer and polling agents.


**Election Commission of India**

Nirvachan Sadan, Ashoka Road, New Delhi-110001


Tel.: +91-11-23717391-98, Fax: +91-11-23713412 www.eci.nic.in

HOW TO CAST YOUR VOTE


USING EVM & VVPAT




1 ENTER THE BOOTH




The Presiding Officer will enable the ballot Unit while you enter the polling compartment.




3 SEE THE LIGHT



The red light against the name /symbol of candidate chosen will glow




2 CAST YOUR VOTE



Press the Blue Button on the Ballot Unit against the name /symbol of candidate of your choice.

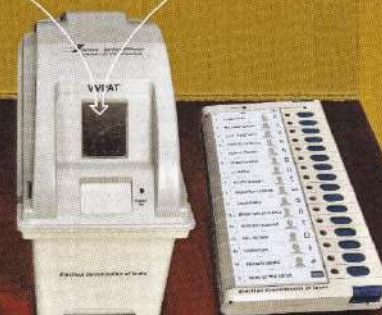
4 SEE THE PRINT



The Printer will print a ballot slip containing Serial Number, Name and Symbol of the chosen Candidate as shown.

This ballot slip will be visible for seven seconds after which it will be cut and dropped in the printer's drop box and a beep will be heard.

See the print through the glass, as the printout will not be given to you



NOTE!

If you do not see the ballot slip and hear the loud beep please contact the Presiding officer.

ELECTION COMMISSION OF INDIA

www.eci.nic.in

**HANDLING OF CU-BU-VVPAT FAILURES/ERRORS DURING POLL
PREPARATION OF POLLING OFFICIALS FOR FAULT HANDLING-SUGGESTIONS**

Certain contingencies may arise during the polling process which may require certain actions. These are as follows: -

- a. **In case the CU or the BU does not work properly:** (i) Switch off the CU and don't switch it on again (ii) Replace the complete set of EVM and VVPAT by another set of BU, CU and VVPAT (iii) Continue the poll with the new EVM set.
- b. **In case Display Panel of the CU displays "Link Error":** (i) Check that the cable connections are proper by visual inspection (don't remove and reconnect the connectors); (ii) If "Link Error" still persists, replace the complete set of EVM and VVPAT.
- c. **In case the VVPAT Status Display Unit (VSDU) displays "Error Code-1 Replace Battery":** Switch off the CU and replace the Power Pack of VVPAT printer. *It should be ensured that in no case replacement of power pack is done without switching off the CU.*
- d. **In case the VSDU displays "Error Code – 2 Replace Printer" and the Presiding Officer has not pressed the BU enable button:** Switch off the CU and replace the defective VVPAT unit with the new VVPAT unit. *It shall be ensured that in no case replacement of VVPAT unit is done without switching off the Control Unit.*
- e. **In case the Presiding Officer has pressed BU enable Button and the Voter has pressed the Candidate Button of the Ballot Unit and complains that 'Paper Slip' has not been printed or the Paper Slip printed by the VVPAT unit has not been cut and hanging against the display window then:** (i) If the busy lamp of the CU is not glowing and no Message/Error is displayed on VSDU, the complaint should be considered as baseless and rejected; (ii) If busy lamp is glowing on the CU and no Message/Error is displayed on VSDU, the Voter shall be requested to go into the Voting Compartment once again and press the Candidate Button on BU of his choice; (iii) If busy lamp of the CU and VSDU are glowing and VSDU has no display message, please switch OFF the CU and replace the VVPAT unit. (iv) The last voter whose paper slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT unit has been replaced.
Please keep in mind that the vote is not recorded in the CU electronically unless the paper slip has been printed and cut by VVPAT. If VVPAT has not printed the paper slip, or the printed paper slip has not been cut, the last voter whose paper slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT unit has been replaced.
- f. **In case the printed paper slip has not been cut and is hanging from the paper roll:** Replace the Printer, but no effort should be made to make it fall into the drop box. It should be allowed to remain hanging, as it is not to be counted at the time of counting of the ballot slips. The details of such an occurrence should be clearly recorded in the Presiding Officers diary in the following format:
 - i. The date and time of the occurrence.
 - ii. The name of the voter and his serial number in part in the electoral roll who was allowed to cast his vote after replacement of VVPAT.
 - iii. Whether the voter cast his vote after replacement of VVPAT or went away without casting his vote.
 - iv. The Total number of votes cast before the occurrence.
- g. **In case a voter alleges after recording his vote that the printed paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for:** Action should be taken as per provisions of Rule 49MA of the Conduct of Elections (Amendment) Rules, 2013:
 - (i) Obtain a declaration from the complainant in the Declaration Form (**Annexure-VI**) under his/her signature/thumb impression; (ii) Proceed to the voting compartment along with the complainant and polling agents present in the polling station at that moment; (iii) The voter shall be asked to cast a test vote in favour of any candidate and make second entry related to that elector in the Form-17A; (iv) Observe carefully whether the Printer has printed the paper slip correctly; (v) If the complaint of the elector is found genuine, the Presiding Officer shall report the facts immediately to the RO and stop further polling at the station; (vi) If the complaint of the elector is found false, make a remark to that effect against the second entry relating to that elector in Form-17A mentioning the serial number and name of the candidate for whom such test vote has been recorded and obtain the signature or thumb impression against such remark. Further make necessary entries regarding such test vote in item 5 in Part-I of Form 17-C.

**CHECK LIST OF ADDITIONAL ITEMS OF POLLING MATERIALS TO BE
PROVIDED TO THE POLLING PARTY**

- | | | |
|--|---|-----------|
| 1. Voter Verifiable Paper Audit Trail (VVPAT) Printer Unit | : | 1 No. |
| 2. VVPAT Status Display Unit (VSDU) | : | 1 No. |
| 3. Carrying Case for the VVPAT system | : | 1 No. |
| 4. Envelope made of thick black paper | : | 2 Nos. |
| (For sealing printed paper slips of Mock Poll) | | |
| 5. Plastic Box for Black Paper Envelope Sealing | : | 1 No. |
| 6. Pink Paper Seal for sealing Plastic Box | : | 2 Nos. |
| 7. Form of declaration by elector under rule 49MA
of the Conduct of Elections Rules | : | 10 copies |

Mock Poll Certificate

This is certified that I, Presiding Officer at the Polling Station No.....ofAssembly Constituency (or theAssembly segment underParliamentary Constituency) conducted the mock poll at AM today, the poll day i.e.(date), following scrupulously all the instructions issued by the Election Commission of India, using –

CU of Serial No. (as printed on back-side of the CU).....

BU of Serial No. (as printed on back-side of the BU).....

VVPAT Unit of Serial Number (if used).....

1. A total of votes were cast for each candidate and also for NOTA.
2. It was verified that the LED light was getting lit up against the correct candidate/NOTA button, when the button was pressed and beep sound was properly heard.
3. The candidate-wise detail of votes polled during mock-poll and result displayed, is as under:

S. No.	Name of the Candidate	Number of votes cast during mock poll	Number of votes displayed in CU on checking the result	Number of Printed Paper Slips, as per counting on checking mock poll result (if VVPAT used)	Votes Cast and Result displayed & Printed Paper Slip count (if VVPAT used) Talled with each other (YES/NO)
	NOTA				
	Total				

4. **I have cleared the memory of the EVM and also removed the printed paper slips of VVPAT after the mock poll and verified that the memory has been cleared, by pressing the Total button and seeing the Total is shown as '0'.**
5. At the time of mock poll the following polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.
6. Poll Start Date and Time seen on the display of CU at the time of start of actual poll..... (To be filled in case of Post-2006 EVMs).

Sl.No.Name of Polling AgentName of PartyName of candidate Signature of PollingAgent

- 1.
- 2.
- 3.
- 4.
- 5.

or

At the time scheduled for mock poll no polling agent was present/the agent of only one contesting candidate was present. After waiting for fifteen more minutes, I conducted the mock poll along with other polling staff atAM.

Signature of Micro-Observer (if posted at the polling station)

Date:

Time:

Name & Signature of the Presiding Officer

Polling Station No.....

Polling Station Name.....

General/Bye-Election to.....

Sl. No. and Name of Parliamentary/Assembly Constituency.....

No. and Name of Polling Station.....

FORM OF DECLARATION BY ELECTOR UNDER RULE 49MA OF CONDUCT OF ELECTIONS RULES, 1961

1. I hereby solemnly declare and affirm under sub-rule (1) of Rule 49 MA of the Conduct of Elections Rules 1961 that the paper slip generated by the printer attached to the Balloting Unit has shown the name and/or symbol of a candidate other than the candidate for whom I voted by pressing the concerned blue button against the name and symbol of the candidate of my choice on the Balloting Unit. I am ready to cast a test vote again to show that the allegation made by me is true and bonafide.

(2). I am aware of the penal provisions of Section 177 of the IPC that I shall be liable to be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, if the declaration given by me in para 1 above to the Presiding Officer appointed under Section 26 of the RP Act, 1951 is found to be incorrect.

Signature/Thumb impression of the Elector

Name of the Elector.....

Father/Mother/Husband's Name.....

Part No. of elector roll.....

Sl. No. of elector in that Part.....

Sl. No. in Register of Voters (Form 17A).....

Dated.....

Certified that the above declaration was made and subscribed by the elector above named before me.

Signature of the Presiding Officer

.....

Dated.....

ANNEXURE TO PART-II OF FORM 17-C

RESULT OF PRINTED PAPER COUNT

Polling Station No. _____

Unique ID of VVPAT : _____

Sl.No. of candidate	Name of candidate	Number of votes as per count of Printed Paper Slip of VVPAT	Number of test votes to be deducted as per item 5 of Part I	Number of valid votes. (3-4)
(1)	(2)	(3)	(4)	(5)

1.

2.

3.

4.

5.

6.

Total

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.(YES/NO)

Place.....

Date.....

Signature of Counting Supervisor

Name of candidate/election agent/counting agent

Full signature

1.

2.

3.

4.

5.

6.

7.

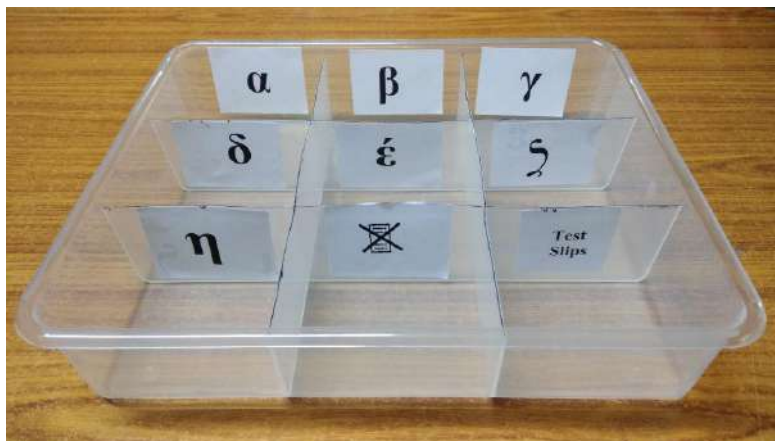
Place.....

Date.....

Signature of Returning Officer



Sample Container -14 inch X 10 inch X 5 inch (length X breadth X height)



Sample Pigeonholes (Size of each compartment 6 inch X 4 inch X 4 inch)

// True Copy //

WP(C) 983/2017

309

1

ITEM NO.37

COURT NO.1

SECTION X

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

Writ Petition(s) (Civil) No(s). 983/2017

PRAKASH JOSHI

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA

Respondent(s)

(FOR ADMISSION)

Date : 30-10-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mr. Kapil Sibal, Sr. Adv.
Mr. Vivek Tankha, Sr. Adv.
Mr. Aljo K. Joseph, AOR
Ms. Shelna K., Adv.
Mr. Varun Chopra, Adv.

For Respondent(s)

Mr. Amit Sharma, Adv.
Mr. Dipesh Sinha, Adv.
Ms. Ayiala Imti, Adv.

Mr. K.K. Venugopal, AG
Ms. Madhavi Divan, Adv.
Ms. Nidhi Khanna, Adv.
Mr. Ayush Puri, Adv.

Mr. Harish V. Shankar
Ms. Nisha Mohandas

UPON hearing the counsel the Court made the following

O R D E R

Mr. K.K. Venugopal, learned Attorney General submits that as far as Prayer (a) is concerned, the Election Commission of India has already implemented

the same. The situation is accorded to by Mr. Amit Sharma, learned counsel for the Election Commission of India. As far as Prayer (b) is concerned, it is urged by Mr. K.K. Venugopal that guidelines have already been brought by the Election Commission of India. The same is disputed by Mr. Kapil Sibal and Mr. Vivek Tankha, learned senior counsel appearing for the petitioner. We leave it to the discretion of the Election Commission of India, as we are not inclined to enter into the said arena. As far as Prayer (c) is concerned, it is submitted by Mr. K.K. Venugopal that the Election Commission of India has issued appropriate guidelines, and this Court may say that no officer/official against whom disciplinary proceedings have been initiated shall be posted in any key positions.

Having heard Mr. K.K. Venugopal, we direct that the Election Commission of India shall not post any officer/official against whom the disciplinary proceedings has been initiated in any key position in any district.

As far as prayer (d) concerning installation of CCTV cameras inside the polling booth to watch the mobility of persons inside the polling booth and display of such videograph alongwith the number of votes poll outside the polling booth on a display board is concerned, we are of the considered opinion that the same is not permissible and accordingly, the said prayer stands rejected.

The writ petition is accordingly disposed of.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/16/9/2017-EVM(P&L)

Dated: 9th November, 2017

CIRCULAR

SUBJECT: First Level Checking (FLC) of EVMs and VVPATs: Deployment of Special Team of ECI Officials for Quality Checks.

1. INTRODUCTION:

First Level Checking (FLC) of EVMs and VVPATs is done, by the authorised engineers of M/s Bharat Electronics Limited (BEL) and M/s Electronics Corporation of India Limited (ECIL), as the case may be, before every Bye-election and General Election to State Legislative Assembly and House of the People (Lok Sabha). At District Election Officer level FLC is to be done sufficiently in advance so that all checks are carried out without any undue haste in the presence of representatives of National and State Recognised Political Parties. FLC of EVMs and VVPATs shall be completed, as far as possible, well before the issue of notification calling the election.

As per the extent instructions of Commission, FLC of EVMs (Control Units and Balloting Units) and VVPATs shall commence: -

- (a) within one month of occurrence of vacancy in case of bye-election.
- (b) at least P-120 days in case of General Election to State Legislative Assembly.
- (c) at least P-180 days in case of General Election to Lok Sabha.

2. PURPOSE OF FLC: The purpose of FLC is to ensure the robustness and fitness of EVMs and VVPATs to be used in elections, so that only fully functional and defect free FLC OK EVMs and VVPATs are used in elections. FLC rejected EVMs and VVPATs are sent to BEL/ECIL factory, as the case may be, within 7 days of completion of FLC process. The close and continuous involvement/participation of the representatives of National and State Recognised Political Parties in FLC process serves to enhancing transparency and credibility of the EVMs and VVPATs usage. FLC process includes:

2.1 Detailed Functional Checking:

- (a) Visual Inspection of EVM and VVPAT
- (b) Full Functionality tests

2.2 Comprehensive Confidence Building:

- (a) Opening of CU for originality of components
- (b) Mock Poll involving the representatives of political parties

3. **INSTRUCTIONS AND SOP ON FLC:** Attached as Annexure I.

4. **QUALITY CHECK BY TEAM OF ECI OFFICIALS:**

It has been decided by the Commission that ECI Officials will be sent for surprise FLC Quality Checks during the 1st week of every FLC process in all the future elections.

5. **REPORTING FORMAT FOR ECI OFFICIALS:**

Attached as Annexure II.

6. **DOs and DONT's for the ECI OFFICIALS:**


I. **DO's**

- i) Draw up your tour programs sufficiently in advance and intimate to the Chief Electoral Officer and the concerned District Election Officers of the districts concerned.
- ii) Note carefully the numbers of visits, duration of visits and the period of visits.
- iii) Familiarize yourself with the use of Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPAT).
- iv) Submit a report to the Commission within 24 hours of your return to the headquarters. In addition, also send spot report (s) from time to time as considered necessary.
- v) Any shortcoming that merits immediate remedial action be reported to the Commission without any loss of time. Such information should not be deferred till the regular reports are submitted.
- vi) Maintain proper conduct in the districts as ECI Observers are keenly observed.
- vii) Meet the DEO and ask for the report of the FLC
- viii) Analyse the report submitted by the DEO

II. **DONT'S**

- i) Do not travel to the designated district(s) with your families.
- ii) Do not give any statement to the Press or Media.
- iii) Do not make any unreasonable demands regarding accommodation, vehicles, security etc.
- iv) Complete your duty as per direction of the Commission.

Yours Faithfully


(Madhusudan Gupta)
Under Secretary

ITEM NO.33

COURT NO. 313

SECTION PIL-W

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

Writ Petition(s) (Civil) No(s).1012/2017

MANUBHAI CHAVADA

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 20-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.Devadatt Kamat, Adv.
Mr.K.R.Koshti, Adv.
Mr.Aditya Bhat, Adv.
Mr.Rajesh Inamdar, Adv.
Mr.Javedur Rahman, Adv.
Ms.Anjana Sharma, Adv.
Mr. Gautam Talukdar, AOR

For Respondent(s) Mr.Amit Sharma, Adv.
Mr.Dipesh Sinha, Adv.
Ms.Ayiala Imiti, Adv.

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

Heard learned counsel for the petitioner.

The Writ Petition is dismissed.

(Satish Kumar Yadav)
AR-cum-PS

(H.S.Parasher)
Assistant Registrar

Signature Not Verified
Digitally signed by
SATISH KUMAR YADAV
Date: 2017.11.21
14:33:45 IST
Reason:

// True Copy //

314

ELECTION COMMISSION OF INDIA**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

No.51/8/VVPAT/2017-EMS

Dated: 5th December, 2017

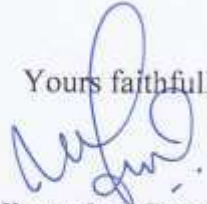
To

The Chief Electoral Officers of
All States & Union Territories.

**Subject: Revised Instructions on use of Electronic Voting Machine (EVM) with
Voter Verifiable Paper Audit trail (VVPAT) system – Regarding.**

Sir/Madam,

I am directed to say that the para 11 of the Commission's existing instruction of even number dated 16th October, 2017 has been deleted and paras 13 (B) (iii) and 13 (C) (iii) (e) has been slightly modified. The revised instructions after incorporating the necessary changes alongwith the table of contents is enclosed herewith, for necessary action.

Yours faithfully,

(Madhusudan Gupta)
Under Secretary

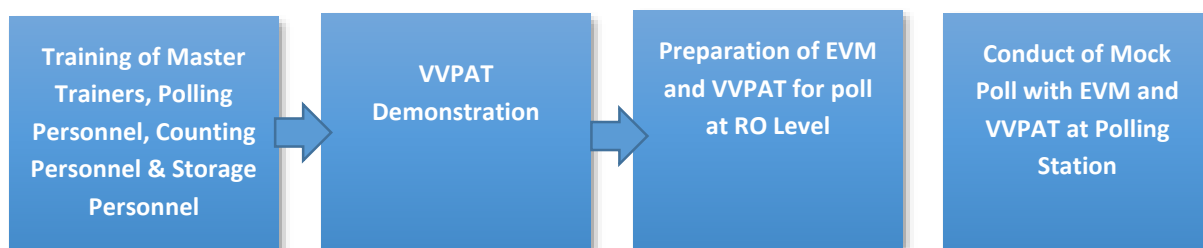
Copy to: -

1. The Chairman-cum-Managing Director, Bharat Electronics Limited, Bangalore, Karnataka.
2. The Chairman-cum-Managing Director, Electronics Corporation of India Limited, Hyderabad, Andhra Pradesh.

**Instructions on use of Electronic Voting Machine (EVM) with
Voter Verifiable Paper Audit Trail (VVPAT) system.**

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1. POLL PREPARATIONS WITH EVM & VVPAT**1.1 TRAINING OF MASTER TRAINERS, POLLING PERSONNEL, COUNTING PERSONNEL AND STORAGE PERSONNEL:**

- Presiding Officers, Polling Officers, Returning Officer, Assistant Returning Officers, Sector Officers and Counting Personnel must be given hands-on-training related to their role/duties on use of EVMs with VVPATs.
- Every official should get an opportunity to operate the EVM with VVPAT system and understand the process of recording the vote using VVPAT.
- Separate training should be given on counting of printed paper slips from the VVPAT system and tallying the count of VVPAT paper slips with the count of the Control Unit.
- A copy of VVPAT brochure (**Annexure-I**) should be given to all officers during training and be available at polling station on poll day.
- A training session may be incorporated in the training module of State Public Administration Institutions, on operation & use of VVPATs.

1.2 VVPAT DEMONSTRATION

- A demonstration of VVPAT system should be organized by the District Election Officers (DEOs) for political parties, Returning Officers and electors at suitable locations.
- Further, the Returning Officers (ROs) shall arrange demonstration of VVPAT system for candidates and electors at suitable locations in the constituency.
- The poster “How to Cast Your Vote Using EVMs and VVPATs” (**Annexure-II**) on method of voting with VVPAT should be pasted at prominent places of the constituencies and at places in each polling station in a manner that voters waiting in the queue are able to read the instructions.
- The DEO and RO should also organize programmes for awareness about use of EVMs with VVPAT on print media and local cable-network etc. A short film on How to Cast Your Vote using VVPAT with EVM shall be made in regional language for this purpose.

NOTE: Only FLC-ok EVMs & VVPATs with dummy symbols shall be used for training, awareness and demonstration.

1.3 PREPARATION OF EVMS AND VVPAT SYSTEM FOR POLL (CANDIDATE SETTING)

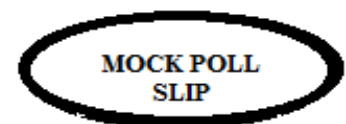
EVMs shall be prepared according to the instructions of the Commission on the preparation of EVMs for polls. The VVPAT system shall be prepared for poll in the following manner as mentioned in Rule 49B [4(c) (i) – (iii)] of the Conduct of Elections Rules, 1961:

- The VVPAT consists of VVPAT Status Display Unit (VSDU) and VVPAT Printer unit. A new battery power pack shall be connected to the VVPAT unit and shut the door of the battery compartment, but no sealing is required on battery compartment as the power pack can be replaced if low battery status is indicated on VSDU during the poll.
- A fresh paper roll shall be installed in the printer unit as per the procedure mentioned in the user manual for VVPAT provided by the manufacturer (**Annexure IX**)
- Serial numbers, names of candidates and symbols allotted shall be loaded in VVPAT with the help of engineers. A test printout shall be checked with the ballot paper in Balloting Unit (BU).
- Then one vote to each candidate shall be given to check that the VVPAT is printing the paper slips accurately.
- Thereafter, switch off the CU and seal the latches of paper roll compartment using thread seals and address tags. The candidates/their agents shall be allowed to affix their signatures with party abbreviations on Address Tags.
- The units should be randomly allocated to polling stations and kept in the respective carrying case.

POLL DAY

1.4 CONDUCT OF MOCK POLL AND SEALING OF EVMS AND VVPATs IN THE POLLING STATIONS BEFORE START OF ACTUAL POLL

- During the mock poll, BU and VVPAT should be placed in the Voting Compartment, where a Polling Officer should be present along with polling agents to observe. The CU and VSDU should be placed on the table of the Presiding Officer/Polling Officer. This Polling Officer will keep a record of the votes cast.
- After the mock poll, Presiding Officer will ascertain the result in the CU, count the VVPAT paper slips in the presence of the polling agents and confirm that the results tally for each candidate.
- All mock poll data in CU and VVPAT paper slips from VVPAT must be removed by the Presiding Officer and the empty drop box verified by the Polling Agents.
- The mock poll VVPAT paper slips, should be stamped on their back side with rubber stamp having inscription “**MOCK POLL SLIP**”, thereafter these mock poll VVPAT paper slips shall be kept in an envelope made of thick black paper and sealed with the seal of the Presiding Officer. The sample image of the said stamp is as under:



(The dimensions of the stamp to be used for the purpose should be 3cms X 1.5 cms)

- The Presiding Officer and polling agents must put their signatures on the envelope. The number and name of the polling station, number and name of Assembly Constituency, date of poll and the words “**VVPAT paper slips of Mock Poll**” shall be written on the envelope.
- This envelope must be kept in the special plastic box for mock poll and sealed with a pink paper seal placed all around in such a manner that opening of the box will require breaking of the seal.
- The number and name of the polling station, number and name of Assembly Constituency and the date of poll shall be written on the plastic box.
- The Presiding Officer and Polling Agents must put their signatures on the pink paper seal and keep the box along with other documents relating to elections. Thereafter, Presiding Officer will sign the Mock Poll Certificate (**Annexure-V**) and seal the CU.
- The drop box of VVPAT should be sealed with an address tag before the actual poll starts.

1.5 ROLE OF POLLING PARTIES:

- One extra polling official must be provided to handle the VVPAT unit while constituting polling parties. This polling official should handle VVPAT unit and also watch VSDU continuously during poll process.
- The official shall immediately inform the Presiding Officer of any error noticed in VSDU. At the time of dispersal of polling parties, two copies of the Trouble shooting instructions (**Annexure-III**) and List of additional items of polling materials (**Annexure-IV**) shall be handed over to the Presiding Officers.
- Adequate numbers of black paper envelopes and plastic boxes may also be procured for storing the paper ballot slips from the VVPAT.

NOTE: The polling parties shall strictly be instructed not to test VVPAT at the time of dispersal and before mock poll at polling station under any circumstance, as VVPATs issued to them are already checked & tested.

2. COMPLAINT & CONTINGENCY ISSUES

2.1 WRONG PRINTING COMPLAINT

If any voter alleges about the wrong printing of particulars of a candidate and/or symbol of that candidate on VVPAT paper slip printed by the printer on pressing of concerned blue (candidate) button on the Balloting Unit to which the printer is connected, the Presiding Officer of the polling station should provide him a ‘Form of Declaration’ (**Annexure-VI**) to lodge a complaint and follow the procedure prescribed under rule 49MA, which reads as under:

“49MA. Procedure in case of complaint about particulars printed on paper slip-

- Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

- If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.
- If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the Returning Officer.
- If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the presiding officer shall-
 - make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
 - Obtain the signature or thumb impression of that elector against such remarks; and make necessary entries regarding such test vote in item 5 in Part I of Form 17C.”.

2.2 HANDLING CONTINGENCIES DURING POLL:

Certain contingencies may arise during the polling process, which may require certain actions. These are as follows: -

- **In case the CU or the BU does not work properly, replacement of the whole EVM including CU, BU and VVPAT is required. No mock poll is required to be taken.**
- In case the VSDU is showing “Low Battery”, the power pack battery of VVPAT should be replaced. It should be ensured that before taking out the power pack battery of VVPAT, control unit must be switched OFF and after installing new power pack battery in VVPAT, control unit should be switched ON. Control Unit should not be switched ON without installing power pack in VVPAT.
- In case there is any other error, like “Paper Low” error, the VVPAT will stop printing and the error shall be displayed on the VSDU. **In such case the VVPAT unit is to be replaced. No mock-poll is required to be taken.** Therefore, if VVPAT has not printed the paper slip, or the printed paper slip has not been cut, the last voter whose paper slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT has been replaced. In case the printed paper slip has not been cut and is hanging from the paper roll, no effort should be made to make it fall into the drop box. It should be allowed to remain hanging as it means that the vote has not been recorded in Control Unit and as it is not to be counted at the time of counting of the printed-paper slips. The details of such an occurrence should be clearly recorded in the Presiding Officer’s dairy in the following format: -
 - The date and time of the occurrence.
 - The name of the voter and his serial number in the part in the electoral roll, who was allowed to cast his vote after replacement of VVPAT.
 - Whether the voter cast his vote after replacement of VVPAT or went away without casting his vote.
 - The Total number of votes cast before the occurrence.

In case of contingencies, the Presiding Officers may also refer to **Annexure-III** for solutions.

3. COUNTING AND STORAGE OF VVPAT PAPER SLIPS

3.1 APPLICATION FOR VVPAT PAPER SLIPS COUNTING

After announcement of result sheet entries, any candidate, their election agent or their counting agents may apply in writing to the RO to count the printed VVPAT paper slips in any or all polling stations. If such application is made, the RO shall pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO shall give due consideration to the following:

- Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate making the application
- Whether EVM had a problem and was replaced at that polling station during poll
- Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll.

3.2 ARRANGEMENTS FOR COUNTING OF VVPAT PAPER SLIPS:

- One of the Counting Tables inside the Counting Hall shall be earmarked by the Returning Officer as VVPAT Counting Booth (VCB) for Counting of VVPAT Paper Slips.
- VCB shall be enclosed in a wire-mesh just like a Bank Cashier Cabin, so that no VVPAT paper slip can be accessed by any unauthorised person.

3.3 PROCEDURE TO COUNT VVPAT PAPER SLIPS:

If the RO decides to count the printed paper slips of any polling station(s) on an appeal for recounting of any polling station(s), the following procedures shall be strictly followed:

Step-1:

- For keeping VVPAT Paper Slips taken out from the Drop Box of the VVPAT, a sufficiently sized container with lid, of dimensions 14 inch X 10 inch X 5 inch (length x breadth x height), to easily accommodate around 1400 Printed Paper Slips, shall be kept on the table of VCB. This Container should be made of sturdy transparent material like plastic etc. Sample images of the Container are available in Annexure- VIII
- For keeping VVPAT paper slips of the respective candidates, a Pigeonhole Framework shall be prepared in advance according to the number of candidates including NOTA, with one additional pigeonhole for keeping self-test slips of the VVPAT, and shall be kept on the table of VCB.
 - The minimum number of Pigeonholes in the Framework must be equal to the number of candidates plus 2 (two).
 - The size of each compartment (Pigeonhole) must be atleast 6 inch X 4 inch X 4 inch (length x breadth x height).
 - The pigeonhole structure should be made of sturdy transparent material like plastic etc, having a fixed base, to prevent any VVPAT paper slip from slipping underneath.
 - The symbol of each contesting candidate as per the Ballot Paper should be affixed on the wall of the pigeonhole allotted to the particular candidates. The symbol should be printed

in black and white on a plain paper of minimum size 4inch X 3 inch. Sample images of the Pigeonhole Framework are placed in Annexure-VIII.

- At least 100 Rubber bands for making bundles of 25 VVPAT paper slips.

Step-2:

- The VVPAT unit(s) of the respective polling station(s) should be brought to the VCB one by one, as the case may be.
- In case a VVPAT unit was replaced during poll at that polling station, all the VVPAT units used at that polling station should be brought to the VCB.

Step-3:

- The printed paper slips shall be taken out from all the VVPATs used at the polling station, before beginning the counting of VVPAT paper slips for that polling station.
- Before taking out the VVPAT Paper Slips from the drop box, the address tag(s) of the drop box shall be crosschecked to ascertain that the VVPAT pertains to the respective polling station.
- The VVPAT Paper Slips taken out from the Drop Box of the VVPAT shall be first kept in the container as per specification at step-1 (i).
- After taking out the VVPAT paper slips from Drop Box, the Counting Supervisor shall ensure that no VVPAT paper slip is left inside the VVPAT drop box and show the empty drop box to the counting agents.
- In case a VVPAT unit was replaced, it may so happen that an uncut fully or partially VVPAT paper slip is hanging and has not got cut and dropped in the drop box and still connected to the paper roll. This uncut VVPAT paper slip should not be torn and should not be counted because the vote is not recorded electronically in the CU unless the VVPAT paper slip is cut. In such an event, the last voter whose VVPAT paper slip was not cut would have been given an opportunity to cast his vote after replacement of VVPAT and the VVPAT paper slip of the vote cast by him shall be in the next VVPAT used in that polling station.
- The drop box of the VVPAT will also have VVPAT slips of self-test report. These are easily identified, as they do not have either the name or the symbol of any candidate. These self-test report slips are to be preserved along with the VVPAT paper slips as part of the record but they are not to be counted.

Step-4:

- The VVPAT paper slips should be segregated one-by-one and put in respective pigeon holes after showing each slip to the Counting Agents. The paper slips bearing self-tests report shall also be segregated and put in a separate pigeonhole provided for the purpose.
- Bundles of 25VVPAT paper slips of respective candidates shall be prepared for counting purpose.
- VVPAT Paper Slips shall then be counted by the counting staff.
- Result of the VVPAT paper slips count shall be prepared in the format as per **Annexure-VII** and attached to Part-II of Form 17-C.
- The result of the count of VVPAT paper slips shall be announced loudly in the counting hall and shown to the counting agents.

- As per Rule 56D(b) of the Conduct of Elections Rules 1961, if there is any discrepancy between EVM count and paper slip count, the paper slip count shall prevail. Hence, if there is discrepancy between the count of votes displayed on the Control Unit and the count of printed-paper slips in respect of that Polling Station, the result sheet will be amended as per the printed-paper slips count.

Step-5:

- After completion of counting of VVPAT paper slips, the bundles of all the VVPAT Paper Slips shall be kept back in the Drop Box of the respective VVPAT and door of the Drop Box shall be sealed using address tags.
- The candidate(s)/their agents may also be allowed to affix their signature with party abbreviation on the Address Tags.

3.4 STORAGE OF EVMs & VVPATs AFTER COUNTING OF VOTES:

After completion of counting of votes, EVMs and VVPATs containing printed paper slips in its Drop box, shall be kept in the same strong room without removing Power Packs of Control Units and Power Packs and Paper Rolls of VVPATs.

- The Strong room shall not be opened till completion of Election Petition (EP) period i.e. till EP list is received from respective High Court.
- After completion of Election Petition Period, the exact EP position should be ascertained from High Court concerned before opening the strong room.

3.5 STORAGE OF VVPAT PAPER SLIPS AFTER EXPIRY OF PERIOD OF FILING OF ELECTION PETITIONS:

After expiry of the period of filing of Election Petitions (EPs) i.e. 45-days from the date of declaration of result, District Election Officers shall ascertain the position of EP from the concerned High Court. After obtaining the status of EP from the High Court concerned, the following action shall be taken:

- Every VVPAT used in an election and kept in the custody of the District Election Officer shall be kept untouched, under the standard protocol of security, till confirmation of Election petition position from the High Court concerned after the completion of the period for filing Election Petition i.e. 45 days from the date of declaration of the result.
- In the case of elections, where no election petition has been filed or no other court cases are pending, after the aforesaid period, the VVPATs shall be available for use in any future election or any other purpose like training, awareness, movement, physical verification etc.
- Before moving any VVPAT, printed paper slips shall be taken out from Drop-box of the VVPATs as per procedure mentioned below:
 - A Notice informing the opening of Strong Room having VVPATs shall be given to the representatives of all political parties in writing at least 48 hours in advance, requesting them to remain present at the time of opening of strong room.
 - The strong room shall be opened in the presence of the District Election Officer and representatives of Political Parties.
 - Remove the Power Packs of Control Units and Power Packs and Paper Rolls of VVPATs.

- The VVPAT paper slips shall be taken out from the Drop Box of VVPAT and kept in a paper envelope made of thick black paper, sealed using red wax under the seal of DEO. Name of election, number and name of assembly constituency, particulars of polling station, unique serial number of the VVPAT unit, date of poll and date of counting shall be mentioned on the envelope containing printed paper slips.
- The envelopes containing VVPAT paper slips shall be kept with all other statutory documents relating to that election till the statutory time limit.
- Thorough checking of officials deputed for the removal of VVPAT paper slips and their sealing must be ensured. All pockets need to be emptied before entering the Sealing Room/Strong Room and thorough checking of officials leaving the sealing room should be done in addition to DFMD/Metal Detector Checking.
- Once the VVPAT paper slips have been taken out, the VVPATs must be kept in their separate designated warehouse. VVPAT should not be kept in the same warehouse where EVMs are stored.
- To ensure there is no deliberate attempt to remove any paper-slips from sealing room/strong room, the entire process should be conducted under high quality CCTV recording/videography.
- In case of any election **where election petition has been filed**, the following action shall be taken:-
 - If the EVMs or Counting of Votes are the subject of the election petition, the EVMs and VVPATs used at all Polling Stations in the constituency concerned shall continue to be kept in the safe custody of the District Election Officer, till such time the Election Petition is finally disposed of by the Courts.
 - If the EVMs or counting of votes are not the subject of the election petition, an application may be moved to the concerned Court for allowing the EVMs & VVPATs concerned to be taken out of the strong room for any future election or any other purpose like movement, physical verification etc.
 - In case VVPATs not involved in any Election Petition/Court Case are stored with the VVPATs involved in Election Petition/Court Case, the following procedure shall be followed for segregating the VVPATs not involved in any election petition/court case from the VVPATs involved in EP/Court case:-
 - A Notice informing the opening of Strong Room having VVPATs involved in EP/Court Case as well as non-EP VVPATs, shall be given to the petitioners/respondents of the EP/Court Case and the representatives of all political parties in writing at least 72 hours in advance, requesting them to remain present at the time of opening of strong room.
 - The strong room shall be opened in the presence of the District Election Officer, Petitioners/respondents of the EP/Court case and representatives of Political Parties.
 - The VVPATs not involved in any EP/Court Case shall be segregated from the VVPATs involved in EP/Court Case for taking out of the strong room. A list of VVPATs being so taken out from the strong room shall be prepared.
 - The VVPATs, which are not involved in any EP/Court Case, should only be taken out of the Strong room.

- The procedure mentioned above shall be followed for taking-out power packs, paper rolls and the printed paper slips from all such VVPATs, following which the VVPATs are available for any subsequent deployment/use.
- The entire process shall be videographed and videography must be preserved for record.



Voter Verifiable Paper Audit Trail (VVPAT)

The VVPAT enables the voter to physically verify the vote cast on the EVM. It consists of the Printer Unit to print the voter's selection and the VSDU (VVPAT Status Display Unit) to display the error messages of VVPAT during poll.

The VVPAT prints the selection of the voter on a 10cm X 5.6 cm long slip of paper called Ballot Slip. The ballot slip will display:

1. The serial number of the candidate
2. The name of the candidate
3. The corresponding symbol

The paper slip is displayed behind a transparent window for seven seconds before it is automatically cut and collected in the sealed Ballot compartment below. The VVPAT battery and paper roll are designed for printing minimum 1500 Ballot slips for each election.



Fig. 1

VVPAT Components

The VVPAT system consists of following accessories.

1

VVPAT UNIT

The VVPAT printer prints the ballot slips and collects them in a secure sealed box. The VVPAT comes with an attached cable which is used to connect to the CU.

Connector with Red/Black latch



2

VVPAT STATUS DISPLAY UNIT (VSDU)

VVPAT Status Display Unit (VSDU) is used to indicate the VVPAT system status to the Presiding officer. The VSDU displays PRINTER ERRORS, LOW BATTERY and also the suggested action to be taken.

Connector with Blue/Green latch



3

INTERCONNECTING CABLE TO VSDU

The Interconnecting Cable connects the VSDU to the VVPAT unit

VVPAT Unit with 5 meter cable (to connect to CU)



4

BATTERY PACK FOR VVPAT

A Battery Pack for running the VVPAT is inserted at the appropriate compartment in the VVPAT unit

Battery pack for the VVPAT unit



5

PAPER ROLL

Paper Roll for Printing of Ballots

Thermal Paper Roll



6

CARRY CASE

A Strong Case to carry the whole VVPAT system in a secure way

VVPAT Carring Case



VVPAT Operation

*Commissioning of VVPAT by Presiding Officer (PO)
at Polling Station on day of poll*

STEP 1

Preliminary Checks

1. At the polling station, remove the VVPAT and VSDU with cables carefully from carrying case
2. Check for proper condition of the VVPAT unit, VSDU unit, connecting cables and connectors
3. Sealing should be intact for paper roll compartment.
4. Check and ensure that the ballot compartment is empty. All paper slips or ballot slips should be removed from inside the compartment.

STEP 2

VVPAT setup and connection with EVM System

- Place CU & VSDU and BU & VVPAT as per (Fig.1)
- Connect the VVPAT unit with EVM system as per steps below
- Close cable compartments after connecting the cables



All connection of EVM & VVPAT shall be done only in Power off condition.

STEP 3**Mock Poll Procedure**

To conduct a Mock Poll at polling booth follow the below process

SETUP

1. Power ON the CU.
2. ON lamp will glow on CU and VVPAT.
3. VVPAT prints Power ON Self Test (POST) slip. The POST slip is seen through the window and cuts and falls down.
4. In case of any error in the VVPAT, corresponding error is printed in the POST slip. In case POST slip does not cut, replace VVPAT with good one
5. Now the EVM – VVPAT system is ready for voting process.

Ballot Unit Ready for Voting



Red Light Indicates Register of Vote

**MOCK VOTING**

Follow the standard mock poll procedure for CU/BU as per the EVM instruction booklet.

1. The ballot process is initiated and each polling agent is allowed to vote for the candidate of choice.
2. VVPAT prints the ballot slip containing the serial number of the candidate, name of the candidate and corresponding party symbol.
3. The printed slip is held for 7 seconds and then cut and subsequently falls into the ballot collection drop box.
4. Repeat this ballot process by voting for each contesting candidate and verify the correctness of the printed ballot slips.
5. Keep a careful manual record of the votes polled in respect of each candidate.
6. Press the CLOSE button on CU.



Voter Sees Candidate Name, Number & Symbol Printed



At least 50 votes should be cast during mock poll

MOCK POLL VERIFICATION

1. Press the RESULT button on CU and manually record the result data displayed by CU.
2. Press the CLEAR button on CU and observe TOTAL should be zero in the CU.
3. Switch OFF the CU.
4. Open the ballot compartment door of the VVPAT and collect the VVPAT ballot slips.
5. Segregate these ballot slips as per the party symbol and record the result of the counted slips. Keep aside the POST slip(s).
6. Compare the VVPAT result data with the CU result data. Both must tally candidate wise.
7. After ensuring the correctness of the EVM-VVPAT system, remove the mock poll printed ballot slips and store separately.



Fill mock poll certificate carefully and correctly



Ensure that the ballot compartment is empty before actual poll.

STEP 4

Sealing of ballot slips compartment after mock poll

- The presiding officer should ensure that the ballot slips compartment of VVPAT is empty and does not contain any paper slips.
- The presiding Officer is required to seal the ballot slips compartment door in presence of polling agents. Sealing procedure is same as followed for the CU.

STEP 5**Actual Poll Procedure**

After ensuring that all seals are in proper condition and that the CU, VSDU, BU and VVPAT are placed as in Fig 1, power ON the CU.

- The presiding officer should ensure that the VVPAT should be in ON condition by checking the power ON LED.
- Continue the actual polling as per the standard procedure in the case of EVM.
- Polling officer shall be monitoring the Status of VVPAT through the VSDU messages.
- If the VVPAT stops printing and shows error in the VSDU the VVPAT Unit should be replaced by another VVPAT Unit. The voter should be asked to vote again on the replaced system.



In the event of any failure in the VVPAT the unit should be replaced with a good one.



In case of 'LOW BATTERY' indication by VSDU the battery Should be replaced by a new one.

STEP 6**Closing of Poll Procedure**

After completion of actual poll take the following steps

1. Press the close button on CU.
2. Switch OFF the CU.
3. Disconnect the VVPAT cable connected to CU.
4. Disconnect the VSDU cable connected to VVPAT
5. Disconnect the BU cable connected to VVPAT.

STEP 7**VVPAT Packing Instructions before
dispatch to strong room/counting center**

1. Keep VVPAT with its cable and VSDU with its cable in the VVPAT carrying case.
2. Care should be taken while winding of VVPAT and VSDU cables.
3. Seal the carrying case in the presence of Presiding Officer and polling agents.


**Election Commission of India**





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HOW TO CAST YOUR VOTE

USING EVM & VVPAT



- 1 ENTER THE BOOTH**

 The Presiding Officer will enable the ballot Unit while you enter the polling compartment.
- 2 CAST YOUR VOTE**

 Press the Blue Button on the Ballot Unit against the name /symbol of candidate of your choice.
- 3 SEE THE LIGHT**

 The red light against the name /symbol of candidate chosen will glow.
- 4 SEE THE PRINT**

 The Printer will print a ballot slip containing Serial Number, Name and Symbol of the chosen Candidate as shown.
 This ballot slip will be visible for seven seconds after which it will be cut and dropped in the printer's drop box and a beep will be heard.

See the print through the glass, as the printout will not be given to you

NOTE!
If you do not see the ballot slip and hear the loud beep please contact the Presiding officer.

ELECTION COMMISSION OF INDIA www.eci.nic.in

HANDLING OF CU-BU-VVPAT FAILURES/ERRORS DURING POLL**PREPARATION OF POLLING OFFICIALS FOR FAULT HANDLING-SUGGESTIONS**

Certain contingencies may arise during the polling process which may require certain actions. These are as follows: -

- a. **In case the CU or the BU does not work properly:** (i) Switch off the CU and don't switch it on again (ii) Replace the complete set of EVM and VVPAT by another set of BU, CU and VVPAT (iii) Continue the poll with the new EVM set.
- b. **In case Display Panel of the CU displays "Link Error":** (i) Check that the cable connections are proper by visual inspection (don't remove and reconnect the connectors); (ii) If "Link Error" still persists, replace the complete set of EVM and VVPAT.
- c. **In case the VVPAT Status Display Unit (VSDU) displays "Error Code-1Replace Battery":** Switch off the CU and replace the Power Pack of VVPAT printer. *It should be ensured that in no case replacement of power pack is done without switching off the CU.*
- d. **In case the VSDU displays "Error Code – 2 Replace Printer" and the Presiding Officer has not pressed the BU enable button:** Switch off the CU and replace the defective VVPAT unit with the new VVPAT unit. *It shall be ensured that in no case replacement of VVPAT unit is done without switching off the Control Unit.*
- e. **In case the Presiding Officer has pressed BU enable Button and the Voter has pressed the Candidate Button of the Ballot Unit and complains that 'Paper Slip' has not been printed or the Paper Slip printed by the VVPAT unit has not been cut and hanging against the display window then:** (i) If the busy lamp of the CU is not glowing and no Message/Error is displayed on VSDU, the complaint should be considered as baseless and rejected; (ii) If busy lamp is glowing on the CU and no Message/Error is displayed on VSDU, the Voter shall be requested to go into the Voting Compartment once again and press the Candidate Button on BU of his choice; (iii) If busy lamp of the CU and VSDU are glowing and VSDU has no display message, please switch OFF the CU and replace the VVPAT unit. (iv) The last voter whose paper slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT unit has been replaced.

Please keep in mind that the vote is not recorded in the CU electronically unless the paper slip has been printed and cut by VVPAT. If VVPAT has not printed the paper slip, or the printed paper slip has not been cut, the last voter whose paper slip has not been printed by VVPAT or has not been cut should be allowed to cast his vote after the VVPAT unit has been replaced.

- f. **In case the printed paper slip has not been cut and is hanging from the paper roll:** Replace the Printer, but no effort should be made to make it fall into the drop box. It should be allowed to remain hanging, as it is not to be counted at the time of counting of the ballot slips. The details of such an occurrence should be clearly recorded in the Presiding Officers diary in the following format:

- i. The date and time of the occurrence.
 - ii. The name of the voter and his serial number in part in the electoral roll who was allowed to cast his vote after replacement of VVPAT.
 - iii. Whether the voter cast his vote after replacement of VVPAT or went away without casting his vote.
 - iv. The Total number of votes cast before the occurrence.
- g. In case a voter alleges after recording his vote that the printed paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for:** Action should be taken as per provisions of Rule 49MA of the Conduct of Elections (Amendment) Rules, 2013:
- (i) Obtain a declaration from the complainant in the Declaration Form (**Annexure-VI**) under his/her signature/thumb impression; (ii) Proceed to the voting compartment along with the complainant and polling agents present in the polling station at that moment; (iii) The voter shall be asked to cast a test vote in favour of any candidate and make second entry related to that elector in the Form-17A; (iv) Observe carefully whether the Printer has printed the paper slip correctly; (v) If the complaint of the elector is found genuine, the Presiding Officer shall report the facts immediately to the RO and stop further polling at the station; (vi) If the complaint of the elector is found false, make a remark to that effect against the second entry relating to that elector in Form-17A mentioning the serial number and name of the candidate for whom such test vote has been recorded and obtain the signature or thumb impression against such remark. Further make necessary entries regarding such test vote in item 5 in Part-I of Form 17-C.

CHECK LIST OF ADDITIONAL ITEMS OF POLLING MATERIALS TO BE PROVIDED TO THE POLLING PARTY

- | | | |
|---|---|-----------|
| 1. Voter Verifiable Paper Audit Trail (VVPAT) Printer Unit | : | 1 No. |
| 2. VVPAT Status Display Unit (VSDU) | : | 1 No. |
| 3. Carrying Case for the VVPAT system | : | 1 No. |
| 4. Envelope made of thick black paper
(For sealing printed paper slips of Mock Poll) | : | 2 Nos. |
| 5. Plastic Box for Black Paper Envelope Sealing | : | 1 No. |
| 6. Pink Paper Seal for sealing Plastic Box | : | 2 Nos. |
| 7. Form of declaration by elector under rule 49MA
of the Conduct of Elections Rules | : | 10 copies |

Mock Poll Certificate

This is certified that I, Presiding Officer at the Polling Station No.....ofAssembly Constituency (or theAssembly segment underParliamentary Constituency) conducted the mock poll at AM today, the poll day i.e.(date), following scrupulously all the instructions issued by the Election Commission of India, using –

CU of Serial No. (as printed on back-side of the CU).....

BU of Serial No. (as printed on back-side of the BU).....

VVPAT Unit of Serial Number (if used).....

1. A total of votes were cast for each candidate and also for NOTA.
2. It was verified that the LED light was getting lit up against the correct candidate/NOTA button, when the button was pressed and beep sound was properly heard.
3. The candidate-wise detail of votes polled during mock-poll and result displayed, is as under:

S. No.	Name of the Candidate	Number of votes cast during mock poll	Number of votes displayed in CU on checking the result	Number of Printed Paper Slips, as per counting on checking mock poll result (if VVPAT used)	Votes Cast and Result displayed & Printed Paper Slip count (if VVPAT used) Tallied with each other (YES/NO)
	NOTA				
Total					

4. **I have cleared the memory of the EVM and also removed the printed paper slips of VVPAT after the mock poll and verified that the memory has been cleared, by pressing the Total button and seeing the Total is shown as '0'.**
5. At the time of mock poll the following polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.

6. Poll Start Date and Time seen on the display of CU at the time of start of actual poll..... (To be filled in case of Post-2006 EVMs).

Sl.No.Name of Polling AgentName of PartyName of candidate Signature of PollingAgent

- 1.
- 2.
- 3.
- 4.
- 5.

or

At the time scheduled for mock poll no polling agent was present/the agent of only one contesting candidate was present. After waiting for fifteen more minutes, I conducted the mock poll along with other polling staff atAM.

Signature of Micro-Observer (if posted at the polling station)

Date:

Time:
Officer

Name & Signature of the Presiding

Polling Station No.....

Polling Station Name.....

General/Bye-Election to.....

Sl. No. and Name of Parliamentary/Assembly Constituency.....

No. and Name of Polling Station.....

FORM OF DECLARATION BY ELECTOR

UNDER RULE 49MA OF CONDUCT OF ELECTIONS RULES, 1961

1. I hereby solemnly declare and affirm under sub-rule (1) of Rule 49 MA of the Conduct of Elections Rules 1961 that the paper slip generated by the printer attached to the Balloting Unit has shown the name and/or symbol of a candidate other than the candidate for whom I voted by pressing the concerned blue button against the name and symbol of the candidate of my choice on the Balloting Unit. I am ready to cast a test vote again to show that the allegation made by me is true and bonafide.

(2). I am aware of the penal provisions of Section 177 of the IPC that I shall be liable to be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, if the declaration given by me in para 1 above to the Presiding Officer appointed under Section 26 of the RP Act, 1951 is found to be incorrect.

Signature/Thumb impression of the Elector

Name of the Elector.....

Father/Mother/Husband's Name.....

Part No. of elector roll.....

Sl. No. of elector in that Part.....

Sl. No. in Register of Voters (Form 17A).....

Dated.....

Certified that the above declaration was made and subscribed by the elector above named before me.

Signature of the Presiding Officer

.....

Dated.....

ANNEXURE TO PART-II OF FORM 17-C

RESULT OF PRINTED PAPER COUNT

Polling Station No. _____

Unique ID of VVPAT : _____

Sl.No. of candidate	Name of candidate	Number of votes as per count of Printed Paper Slip of VVPAT	Number of test votes to be deducted as per item 5 of Part I	Number of valid votes. (3-4)
(1)	(2)	(3)	(4)	(5)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

 Total

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.(YES/NO)

Place.....

Date.....

Signature of Counting Supervisor

Name of candidate/election agent/counting agent

Full signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

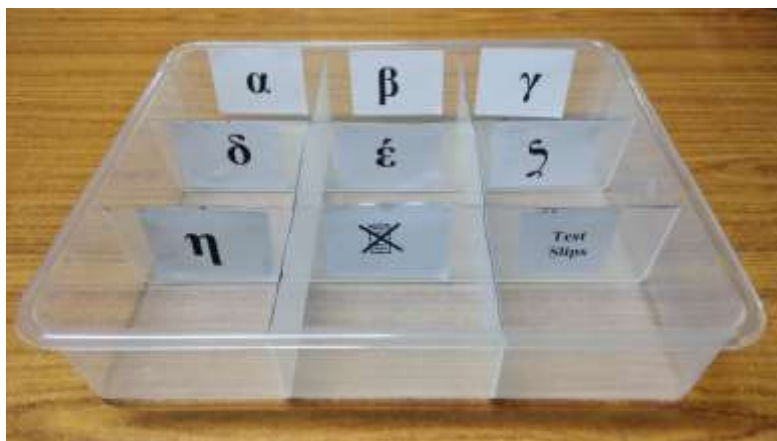
 Place.....

Date.....

Signature of Returning Officer



Sample Container -14 inch X 10 inch X 5 inch (length X breadth X height)



Sample Pigeonholes (Size of each compartment 6 inch X 4 inch X 4 inch)

INSTALLATION OF PAPER ROLL IN VVPAT

- a) Open the Paper Roll compartment by opening the side latches and by lifting the top cover. Observe the Paper Roll Compartment which holds the Paper roll.
- b) Remove “Spindle” from its position by pulling towards upward direction.
- c) Insert “Spindle” into “Thermal Paper Roll”.
- d) Place the “Thermal Paper Roll” with “Spindle” into its position (i.e Paper Roll compartment) and press it towards down.
- e) Insert “Thermal Paper Roll” edge into the “Guide -Paper Entry”. Ensure that the plain paper should be on the top surface and the printed band should be on the lower Surface of the Paper.
- f) Move the paper into the slot by rotating the paper feed knob clockwise.



Paper Roll Installation steps

// True Copy //

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 22074 of 2017**

=====

SHAILESHKUMAR NAGJIBHAI PANSURIYA....Petitioner(s)

Versus

ELECTION COMMISSION OF INDIA & 2....Respondent(s)

=====

Appearance:

MR BHARAT T RAO, ADVOCATE for the Petitioner(s) No. 1

MR AMIT SHARMA WITH MR. SAHIL M SHAH, ADVOCATE for the
Respondent(s) No. 1

MS MEGHA JANI WITH MR. SAHIL M SHAH, ADVOCATE for the
Respondent(s) No. 2

=====

CORAM: **HONOURABLE MR.JUSTICE AKIL KURESHI**

and

HONOURABLE MR.JUSTICE A.Y. KOGJE

Date : 12/12/2017

ORAL ORDER

(PER : HONOURABLE MR.JUSTICE AKIL KURESHI)

1. This petition is filed for a direction to the Election Commission of India to make it mandatory to count all VVPAT slips alongwith the counting of votes through EVMs in the on-going State Assembly elections. The petitioner is a resident of the State and is concerned about the purity and proper conduct of such elections. His prime concern is that there is clear and distinct possibility of tampering the recording of votes in EVMs. In order to ensure conduct of free and fair elections and to eliminate any such possibility as also to remove any doubts in the minds of public, the Election Commission of India should ensure that all slips secured in the boxes through VVPATs should be

subjected to counting parallelly with the electronic counting through EVMs. In this regard, the petitioner points out that the Election Commission of India has issued a press release dated 20th May, 2017 in which it was declared that:

“The Commission will count VVPAT slips up to a definite percentage, which will be determined by the Commission. The ECI will shortly evolve an appropriate framework in this regard. “

2. The Counsel for the petitioner during the previous hearing on 7th December, 2017 had submitted that if not all the paper slips at least 25% of the votes should be counted through VVPAT to ensure total transparency. It was also submitted that despite the declaration of Election Commission made in the press release dated 20th May, 2017 no framework for counting a certain percentage of votes through VVPAT was set up. We had while issuing notice to the Election Commission of India on 7th December, 2017 in our order highlighted this aspect.

3. In response to the notice the Election Commission has appeared through legal representatives. We have heard learned Advocates for both the sides. Shri B.T.Rao for the petitioner highlighted that there have been complaints about the functioning of EVMs during the first phase of voting which took place on 9th December, 2017. He submitted that complaints have been received suggesting that the EVMs can be connected to the mobile phones through Bluetooth leaving a possibility of tampering. He pointed out that on 08th December, 2017 the Election Commission of India issued guidelines providing for counting of votes through VVPAT in one booth of every constituency selected on random basis. However, according to the Counsel this would not provide sufficient safeguard against possible tampering and manual counting should be ordered at least in 25% of the booths of every constituency.

4. On the other hand learned Counsel for the Election Commission of India opposed the petition contending that the Election Commission has taken all possible steps to eliminate any mistake, mischief or foul play during the conduct of elections and at the time of counting of votes. The booth to be selected for manual counting would be on random basis. This would be in addition to the discretionary powers of the Returning Officer to order manual counting in terms of Rule 56D of the Conduct of Election Rules, 1961. The Counsel submitted that similar issues were raised before the Supreme Court in Writ Petition (Civil) No. 983 of 2017. The Supreme Court while disposing of the petition by an order dated 30.10.2017 refused to interfere with the discretionary powers of the Election Commission of India. Counsel pointed out that prior to 8th December, 2017 also the Election Commission of India had taken a conscious decision to order manual counting in one polling station per Assembly Constituency randomly selected which was circulated to the Chief Electoral Officers of the Gujarat and Himachal Pradesh States under a communication dated 11th October, 2017. More detailed guidelines in this respect were issued under further communication dated 13th October, 2017.

5. Having heard the learned Advocates for the parties and having perused the materials on record we may at the outset clarify that we confine our observations and conclusions to the limited purpose of meeting with the petitioner's request for ordering full or at least substantial percentage of the votes through manual counting during the on-going State Assembly Elections. We do not involve ourselves in the larger issues and controversies for the simple reason that this petition has been filed at a somewhat belated stage where the election machinery in the State was in full swing and the first available opportunity for the Court to peruse and examine the grievances of the petitioner arose on 7th December, 2017 when the first phase of polling in

the State was scheduled on 09th December, 2017. Even otherwise, an issue as serious and sensible as this cannot be summarily and permanently closed.

6. With these preliminary comments we may recall that the system of Voter Verifiable Paper Audit Trail now deployed by the Election Commission of India in the State elections for all polling stations in every constituency, would trace its genesis to the judgment of the Supreme Court in the case of **Subramaniam Swamy v. Election Commission of India** reported in (2013) 10 Supreme Court Cases 500. In the said judgment the Court had made following concluding remarks:

“27. Though initially ECI was a little reluctant in introducing the “paper trail” by use of VVPAT, taking note of the advantage in the system as demonstrated by Dr. Subramaniam Swamy, we issued several directions to ECI. Pursuant to the same, ECI contacted several expert bodies, technical advisers, etc. They also had various meetings with the national and State level political parties, demonstrations were conducted at various places and finally after a thorough examination and full discussion, VVPAT was used successfully in all the 21 polling stations of 51 Noksen (ST) Assembly Constituency of Nagaland. The information furnished by ECI, through the affidavit dated 1-10-2013, clearly shows that VVPAT system is a successful one. We have already high lighted that VVPAT is a system of printing paper trail when the voter casts his vote, in addition to the electronic record of the ballot, for the purpose of verification of his choice of candidate and also for manual counting of votes in case of dispute.

28. From the materials placed by both the sides, we are satisfied that the “paper trail” is an indispensable requirement of free and fair elections. The confidence of the voters in the EVMS can be achieved only with the introduction of the “paper trail”. EVMS with VVPAT system can ensure the accuracy of the voting system. With an intent to have fullest transparency in the

system and to restore the confidence of the voters, it is necessary to set up EVMs with VVPAT system because vote is nothing but an act of expression which has immense importance in a democratic system.

29. In the light of the above discussion and taking notice of the pragmatic and reasonable approach of the ECI and considering the fact that in general elections all over India, ECI has to handle one million (ten lakh) polling booths, we permit ECI to introduce VVPAT in gradual stages or geographical wise in the ensuing general elections. The area, State or actual booth(s) are to be decided by ECI and ECI is free to implement the same in a phased manner. We appreciate the efforts and good gesture made by ECI in introducing the same. For implementation of such a system (VVPAT) in a phased manner, the Government of India is directed to provide required financial assistance for procurement of units of VVPAT."

7. In tune with the decision of the Supreme Court in case of **Subramaniam Swamy (supra)** the Election Commission of India would provide 100% paper-trail through VVPATs on the on-going State elections. In this regard in the press release dated 20th May, 2017, as noted earlier, the Election Commission of India had declared that the Commission would count VVPAT slips up to a definite percentage, which will be determined by the Commission and an appropriate framework in this regard would be evolved by the Commission shortly. The Election Commission of India had there upon issued a communication to the Chief Election Officers of Gujarat and Himachal Pradesh on 11th October, 2017 which reads as under:

"I am directed to intimate that the Commission has directed that in the forthcoming General Election to State Legislative Assemblies of Gujarat and Himachal Pradesh, mandatory verification of VVPAT paper slips of randomly selected 01(one) polling station per Assembly Constituency shall be done on a 'pilot basis'. The above mandatory verification of VVPAT paper slips of 01(one) polling station (randomly selected) will be in

addition to the provisions of Rule 56D of the Conduct of Election Rules, 1961.

Detailed instructions for this purpose will be issued separately.

The above direction of the Commission shall be brought to the notice of all concerned.”

8. Further detailed guidelines in this regard were issued under the communication dated 13th October, 2017 which further provided as under :

“For this ‘pilot’ verification of VVPAT paper slips of randomly selected 01(one) polling station per Assembly Constituency, the following procedure shall be followed:

1. The verification of VVPAT paper slips of randomly selected 01(one) polling station for each Assembly Constituency shall be taken up after the completion of the last round of counting of votes recorded in the EVMs.
2. The random selection of 01(one) polling station per Assembly Constituency shall be done by Draw of lots, by the Returning Officer concerned, in the presence of candidates/ their agents and the General Observer appointed by the Commission for that Assembly Constituency.
3. The draw of lots must be conducted immediately after the completion of the last round counting of votes recorded in the EVMs (Control Units) in the designated counting hall for the particular Assembly Constituency.
4. A written intimation regarding the conduct of draw of lots for the random selection of 01(one) polling station for verification of VVPAT Slips shall be given by the Returning Officer to the Candidates/their election agents well in advance.
5. The following procedure shall be followed for the conduct of draw of lots:

- (a) White colour paper cards of postcard size shall be used for conducting the draw of lots.
- (b) Total number of such paper cards should be equal to the total number of polling stations in the Assembly Constituency.
- (c) The paper cards shall have pre-printed Assembly Constituency number, AC name and date of polling on the top, and the polling station number in the centre. Each digit of the polling station number shall be at least 1" * 1" (1 inch by 1 inch) size and printed in black ink.
- (d) The paper cards to be used for draw of lots should be four-folded in such a way that polling station number is not visible.
- (e) Each paper card shall be shown to the candidate/their agents before folding and dropping in the container.
- (f) The paper cards shall be kept in the big container and must be shaken before picking up 01(one) slip by the Returning Officer.

6. The verification of VVPAT paper slips shall be done in a 'VVPAT Counting Booth' (VCB) specially prepared for this purpose inside the Counting Hall. The booth shall be enclosed in a wire mesh just like a bank cashier's cabin so that no VVPAT paper slip can be accessed by any unauthorized person. One of the Counting tables in the Counting Hall can be converted into the VCB and can be used for normal counting of round-wise EVM Votes before the count of VVPAT slips as per random selection after the completion of round-wise EVM counting.

7. The verification count of the VVPAT paper slips of the randomly selected 01(one) polling station shall be conducted strictly in accordance with the instructions of the Commission on counting of printed paper slips.

8. The Returning Officer shall personally supervise the counting VVPAT paper slips at this booth. The General Observer concerned shall ensure close and careful observation of the entire exercise and ensure strict compliance of the Commission's instructions.

9. The above process shall be fully videographed.

10. After completion of the above process, the Returning Officer shall give a certificate in the annexed format.

The above direction of the Commission shall be brought to the notice of all concerned.”

9. Few things emerge from these communications dated 11th October, 2017 and 13th October, 2017 of the Election Commission of India. First is that on random basis one polling station per Assembly constituency would be selected in which there would be manual counting of votes on the basis of paper slips generated through VVPAT. This would be in addition to the provisions contained in Rule 56D of the Conduct of Election Rules, 1961. The random selection of the polling station for such counting would be done through draw of lots by the Returning Officer in presence of the candidates or their agents and the observers appointed by the Commission. Such lots would be drawn immediately after completion of the last round of counting of votes recorded in the EVMs. Detailed procedure for drawing of lots has also been laid down. The counting paper slips of the VVPATs shall be done in the manner specified. The Returning Officer would personally supervise counting process. The entire process would be videographed. After completion of the process the Returning Officer would give a certificate in a prescribed format which contains necessary details such as number of votes cast as per the EVM, those cast as per the paper slips and discrepancies between the two, if any.

10. Thus the guidelines issued by the Election Commission of India through its latest circular dated 08th December, 2017 are at its best and in addition and in reiteration of its earlier decision circulated through communications dated 11th October, 2017 and 13th October, 2017. The procedure laid down through these communications would ensure

random selection of one polling station per Assembly constituency where the paper slips of VVPAT would be counted and the tally would be matched with the EVM counting. The detailed guidelines would ensure the random selection of the polling station as well as orderly counting of paper slips in presence of the Returning Officer himself, which process would be videographed.

11. This entire procedure would be in addition to the powers of the Returning Officer under Rule 56D of the Conduct of Elections Rules, 1961 which reads as under:

“56D Security of paper trail:-

(1) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule(2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in part or parts, he shall

(a) do the counting in the manner as may be directed by the Election Commission;

(b) If there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form 20 as per the paper slips count;

(c) announce the amendments so made by him; and

(d) complete and sign the result sheet.”

12. Perusal of this Rule would show that in case where the printed paper trail is maintained by the Election Commission during the election the candidate or his election agent or counting agent can apply to the Returning Officer to count the printed paper slips in respect of any polling station or stations under sub-rule (2) or Rule 56D. Upon such application being made the Returning Officer would decide the matter and may allow the application in whole or in part or reject it if it appears to him to be frivolous or unreasonable. Sub-rule (3) or Rule 56D requires that such decision of the Returning Officer would be in writing and contain reasons. Under sub-rule (4) of Rule 56D the conclusions of the Returning Officer granting the request for counting of paper slips are specified. From the materials on record thus it emerges that the guidelines for mandatory counting of paper slips in one polling station per Assembly constituency is in addition to the powers of the Returning Officer under Rule 56D to accept the request of a candidate for counting all the paper slips in as many polling stations as the case for such counting is made out.

13. The mandatory counting of paper slips of a randomly selected polling station is to ensure demonstration of transparency and purity of the conduct of elections even in absence of any complaint or discrepancy being reported whereas Rule 56D would operate in a field where a candidate, his election agent or polling agent satisfies the Returning Officer that the need for counting of paper trail has arisen in one or more polling stations. Specific cases of genuine complaints can be addressed by the Returning officer through exercise of the powers under Rule 56D of the Conduct of Election Rules, 1961. There is no further requirement for enlarging the scope for mandatory counting of paper slips in addition to what the Election Commission in its discretionary powers has specified. Quite apart from the basic

responsibility of conduct of free and fair elections resting with the Election Commission of India with matching powers and duties, the issue was also presented before the Supreme Court in Writ Petition No. 983 of 2017 where the prayers of the petition was as under:

“Issue an appropriate writ, order or direction the respondent to frame appropriate rules, regulations and guidelines for counting through VVPAT paper trails; “

14. In this respect while disposing of the Writ Petition by order dated 30th October, 2017 the Supreme Court had made following observations:

“As far as Prayer (b) is concerned, it is urged by Mr.K.K.Venugopal that guidelines have already been brought by the Election Commission of India. The same is disputed by Mr.Kapil Sibal and Mr.Vivek Tankha, learned senior counsel appearing for the petitioner. We leave it to the discretion of the Election Commission of India, as we are not inclined to enter into the said arena.”

15. In view of the above discussion no direction as prayed for by the petitioner can be granted. Before closing we may observe that there is nothing on record to suggest that the decision of Election Commission of India to go for mandatory counting of paper slips in one polling station in every constituency in any manner, limits or restricts the discretionary powers of the Election Commission of India to enlarge the scope of such manual counting. We are sure and we hope that such a situation does not arise but in the unlikely scenario of discrepancies being reported in number of polling stations which have been subjected to such manual counting it is always open for and the Election Commission will consider manual counting in larger number of polling stations as may be advised.

With these observations the petition stands disposed of.

(AKIL KURESHI, J.)

(A.Y. KOGJE, J.)

SINDHU NAIR



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ITEM NO.65

COURT NO. 355

SECTION III

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.41165/2017

(Arising out of impugned final judgment and order dated 12-12-2017 in SCA No. 22074/2017 passed by the High Court of Gujarat at Ahmedabad)

MOHD. ARIF RAJAPUT

Petitioner(s)

VERSUS

THE ELECTION COMMISSION OF INDIA NIRVACHAN
SADAN & ORS.

Respondent(s)

Date : 15-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Vivek Tankha, Sr. Adv.
Mr. Aljo K. Joseph, AOR
Mr. S.S. Hooda, Adv.
Mr. Prashant Sivarajan, Adv.

For Respondent(s)

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

Dr. Abhishek Manu Singhvi, learned senior counsel appearing for the petitioner submits that he may be permitted to withdraw the present special leave petition to file a properly constituted petition under Article 32 of the Constitution of India for proper electoral reforms with regard to Voter Verifiable Paper Audit Trail (VVPAT) at the appropriate time, if so advised.

The special leave petition is permitted to be withdrawn.

Signature Not Verified
Digitally signed by
CHETAN KUMAR
Date: 2017.12.16
13:07:49 IST
Reason: []

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

// True Copy //

356

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/VVPAT-INST/2018-EMS

Dated: 13th February, 2018

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: Mandatory verification of VVPAT paper slips- Pilot Testing – regarding.

Sir,

I am directed to state that the Commission has already mandated that VVPATs will be used with EVMs at all polling stations in all future General/Bye-Elections to the Parliament and the State Legislative Assemblies. The Commission conducted **mandatory** verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency on a 'pilot' basis in the recently concluded General Elections to State Legislative Assemblies of Gujarat and Himachal Pradesh, in **addition** to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, and the same has been extended to the ongoing General Elections to the State Legislative Assemblies of Meghalaya, Nagaland and Tripura, on 'pilot' basis.

The Commission has further directed that henceforth, **mandatory** verification of VVPAT paper slips of randomly selected 01 (one) polling station shall be conducted in all future General and Bye Elections to the House of the People and State Legislative Assemblies, in **addition** to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs, as under:

- (a) In case of General and Bye elections to State Legislative Assemblies, verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency.
- (b) In case of General and Bye elections to the House of the People, verification of VVPAT paper slips of randomly selected 01 (one) polling station of each Assembly Segment of the Parliamentary Constituency concerned.

For this mandatory verification of VVPAT paper slips, the following procedure shall be followed:

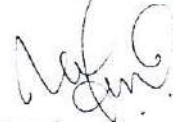
1. The verification of VVPAT paper slips of randomly selected 01 (one) polling station for each Assembly Constituency/Segment shall be taken up after the completion of the last round of counting of votes recorded in the EVMs.
2. The random selection of 01 (one) polling station per Assembly Constituency/Segment shall be done by Draw of lots, by the Returning Officer concerned, in the presence of

- candidates/their agents and the General Observer appointed by the Commission for that Constituency.
3. The draw of lots must be conducted immediately after the completion of the last round of counting of votes recorded in the EVMs (Control Units) in the designated Counting Hall for the particular Assembly Constituency/Assembly Segment.
 4. A written intimation regarding the conduct of draw of lots for the random selection of 01 (one) polling station for verification of VVPAT Slips shall be given by the Returning Officer to the Candidates/their election agents well in advance.
 5. The following procedure shall be followed for the conduct of draw of lots:
 - a. White colour paper cards of postcard size shall be used for conducting the draw of lots.
 - b. Total number of such paper cards should be equal to total number of polling stations in the Assembly Constituency.
 - c. The paper cards shall have pre-printed Assembly Constituency/Assembly Segment number, AC/AS name and date of polling on the top, and the polling station number in the centre. Each digit of the polling station number shall be atleast 1" x 1" (1 inch by 1 inch) size and printed in black ink.
 - d. The paper cards to be used for draw of lots should be four-folded in such a way that polling station number is not visible.
 - e. Each paper card shall be shown to the candidates/their agents before folding and dropping in the container.
 - f. The paper cards shall be kept in the big container and must be shaken before picking up 01 (one) slip by the Returning Officer.
 6. The verification of VVPAT paper slips shall be done in a 'VVPAT Counting Booth' (VCB), specially prepared for this purpose inside the Counting Hall. The booth shall be enclosed in a wire mesh just like a bank cashier's cabin so that no VVPAT paper slip can be accessed by any unauthorized person. One of the Counting tables in the Counting Hall can be converted into the VCB and can be used for normal counting of round-wise EVM votes before the count of VVPAT slips as per random selection after the completion of round-wise EVM counting.
 7. The Verification count of the VVPAT paper slips of the randomly selected 01 (one) polling station shall be conducted strictly in accordance with the instructions of the Commission on counting of printed paper slips.

8. The Returning Officer and Assistant Returning Officer, as the case may be, shall personally supervise the counting of VVPAT paper slips at this booth. The General Observer concerned shall ensure close and careful observation of the entire exercise and ensure strict compliance of the Commission's instructions.
9. The above process shall be fully videographed.
10. After completion of the above process, the Returning Officer shall give a certificate in the annexed format.

The above direction of the Commission shall be brought to the notice of all concerned.

Yours faithfully,



(Madhusudan Gupta)
Under Secretary

CC: Standard Distribution

Annexure

Pilot Testing of verification of paper slips of VVPAT of 01 randomly selected polling station

Name of State:.....
 No. and Name of Assembly/Parliamentary Constituency:.....
 No. and Name of Assembly Segment (in case of PC):.....
 Sl.No. and name of Polling Station:.....
 Unique ID of Control Unit:.....
 Unique ID of VVPAT:.....

It is certify that pilot testing of counting of paper slips of VVPAT of 01 randomly selected polling station has been conducted as per the instructions of the Commission.

Name of Candidate	No. of Votes Cast		Discrepancy if any
	As per EVM	As per Paper Slips	
1.			
2.			
3.			
--			
--			
NOTA			
TOTAL VOTES			

Signature of Counting Agents

1.....

2.....

3.....

Signature of Counting Supervisor

Signature of Returning Officer

Signature of General Observer

// True Copy //

360

ELECTION COMMISSION OF INDIA**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

No. 51/8/VVPAT/2018/EMS

Dated: 8th March, 2018

To

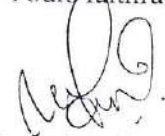
The Chief Electoral Officers of
all States/UTs.Subject: Clarification regarding conduct of mock poll during commissioning of EVMs
and VVPATs- regarding.

Sir,

I am directed to convey that some States have sought clarification whether the process of conduct of mock poll of 1000 votes on 5% randomly selected EVMs during commissioning of EVMs is to be followed in case of VVPATs also or not.

In this regard, it is clarified that during the commissioning of EVMs and VVPATs, mock poll of 1000 votes will be cast in 5% of randomly selected EVMs, as well as VVPATs. The electronic result shall be tallied with paper count. Candidates/their representatives shall be allowed to pick machines randomly for this purpose and also to participate in the process.

Yours faithfully,

**(Madhusudan Gupta)**
Under Secretary

Copy forwarded to

1. The Chairman-cum-Managing Director, Bharat Electronic Limited, Bangalore.
2. The Chairman-cum-Managing Director, Electronics Corporation of India Limited, Hyderabad.

... for information and necessary action.

// True Copy //

361 ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/16/4/2018-EMS

Dated: 18th June, 2018

To

1. The Chief Electoral Officers of
All States/ Union Territories.
2. The Chairman-cum-Managing Director,
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka
3. The Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
Hyderabad, Andhra Pradesh.

Subject: First Level Checking of EVMs/VVPATs -- Regarding.

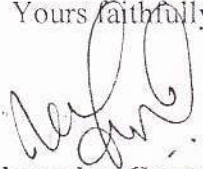
Sir,

I am directed to invite your attention to the Commission's letter Nos. 51/8/16/4/2017-EMS, dated 30th August, 2017, 51/8/3/2018-EMS, dated 1st May, 2018 (*States/UTs to whom M3 EVMs and M3 VVPATs are allocated*), 51/8/16/4/2018-EMS, dated 9th May, 2018 (*States/UTs to whom M2 or M2-M3 VVPATs are allocated*) regarding instructions on First Level Checking of EVMs and VVPATs and to clarify that -

- a. First Level Checking (FLC) of EVMs and VVPATs shall be held separately;
- b. FLC of EVMs shall be started without waiting for complete delivery of VVPATs.
- c. Mock Poll in 5% of EVMs during FLC i.e. mock-poll in 1% of EVMs of 1200 votes, in 2% of EVMs of 1000 votes and in 2% of EVMs of 500 votes shall be done using VVPATs. After the mock-poll, the printed ballot slips of each VVPAT printer shall be counted to compare the result, independent of the electronic result in the CU, and the result of the printed ballot slips shall be tallied with the electronic result of CU. The tally should be shown to the representatives of political parties present in the FLC.

For this purpose, it shall be ensured that atleast 25 VVPATs are made available at each of the districts, where FLC of EVMs is to be conducted.

Yours faithfully,


(Madhusudan Gupta)
Under Secretary

// True Copy //

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By Speed Post/E-mail

Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi – 110001

No. 51/8/16/4/2018 – EMPS

Dated: 28th September, 2018

To

The Chief Electoral Officers of
All States and Union Territories.

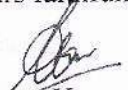
Subject: - First Level Checking of EVM/VVPAT – Timing – reg.

Sir,

I am directed to refer to the Commission's instruction no. 51/8/16/4/2017-EMS dated 30.08.2017 and to state that in addition to the instructions on First Level Checking of EVM/VVPAT given therein, it has been decided by the Commission that the timing of the FLC of the EVM/VVPAT shall be at least from 9 AM to 7 PM on all days including holidays.

Further, you are also requested to ensure that the extant instructions of the Commission regarding proper arrangements to be made for smooth and secure conduct of First Level Checking are strictly adhered to.

Yours faithfully,


(Anoop Kumar)
Secretary

// True Copy //

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ELECTION COMMISSION OF INDIA
 NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/T&A/2018-EMPS

Dated: 09th October, 2018

To

The Chief Electoral Officers of
 All States and Union Territories.

Subject: Taking out EVMS AND VVPATS for Training and Awareness purpose.

Sir/Madam,

In supersession of Commission's instructions No. 51/8/7/2017-EMS, dated 29th September, 2018, on the subject cited, I am directed to state that to ensure proper training and awareness on use of VVPATs with EVMs, the Commission has directed that after First Level Checking (FLC) of EVMs and VVPATs:


- (a) EVMs and VVPATs may be taken out for training and awareness purpose whenever needed even before first randomization subject to an upper ceiling of 10% of the total number of polling stations in the District.
- (b) There shall be no distinction between training and awareness EVMs/VVPATs to utilize maximum number of EVMs/VVPATs for training and awareness purpose inter-changeably.
- (c) Political Parties should necessarily be invited to witness this process from opening of Warehouse and re-sealing of warehouse after taking out the EVMs/VVPATs for training and awareness. Entire process to be videographed.
- (d) The list of such EVMs and VVPATs shall be given to the National and State Recognised Political Parties. This list shall also be shared with the candidates/their agents, as and when they are finalised.
- (e) Schedule of Awareness/Training shall be shared with Recognized National/State Political Parties.
- (f) Standard Operation Procedure (SoP) for Training (including demonstration and awareness program) of EVMs & VVPATs is enclosed at **Annexure-A**.
- (g) A list of probable risk during training & awareness is enclosed at **Annexure-B**
- (h) A sticker of Yellow colour mentioning "Training/Awareness" shall be affixed on such EVMs and VVPATs.

- (i) The abovementioned EVMs and VVPATs shall be stored in a separate designated warehouse, not below the sub-division headquarters level, with proper security and double lock-system, as is done for strong room having FLC-OK EVMs and VVPATs. The keys shall be kept with the two separate officers, nominated by DEO and shall not be below the rank of Tehsildar/Executive Magistrate.
- (j) The DEOs shall be directly responsible for the safety and security of these Training and Awareness EVMs and VVPATs.
- (k) Such EVMs and VVPATs shall be given only to the authorised officials deputed by the District Election Officer concerned.
- (l) The DEO shall ensure that the officials chosen for creation of EVM/VVPAT related awareness/IEC campaign, as well as those nominated for handling these EVMs and VVPATs must be comprehensively trained on the usage and functioning of the EVMs and VVPATs.
- (m) It shall be ensured that after the conclusion of daily training and awareness programs, these EVMs and VVPATs shall be stored in a secure Govt. Office/Govt. building only. If no such Govt. office/Govt. building is available, these EVMs and VVPATs shall be stored in the nearest block/tehsil headquarters under proper security. If there is no arrangement of security, the DEO shall provide the adequate security for these EVMs and VVPATs.
- (n) Proper log book shall be maintained.
- (o) In Assembly Constituencies having 100 or more polling stations, it shall be mandatory for the DEO to ensure that atleast 5% of the EVMs and VVPATs taken out for training and awareness purpose are re-introduced as Poll-day Reserve after de novo FLC, randomization, candidate setting etc carried out as per the extant instructions of the Commission. For Assembly Constituencies having less than 100 polling stations, the number of training/awareness EVMs and VVPATs to be re-introduced in the poll-day Reserve pool may be decided by the DEO as per the specific local requirement. In any case, effort must be made to ensure maximum machines from the training/awareness lot are re-introduced as Poll-day Reserve to optimize the utilization of machines for polls. The list of all such EVMs and VVPATs re-introduced in the Reserve poll shall

be duly shared with the political parties/candidates/their agents under proper acknowledgement.

- (p) It is reiterated that training and awareness EVMs/VVPATs shall be added to poll day reserve, only after following process of FLC, randomizations and Candidate Setting in the presence of political parties/contesting candidates/their agents.
- (q) FLC OK EVMs & VVPATs taken out for the abovementioned purpose, shall be marked 'Training and Awareness' in ETS also so that these EVMs and VVPATs cannot be used for Randomization.

Yours faithfully,


(Anoop Kumar)
Secretary

Copy to:

1. The Chairman-cum-Managing Director, Bharat Electronics Limited, Nagavara, Outer Ring Road, Bangalore-560045, Karnataka.
2. The Chairman-cum-Managing Director, Electronics Corporation of India Limited, Hyderabad, Andhra Pradesh.

SOP for Demonstration and Awareness programme on EVM & VVPAT

The following Protocol shall strictly be followed for Demonstration and Awareness programme on EVM & VVPAT.

- Only "FLC OK" units shall be used for demonstration and awareness campaign.
- It shall be ensured that only dummy Ballot Paper is used in the BU.
- The VVPAT shall have dummy symbols which should match with the symbols of the Ballot Paper.
- Demonstration shall not be given in an open area as the VVPATs have to be shielded from direct sunlight.
- During demonstration/awareness, Ballot Unit and VVPAT shall be kept together so that voters can see the printed paper slip in VVPAT.
- Voters should be explained about the process using EVM with VVPAT and also informed about the use of VVPAT with EVM in elections.
- A Register should be maintained to record votes and signatures of all the participants on daily basis in the demonstration process.
- At the end of demonstration, the electronic result of the CU shall be cleared & VVPAT slips shall be removed from the VVPAT drop box. Further, it has to be ensured that on the next day the same process is repeated.
- Proper Security arrangement shall be made for movement of EVMs/VVPATs and awareness centres.

PROBABLE RISKS

- Non-Uploading of 16 candidates (including NOTA) Dummy Symbols in the 1% VVPATs used for testing with 4-BUs having 64 dummy symbols (including NOTA). Hence, before using for awareness purpose, ensure that VVPAT slips print as per dummy ballot papers.
- Irregularity on use of Dummy Symbols. Hence, before using for awareness purpose, ensure that VVPAT slips print as per dummy ballot papers.
- In case of M3 EVMs, M3 VVPATs should be connected at the time of commissioning of the EVMs otherwise EVM will not accept a VVPAT at a later stage. Hence, for awareness purpose candidate setting in M3 EVMs should be done using Ballot Unit and VVPAT.
- Lock paper roll when transporting the VVPAT from one place to another. Otherwise, VVPAT may go into error mode.
- Do not switch on the VVPAT in broad daylight or directly under a bulb or halogen lamp at the time of awareness as the VVPAT may go into error mode. Hence, ensure that awareness on EVM and VVPAT shall be done in shaded/closed area.
- Do not repeatedly switch ON and OFF the VVPAT as it will deplete the battery as well as paper roll.
- Switch OFF the CU when connecting or disconnecting the EVMs/VVPATs and do not pull the cable for disconnecting.
- Non adherence of SOP on Awareness of EVMs and VVPATs.

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SUPREME COURT CASES

(2019) 2 SCC

(2019) 2 Supreme Court Cases 260

(BEFORE DR A.K. SIKRI AND ASHOK BHUSHAN, JJ.)

KAMAL NATH

.. Petitioner;

a

Versus

ELECTION COMMISSION OF INDIA AND OTHERS

.. Respondents.

Writ Petitions (C) No. 935 of 2018[†] with
No. 1000 of 2018, decided on October 12, 2018

A. Election — Conduct of Election — Voters — Electoral Roll/Voter's List/Voter's Register — Publication of draft electoral roll — Proper format — Discretion of Election Commission — Direction of Election Commission to put only the "Image PDF" of electoral roll in the public domain, affirmed and not interfered with having regard to meaning of words "text mode" and reasons given by Election Commission

b

In order to conduct free and fair elections, Election Commission is duty-bound to protect privacy and profiling of electors. Therefore, prayer of writ petitioner for providing draft electoral roll in searchable PDF format, rejected

c

Cl. 11.2.2.2 of Election Manual does not entitle the petitioner to get the draft electoral roll in the text mode. Manual of Election Law. Cl. 11.2.2.2 "Text mode" — Meaning

(Paras 7, 8 and 17 to 30)

d

B. Election — Conduct of Election — Voting Mechanism: Ballot Paper/ Electronic Voting Machine — Electronic Voting Machine — Claim for VVPAT verification, rejected on basis of decision in *Prakash Joshi*, 2017 SCC Online SC 1734

(Paras 31 to 33)

Held :

The real issue is whether voter list is to be supplied to the political parties in text mode; albeit in PDF form.

(Para 17)

e

No doubt about bona fides of Election Commission — Claim of Election Commission that all necessary steps duly taken

There is no doubt about the *bona fides* of Election Commission. The function of Election Commission is very important and it is supposed to discharge the same with utmost integrity, impartiality and objectivity. In the process of conducting fair elections, Election Commission is also supposed to ensure that only genuine voters cast their votes, that there are no duplicate, fake or incorrect voters and that genuine voters are not left out. Election Commission claims that it has taken all necessary steps in this behalf.

(Paras 18 to 22)

f

Special Reference No. 1 of 2002, In re, (2002) 8 SCC 237, referred to

g

Prayer for supply of documents in text mode, rejected— Rationale for, stated

The document from Wikipedia relied upon by the petitioner relates to "full text search" and not "text mode". Obviously, when the said document explains how "full text search" is to be undertaken, the explanation would be that it is a search engine which examines all of the words in every stored document and

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[†] Under Article 32 of the Constitution of India

KAMAL NATH v. ELECTION COMMISSION OF INDIA (*Dr Sikri, J.*) 261

would provide full text searching techniques as well. However, the absence of the word “search” in Clause 11.2.2.2 of the Election Manual would make all the difference. (Para 27)

a It is rightly explained by Election Commission that PDF documents are primarily of two types/formats, namely:

b “Image-only” or Scanned PDFs — When scanning hard copy documents on MFPs and office scanners, or when converting a camera image, jpg, tiff or screenshot into a PDF, the content is “locked” in a snapshot-like image, without an underlying text layer. Such image-only PDF documents contain just the scanned/photographed images of pages. Image-only PDF files are not searchable, and their text usually cannot be selected, searched or copied.

c Searchable PDFs — In searchable PDFs, a text layer is added to the image layer, usually placed underneath. Such PDF files are almost indistinguishable from the original documents and are fully searchable. Text in searchable PDF documents can be selected, searched and copied. (Paras 28, 28.1 and 28.2)

K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1, *relied on*

Prakash Joshi v. Election Commission of India, 2017 SCC OnLine SC 1734, *followed*

Manubhai Chavada v. Election Commission of India, 2017 SCC OnLine SC 1735, *referred to*

Writ petitions dismissed

SS-D/61292/C

d **Chronological list of cases cited** *on page(s)*

1. (2017) 10 SCC 1. <i>K.S. Puttaswamy v. Union of India</i>	265d
2. 2017 SCC OnLine SC 1735, <i>Manubhai Chavada v. Election Commission of India</i>	270a b
3. 2017 SCC OnLine SC 1734. <i>Prakash Joshi v. Election Commission of India</i>	269d, 269d-e, 270b-c
4. (2002) 8 SCC 237. <i>Special Reference No. 1 of 2002, In re</i>	265g

e The Judgment of the Court was delivered by

DR A.K. SIKRI, J.— Writ Petition (Civil) No. 935 of 2018 is filed by the petitioner, who is the President of the Madhya Pradesh Congress Committee, claiming the following reliefs:

f “(a) issue an appropriate writ, order or direction to the respondents to issue directions for conducting VVPAT verification at least 10% randomly selected polling stations in each assembly constituency/assembly segment to ensure free and fair elections;

g (b) issue an appropriate writ, order or direction to the respondents to publish voter list in text format as per rules, and to expeditiously decide all complaints qua final publication of voter list under Rule 22(1)(c) of the Registration of Electors Rules, 1960 and to prohibit deletion of voters from the voter list without intimation to political parties;

h (c) issue an appropriate writ, order or direction to the respondents to issue fresh guidelines qua VVPAT whilst considering the grounds/issues raised in the present writ petition, including but not limited to random VVPAT checks, mock polls and recounting, quality of thermal paper and printing, collection of paper trails and storage, unique identification

numbers on VVPAT and paper trail collection boxes, transportation of EVMs and VVPAT before and after polls, first level checking (FLC) of VVPAT and posting of officials; and

(d) any such further and other order/orders be passed as may be necessary and deemed fit and proper in the facts and circumstances of the case to subserve the interest of justice.”

2. As can be seen from the aforesaid prayer clause, essentially two reliefs are prayed for. First relief is for issuance of directions for conducting voter verifiable paper audit trail (VVPAT) verification on random basis for 10% of the votes. In the second place, direction is sought to provide to the petitioner soft copies of the draft electoral rolls published on 31-7-2018 in text format; to decide complaints pertaining to voter list expeditiously; and to prohibit deletion of voters from the voter list without intimation to the political parties.

3. In Writ Petition (Civil) No. 1000 of 2018, similar reliefs were pressed. However, the facts as they appear in Writ Petition (Civil) No. 935 of 2018 are taken note of.

4. We would like to place on record, at the outset, that the detailed arguments which were advanced by the petitioner were highly concentrated on the second prayer, that too for providing soft copies of the draft electoral rolls in text format. Insofar as the first relief is concerned, objection was raised by Mr Vikas Singh, learned Senior Counsel appearing for Respondent 1

Election Commission of India (hereinafter referred to as “ECI”), to the maintainability of such a prayer on the ground that this issue has already been dealt with by this Court. We will take note of the respective submissions on this aspect at the appropriate stage. Since, the second prayer has become the bone of contention, in the first instance, we would like to deal with that aspect.

5. The main reason for which the petitioner is seeking direction to the respondents to publish voter list in text format and supply the same is that it is necessitated to ensure that the voter list is properly and fairly drawn, which includes all the eligible voters on the one hand and also excludes the duplicate, fake or incorrect voters. It is stated by the petitioner that he along with senior leaders from the State of Madhya Pradesh submitted a detailed representation on 3-6-2018 highlighting various duplicate, repeat, multiple, illegal, invalid and false entries/voters in the electoral rolls of Madhya Pradesh for Assembly Elections, 2018 and ECI was requested to address the same.

6. As per the petitioner, there is an increase by 40% in numbers of voters vis-à-vis population numbers of electors in the State of Madhya Pradesh since the last Assembly Election i.e. in the last five years. It is contended that if voters/electors with birth year 1991-2001 will attain age of 18 years between 2008-2018, it can be reasonably expected that new voters added in the years 2008-2018 would be similar to the increase in population i.e. 1,18,18,290. However, it is shocking and alarming to see that increase in total number of voters i.e. 1,45,13,404 (more than 40% increase) in the corresponding increase in population during 2008-2018. Therefore, this additional increase over and

above the population increase i.e. 26.95 lakhs of votes in the State of Madhya Pradesh seems inconceivable and incalculable.

a 7. The petitioner, accordingly, made representations to ECI to take appropriate action to rectify the mistakes. ECI sent letter dated 16-7-2018 to the All India Congress Committee (AICC), inter alia, stating that the allegations made in the representation dated 3-6-2018 preferred by the petitioner are not substantiated. At the same time, ECI had also admitted, to the following effect, that there were some duplicate and fake entries in the voter list:

b “(a) INTRA AC — 9664 were found in the repeated entry
(b) INTER AC — 8278 cases were found in the repeated entry
(c) Photo Entries — 2,37,234 photo entries found to be suspicious/unclear/blank photos;”

c 8. The petitioner also submits that ECI has, thereafter, dropped more than twenty-four lakh voters from the voter list of the State of Madhya Pradesh published in January 2018. ECI has also admitted that 2,37,234 photo entries are found to be suspicious, unclear and blank photos. On the aforesaid premise, the petitioner submits that the political parties should be provided voter list in text format so that they are in a position to electronically scan the same and find out whether there are any duplicate or fake voters in the voter list prepared by ECI.

d 9. In support of the aforesaid demand of supply of electoral roll in PDF form in text mode, Mr Kapil Sibal, learned Senior Counsel, referred to Clause 11.2.2.2 of Chapter XI of the Election Manual 2016 which reads as under:

e “11.2.2.2. *Putting draft roll on website.*—Additionally, the draft roll shall be put in public domain, at Chief Electoral Officer’s website, in a PDF format on the same day. The draft roll shall be put on website in a text mode and no photographs would appear against the elector’s details. Instead it would indicate in the box meant for the photograph of elector whether the photograph is available or not.”

f 10. It was argued that as per the aforesaid clause contained in the Election Manual itself, ECI was required to prepare the draft roll in text mode, albeit without photographs. The purpose was to enable the political parties to analyse and scrutinise the data and based thereupon to give any suggestions that are needed or submit objections if it is found that there are duplicate or fake voters. As against the aforesaid mandate, ECI has provided Compact Discs (CDs) containing draft electoral roll published on 31-7-2018 in PDF non-editable form for all 230 constituencies of the State of Madhya Pradesh. Such scanned copies are in fact images and, therefore, inadequate for the purpose of scrutiny wherein data cannot be analysed. It is also stated that in 2013 Assembly Elections in Madhya Pradesh, draft electoral rolls were provided in text mode. Similarly, draft electoral rolls, as published on 31-7-2018 for the State of *g* Rajasthan, have also been provided in text mode. Departure made in the instant case is questioned as unreasonable.

11. ECI has filed a detailed counter-affidavit. It is stated that ECI has put the voter lists on website in text mode and even images on the website are in text mode. However, ECI has taken a conscious decision not to give copies of these voter lists to the political parties in scannable text mode keeping in view the issue of privacy of voters. Various averments in the writ petition are strongly refuted in the counter-affidavit.

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12. ECI has stated that the petitioner had submitted a representation dated 3-6-2018 regarding various duplicate, repeat, multiple entries/voters in the electoral rolls of Madhya Pradesh for Assembly elections. As per the complaint received, 26.76 lakh records were submitted for "Within AC" of 91 constituencies and 26.74 lakh records of "Across AC" of 101 constituencies. All these entries have been verified physically in a door-to-door campaign. In physical verification, 23,67,487 electors were found present, 2,34,596 electors were either deleted already or not found enrolled in the respective constituencies. In 46,859 cases, electors were found to be absent and 16,675 electors were found to be deceased. In all such cases, the action for deletion has already been taken. It is emphasised that only 8728 cases were found in the repeated entry category against which appropriate action has already been initiated as per law.

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13. ECI accepts that during the process of continuous updation from 19-1-2018 to 31-7-2018, there was a net deletion of around 24 lakh entries from the electoral roll and it is also correct that more than 2 lakh photo entries were flagged as being unclear/blank/repeated photos but out of these entries, 1,04,284 entries were found to be valid and only 97,687 entries had to be corrected during the aforementioned continuous updation of the electoral roll. Explanation given is that electoral roll updation is a continuous and ongoing process and ECI as well as the office of the Chief Electoral Officer, Madhya Pradesh are committed to ensuring the purity and correctness of the electoral roll through continuous addition or deletion of names of electors on the basis of door-to-door survey by Block Level Officers (BLOs) and by processing all sort of information gathered through NSVP, CEO website or complaints received through the helpline number (1950), etc.

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14. It is also claimed that ECI has been taking transparency measures in electoral registration. The recognised political parties are supplied, free of cost, two copies (one hard copy in pdf with image of electors and another in soft copy without image of electors) of the electoral roll of the constituencies at the time of draft publication and final publication under the provision of Rules 11(c) and 22(c) of the Registration of Electors Rules, 1960. Further, the unrecognised registered political parties/NGOs/public can obtain soft copy of the electoral roll (without images of electors) in a CD in pdf format on a nominal price of Rs 100 only per CD, containing the electoral roll of an Assembly Constituency, on request. In addition to the above, as per the ECI's existing instructions, image PDF of electoral rolls are published on website of Chief Electoral Officer of the State concerned so as to be placed in the public domain for view of general public. The general public can access such image PDF of electoral rolls through captcha containing alphabet, numeral and special characters.

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a 15. On the basis of the aforesaid averments, Mr Vikas Singh argued that ECI itself does the exercise of de-duplication which was informed to the political parties also in the meeting which was conducted by it. He also submitted with vehemence that representation dated 3-6-2018 of the petitioner was replied on 8-6-2018 wherein it was clearly stated that corrections had already been carried out. According to him, these corrections took place on 25-5-2018 itself i.e. even before the representation dated 3-6-2018 was submitted by the petitioner. It was duly communicated on 8-6-2018. Thereafter, draft voter list was published on 31-7-2018 wherein all the concerns have already been taken care of.

b 16. Highlighting the issue of privacy of voters, it was argued by Mr Vikas Singh that in case voter list is supplied in text form, it will enable data mining of various nature. For this reason, there was a re-look into the matter and ECI had decided to provide the list in image form. It was submitted that Clause 11.2.2.2 of Chapter XI of Election Manual 2016, on which reliance was placed, does not require supply of draft voter list in searchable text mode. In any case, it was only an administrative manual and had no statutory force. This can always be suitably amended by ECI having regard to the exigencies. Therefore, there was a conscious decision in the form of instructions dated 4-1-2018 to supply non-searchable text mode in view of the safety and privacy concerns of the voters. Mr Vikas Singh submitted that right to privacy has now been recognised as a fundamental right in *K.S. Puttaswamy v. Union of India*¹ and it becomes the duty of ECI to take care of that.

c 17. It can be discerned that the real issue is whether voter list is to be supplied to the political parties in text mode; albeit in PDF form. Therefore, our discussion concentrates on this issue.

d 18. There is no doubt about the *bona fides* of ECI. It is a matter of record that in the last 25-30 years, ECI has built up the reputation of an impartial body which strives to hold fair elections. It is a constitutional authority and has been discharging its functions quite satisfactorily. People of this country, by and large, trust this institution for its impartial manner of discharging its functions. That is absolutely essential as well in a democratic polity where "We, the people" elect the representatives to the Legislative Assemblies of the State as well as Parliament at the Centre. It is the will of the people which should be truly translated into reality. In that sense, the function of ECI becomes very important and it is supposed to discharge the same with utmost integrity, impartiality and objectivity. In *Special Reference No. 1 of 2002, In re*², this Court emphasised the importance of Election Commission in the following manner: (SCC p. 298, para 105)

e "105. ... The duty of the Election Commission is to conduct fresh election and see that a democratically elected Government is installed at the earliest and any decision by the Election Commission, which is intended to defeat this very avowed object of forming an elected Government can

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1 (2017) 10 SCC 1
2 (2002) 8 SCC 237

certainly be challenged before the court if the decision taken by the Election Commission is perverse, unreasonable or for extraneous reasons and if the decision of the Election Commission is vitiated by any of these grounds the court can give appropriate direction for the conduct of the election.”

19. In the process of conducting fair elections, ECI is also supposed to ensure that only genuine voters cast their votes. It has to ensure that there are no duplicate, fake or incorrect voters in the voting list prepared by it. It has also to ensure that genuine voters are not left out. Voter list should, therefore, be genuine in all respects. It is for this reason ECI prepares draft voter list. While doing so, it attempts to remove duplicate, repeat or fake voters. It also endeavours to include all genuine voters. This process is not only undertaken with the aid of mechanical devices, namely, computer, etc. but by sending its manpower on door-to-door basis. For the same reason, namely, to ensure that voter lists are flawless, these lists are put on the website for the voters to see and those who are excluded can make grievance/representation about the same. Likewise, for the same reason, the copies of the voter lists are supplied to the political parties as well and their objections are invited. This is done to give chance to the political parties to go through these lists so that they are able to point out any errors, if any, in these lists. ECI even holds all party meetings for this purpose where such issues are discussed.

20. ECI claims that it has taken all necessary steps in this behalf.

21. It is stated by ECI on affidavit that draft electoral roll of 19-1-2018 was rectified by ECI around 25-5-2018, whereas the first complaint of the petitioner and the political party to which he is affiliated regarding duplication/multiplication of voters is dated 3-6-2018. Thereafter, ECI gave a detailed reply to the petitioner and his political party on 8-6-2018, 15-6-2018 and 16-7-2018, pointing out that the electoral rolls had been rectified.

22. Furthermore, ECI also supplied a copy of the rectified draft electoral roll to the petitioner, and the political party to which he is affiliated, on 31-7-2018. It was also stated at the Bar that ECI has also now published the Final Electoral Roll on 27-9-2018 and supplied a copy of the same to the petitioner (and his political party) wherein all such defects/discrepancies find no place as they have already been rectified earlier. ECI has explained that revision and updation of the electoral roll is a continuous process, which ECI is diligently pursuing continuously³.

³ It may be mentioned that Mr Vikas Singh, learned Senior Counsel, appearing for ECI took strong exception to the production of documents from a private website on 20-9-2018 and handing over the same to the Court during hearing wherein on the basis it was sought to be demonstrated that there were mistakes in the electoral rolls inasmuch as same were shown against as many as 36 voters. He submitted that it was done to prejudice and mislead this Court as the aforesaid error pointed out by the petitioner had already been rectified around 25-5-2018 and this fact is informed to the petitioner as well. According to him, thereafter there was no cause in filing the present petition and, in any case, no reason to submit the said document. Mr Sibbal, learned Senior Counsel appearing for the petitioner, on the other hand, contended that the purpose of producing the aforesaid document was to show that glaring mistakes of this kind have been committed earlier, which could be rectified only after the petitioner pointed out these mistakes. Be that as it may, we leave the matter at that.

23. In the aforesaid context, we need to examine the demand of the petitioner for supply of electoral roll in text format. This demand is based upon Clause 11.2.2.2 of the Election Manual which has already been reproduced above. This clause places an obligation on ECI to put the draft roll on its website in PDF format. The purpose is to bring it in public domain so that each voter is able to access the same and find out whether his/her name is correctly shown and in case of any error, the said voter is in a position to get the same rectified. Likewise, in case a particular voter is missing from the list, that individual would be in a position to take up the matter with ECI for inclusion of his/her name. A copy thereof is also given to the political parties as well, because these political parties have equal interest in ensuring that the aforesaid mistakes are removed. They can additionally check as to whether there are duplicate or fake voters also in the list and seek correction thereof. To this extent, there is no quarrel.

24. However, the second part of the aforesaid clause mentions that draft roll would be put in a “text mode”. It also states that no photograph would appear against the electors’ details. The entire dispute hinges upon the meaning that is to be assigned to “text mode”. The argument of the petitioner is that “text mode” is the one which provides searching techniques as well. For this purpose, the following description of “full text search” from Wikipedia is produced:

“In *text retrieval*, full-text search refers to techniques for searching a single *computer-stored document* or a collection in a *full-text database*. Full-text search is distinguished from searches based on *metadata* or on parts of the original texts represented in databases (such as titles, abstracts, selected sections, or bibliographical references).

In a full-text search, a *search engine* examines all of the words in every stored document as it tries to match search criteria (for example, text specified by a user). Full-text-searching techniques became common in online *bibliographic databases* in the 1990s. Many websites and application programs (such as *word processing* software) provide full-text-search capabilities. Some web search engines, such as *AltaVista*, employ full-text-search techniques, while others index only a portion of the web pages examined by their indexing systems.” (emphasis supplied)

25. Refutation of Mr Vikas Singh is that “text mode” in Clause 11.2.2.2 of the Election Manual relates to the “content” of the draft electoral roll and not its “format”. It is argued that prescription in the aforesaid clause of the Manual requires putting the draft electoral roll in text mode which would mean that it should contain only the text of the elector’s details such as his name, address, age, etc. and not his/her photograph. It is explained that any PDF document generally contains two kinds of content: (i) Text, and (ii) Pictures/photographs/pictorial content. Any elector’s details would include his name, age, address, etc. (i.e. “the text part”) as well as his photograph (i.e. “the photograph/picture/pictorial content part”). Thus, the use of the phrase “text mode” in Clause 11.2.2.2 of the Election Manual only means that the draft electoral roll

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put up on the Chief Electoral Officer's website shall only contain "text" of the elector's details and not his/her "photographs/pictures/pictorial content". It is also explained that every PDF document, whether it is a searchable or non-searchable/Image PDF and which contains any text content in a "Text Mode" is PDF in that sense. It is further submitted that there is nothing called a "Text Mode" format of a PDF document. A simple "Google search" in that regard would also clearly and conclusively establish the same.

26. We find force in the submission of ECI. Clause 11.2.2.2 of the Election Manual uses the expression "text mode". The draft electoral roll in that mode i.e. text mode, has been supplied to the petitioner. The clause nowhere says that the draft electoral roll has to be put up on the Chief Electoral Officer's website in a "searchable PDF". Therefore, the petitioner cannot claim, as a right, that the draft electoral roll should be placed on the website in a "searchable mode". It has only to be in "text mode" and it is so provided.

27. The document from Wikipedia relied upon by the petitioner relates to "full text search" and not "text mode". Obviously, when the said document explains how "full text search" is to be undertaken, the explanation would be that it is a search engine which examines all of the words in every stored document and would provide full text searching techniques as well. However, the absence of the word "search" in Clause 11.2.2.2 of the Election Manual would make all the difference.

28. It is rightly explained by ECI that PDF documents are primarily of two types/formats, namely:

28.1. "Image-only" or Scanned PDFs — When scanning hard copy documents on MFPs and office scanners, or when converting a camera image, jpg, tiff or screenshot into a PDF, the content is "locked" in a snapshot-like image, without an underlying text layer. Such image-only PDF documents contain just the scanned/photographed images of pages. Image-only PDF files are not searchable, and their text usually cannot be selected, searched or copied.

28.2. Searchable PDFs — In searchable PDFs, a text layer is added to the image layer, usually placed underneath. Such PDF files are almost indistinguishable from the original documents and are fully searchable. Text in searchable PDF documents can be selected, searched and copied.

29. Once we find that Clause 11.2.2.2 does not entitle the petitioner to get the draft electoral roll in the text mode which is searchable as well viz. in "full text search" form, it is for ECI to decide about the format in which the draft electoral roll is to be published. ECI has given the reasons for not adhering to the request of the petitioner in providing draft electoral roll in searchable PDF format. According to it, issues of privacy of voters are involved and the move of ECI is aimed at prevention of voter profiling and data mining. According to ECI, ensuring free and fair elections, to which it is committed, also necessitates that ECI is duty-bound to protect the privacy and profiling

of electors. Therefore, it is duty-bound to take all precautionary measures. However, it is not necessary to go into this aspect.

a **30.** Once we read and interpret Clause 11.2.2.2 of the Election Manual in the aforesaid manner, the decision taken by ECI which is contained in its Instructions dated 4-1-2018 becomes relevant. In those Instructions, ECI has directed its field level functionaries to put only the “Image PDF” of electoral roll in the public domain. We are, therefore, of the opinion that the format in which the draft electoral roll is supplied to the petitioner fulfils the requirement contained in the Election Manual. It may be added that if the petitioner so wants, he can always convert it into searchable mode which, of course, would require him to put his own efforts.

b
c **31.** Other relief which is claimed by the petitioner is to seek directions for conducting VVPAT verification at least 10% randomly selected polling stations in each assembly constituency/assembly segment to ensure free and fair elections. In this behalf, our attention was drawn by the respondents to Rule 56(d). It was also submitted by the respondents that this issue cannot be raised by the petitioner having regard to the orders passed on earlier occasions in few writ petitions which were filed on this aspect. The respondents referred to orders passed in *Prakash Joshi v. Election Commission of India*⁴. In that case also, where identical prayer was made, the petition was disposed of by orders dated 30-10-2017⁴ in the following manner:

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e “1. Mr K.K. Venugopal, learned Attorney General submits that as far as Prayer (a) is concerned, the Election Commission of India has already implemented the same. The situation is accorded to by Mr Amit Sharma, learned counsel for the Election Commission of India. As far as Prayer (b) is concerned, it is urged by Mr K.K. Venugopal that guidelines have already been brought by the Election Commission of India. The same is disputed by Mr Kapil Sibal and Mr Vivek Tankha, learned Senior Counsel appearing for the petitioner. We leave it to the discretion of the Election Commission of India, as we are not inclined to enter into the said arena. As far as Prayer (c) is concerned, it is submitted by Mr K.K. Venugopal that the Election Commission of India has issued appropriate guidelines, and this Court may say that no officer/official against whom disciplinary proceedings have been initiated shall be posted in any key positions.

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g 2. Having heard Mr K.K. Venugopal, we direct that the Election Commission of India shall not post any officer/official against whom the disciplinary proceedings have been initiated in any key position in any district.

h 3. As far as Prayer (d) concerning installation of CCTV cameras inside the polling booth to watch the mobility of persons inside the polling booth and display of such videograph along with the number of votes polled outside the polling booth on a display board is concerned, we are of the

⁴ 2017 SCC OnLine SC 1734

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considered opinion that the same is not permissible and accordingly, the said prayer stands rejected.

4. The writ petition is accordingly disposed of.”

a

32. Another writ petition being WP (C) No. 1012 of 2017 was filed before this Court in October 2017 itself, with almost identical prayer. This was dismissed in limine on 20-11-2017⁵. In the counter-affidavit, ECI has also referred to similar writ petitions filed in the High Court of Gujarat, which met the same fate.

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33. In view of the orders dated 30-10-2017 passed in *Prakash Joshi v. Election Commission of India*⁴ and on the basis of statement given by ECI in the Court, we do not intend to entertain this relief. The writ petitions are accordingly dismissed.

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⁵ *Manubhai Chavada v. Election Commission of India*, 2017 SCC OnLine SC 1735, wherein it was directed:

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“Heard the learned counsel for the petitioner. The writ petition is dismissed.”

⁴ 2017 SCC OnLine SC 1734

**Random Sampling For Testing Of EVMs Via VVPAT Slip
verification**

Report

by

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Part I

Statistical Testing of EVMs - Sample Size

1 Introduction


For the past several years, Electronic Voting Machines (EVM) are being used by the Election Commission of India (ECI) for the conduct of elections. However, recently, various stakeholders have raised doubts about the usage of these machines. One of the major arguments has been that the mechanism, by its very nature, is opaque in that there is no way to verify whether the electronic counts that the EVM gives out agrees with the actual candidate-wise count. To counter this argument, and for additional verifiability and transparency in the voting process, ECI has also deployed Voter Verifiable Paper Audit Trail (VVPAT) machines since 2013. Further, from June 2017, each EVM is attached to a VVPAT machine at 100% polling stations in all General and Bye elections to the Lok Sabha and State Legislative Assemblies. When a voter casts the vote, the VVPAT machine prints a slip from which the voter can immediately verify that the cast vote matches with the vote recorded by the VVPAT.

At the time of counting of votes, the VVPAT slips can be counted and this VVPAT paper slip count can be verified with the electronic count from the EVM machine. If the two counts match for all the candidates, then this will clearly indicate that every vote that was correctly recorded by the VVPAT machine was also being recorded correctly by the EVM. And this will work as a guarantee that the EVM is working correctly. Since each EVM is attached to a VVPAT machine, each EVM can be tested in this manner.

However, counting the paper slips manually has its own cost. Extra manpower and time will be needed for a complete count. It can be argued that the Election process is

an extremely sacrosanct process in any Democracy and hence the extra resources will be justified. At the same time, it is pertinent to note that even manual count will never be completely error free, and any error in the VVPAT slip count and consequent mismatch with EVM data on account of this human error will invariably be saddled on the EVM itself and create avoidable doubts on the credibility of the system.

The most logical and rational approach is the correct use of well-established Statistical Sampling Techniques, which will allow us to check that the sanctity of the EVM based election process is not disturbed – without having to check each EVM-VVPAT system. This is achieved by testing a certain number of randomly selected EVM-VVPAT systems.

With this in mind, and in order to further enhance the credibility and transparency of the EVM - VVPAT based election process, the Commission has already decided to undertake VVPAT slip verification in one randomly selected polling booth per Assembly Constituency (random sample). This involves, verifying the number of votes recorded in the VVPAT printed slips with the corresponding electronic count for that machine in the randomly selected polling booth. 

A natural question then arises: ‘what is the reasonable sample size of Polling stations where VVPAT slip verification must be carried out to achieve the objective of establishing the credibility and integrity of the present system?’ Various stakeholders have suggested that the size of this random sample should be a significant proportion of the actual EVMs being used with the requests ranging from 10% to 50%. However, it is necessary to analyse and examine these requests on the touchstone of sound and scientific statistical theory.

In this context, it also necessary to understand that internationally, statistical theory is widely used in almost every conceivable sphere of human endeavour to arrive at a reasonable sample size for undertaking testing, authentication, validation or quality control of a trait or

¹ It is pertinent to note that ECI has already undertaken 1521 such EVM-VVPAT slip verifications. In each of these 1521 randomly sampled EVMs, not a single mismatch of votes has been found. This data already suggests that the statistical confidence in the EVM-VVPAT systems should be extremely high. As more and more data gets collected in future elections and if the number of defective EVMs remains zero or close to zero, the statistical confidence in this process will keep getting enhanced.

set of attributes within a given population of goods, products or services. Especially in large populations, sample survey or sample study is the only rational, practical and feasible option to examine any attribute as 100% checks are virtually impossible to undertake or implement due to a variety of reasons and complications. Hence, a sample, if chosen randomly as per the scientific statistical applications can provide a reasonably accurate depiction of the trait or quality that is sought to be examined.

If the level of ‘reasonable confidence’ is specified then Statistical Theory can be used to decide on the sample size.

ECI has asked us to suggest a basis for deciding upon a minimum sample size so as to be very sure that the proportion of defectives, if any, is negligible, and to do so with a very high level of confidence. (Letter from ECI dated 10th August 2018 is appended at the end of this report in Appendix **D**).

Our recommendation:

We recommend that a random sample of the Electronic Voting Machines of size 479 be drawn from the population of all the EVMs that have been used in that set of elections. If for each of the selected machines, the EVM count matches with the VVPAT count, then it can be concluded with an extremely high statistical confidence (more than 99.993665752% confidence) that the proportion of defective EVMs is less than 2%.

2 Statistical Survey

Before embarking on any statistical study, it is important to clearly set out the goals for the study. While holding an election involves several steps and processes, this particular study has the limited scope of testing for the efficacy of using EVMs for the election. This is to be done by drawing a random sample from all the EVMs that are being used in the election.

In other words, the current exercise is to decide on an optimal sample size, which will ensure with a very high level of confidence that the EVMs used in the election are working

as they are supposed to do - namely correctly recording and counting the votes cast through the machines.

2.1 Population of EVMs

The first question that arises is: ‘What is the Population of EVMs from which the random sample is to be drawn?’ Is it all EVMs in a constituency, or in a State or the Whole country or actually all the EVMs owned by ECI? To answer this question, we first need to ponder over the level at which the (statistical) guarantee is required.

As noted earlier, the basic unit of this study is the EVM machine. We want to check the working of the EVM through VVPAT counts. It should be noted that all the EVMs/VVPATs are similar - having come up through the same process and having gone through similar tests. Every EVM machine will be connected to a VVPAT machine. Before the actual voting starts, each EVM/VVPAT goes through multiple rounds of testing and verification with established protocol carried out in the presence of agents of all candidates in that constituency. Thus *prima facie*, ECI is confident that EVMs are robust, credible and non-tamperable. It should be further noted that there is no systematic bias in allotting particular EVM machines to particular states/constituencies/booths.

Ideally the entire population of EVMs should be taken as a unit since they are manufactured, stored, transported, undergo FLC and mock polls in exactly the same fashion. However, since the purpose of this sampling is to detect if there is a presence of ‘significant’ number of defective EVMs hence it is vital that any corrective action (say counting of more or all VVPAT slips) be taken up before announcement of results.

Thus, in our opinion, we should take as a unit all the elections that are announced on a given day and typically counted on the same day. This could be assembly elections in few states along with some bye elections, or Lok Sabha election along with some bye elections and assembly elections in few states. We will refer to this as *one set of elections*. Thus we suggest that a set be taken as the level at which the (statistical) guarantee is required.

We summarise the above discussion.

Since the Statistical Unit of study is the EVM, the Population will consist of all

EVMs being used in a particular set of elections for which counting is done at the same time.

2.2 Notations

To facilitate the discussion that follows, we introduce some notation.

- (i) The **Population** consists of all the EVMs used in a given set of elections which is the same as the total number of polling stations. (If in a polling station, more than one EVM is used due to replacement of EVMs, we treat all the EVMs used in that polling station as a single EVM for the purposes of this study.)
- (ii) Let \mathbf{N} denote the size of the population.
- (iii) By \mathbf{P} we will denote the actual, but unknown, proportion of of *defective* EVMs, i.e. the EVMs for which there is a mismatch between the electronic count and the count through the VVPAT slip.
- (iv) A **Random Sample** of size \mathbf{n} is to be drawn from the \mathbf{N} units in the population. i.e. \mathbf{n} polling stations are to be randomly chosen for VVPAT slip verification.
- (v) The proportion of defective EVMs in the sample will be denoted by $\hat{\mathbf{p}}$.

2.3 Standard Error

The *standard error* of the estimate obtained through the sample survey indicates the extent to which the sample proportion $\hat{\mathbf{p}}$ and the true population proportion \mathbf{P} may differ. Smaller the standard error, greater is the confidence in the sample proportion $\hat{\mathbf{p}}$ being close to the population proportion \mathbf{P} . Thus we want to make the standard error as small as possible.²

As a thumb rule, the chances that $\hat{\mathbf{p}}$ and \mathbf{P} differ by more than 2 times the standard error is roughly 5% (or 1 chance in 20), while the chances that the two differ by more than

²The standard error will be zero, or the confidence will be 100% only when $\mathbf{n} = \mathbf{N}$. In practice, the target is to bring the standard error below a specified upper bound.

3 times the standard error is very small, about 0.1% (or 1 chance in 1000). The chance that the estimate differs from the true but unknown value by 4 times the standard error is about 0.006% or about 1 in 15,000.

The standard error is used to estimate the precision actually attained in a survey that has been completed and also to estimate the size of the sample needed in a survey that is being planned. (See [1])

If the sampling is done *with replacement*, the *standard error* is given by

$$\sqrt{\frac{\mathbf{P}(1 - \mathbf{P})}{\mathbf{n}}}. \quad (1)$$

This depends on the unknown proportion \mathbf{P} but not on the population size \mathbf{N} .

However, when the sampling is done *without replacement*, the standard error is somewhat less³ than when it is done with replacement and is given by⁴

$$\sqrt{\frac{\mathbf{P}(1 - \mathbf{P})}{\mathbf{n}}} \sqrt{\frac{\mathbf{N} - \mathbf{n}}{\mathbf{N} - 1}}. \quad (2)$$

The additional factor, namely $\sqrt{\frac{\mathbf{N} - \mathbf{n}}{\mathbf{N} - 1}}$ (called the finite population correction) has a minimal effect on the precision of the sample estimate. This is so since the fpc is close to 1 unless \mathbf{n} is fairly close to \mathbf{N} . To emphasize this point further, we quote from [1] (read in the current context).

³Since the aim is to restrict the standard error to a given upper bound, using [1] instead of [2] will be more conservative.

⁴When the sample size is infinity, the two formulae become identical. As such, sampling with replacement may be thought of as sampling when the population size is infinite

Provided that the sampling fraction \mathbf{n}/\mathbf{N} remains low, these factors are close to unity, and the size of the population as such has no direct effect on the standard error of the sample proportion $\hat{\mathbf{p}}$. For instance, if the variance is same in the two populations (or equivalently, \mathbf{P} is the same in the two populations), a sample of 500 from a population of 2,000,000 gives almost as precise an estimate of \mathbf{P} as a sample of 500 from a population of 10,000. Persons unfamiliar with sampling often find this result difficult to believe and, indeed, it is remarkable. To them it is intuitively obvious that if information has been obtained about only a very small fraction of the population, it cannot be accurate. It is instructive for the reader to consider why this point of view is erroneous.

We illustrate the point through the following table which gives the value of the standard error for a random sample of size $\mathbf{n} = 500$ drawn from populations of sizes 10,000 and 200,000 (Rows 2 and 3 respectively) and compare it with Row 1 which gives the standard error when \mathbf{N} is infinite (or when sampling is done with replacement). In any of the columns corresponding to $\mathbf{P} = 0.01, 0.02$ or 0.05 very little deviation is observed in the three values.

\mathbf{N}	fpc	$\mathbf{P} = 0.01$	$\mathbf{P} = 0.02$	$\mathbf{P} = 0.05$
∞	1	0.00444	0.00626	0.00974
10000	0.9747	0.00434	0.00610	0.00950
200000	0.9987	0.00444	0.00625	0.00973

Table 1: For a fixed \mathbf{n} , value of Standard error for different \mathbf{P} does not change much with \mathbf{N}

The authors in [1] further suggest that whenever the sampling fraction is less than 5% the finite population correction can be ignored. Thus it is recommended that equation (1) be used for calculation of the sampling error even when the sampling is done without replacement. *This formula yields an upper bound of the error for any population size.*

It should be noted that the upper bound (1) depends only on sample size \mathbf{n} and not on sampling fraction $\frac{\mathbf{n}}{\mathbf{N}}$. In summary, we reiterate the following.

The sampling fraction $\frac{\mathbf{n}}{\mathbf{N}}$ plays a very marginal role in Sampling theory. For

the calculation of the standard error what matters is the actual absolute value of the sample size n and not in relation to the population size N .

3 Determination of sample size

Let us come to the main question, namely, determination of the sample size n .

As commented earlier, if the entire population is tested, or sampled (so that $n = N$), the standard error will always be zero. The goal of sampling theory is to make inferences about the quantity P without having to sample every unit in the population, but at the same time, with reasonable confidence.

In equation (1) of the previous section, we saw that there is a direct connection among the three quantities - the standard error, the parameter value P , and the sample size n . Formula (1) gives us the error in the estimate when using a simple random sample of size n . We can put an ‘allowable’ bound on the error and may hope to use (1) to calculate n . However, this relation is not directly usable since the parameter value P is itself unknown.

So instead of putting a bound on standard error, we fix a reasonable *confidence level* and an allowable *margin of error* in order to estimate the sample size n .

3.1 Confidence Level

It is customary in Statistical surveys to use a confidence level of 95% or 99%. This number 95% can be interpreted as follows. If a similar survey is conducted 100 times, then 95 out of those 100 surveys would give a correct inference or that there is a 1 in 20 chance of the survey giving erroneous inference.

Typically, in large sample surveys⁵, a 95% confidence level also corresponds to the statement that the sample estimate \hat{p} and true unknown proportion P differing by more than 2 times the standard error has a roughly 5% chance (or 1 chance in 20). This error probability ($\alpha = 0.05$) is the probability that an observation from a Normally distributed random vari-

⁵Normal Distribution approximations are valid in large sample surveys

able with variance σ^2 differs from the mean by 2σ . This may be referred to as a ‘ 2σ level’. The corresponding confidence level is given by $100(1 - \alpha)\% = 95\%$.

However, it is our belief that a 95% confidence level, or even 99% confidence level is too low for the current situation. We instead suggest a ‘ 4σ confidence level’. The corresponding error probability is about $\alpha = 0.00006334248$ and corresponds to 99.993665752% confidence level. This is high enough so that if we have 15000 such different random samples, one for each election, each sample being of size \mathbf{n} , then on the average, only about 1 of these 15000 samples are likely to give a result which is quite different from the true situation. *Since India has seen only around 200 elections since independence, this confidence level seems more than reasonable.*

In summary, **We will target a 4σ level or 99.993665752% confidence level.**

3.2 Margin of Error

In statistical theory, it is imperative that an acceptable Margin of Error is chosen in the population, which is unlikely to affect the final outcome. It must be appreciated, in all applications of Sampling theory, a reasonable margin of error is necessary as any sample, howsoever randomly chosen, cannot be the exact replica of the population as a whole and hence, the margin of error. In this context of sampling of EVMs, in our view 2% or 0.02 margin of error seems appropriate.

We will hence fix the margin of error to be 2% or 0.02.

The aim then would be to choose a size \mathbf{n} such that in a random sample of size \mathbf{n} the proportion of defectives can be assured to be less than 2%, with high degree of confidence. Or in other words, if the actual proportion of defectives in the population is 2% or more then the probability that we do not observe any defective EVM in a random sample of size \mathbf{n} should be very small.

3.3 Testing of Hypothesis

In simple words, we seek a sample size \mathbf{n} such that if the true proportion of defective \mathbf{P} is 0.02 or more, the chance that we observe zero defectives in the sample of size \mathbf{n} is less than $\alpha = 0.00006334248$. Thus, if we do observe zero defectives, we can conclude with very high confidence that the true proportion of defective \mathbf{P} is less than 0.02.

This can be put in the statistical framework of testing of hypothesis as follows. The statement that we wish to refute, namely that *the proportion of defectives is 2% or more* is identified as the null hypothesis. The alternate hypothesis being that *the proportion of defectives is strictly less than 2%*. The alternate hypothesis will be tested against the null hypothesis at the level of significance $\alpha = 0.00006334248$.⁶

Statistical Analysis

To briefly explain the statistical analysis involved, we introduce some notation. Let X_n denote the number of defects observed in a random sample of size \mathbf{n} out of a population of size N . We seek to find the minimum sample size n such that the observation $X_n = 0$ is in the critical region.⁷ In other words, when the null hypothesis is true, the probability that the observation values lie in the critical region should be smaller than our chosen level of significance $\alpha = 0.00006334248$.⁸ Then, if in an experiment, we actually observe $X_n = 0$, we can reject the null hypothesis and conclude with high confidence (equal to $100(1-\alpha)\% = 99.993665752\%$ confidence) that the proportion of defectives in the population is strictly less than 2%.

The probability distribution of X_n can be computed using first principles and is taught in a course on elementary probability : the probability of observing zero defectives in a sample of size \mathbf{n} from a population of size \mathbf{N} when the population contains \mathbf{M} defectives is equal to

⁶ Drawing analogy with legal parlance, the ‘burden of proof’ is on the alternate hypothesis. For the alternate hypothesis to be accepted, and the null hypothesis to be rejected, there needs to be sufficient statistical evidence as quantified by the level of significance. $\alpha = 0.00006334248$ or confidence level 99.993665752%.

⁷In a test of hypothesis problem, the set of values of the observation for which the null hypothesis is rejected is called *the critical region*.

⁸This probability is called the p -value corresponding to $X_n = 0$.

the ratio with product of number of ways of choosing k defectives from \mathbf{M} defectives in the population and number of ways of choosing $n - k$ non-defectives from $\mathbf{N} - \mathbf{M}$ non-defectives in the population as numerator and number of ways of choosing a sample of size \mathbf{n} from a population of size \mathbf{N} as denominator.

$$\text{Prob} (X_n = k) = \frac{\binom{\mathbf{M}}{k} \binom{\mathbf{N}-\mathbf{M}}{n-k}}{\binom{\mathbf{N}}{n}} \quad (3)$$

This is known as the Hypergeometric distribution.

Thus, the probability of observing zero defectives in a sample of size n is

$$\text{Prob} (X_n = 0) = \frac{\binom{\mathbf{M}}{0} \binom{\mathbf{N}-\mathbf{M}}{n}}{\binom{\mathbf{N}}{n}} \quad (4)$$

For small values of \mathbf{N} this can be exactly computed by hand whereas for larger values, the exact computation can be done via a python programme.

For a given population size N and sample size n , the table [2](#) gives probability of observing zero defectives when the population has 2 % defective objects:

The python code that generates this table is enclosed as appendix [C.1](#)

As we can see, the probability changes as we move across columns but does not change much when we move down rows, specially there is very little difference when we go from population size 50000 to 50000000. Once again this table illustrates that the **sample size** is important and not the **sampling fraction** when population size is large.

Returning to our problem, for a given \mathbf{N} we are seeking the minimum value of n for which the p -value (the probability under the Null Hypothesis that the defectives are 2% or more) of observing zero defectives is, less than $\alpha = 0.00006334248$.

Thus for a given \mathbf{N} we look for minimum n such that

$$\text{Prob} (X_n = 0) = \frac{\binom{\mathbf{M}}{0} \binom{\mathbf{N}-\mathbf{M}}{n}}{\binom{\mathbf{N}}{n}} \leq \alpha = 0.00006334248 \quad (5)$$

with $\mathbf{M} = 0.02 * \mathbf{N}$.

Table [3](#) below gives the minimum sample size n required corresponding to different population sizes \mathbf{N} so that if a sample of size n shows no defective, we can be convinced that the defectives in the population are less than 2%.

$N \downarrow \quad n \rightarrow$	200	250	300	350	400	450	500
1000	0.013800	0.003991	0.001058	0.000254	0.000054	0.000010	0.000002
2000	0.015752	0.005188	0.001654	0.000509	0.000151	0.000043	0.000012
3000	0.016377	0.005593	0.001872	0.000614	0.000197	0.000062	0.000019
4000	0.016685	0.005796	0.001985	0.000670	0.000223	0.000073	0.000023
5000	0.016868	0.005918	0.002053	0.000704	0.000239	0.000080	0.000026
10000	0.017230	0.006161	0.002192	0.000775	0.000273	0.000095	0.000033
20000	0.017410	0.006283	0.002262	0.000812	0.000291	0.000104	0.000037
30000	0.017469	0.006324	0.002285	0.000824	0.000297	0.000107	0.000038
40000	0.017499	0.006344	0.002297	0.000831	0.000300	0.000108	0.000039
50000	0.017517	0.006356	0.002304	0.000834	0.000302	0.000109	0.000039
100000	0.017552	0.006381	0.002318	0.000842	0.000306	0.000111	0.000040
500000	0.017581	0.006400	0.002330	0.000848	0.000309	0.000112	0.000041
1000000	0.017584	0.006403	0.002331	0.000849	0.000309	0.000112	0.000041
50000000	0.017588	0.006405	0.002332	0.000849	0.000309	0.000113	0.000041

Table 2: Probability of observing zero defective in a sample size n drawn from population size N containing 2 percent defectives.

The python code that generates this table is enclosed as appendix [C.2](#)

Finally, as can be seen from this Table, **a sample size of 479 will be sufficient for any population.**

4 Optimal Sample Size

On the basis of the Analysis presented above, it is recommended that after the voting process is over, a random sample of the Electronic Voting Machines of size 479 be drawn from the population of all the EVMs that have been used in that set of elections and that each of the selected machines be tested by checking the electronic count with the VVPAT slip count. If for each of the selected machines, the EVM count matches with the VVPAT count, then it can be concluded with an extremely high statistical confidence (more than 99.993665752% confidence) that the proportion of defective EVMs is less than 2%.

This, in effect will give a very high statistical guarantee that the sanctity of the election process is not disturbed by the use of EVMs.

We once again clarify the following. The optimal sample size suggested above will guarantee that the margin of error is capped at 2% with an extremely high confidence. Further, while a larger sample will increase the statistical confidence in the EVM's, the gain is not proportionate to increase in sample size.

5 Further Analysis and Recommendations

We recall that the optimal sample size of 479 was determined by finding the smallest n satisfying that observing “no defectives in the chosen sample when the actual proportion of defectives in the population is equal to or more than 2%” has probability less than the significance level $\alpha = 0.00006334248$.

However, it is also possible that the actual proportion of defectives in the population is less than 2% and yet, one or more defectives are present amongst the sampled EVMs. This probability, though extremely small is still positive. For example, the probability that 1

population size	required sample size	population size	required sample size
500	308	1000	380
1500	410	2000	426
2500	436	3000	443
3500	447	4000	451
4500	454	5000	457
6000	460	7000	463
8000	465	9000	466
10000	468	20000	473
30000	475	40000	476
50000	477	100000	478
500000	479	50000000	479

Table 3: Sample size required from population size N so that p -value is less than $\alpha = 0.00006334248$.

defective EVM is observed when the actual proportion is 2% is 0.000619.

A natural question then arises: If some defectives are observed in the sample, what should be the further course of action? To answer this question, and at the cost of repetition, we reiterate the statistical conclusion in such a scenario. Using terminology introduced earlier, we can say that

If one or more defective EVMs are observed in a sample of size 479, then the null hypothesis is NOT rejected at the 4σ level of significance ($\alpha = 0.00006334248$).

Recall that our null hypothesis is that the proportion of EVMs is more than 2% and that the burden of proof is on the alternate hypothesis and needs to have observational evidence to the tune of 99.993665752% confidence. While observing one defective EVM out of 479 sampled EVMs will fail this ‘burden of proof’ the evidence is not strong enough for the other side either. In other words, even when one defective is observed, the null hypothesis is still rejected with a very high confidence (of approximately, 99.938%). However, this is less confidence than what we set out with.

While observation of a few defective EVMs will raise questions about whether the pre-decided margin of error is maintained, it does not automatically condemn all EVMs as defective. In such a scenario, it makes sense to try and gather more evidence which will tilt the balance one way or another. Of course, in doing so we neither want to increase the allowable margin of error (2%) nor to reduce the confidence level (99.993665752%).

Hereunder, we suggest a statistically valid sequential approach. ECI can seek an additional sample of suitable size. If no additional defectives are found, we can still conclude that the proportion of defectives is less than 2% with the same high confidence. This additional number or additional sample size is 128. To clarify, if in a total sample of 607, we observe only 1 defective, we can still conclude with high confidence (equal to $1 - 0.00006334248$) that the proportion of defectives is less than 2%. However, if larger number of defectives are found (as further elaborated below) then the conclusion would be that more than 2% of EVMs are defective.

In Table 4 we give, for different sample sizes, the cut-off for number of defectives observed which still gives us high confidence that the total number of defectives in the population is less than 2 percent. The python code for generating this table 4 is given in appendix C.3.

Here are our step-wise recommendations.

1. If we observe 1 defective in 479 draw an additional sample of size 128 and check number of defectives ($n = 479 + 128 = 607$).
2. If no defective is observed in the additional 128, making it 1 defective in sample size 607, reject null hypothesis and conclude that the proportion of defectives is less than 2% with high confidence.
3. If 1 defective is observed in the additional 128, making it 2 defectives in sample size 607, take an additional sample of 110 making the total 717.
4. If no defective is observed in the additional 110, making it 2 defective in sample size 717, reject null hypothesis and conclude that the proportion of defectives is less than 2% with high confidence.
5. Likewise continue sampling and at any stage, if number of defectives is less than the number in the table given below (Table 4 on page 20) corresponding to the sample size, reject null hypothesis and conclude that the proportion of defectives is less than 2% with high confidence.
6. If at any stage of the number of observed defectives exceeds 50, the conclusion would be that EVMs are faulty or defect prone and ECI has to take a call on how to deal with the situation

For example, if we observe 1 defective in 479, and 2 defectives in additional sample of 128 making it 3 out of 607, we take an additional sample of 210, making it 817. If no more defectives are observed making it 3 out of 817, we reject null hypothesis and conclude that the proportion of defectives is less than 2% with high confidence.

Note that our earlier analysis was based on the critical region or the rejection region of ‘no defectives observed’. In other words, if the observed sample falls in this critical region then the null hypothesis is rejected in favour of the alternative hypothesis. The optimal sample size of 479 was based on this critical region.

If, instead, we had done the statistical analysis of section 3 with the critical region being ‘number of defectives observed is at most one’, our optimal sample size would have been 607. Similarly, for a critical region of ‘number of defectives observed is at most three’ the optimal sample size would be 817. And so on. Other entries in Table 4 may also be interpreted in this manner.

To continue our narrative, if in a sample of size 2000 we observe only 17 defectives we can still conclude that percentage of defectives is less than 2% with a confidence of 99.993665752%.

If at any stage if the number of observed defectives exceeds 50, the conclusion would be that EVMs are faulty or defect prone and ECI has to take a call on how to deal with the situation.

6 Remarks on Implementation

In our analysis of the previous section, while deciding on the optimal sample size n , we have assumed that the sample is going to be a random sample drawn from the population of EVMs. This is indeed a crucial assumption and while implementing the recommendations, sufficient care should be taken to ensure this. For the sake of completeness, we note that *a random sample is one where each unit in the population has the same chance or probability of getting selected in the sample as any other unit*⁹.

Our analysis presented earlier suggests that the optimal sample size for a random sample is 479. In any such random sample of size, it is possible that no EVM is chosen from some Assembly segments while some other Assembly segments may have more than one representative EVM in the sample. This is a perfectly valid and natural statistical scenario.

⁹There are standard and easy to implement methods for drawing a random sample

Sample Size n	Number of defectives	Sample Size n	Number of defectives	Sample Size n	Number of defectives
479 - 606	0	607 - 716	1	717 - 816	2
817 - 910	3	911 - 1000	4	1001 - 1087	5
1088 - 1171	6	1172 - 1253	7	1254 - 1334	8
1335 - 1413	9	1414 - 1491	10	1492 - 1567	11
1568 - 1643	12	1644 - 1717	13	1718 - 1791	14
1792 - 1865	15	1866 - 1937	16	1938 - 2009	17
2010 - 2080	18	2081 - 2151	19	2152 - 2221	20
2222 - 2291	21	2292 - 2361	22	2362 - 2430	23
2431 - 2498	24	2499 - 2567	25	2568 - 2635	26
2636 - 2702	27	2703 - 2770	28	2771 - 2837	29
2838 - 2904	30	2905 - 2970	31	2971 - 3037	32
3038 - 3103	33	3104 - 3169	34	3170 - 3234	35
3235 - 3300	36	3301 - 3365	37	3366 - 3430	38
3431 - 3495	39	3496 - 3559	40	3560 - 3624	41
3625 - 3688	42	3689 - 3752	43	3753 - 3816	44
3817 - 3880	45	3881 - 3944	46	3945 - 4008	47
4009 - 4071	48	4072 - 4134	49	4135 - 4197	50

Table 4: Sample sizes and corresponding cut-offs for number of defectives observed which still gives us 99.993665752% confidence that the proportion of defectives in the population is less than 2 percent.

However, in the past few elections, ECI has been randomly choosing one EVM from among the polling stations in each Assembly Segment for verification with the VVPAT slip counts. The practice can still be continued along with following the recommendations in this report of drawing a random sample of size 479.

References

- [1] (1977) WILLIAM G. COCHRAN, *Sampling Techniques*, Wiley Eastern Ltd.

Part II

Appendix

A Common misconceptions and their clarifications

In the first part of the report, we have given a self-contained and reasoned write-up about the choice of the optimal sample size for testing EVM counts with VVPAT slip counts. Nevertheless, there are some common misconceptions about the role of Statistics. Or sometimes there are question marks about what Statistics can achieve. Or finally, sometimes there are queries about the interpretation of Statistics or about the way it is used in a given situation.

In this Appendix section, we have tried to address some of the possible issues with the hope of clarifying them. We will largely restrict our attention to the problem at hand, viz., finding an optimal sample size for testing of the EVMs used in Indian elections. However, we would like to emphasize that Statistics is a well established Mathematical Science which is used all over the world in many different aspects of life - from the mundane, say, pricing of soap or deciding frequency of trains to the complex scenarios like predicting the weather. Even DNA evidence which can decide guilt or innocence of an accused uses Statistics. It is a Science which ‘quantifies uncertainty’ while dealing with large numbers. For example, while it is impossible to predict with certainty whether the next toss of a coin will end in a Heads or a Tails, Statistics will be able to predict with a fair amount of confidence that out of any 100 tosses, about 50 are going to be Heads. Several leading Indian Statisticians have contributed immensely to the development of the subject over the last century.

Some of the common questions that are generally asked can be broadly enumerated as follows.

1. How can a sample of a few hundred be adequate in making inferences about lakhs of individuals? The sample size should at least be some fixed percentage (10% or 20% etc.) of the total population.

2. While testing for EVMs in elections, what is the level at which statistical guarantee should be sought? Should it be at the constituency level or state level or for the entire country?
3. Using ready reckoners, which are widely available on the web, for determining sample sizes gives very different answers. The suggested sample size, in fact, gives very high margins of errors.

We will try and answer these queries in a bid to clarify all misconceptions.

A.1 Sample size and sampling fractions

A general perception is that a small sample will not be able to make any valid inference about a large population. Several individuals have in fact suggested that ECI should sample a certain minimum percentage of EVM-VVPAT systems and verify the electronic counts with the slip counts for ensuring that the EVMs are not defective. The suggested percentage of EVMs to be sampled varies from 10% to 50%.

This, of course is completely erroneous. To begin with it is noted that any of the suggested figures, whether it is 10% or 30% or 50%, has no statistical basis whatsoever. Not only do the numbers have no sanctity, it is further pointed out that the notion of determining the sample size as a proportion of the population size has no statistical basis. In fact, the accuracy of the results got by a sampling procedure mainly depends on the ‘absolute sample size’ and not on ‘the sample size as a percentage of the population size’. While non-intuitive, this is a standard statistical result and is well validated in all standard books on Sampling Theory. We quote below from one such standard book [1] wherein the sampling is to be done for finding the proportion of defective units in a population. This also appears on page 9 of this report, but is reproduced here for a general reader.

For instance, if the proportion of defectives P is the same in the two populations, a sample of 500 from a population of 200,000 gives almost as precise an estimate of P as a sample of 500 from a population of 10,000. Persons unfamiliar with sampling often find this result difficult to believe and, indeed, it is remarkable. To them it is intuitively obvious that if information has been obtained about only a very small fraction of the population, it cannot be accurate. It is instructive for the reader to consider why this point of view is erroneous.

In Statistics, whenever inference is drawn on the basis of a sample, by estimating a certain quantity, the possible error in the sample estimate is measured. This sampling error - or standard error - is important in that it tells us how close is the sample estimate to the population value. The bigger the sample size \mathbf{n} , the smaller will be the standard error¹⁰. However, the sampling fraction \mathbf{n}/\mathbf{N} plays an insignificant role in the calculation of the standard error. Table 1 (page 9) illustrates this point.

On the other hand, the following table shows that for the standard error $\mathbf{P} = 0.02$ and a fixed sampling fraction $\mathbf{n}/\mathbf{N} = 20\%$ the standard error changes drastically with the population size \mathbf{N} .

\mathbf{N}	\mathbf{n}	Std. error
500	100	0.0125
10000	2000	0.0028
200000	40000	0.0006

Table 5: For a fixed \mathbf{P} and fixed sampling fraction, value of Standard error changes with \mathbf{N}

The same phenomenon will be true for any other value of sampling fraction or for any other value of \mathbf{P} .

In a related query, there is a suggestion that the counting and cross validation of VVPATs is essential in interest of transparency as also for public scrutiny without any special expert or technical knowledge. However, we would like to point out that expert knowledge is needed only in the determination of the sample size of the EVMS for cross validation with VVPAT

¹⁰See equations (1) – (2) on page 8 and the discussion there.

counts. In fact, non-use of expert knowledge is likely to increase the doubts in the minds of public.

A.2 Isn't guarantee needed for each constituency?

The Election Commission Of India had announced that the VVPAT slip count would be checked with the EVM count at one randomly selected polling booth in each constituency. Several parties have questioned the wisdom of this step. The main criticism is that a sample of size 1, will give extremely high margin of errors and does not make sense.

We have explained in Section 2.1 as to why we suggest choosing, for this statistical study, the population of all EVMs being used in a set of elections. We repeat the same here.

There is no difference between EVMs used in one constituency and another. Further,

- All EVMs have similar design.
- They all go through the same tests before they are despatched as well as in the field.
- The order in which candidates appear is based on their names, alphabetically arranged, and not on their party, resulting in different buttons on the EVM being assigned to a political party in different constituencies.
- There is no systematic bias in allotting particular EVM machines to particular states, constituencies or booths. In fact allotment to a constituency and then to a booth is done through a two stage randomisation.

Also, this study is concerned with the efficacy of the EVMs being used in the election. In particular, the sample is to be drawn to check that the proportion of defective EVMs, if any, is not large enough. Note here that the term defective is being used for an EVM for which the electronic count does not match with the paper count from the VVPAT machine.

As far as the EVM machine is concerned, the only thing that matters, is to check that when a particular button is pressed, it gets recorded correctly. On this count, it does not make any difference as to where was the machine being used - in which constituency, which state.

In fact, there is also a contention that various polling stations in a constituency are not similar and the sample drawn may not be truly representative of the constituency as a whole. And hence, it is also desirable that a stratified sampling be performed with a random sample of one or more polling stations drawn from each of the following ‘strata’: urban (middle/upper class); urban (poor/slums); semi-urban; rural; Dalits/minorities; remote hilly/desert/forest areas; voter turnout - heavy, moderate or low etc.

As explained above, this does not make any statistical sense. It would seem that the study about testing about the efficacy of EVM’s is being confused with the actual election. Indeed, if the idea is to determine which candidate is to win - but to do so only through a suitably chosen sample, then definitely employing a ‘stratified’ sampling scheme makes sense since a-priori, it may be rationally argued that the population - in this case, human population - in different strata may exhibit different preferences for candidates.

However, it is inconceivable that a machine, an EVM, will change its behaviour just because it is assigned to a polling station in a urban, rural, desert, hilly, forest or any other region or one where more voting or less voting takes place. As such, there is no reason for stratification using any of the above mentioned criteria.

In fact, asking for a ‘reasonable’ sample size for each constituency is also subsuming the assumption that each constituency should be considered as a separate ‘stratum’. Once again while the human population in different constituencies might exhibit different voting behaviour, the EVM population will hardly do so. Even the number of candidates in any constituency, whether it is 2 or 20 or any other number, will also have no effect on the working of the EVM. - hence stratification using each constituency as a stratum is also completely uncalled for.

At this point, it is also pertinent to note, that when drawing a random sample of a particular sample size, it is quite possible that some constituencies might go unrepresented in a sample while more than one EVM is chosen from some other constituencies. Statistically, this scenario is perfectly fine, and does not make any difference to the inference drawn from the sample.

Having said that, however, if ECI, for administrative reasons, decides to draw the required

sample by choosing one EVM randomly from each constituency, as it is currently doing, that is also ok, though not necessary as long as a minimum sample of 479 EVMs is randomly drawn from the entire population of EVMs being counted on the same day across all constituencies and states.

Finally, we would also like to point out here that most critiques, when putting forth a point about the sampling procedure, suggest a confidence level of 95% – 99%. However, given the undisputed importance of the exercise to be absolutely sure about the election process, we have worked with a much higher confidence level – namely 99.993665752% - which is quite a bit more than 99% level.

A.3 Margins of error and Probability Distributions

There are several ‘ready reckoners’ available on the web for use in statistical surveys. A couple of possible queries may arise due to a blind use of these ready reckoners. While these reckoners serve a purpose, a note of caution is warranted. Their use without understanding the underlying statistical principles involved may lead to erroneous conclusions.

For example, there is a mathematical relationship between the sample size n , the confidence level and the margin of error. So the ready reckoner will be able to calculate any of the above three quantities for given values of the other two. Typically the confidence level and the allowable margin of error is pre decided by the user and an optimal sample size can be calculated. However, the above mentioned mathematical relation or formula also has the unknown population proportion P in it. Since P is unknown, the ready reckoners give sample size that will work for all P . As such the sample size suggested using these ready reckoners will be very conservative.

Alternatively, if one tries to use the same reckoner in reverse order by plugging in the sample size suggested by us and the confidence level and to get the margin of error, it will once again lead to very erroneous readings. Here, we emphasize that in this report we have not used standard error based approach. This has been done in order to avoid use of the unknown P and instead we have used the formulation via testing of hypothesis, which is in line with the objective.

The distribution of defective EVMs is actually what is called as Hypergeometric distribution. See [3]. Calculating these probabilities by hand or using calculators for large N was not easy. Hence it was customary to use either the Binomial probabilities or the Normal distribution probabilities for this purpose as an approximation. With the current computing power it is simple to actually calculate the hypergeometric probabilities which is what we have done in this report. The python code for these computations is enclosed and can be vetted by statistics and programming experts.

B Some further tables and comments

In the main part of the report, we have worked with a 4σ confidence level and a margin of error of 2%. In subsections [3.1] – [3.2] we have also given reasons for the basis of our choices. It is our belief that the values chosen by us are good enough to ensure with an extremely high statistical confidence that the proportion of defective EVMs, if any is small so that the sanctity of the election process is maintained. Once these two inputs are fixed, we can find the optimal sample size based on the analysis of Section [4]. Table [4] (on page [20]) summarises our recommendations for these two pre-fixed inputs.

If the allowable margin of error and/or the confidence level is changed, there would be corresponding changes in the associated sample size. We illustrate this in Table [6] wherein we give the sample sizes when the margin of error is 1% (the confidence level is kept at 99.993665752%). As can be seen from the Table, the minimum sample size recommended in this case is 962.

Remark: A note prepared by an ex-IAS officer and submitted to ECI also contains tables based on the same methodology. The tables are prepared with margin of error of 1% but a lower confidence level of 99% and 99.9% respectively. In these tables sample sizes have also been suggested separately for different states and based on these, recommendations also an average number of EVMs per Assembly Constituency are given. While the calculations for the state wide recommendations are generally correct (with errors only in a few entries), pulling it down to the constituency level is not proper. As the sampling design changes so

Sample Size n	Number of defectives	Sample Size n	Number of defectives	Sample Size n	Number of defectives
962 - 1219	0	1220 - 1439	1	1440 - 1639	2
1640 - 1828	3	1829 - 2008	4	2009 - 2182	5
2183 - 2351	6	2352 - 2516	7	2517 - 2677	8
2678 - 2835	9	2836 - 2991	10	2992 - 3144	11
3145 - 3296	12	3297 - 3446	13	3447 - 3594	14
3595 - 3740	15	3741 - 3885	16	3886 - 4029	17
4030 - 4172	18	4173 - 4314	19	4315 - 4455	20
4456 - 4595	21	4596 - 4734	22	4735 - 4872	23
4873 - 5010	24	5011 - 5147	25	5148 - 5283	26
5284 - 5418	27	5419 - 5553	28	5554 - 5688	29
5689 - 5821	30	5822 - 5955	31	5956 - 6087	32
6088 - 6220	33	6221 - 6352	34	6353 - 6483	35
6484 - 6614	36	6615 - 6745	37	6746 - 6875	38
6876 - 7005	39	7006 - 7134	40	7135 - 7263	41
7264 - 7392	42	7393 - 7520	43	7521 - 7649	44
7650 - 7776	45	7777 - 7904	46	7905 - 8031	47
8032 - 8158	48	8159 - 8285	49	8286 - 8411	50

Table 6: Sample sizes and corresponding cut-offs for number of defectives observed which still gives us 99.993665752% confidence that the proportion of defectives in the population is less than 1 percent.

do the probability calculations based on which the sample size was calculated.

Moreover, it has been argued earlier in this report that sampling should be done from the population of ALL EVMs being used in a set of elections for which counting will take place simultaneously. As such the figures mentioned in the above mentioned Tables would be alright only when elections are being held in each state separately. For the sake of completeness, we have added two more tables. Table 7 below gives the optimal sample sizes¹¹ corresponding to confidence level $4\sigma = 99.993665752\%$ for 1% and 2% margin of error, when elections are held separately in each state.

State Name	Population Size (No. of EVMs)	Sample size n for Margin of Error	
		1%	2%
Sikkim	589	503	342
Mizoram	1164	678	396
Goa	1642	742	425
Nagaland	2194	806	438
Arunachal Pradesh	2562	818	439
Manipur	2794	837	446
Meghalaya	3082	845	448
Tripura	3174	847	448
Himachal Pradesh	7521	906	465
Jammu & Kashmir	10035	921	469
Uttarakhand	10854	925	469
Haryana	16357	938	472
Kerala	21498	945	475
Punjab	22615	943	474
Chattisgarh	23672	946	475

Continued on next page

¹¹As the Population size for each state we have taken the same numbers as in the above mentioned note

State Name	Population Size (No. of EVMs)	Sample size n for Margin of Error	
		1%	2%
Jharkhand	24803	944	474
Assam	24890	947	475
Telangana	32574	950	476
Odisha	35959	951	476
Andhra Pradesh	39970	952	476
Gujrat	50128	954	477
Rajasthan	51796	955	477
Karnataka	56696	956	477
Bihar	65337	956	478
Madhya Pradesh	65341	956	478
Tamil Nadu	65616	956	477
West Bengal	77247	957	478
Maharashtra	91329	958	478
Uttar Pradesh	150000	960	478

Table 7: Optimal Sample sizes corresponding to confidence level $4\sigma = 99.993665752\%$ when elections are held in each state separately

Similarly, Table 8 on page 33 gives the optimal sample sizes when elections are held separately in each state corresponding to 1% margin of error for confidence levels 99.99% and 99.9% respectively.

State Name	Population Size (No. of EVMs)	Sample size n for Confidence Level	
		99.99%	99.9%
Sikkim	589	494	440
Mizoram	1164	658	541
Goa	1642	716	574
Nagaland	2194	776	613
Arunachal Pradesh	2562	786	616
Manipur	2794	804	628
Meghalaya	3082	811	631
Tripura	3174	812	632
Himachal Pradesh	906	865	659
Jammu & Kashmir	10035	879	667
Uttarakhand	10854	883	670
Haryana	16357	895	676
Kerala	21498	902	680
Punjab	22615	899	678
Chattisgarh	23672	902	680
Jharkhand	24803	900	678
Assam	24890	903	681
Telangana	32574	906	682
Odisha	35959	907	682
Andhra Pradesh	39970	908	683
Gujrat	50128	909	683
Rajasthan	51796	911	685
Karnataka	56696	911	685
Bihar	65337	911	685

Continued on next page

State Name	Population Size (No. of EVMs)	Sample size n for Confidence Level	
		99.99%	99.9%
Madhya Pradesh	65341	911	685
Tamil Nadu	65616	911	684
West Bengal	77247	912	685
Maharashtra	91329	913	685
Uttar Pradesh	150000	915	687

Table 8: Optimal Sample sizes corresponding to 1% margin of error when elections are held in each state separately

Further, the tables in the note also do not mention a line of action if one or more defective is observed in the sample. We have given a detailed sequential procedure along with the relevant sample sizes in cut-offs for different combinations of margin of error and confidence levels. (See Tables 4 and 6).

Finally, the note also goes on to suggest an additional sample size equivalent to 1% of all the EVMs being used in the elections in each state. This is done purportedly to detect presence of systematic error in the EVMs. No explanation is given as to how this additional sample will help in detecting systematic errors, and even if it does how has the number of 1% additional sample size being arrived at.

Firstly, a question of systematic error will arise only if a significant number of defectives are observed in the sample to begin with. Our earlier suggested sample size is big enough to detect the presence of defective EVMs - irrespective of whether the defect is due to random causes or due to systemic defects.

As such there is no need for this additional sample size at all. Moreover, as mentioned above, the suggestion of 1% additional sample is also completely arbitrary and has absolutely no statistical basis.

C Python codes

C.1 Hypergeometric probabilities for zero defectives

```
def binomlist(N, R):
    a=[1]
    for k in range(1, R):
        a.append((a[k-1]*(N-k+1))/k)
        assert((a[k-1]*(N-k+1))%k==0)
    return a

def zerodeflectprob(n,d,s):
    m=1+(100-d)*n//100
    b=binomlist(n,s+1)
    c=binomlist(m,s+1)
    x=c[s]
    z=b[s]
    y=x/z
    return y

nn=[1000,2000,3000,4000,5000,10000,20000,30000,40000,50000,100000,
    500000,1000000,500000000]
ss=[200,250,300,350,400,450,500]
d=2
for n in nn :
    w=[n]
    for s in ss :
        x=zerodeflectprob(n,d,s)
        print(n,s,"{:.6f}".format(x))
```

C.2 Optimal sample sizes for different populations

```

def binomlist(N, R):
    a=[1]
    for k in range(1, R):
        a.append((a[k-1]*(N-k+1))/k)
    return a

def prob(n,p,s,t):
    m=n*p//100
    k=n-m
    b=binomlist(n,s+1)
    c=binomlist(m,t+1)
    d=binomlist(k,s+1)
    ta=d[s]/b[s]
    f=[ta]
    g=[ta]
    for i in range(1,t+1):
        tx=c[i]*d[s-i]/b[s]
        f.append(tx)
        ta=ta+tx
        g.append(ta)
    return g[t]

#4sigma
pr=6.334248/100000
#3sigma
p=2
t=0
nn=[500,1000,1500,2000,2500,3000,3500,4000,4500,5000,6000,7000,8000,
    9000,10000,20000,30000,40000,50000,100000,500000,50000000]
for n in nn:
    s=100
    a=prob(n,p,s,t)
    while(a>pr):
        s=s+1
        a=prob(n,p,s,t)
    print(n,s)

```

C.3 Sample size cut-offs for different number of defectives

```

def binomlist(N, R):
    a=[1]
    for k in range(1, R):
        a.append((a[k-1]*(N-k+1))/k)
    return a

def prob(n,p,s,t):
    m=n*p//100
    k=n-m
    b=binomlist(n,s+1)
    c=binomlist(m,t+1)
    d=binomlist(k,s+1)
    ta=d[s]/b[s]
    f=[ta]
    g=[ta]
    for i in range(1,t+1):
        tx=c[i]*d[s-i]/b[s]
        f.append(tx)
        ta=ta+tx
        g.append(ta)
    return g[t]

pr=6.334248/100000
p=2
n=10000000
s=1
u=1
t=1
for t in range(0,51):
    u=s
    v=t-1
    a=prob(n,p,s,t)
    while(a>pr):
        s=s+1
        a=prob(n,p,s,t)
        k=s-1
    if t>0 :
        print(u, " - ",k," : ",v," ")

```


D Election Commission of India Letter

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/VVPAT-ISI/2018-EMS

Dated: 16th August, 2018

To,

Prof Bhat,
Head, Indian Statistical Institute (Delhi Centre),
New Delhi.

Subject: Mandatory verification of VVPAT slip count with electronic result during counting of votes in elections to the Parliament and State Legislative Assemblies: Statistical principles - regarding

Sir,

With reference to the captioned subject and in continuation of the discussion during the meeting with Sh Sudeep Jain, Dy Election Commissioner on 08.08.2018, I am directed to state that the Election Commission of India is Constitutionally mandated with direction, superintendence and control of elections to the Parliament and various State Legislative Assemblies in the country. Over the last two decades, the Commission has successfully conducted various general and bye elections through Electronic Voting Machines (EVMs) based voting and counting. Since 2013, the Commission has also deployed Voter Verifiable Paper Audit Trail (VVPAT) machines along with EVMs for additional verifiability and transparency in the voting process. The Commission is committed to 100% deployment of VVPATs with EVMs at all polling stations in all future elections to the Parliament and State Assemblies.

In order to further enhance the credibility and transparency of the EVM-VVPAT based election process, as also to address the demands of certain political parties regarding VVPAT paper trail counting, the Commission has already decided to undertake VVPAT slip verification of 1 (one) randomly selected polling station in each Assembly Constituency during the counting process. As a consequence of this decision, till date, VVPAT slip verification has already been done in respect of 843 polling stations across various States/UTs during the General and Bye election conducted during the last year. It is recorded with satisfaction that the slip verification has matched with the electronic count in all the cases.

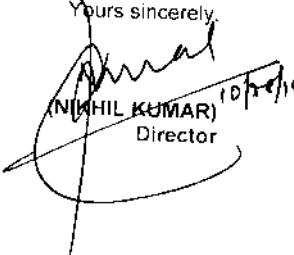
However, there are intermittent demands from certain sections of the political firmament to increase the counting of VVPAT slips during every election and the request varies from 25% to 100% slip counting. As can be duly appreciated, there has to be a convincing logical rationale rooted, *inter alia*, in sound statistical foundation for examining

and processing such requests. The Commission, as always, is keen to engage and involve all the stakeholders in the various aspects of election management and adopts a constructive and collaborative approach in resolving and addressing various issues, including the present matter regarding VVPAT slip count.

Since, Indian Statistical Institute is the most notable and reputed national institution devoted to research, teaching and application of statistics and sampling knowledge in the country, the Commission considers it expedient and desirable that your cooperation and expertise is solicited in addressing the matter of VVPAT slip verification, being essentially a statistical issue. Your vast technical resources and domain expertise will be very useful and instrumental in systematically analysing the whole issue and arriving at mathematically sound, statistically robust and practically cogent solutions to the raging debate about the number/percentage of VVPAT slip counts to be undertaken during the elections.

In view of the same, it is requested that your kind convenience may please be conveyed for associating with the Commission and collaborating towards addressing the issues as elaborated above. Any additional information or supplementary material in the matter, if so desired, may please be indicated.

Thanking you.

Yours sincerely,

 (Nihil Kumar)
 Director

// True Copy //

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 273 OF 2019

N CHANDRABABU NAIDU & ORS.

PETITIONER(S)

VERSUS

UNION OF INDIA & ANR.

RESPONDENT(S)

WITH

WRIT PETITION (C) No. 1514 OF 2018

WRIT PETITION (C) No. 23 OF 2019

WRIT PETITION (C) No. 215 OF 2019 AND

WRIT PETITION (C) No. 385 OF 2019

O R D E RWrit Petition (C) No. 273/2019:

This writ petition has been filed seeking the following reliefs:

- "A. Issue a writ of mandamus or any other appropriate writ, order or direction thereby quashing and setting aside Guideline No.16.6 of the Manual on Electronic Voting Machine and VVPAT as framed and issued by the Election Commission of India; and
- B. Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing that minimum of 50% randomized VVPAT paper slip verification of EVM shall be conducted in every General and Bye Election in each Assembly Segment of a Parliamentary Constituency, in case of Election to the House of the People; and in each Assembly Constituency, in case of an election to a State Legislative Assembly; and

- C. Pass such other order or direction as it deems fit in the facts of the present case and in the interest of justice."

Guideline No. 16.6 of the Manual on Electronic Voting Machine and VVPAT in respect of which the first prayer has been made would require to be specifically noticed to appreciate the issues involved in the writ petition. We, therefore, deem it appropriate to extract Guideline No. 16.6, which reads as follows:

"16.6. Mandatory Verification of VVPAT Paper Slips:

Mandatory verification of VVPAT paper slips of randomly selected 01 (one) polling station shall be conducted in all future General and Bye Elections to the House of the People and State Legislative Assemblies, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs, as under:

- a) In case of General and Bye elections to State legislative Assemblies, verification of VVPAT paper slips of randomly selected 01 (one) polling station per Assembly Constituency.
- b) In case of General and Bye elections to the House of the People, verification of VVPAT paper slips of randomly selected 01 (one) polling station of each Assembly Segment of the Parliamentary Constituency concerned.

For this mandatory verification of VVPAT paper slips, the following procedure shall be followed.

16.6.1. The verification of VVPAT paper

slips of randomly selected 01 (one) polling station for each Assembly Constituency/Segment shall be taken up after the completion of the last round of counting of votes recorded in the EVMs.

16.6.2. The random selection of 01 (one) polling station per Assembly Constituency/Segment shall be done by Draw of lots, by the Returning Officer concerned, in the presence of candidates/their agents and the General Observer appointed by the Commission for that Constituency.

16.6.3. The draw of lots must be conducted immediately after the completion of the last round of counting of votes recorded in the EVMs (Control Units) in the designated Counting Hall for the particular Assembly Constituency/Assembly Segment.

16.6.4. A written intimation regarding the conduct of draw of lots for the random selection of 01 (one) polling station for verification of VVPAT Slips shall be given by the Returning Officer to the Candidates/their election agents well in advance.

16.6.5. The following procedure shall be followed for the conduct of draw of lots:

- a) White colour paper cards of postcard size shall be used for conducting the draw of lots.
- b) Total number of such paper cards should be equal to total number of polling stations in the Assembly Constituency.
- c) The paper cards shall have pre-printed Assembly Constituency/Assembly Segment number, AC/AS name and date of polling on the

top, and the polling station number in the centre. Each digit of the polling station number shall be atleast 1" x 1"(1 inch by 1 inch) size and printed in black ink.

- d) The paper cards to be used for draw of lots should be four-folded in such a way that polling station number is not visible.
- e) Each paper card shall be shown to the candidates/their agents before folding and dropping in the container.
- f) The paper cards shall be kept in the big container and must be shaken before picking up 01 (one) slip by the Returning Officer.

16.6.6. The verification of VVPAT paper slips shall be done in a 'VVPAT Counting Booth' (VCB), specially prepared for this purpose inside the Counting Hall. The booth shall be enclosed in a wire mesh just like a bank cashier's cabin so that no VVPAT paper slip can be accessed by any unauthorized person. One of the Counting tables in the Counting Hall can be converted into the VCB and can be used for normal counting of round-wise EVM votes before the count of VVPAT slips as per random selection after the completion of round-wise EVM counting.

16.6.7. The Verification count of the VVPAT paper slips of the randomly selected 01 (one) polling station shall be conducted strictly in accordance with the instructions

of the Commission on counting of printed paper slips.

16.6.8. The Returning Officer and Assistant Returning Officer, as the case may be, shall personally supervise the counting of VVPAT paper slips at this booth. The General Observer concerned shall ensure close and careful observation of the entire exercise and ensure strict compliance of the Commission's instructions.

16.6.9. The above process shall be fully videographed.

16.6.10. After completion of the above process, the Returning Officer shall give a certificate in the annexed format (Annexure-30)."

The petitioners, who are 21 in number, are representatives of 21 political parties, who claim to represent about 70-75% of the total population of the country and also to represent the entire opposition in the Lok Sabha. The thrust of the petition is that, to maintain the purity of the electoral process and to ensure foolproof result of the mandate expressed by the voters in the forthcoming General Elections of the Lok Sabha as well as to some Assembly seats in different States it is necessary to increase the percentage of verification of VVPAT paper trails to atleast 50% of the EVMs to be used in the forthcoming elections.

The Election Commission of India has not

responded very favourably to the prayers made in the writ petition, as noticed above.

Very broadly, the Election Commission of India ("ECI") contends that a query had been posed to the Indian Statistical Institute ("ISI"), namely, "what would be the reasonable sample size of Polling Stations where VVPAT slips verification is required to be carried out to achieve the object of establishing the credibility and integrity of the electoral process".

According to the ECI, the said query was posed to an Expert Body, namely, ISI. In response, the ISI had submitted an elaborate report, the crux of which is that verification of VVPAT paper trail of 479 (randomly selected) Electronic Voting Machines ("EVMs") would generate over 99% accuracy in the election results. It is also pointed out that as per Guideline No. 16.6 i.e. verification of VVPAT paper trails of one Assembly Constituency or Assembly Segment in a Parliamentary Constituency would involve verification of VVPAT paper trail of 4125 EVMs instead of 479 EVMs which is eight times more than what has been reported by the ISI. Additionally, the ECI has pointed out infrastructure difficulties, including manpower availability, at this

point of time, in increasing the number of EVMs for verification. According to the Election Commission of India, the sample verification of the VVPAT paper trail of one EVM is done by a team of three Officers under the direct supervision of the Returning Officer and the Election Observer of the constituency. The process takes about an hour. If what the petitioner asks for i.e. verification of VVPAT paper trail of 50% of the EVMs, the declaration of result of election could be delayed by 5-6 days.

In a situation where the ECI, a constitutional body, is satisfied on the integrity of the EVMs and which is further fortified by the sample verification of VVPAT paper trail of one EVM per Assembly Constituency or Assembly Segment in a Parliamentary Constituency, the exercise sought for by the petitioner would be a futile exercise, which the Court should not order, it is contended.

We have heard learned counsel for the parties and we have also interacted with Mr. Jain, Deputy Election Commissioner, who is personally present in Court.

At the very outset the Court would like to observe that neither the satisfaction of the Election

Commission nor the system in vogue today, as stated above, is being doubted by the Court insofar as fairness and integrity is concerned. It is possible and we are certain that the system ensures accurate electoral results. But that is not all. If the number of machines which are subjected to verification of paper trail can be increased to a reasonable number, it would lead to greater satisfaction amongst not only the political parties but the entire electorate of the Country. This is what the Court should endeavour and the exercise, therefore, should be to find a viable number of machines that should be subjected to the verification of VVPAT paper trails keeping in mind the infrastructure and the manpower difficulties pointed out by the Deputy Election Commissioner. In this regard, the proximity to the Election schedule announced by the ECI must be kept in mind.

Having considered the matter, we are of the view that if the number of EVMs in respect of which VVPAT paper slips is to be subjected to physical scrutiny is increased from 1 to 5, the additional manpower that would be required would not be difficult for the ECI to provide nor would the declaration of the result be substantially delayed. In fact, if the said number is increased to 5, the process of verification can be done by the same team of Polling Staff and

supervisors/officials. It is, therefore, our considered view that having regard to the totality of the facts of the case and need to generate the greatest degree of satisfaction in all with regard to the full accuracy of the election results, the number of EVMs that would now be subjected to verification so far as VVPAT paper trail is concerned would be 5 per Assembly Constituency or Assembly Segments in a Parliamentary Constituency instead of what is provided by Guideline No. 16.6, namely, one machine per Assembly Constituency or Assembly Segment in a Parliamentary Constituency. We also direct that the random selection of the machines that would be subjected to the process of VVPAT paper trail verification as explained to us by Mr. Jain, Deputy Commissioner of the Election Commission, in terms of the guidelines in force, shall apply to the VVPAT paper trail verification of the 5 EVMs covered by the present order.

With the aforesaid directions, the Writ Petition shall stand closed.

Writ Petition (C) No. 23/2019:

We express our reluctance to go into the issues regarding the integrity of the EVMs which have been raised at a belated stage. The petition was filed in the month of December, 2018 raising various technical issues which are not possible to be gone into at this stage.

With the aforesaid observations, the writ petition shall stand closed.

Writ Petition (C) No. 385/2019:

We are of the view that the present practice of recounting of votes in terms of Rule 56-C of the Conduct of Election Rules, 1961 shall continue.

With the aforesaid observation, the writ petition shall stand closed.

Writ Petition (C) No. 1514/2018 and Writ Petition (C) No. 215/2019:

The writ petitions shall stand disposed of in terms of the observations made in the connected writ petitions i.e. Writ Petition (C) No.273/2019 etc.

.....CJI.
(RANJAN GOGOI)

.....J
(DEEPAK GUPTA)

.....J.
(SANJIV KHANNA)

NEW DELHI,
APRIL 8, 2019.

ITEM NO.48 + 14

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 273/2019

N CHANDRABABU NAIDU & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION)

WITH

W.P.(C) No. 1514/2018 (PIL-W)

W.P.(C) No. 23/2019 (PIL-W)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 3873/2019 and
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 46959/2019)

W.P.(C) No. 215/2019 (PIL-W)

(FOR ADMISSION)

W.P.(C) No. 385/2019 (PIL-W)

(FOR ADMISSION and IA No. 46187/2019-EXEMPTION FROM FILING O.T.)

Date : 08-04-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

WP 273/2019

Dr. Abhishek Manu Singhvi, Sr. Adv.

Mr. Saif Mahmood, Adv.

Mr. Varun K. Chopra, Adv.

Mr. Amit Bhandari, Adv.

Mr. Avishkar Singhvi, Adv.

Ms. Madhavi Khanna, Adv.

Mr. Anish Dayal, Adv.

Mr. Sumant De, Adv.

Mr. Mayank Mikhail Mukherjee, Adv.

Mr. Vivek Agarwal, Adv.

Mr. Arjun Singh Bhati, AOR

Mr. L. Nidhiram Sharma, Adv.

Mr. Azeem Samuel, Adv.

Mr. Chandy Oomen, Adv.

Mr. Zulfikar Menon, Adv.

WP 1514/2018	Mr. Kapil Sibal, Sr. Adv. Mr. Sanjay Hegde, Sr. Adv. Mr. Prasanna S., Adv. Mr. Nizam Pasha, Adv. Mr. Pranjal Kishore, Adv. Mr. Shantanu singh, Adv. Mr. Goutham Shivshankar, AOR
WP 23/2019	Mr. Sunil Ahya, In-person
WP 215/2019	Mr. Sanjay Hegde, Sr. Adv. Mr. Pranjal Kishore, Adv. Mr. Aakarsh Kamra, AOR
WP 385/2019	Mr. Rana Mukherjee, Sr. Adv. Mr. Runamoni Bhuyan, AOR Mr. S. Chatterjee, Adv. Mr. Piyush Sachdev, Adv. Mr. Rajkumar Thorat, Adv.
For Respondent(s) E.C.I.	Mr. C.A. Sundaram, Sr. Adv. Mr. Arvind P. Datar, Sr. Adv. Mr. Amit Sharma, AOR Mr. Dipesh Sinha, Adv. Ms. Ayiala Imti, Adv. Mr. Prateek Kumar, Adv. Mr. Neelesh Singh Rao, Adv. Mr. Sudeep Jain, Dy. Election Commissioner Mr. K.K. Venugopal, A.G. Mr. Tushar Mehta, S.G. Mr. Rajat Nair, Adv. Mr. Sachin Sharma, Adv. Mr. Ankur Talwar, Adv. Mr. A.K. Sharma, AOR

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

Writ Petition (C) No. 273/2019, Writ Petition (C) No. 23/2019 and
Writ Petition (C) No. 385/2019:

The writ petitions stand closed in terms of the signed order.

Pending applications, if any, stand disposed of.

Writ Petition (C) No. 1514/2018 and Writ Petition (C) No. 215/2019:

The writ petitions shall stand disposed of in terms of the observations made in the connected writ petitions i.e. Writ Petition (C) No.273/2019 etc.

Pending applications, if any, stand disposed of.

(SUSHIL KUMAR RAKHEJA)
AR CUM PS

(ANAND PRAKASH)
BRANCH OFFICER

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

REVIEW PETITION (CIVIL) NO.1083 OF 2019
IN
WRIT PETITION (CIVIL) NO.215 OF 2019

RAMESH BELLAMKONDA

... PETITIONER(S)

VS.

ELECTION COMMISSION OF INDIA

... RESPONDENT(S)

WITH

REVIEW PETITION (CIVIL) NO.1084/2019 IN WRIT PETITION
(CIVIL)NO.273/2019, REVIEW PETITION (CIVIL) NO.1116/2019
IN WRIT PETITION (CIVIL)NO.1514/2018 AND WRIT PETITION
(CIVIL)NO.612/2019

O R D E R

Review Petition (Civil) No.1083/2019 in Writ Petition
(Civil) No.215/2019, Review Petition (Civil) No.1084/2019 In
Writ Petition (Civil) No.273/2019, Review Petition (Civil)
No.1116/2019 In Writ Petition (Civil) No.1514/2018 :

Applications for listing the review petitions in open
Court are allowed.

Heard learned counsel for the petitioners and perused
the record. We are convinced that the order of which
review has been sought, does not suffer from any error
apparent warranting its reconsideration.

The Review Petitions are, accordingly, dismissed.
Pending applications stand disposed of.

Writ Petition (Civil) No.612/2019 :

We are not inclined to entertain this petition. The writ petition is dismissed. Pending applications stand disposed of.

.....CJI.
[RANJAN GOGOI]

.....J.
[DEEPAK GUPTA]

.....J.
[SANJEEV KHANNA]

New Delhi;
May 7, 2019.

ITEM NO.31

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

R.P.(C) No.1083/2019 in W.P.(C)No.215/2019

RAMESH BELLAMKONDA

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA

Respondent(s)

(With appln.(s) for permission to file additional documents/facts/
annexures and for listing review petition in open Court)

WITH

R.P.(C)No.1084/2019 in W.P.(C) No.273/2019 (PIL-W)

(With appln.(s) for permission to file additional documents/facts/
annexures and for listing review petition in open Court)

R.P.(C)No.1116/2019 in W.P.(C)No.1514/2018 (PIL-W)

W.P.(C) No.612/2019 (PIL-W)

(With appln.(s) for exemption from filing O.T.)

Date : 07-05-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Aakarsh Kamra,AOR

Dr. Abhishek Manu Singhvi,Sr.Adv.

Dr. Saif Mahmood,Adv.

Mr. Amit Bhandari,Adv.

Mr. Avishkar Singhvi,Adv.

Mr. Mayank Mikhail Mukherjee,Adv.

Mr. Vivek Agarwal,Adv.

Mr. L. Nidhiram Sharma,Adv.

Ms. Madhvi Khanna,Adv.

Mr. Azeem S.,Adv.

Mr. Chandyoomen,Av.

Mr. Zulfikar Memon,Adv.

Mr. Arjun Singh Bhati,AOR

Mr. Kapil Sibal,Sr.Adv.

Mr. Nizam Pasha,Adv.

Mr. Prasanna S.,Adv.

Mr. Shantanu Singh,Adv.

Mr. Goutham Shivshankar, AOR

Mr. Raju Ramachandran, Sr. Adv.
 Mr. C.U. Singh, Sr. Adv.
 Dr. Saif Mahmood, Adv.
 Mr. M.R. Shamsad, AOR
 Mr. Aditya Samaddar, Adv.
 Mr. Vivek Agarwal, Adv.
 Ms. Sarah Haque, Adv.

For Respondent(s) Mr. K.K. Venugopal, AG
 Mr. Tushar Mehta, SG
 Mr. Ankur Talwar, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Kanu Agrawal, Adv.
 Mr. Sachin Sharma, Adv.
 Mr. A.K. Sharma, AOR

ECI Mr. C.A. Sundaram, Sr. Adv.
 Mr. Amit Sharma, AOR
 Mr. Dipesh Sinha, Adv.
 Mr. Prateek Kumar, Adv.
 Mr. Neelesh Singh Rao, Adv.
 Ms. Rohini Mosa, Adv.

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

Review Petition (Civil) No.1083/2019 in Writ Petition (Civil) No.215/2019, Review Petition (Civil) No.1084/2019 In Writ Petition (Civil) No.273/2019, Review Petition (Civil) No.1116/2019 In Writ Petition (Civil) No.1514/2018 :

The review petitions are dismissed in terms of the signed order.

Writ Petition (Civil) No.612/2019 :

The writ petition is dismissed in terms of the signed order.

(Anand Prakash)
 Branch Officer

(Sarita Purohit)
 AR-cum-PS

(Signed order is placed on the file)

C.P. Joshi vs. Kalyan Singh Chouhan
 & anr.

S.B. Election Petition No.1/2009 under Sections 80,81,100(1)(d)(iii) and 100(1)(d)(iv) of the Representation of People Act, 1951.

Date of Order: March 25th ,2010.

PRESENT
HON'BLE MR. PRAKASTH TATIA,J.

Mr. M.S. Singhvi, Arun Bhansali & Mr. R.K. Purohit for the petitioner.
Mr.L.R. Mehta, Mr. Vijay Bishnoi & Mr. Ramit Mehta, for respondent no.1.

■ ■ ■ ■ ■

The election petition was posted on 16.2.2010 for obtaining admission, denial for documents submitted by the parties and for framing of the issues and the respondent submitted this application a day before on 15.2.2010 raising objections that the sealed packet containing marked copy of the Electoral Roll, the Register of Voters in Form No.17A

and the list of Tendered Votes in Form No.17B, should not be opened and be allowed to be inspected even for framing of the issues. Consequence of which will be the Court may not obtain admission denial for the documents referred above before framing issues.

The contention of the respondent is that this Court vide order dated 19.11.2009 allowed the application of the petitioner for summoning of the documents and has summoned the documents mentioned at S.Nos. 4 to 35 and 45 from the District Election Officer, Rajsamand. Against this order dated 19.11.2009, Special Leave to Appeal(Civil) No.33725/09 was preferred before Hon'ble the Supreme Court. Said Special Leave to Appeal was disposed of by the Hon'ble Supreme Court on 16.12.2009 with liberty to petitioner to raise objections referred in the order at relevant time.

According to the learned counsel for the respondent, in view of the above order of the Hon'ble Supreme Court, unless the petitioner prima facie proves allegations contained in para no.12 to 19 of the election petition, the sealed packet containing the marked copy of the Electoral Rolls, the Registers of Votes in Form No.17A and the list of Tendered Votes in Form No.17B should not be opened and be allowed to be inspected even for framing of the issues in the election petition.

The learned counsel for the respondent vehemently submitted that the documents referred above are secret and in view of Rule 93(1)(a) to (e), the opening of the documents will violate the secrecy of the election process which is not permissible. The learned counsel for the respondent relied upon the judgment of the Hon'ble Supreme Court delivered in the case of *Fulena Singh v. Vijay Kumar Sinha and others* ((2009) 5 SCC 290), wherein it has been held that before production and inspection of the election papers, a clear case is required to be made out for ordering the production and inspection of the election papers. In that case, the inspection of the election papers, i.e. the Register in Form No.17A allowed by the High Court was set aside by the Hon'ble Supreme Court.

The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court delivered in the case of *Smt. Rekha Rana v. Jaipal Sharma & ors.* (AIR 2009 SC 2946) and submitted that opening the documents for the purpose of obtaining the admission, denial of the respondent, will not violate any secrecy of ballot, nor there is any restriction against opening of these documents, if the Court passes the order. It is also submitted that the documents referred above, as such, are not the secret documents, as from those documents, no one can know who had cast vote in favour of whom. Further, Section 94 of

the Representative of People Act, 1951, has not made these documents secret documents but put a restriction against opening of documents otherwise than by the order of the Court so that the election papers may not be opened and used by any authority for any purpose.

I considered the submissions of the learned counsel for the parties and the judgments referred above.

It will be appropriate to first recapitulate that the election petitioner submitted application IA No.14745/09 for summoning of various documents and articles before issues be framed in the election petition. In reply to that application, the respondent specifically took the plea in para no.6 of the reply that "... It is for the petitioner to prove the allegations which he has chosen to base his election petition, he cannot be permitted to have a roving and fishing enquiry into the records pertaining to election; whose inspection and production is prohibited by statutory rules in the interests of maintaining and preserving the secrecy of votes." Then took the plea in para no.7 that "... The petitioner is not entitled to summon the documents mentioned in S.No.4,5,12,13,20,21,34,35,36,37 and 45 by invoking Rule 12 of the Election Petition Rules or under any provision of law. Petitioner's application under reply is clearly violative of the statutory provisions, which prohibit inspection and production of the documents for maintaining

secrecy of voting which is fundamental to democracy."

In para no.11 of the above reply, the respondent took the plea that " since the petitioner has so far not cared to exhibit his readiness to produce any evidence for even showing that the allegations on which he has based his election petition are capable of being substantiated, he cannot be permitted to have a roving and fishing enquiry into election records and violate the secrecy of voting." The in para no.13 of the said reply the respondent again took a plea that "... inasmuch as the petitioner has not established any prima facie case in regard to his allegation about voting by impersonation. Thus the petitioner's petition under reply also deserves to be dismissed in regard to the documents mentioned in S.Nos.20 to 27." The same plea was taken of not having any prima facie case established by the petitioner for production of the documents at S.No. 34,35 and 45 etc. in para no.15 of the reply.

From the above, as plea taken in para no.18, it is clear that the respondent's objection even at the time of summoning of the document was that the documents/articles cannot be summoned in the court because there is no iota of evidence to substantiate any allegation made in the election petition even of prima facie nature. Therefore, these documents/articles cannot be

summoned and very specifically it was pleaded that the documents cannot be summoned as it will lead to roving and fishing enquiry from the election material and, more importantly, it will violate the secrecy of the election process/votes and this Court vide order dated 19.11.2009 held as under:-

".... the documents referred at S.No. 4 to 33 and if these documents are not produced at this stage and will be summoned after some evidence of the petitioner, then that will cause only delay, therefore, these documents can be summoned at this stage, rather say, required to be summoned at this stage and after obtaining admission and denial on these documents from the respondents, the proper issues may be framed and unnecessary evidence can be excluded. The video CDs referred at S.Nos. 34 and 35 are also not the secrete articles and they are also relevant which will also be required before evidence of the petitioner starts. The Electronic Voting Machines, referred at S.Nos.36 to 43 of the list as well as the tendered ballet papers referred at S.No.44 cannot be summoned at this stage without recording any prima facie satisfaction of the court for ordering summoning of these documents. However, the record relating to the inclusion of the name of Kalpana Kunwar/Kalpana Singh in the electoral roll pertaining to Polling Station NO.86 (Numbered 39 in the election held on 4.12.2008) as also Polling Station NO.83 (Numbered 40 in the election held on 4.12.2008) of Nathdwara

Legislative Assembly Constituency is also required to be summoned, as these documents are also relevant in view of the allegations made in the election petition and by summoning them, the proper issues can be framed and unnecessary evidence may be excluded.”

Summoning of these documents, at this stage, will help the Court in framing the proper issues and will help in placing the burden of issue properly upon the party and ultimately may avoid unnecessary evidence.”

From the order dated 19.11.2010 it is clear that the documents were summoned after considering whether it will be the right stage for summoning the documents and after considering that whether these documents are secret documents or not and the documents were summoned for the purpose of obtaining admission, denial of the respondent as documents were summoned by the petitioner and, therefore, that is required to be done before framing of the issues. It was felt necessary that the admission, denial be obtained so that for proving issues, proper burden can be put upon the party and this Court also observed that it will avoid unnecessary evidence and will facilitate early decision on the election petition. It is clear from the above order dated 19.11.2009 that this Court clearly held that the documents/articles are required to be produced at this stage and before evidence of petitioner and these

documents summoned by the Court are not secret documents/articles. In spite of above clear decision by this Court, on the issue raised by the respondent, the petitioner with the help of the observations made by the Hon'ble Supreme Court in Special Leave Petition preferred against the order dated 19.11.2009, raised same objections. The order passed by the Hon'ble Supreme Court is as under:-

“Heard both sides.

The respondent-Election Petitioner filed an application to summon certain documents, mostly relating to the conduct of election. The petition was opposed by the petitioner herein alleging that these documents are irrelevant and inadmissible in law and it was also submitted that the election petitioner has not raised any of the grounds warranting summoning of these documents.

We make it clear that the petitioner would be at liberty to raise these grounds/relevancy or admissibility of these documents when these documents are sought to be used by the respondent herein in the proceedings. It was also pointed out that these documents, some are confidential in nature and they may expose the secrecy of the election. The Returning Officer is directed to produce the documents in a sealed cover, only after hearing the parties, and if necessary, open the sealed cover having due regard to the sanctity of the secrecy of ballot.

The petitioner herein would be at liberty to

raise all objections regarding admissibility and relevancy of the documents at the time of the hearing.

The special leave petition is disposed of accordingly.” (emphasis supplied)

It is clear from the order of the Hon'ble Supreme Court dated 16.12.2009 quoted above that the contention of the respondent before the Hon'ble Supreme Court was that the documents summoned are irrelevant and inadmissible in law for which Hon'ble the Supreme Court observed that the respondent will be at liberty to raise all objections regarding admissibility and relevancy of the documents at the time of hearing. Such objections are not at present. Another plea taken by the respondent before the Hon'ble Supreme Court was that some of the documents are confidential in nature and they may expose the secrecy of the election. For this, Hon'ble Supreme Court observed that the Returning Officer shall produce the documents in sealed cover only and only after hearing the parties and if necessary, the documents will be opened having due regard to the sanctity of the secrecy of ballot.

So far as the tendered ballot and the voting machines wherein votes have been recorded are concerned, they are certainly secret documents/articles and neither the petitioner has requested for opening of tendered ballots or for decoding of the voting machine. At this place it will be

relevant to mention here that what has been made secret in the process of election is given under Section 94 of the Representation of People Act, 1950.

The Section 94 in the Representation of the People Act, 1950, is as under:-

"94. Secrecy of voting not to be infringed.- No witness or other person shall be required to state for whom he has voted at an election."

This provision protects the voter or other person from disclosing in whose favour he has voted as it is secret information.

Hon'ble the Supreme Court in the case of Smt. Rekha Rana v. Jaipal Sharma & ors. (AIR 2009 SC 2946), after considering earlier decisions of the Supreme Court, observed that:-

"the underlying object of the provision is to assure a voter that he would not be compelled, directly or indirectly, by any authority to disclose as to for whom he has voted, so that he may vote without fear or favour and is free from any apprehension of its disclosure against his will from his own lips. The Section confers a privilege on the voter to protect him both in the Court when he is styled as a witness and outside the Court when he may be questioned about how he

voted. This precisely is the principle of "secrecy of ballot."

Then Hon'ble the Supreme Court observed that -"The "secrecy of ballot" has always been the hallmark of the concept of free and fair election, so very essential in the democratic principles adopted by our polity. It undoubtedly is an indispensable adjunct of free and fair election." In the same judgment, Hon'ble the Supreme Court considered the case of S.Raghubir Singh Gill v. S. Gurcharan Singh (AIR 1980 SC 1362) wherein it has been observed that "Out of the two competing principles, the "purity of election", principle must have its way and that the "rule of secrecy", as contemplated in Section 94 of the Act, cannot be pressed into service to suppress a wrong coming to light and to protect a fraud on the election process."

The petitioner is not seeking any information relating to any person, who had voted and to know to whom he voted nor asked for the decoding of the Electronic Voting Machine and, therefore, Section 94 cannot be involved to prevent the Court from opening the documents summoned. At this stage, it will be more relevant to emphasis that what has been made secret is that no one should be compelled to state for whom he has voted at an election and it has not been made secret by Section 94 or by any other provision of law under the Act of 1951 that whether one has voted or

not. The petitioner is also not seeking inspection of the documents to know who has voted for whom but the petitioner gave names of the persons, for whom it has been alleged that some other persons have voted. In the facts of this case, the petitioner is not seeking opening of documents to know whether any voter has voted or not or if voted then for whom he has voted. In fact the documents are required to be opened for obtaining admission, denial of the respondent for the purpose of framing issues in proper form to place the burden upon the appropriate party.

Inspite of having a specific provision for maintaining the secrecy of ballot in the Act of 1951 under Section 94, Rule 93 in the Conduct of Elections Rules, 1961 has been framed in different language. By Rule 93, only it has been provided that the papers and articles referred in sub-clause (a) to (e) shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the order of a competent court. Rule 93 of Rule of 1961 itself nowhere provides that the documents/articles mentioned in sub-clauses (a) to (e) of sub-rule (1) of Rule 93 shall be secret documents/articles and in contrast to Section 94 of the Act of 1951, those materials can be inspected and produced before any person or authority, but only upon the order of the competent court. This provision has been made inspite of the fact that

as per Section 93 of the Act of 1951, no witness or any other person is require to state for whom he has voted and as per sub-clause (b) and (c) of sub-rule (1) of rule 93, even packets of used ballot papers whether valid, tendered or rejected, as well as the packets of counterfoils of used ballot papers, are permitted to be inspected or produced before not only the court, hearing the election petition, but before any person or authority if the Court passes the order for such inspection or production of those documents or articles before any person or authority. The respondent failed to demonstrate and show with the help of any provision of law under the Representation of People Act, 1951 or the Election Rules, 1961 that the documents or articles by which the secrecy of vote by voter is not disclosed and cannot be made known, yet they cannot be opened in the Court if needed to frame proper issues which are required to be framed after obtaining admission, denial on such documents and for that purpose the Court has passed an order.

This Court by order dated 19.11.2009 summoned the documents/articles mentioned at S.No.4 to 35 and 45 in the application submitted by the petitioner, which are as under:-

“1. Nomination Papers presented by Shri Kalyan Singh Chouhan along with affidavit.

"4. Electoral Roll relating to Polling station No.39

5. Electoral Roll relating to Polling station No. 40.

6. Electoral Roll relating to Polling station No.27

7. Electoral Roll relating to Polling station No.61

8. Electoral Roll relating to Polling station No.73 9. Electoral Roll relating to Polling station No. 117.

10. Electoral Roll relating to Polling station No. 180

11. Electoral Roll relating to Polling station No.199

12. Marked copy of electoral roll relating to Polling station NO.39

13. Marked copy of electoral roll relating to Polling station NO.40

14. Marked copy of electoral roll relating to Polling station NO.27

15. Marked copy of electoral roll relating to Polling station NO.61

16. Marked copy of electoral roll relating to Polling station NO.73

17. Marked copy of electoral roll relating to Polling station NO.117

18. Marked copy of electoral roll relating to Polling station NO.180

19. Marked copy of electoral roll relating to Polling station NO.199

20. Register of Voters in Form NO.17A relating to Polling Station No.39

21. Register of Voters in Form NO.17A relating to Polling Station No.40

22. Register of Voters in Form NO.17A relating to Polling Station No.27

23. Register of Voters in Form NO.17A relating to Polling Station No.61

24. Register of Voters in Form NO.17A relating to Polling Station No.73

25. Register of Voters in Form NO.17A relating to Polling Station No.117

26. Register of Voters in Form NO.17A relating to Polling Station No.180

27. Register of Voters in Form NO.17A relating to Polling Station No.199

28. List of Tendered Votes in Form No.17B relating to Polling station No.27

29. List of Tendered Votes in Form No.17B relating to Polling station No.61

30. List of Tendered Votes in Form No.17B relating to Polling station No.73

31. List of Tendered Votes in Form No.17B relating to Polling station No.117

32. List of Tendered Votes in Form No.17B relating to Polling station No.180

33. List of Tendered Votes in Form No.17B relating to Polling station No.199

34. Video CDs containing the videography of polling Process relating to Polling station No.39

35. Video CDs containing the videography of polling Process relating to Polling station No.40

45. Record relating to inclusion of the name of Smt. Kalpana Kunwar/Kalpana Singh wife of

respondent Kalyan Singh Chouhan in the electoral roll pertaining to Polling Station No.86 (Numbered 39 in the election held on 4.12.2008) as also Polling Station No.83 (Numbered 40 in the election held on 4.12.2008) of Nathdwara Legislative Assembly Constituency.”

The documents at S.No.4 to 19 are the marked copies of electoral roll relating to specific Polling Station, number of which have been given and the election petitioner is not seeking any roving enquiry from these electoral roll to find out how many persons have voted or not voted but is seeking to use specific entry in relation to specific person to prove that specific persons have voted and specific persons have cast tendered votes. It is not a case of touching the secrecy of election and will disclose that who has voted for whom.

The documents summoned, referred at S.No.20 to 27, are the Registers of votes in Form 17A relating to specific Polling Station, number of which have been given by the petitioners. The Register of votes is maintained as required under Rule 49L of the Rules of 1961. In the Form 17A, before permitting an elector to vote, the Polling Officer (a) records the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 17A, (b) obtain the signature or the thumb impression of the elector on the said register of voters; and

(c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote. Therefore, the information recorded in Form 17A itself cannot disclose that which voter has voted for whom. It only records the the elector who was allowed to vote at the Polling Station. It contains the signatures/thumb impression of that elector, which also only can prove that that person has voted. Therefore, the documents referred at S.No.20 to 27 also have no secrecy attached to it in the light of the provisions made in the Act of 1951 and the Rules of 1961.

The documents referred at S.No.28 to 33 are list of tendered votes in Form 17B relating to specific Polling Station. Form 17B is prescribed in the Rules of 1961 and are required to be maintained under Rule 49E of the Rules of 1961. In this Form 17B, the Presiding Officer is to enter the serial number, name of the elector, serial number of the elector in the electoral roll, serial number in the Register of voters(Form 17A of the person who has already voted in place of elector) and the Presiding Officer is required to obtain the signature or thumb impression of such elector who has been given tendered vote, as provided under Section 49P of the Rules of 1961. For the purpose of examining its value with reference to any secrecy attached to it, the Form 17B is similar to Form 17A, as it itself also does not disclose nor can disclose that for whom voter has

voted.

At this juncture, it will be further relevant that the petitioner in the election petition has specifically referred the names of the electors, who according to the petitioners, have submitted the tendered votes and the petitioner do not want to have a roving or fishing enquiry from the bundle/registers of Form 17A and 17B to know that who gave tendered vote. Therefore, these documents can be opened for the purpose of obtaining admission, denial of the respondent.

In the case of of Fulela Singh (supra), Hon'ble the Supreme Court held that inspection of election papers mentioned in Rule 93(1)(a) to (e) is not available as a matter of course and inspection is not to be ordered to find out material to derive support for one's own case and a clear case is required to be made out for ordering the production and inspection of election papers. In above case, the facts were that the election petition sought declaration that the respondent's election be declared void on the solitary ground that there are large number of voters; roughly about 600 were enrolled as voters from more than one place and majority of such voters have voted twice in favour of Respondent 1. In this regard, it is curious to indicate that there are 250 persons of the family of Respondent 1, including the gotias(agnates) and co-

villagers who were supporters of Respondent 1 and enrolled in more than two places in the voter's list in the same constituency and they have cast votes at both the places and as such 500 void votes have been counted in favour of Respondent 1 and if such void votes are deleted by simple arithmetical calculations, Respondent 1 has secured less number of votes than the petitioner and therefore on this ground alone the election of Respondent 1 is not only fit to be set aside but on the other hand the election petitioner is entitled to declare election in place of Respondent 1 by securing the majority votes than Respondent 1. In the election petition, the election petitioner produced evidence on his behalf and when the matter came up for evidence of respondent before the Hon'ble Supreme Court, then an application was filed under Rule 93(1)(dd) of the Rules seeking inspection of "the packets containing registers of voters in Form 17A". The Hon'ble Supreme Court noticed that in the said application, it was stated that inspection of the register of voters in Form 17A is required for the purpose of substantiating the allegations of double voting by the relation and the supporters of the appellant. After noticing the facts of the case, the Hon'ble Supreme Court held that the documents referred in Rule 93(1)(a) to (e) cannot be inspected for making a roving enquiry in order to find out the material and to derive support for one's own

case. As already observed, such is not the case here and the petitioner wants to prove a specific entry for a specific person and is not intended to find out whether that specific person has voted or not. Not only this, in the case of Fulena Singh (supra) it has been held that the grant or refusal of production in the election petition to large extent depends upon the decision as to whether parties have to be permitted to inspect the register in Form 17A. The Hon'ble Supreme Court, even after setting aside the order, directed the trial court to dispose of the election petition as well as the application, uninfluenced by any of the observations made in the order passed by the Supreme Court by specifically mentioning in para 18 that the Supreme Court do not propose to minutely examine the nature of evidence and express opinion as to whether any case at all is made out for permitting the parties to inspect the packets containing registers of voters in Form 17A. Therefore, the said judgment has no application to the facts of the case.

In view of the above, it is held that the documents summoned are required to be opened for the purpose of obtaining admission, denial before framing of the issues in the election petition and it do not violate the secrecy and admission denial over the documents are required to be obtained before issues are framed and before evidence in the election petition may start.

For the reasons mentioned above, the application is dismissed and the objections raised by the respondent in the application are rejected and the matter may be listed for admission, denial and for framing issues on 6.4.2010 at 2.00 p.m.

(PRAKASH TATIA),J.

mlt.

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2004 SCC OnLine Kar 72 : AIR 2004 Kar 289 : 2004 AIR Kant R
1267 : (2004) 3 Civ LT 8 : (2004) 2 KCCR 1239

Karnataka High Court
(BEFORE K. SREEDHAR RAO, J.)

Michael B. Fernandes ... Petitioner;

Versus

C.K. Jaffer Sharief and others ... Respondents.

E.P. No. 29 of 1999

Decided on February 5, 2004

ORDER

1. This Election Petition does not only challenge the integrity of the election of the first respondent but also the efficacy and integrity of the electronic voting machine used in the election of Yelahanka Parliamentary Constituency. The petitioner is the unsuccessful contestant at the 13th Loksabha Parliamentary Election held on 6-10-1999. The first respondent is the successful candidate. The respondents 2 to 5 are the other contesting candidates. Respondents 6 to 8 are Election Commission and its Officers. This Court deleted respondents 6 to 8 as not necessary parties. The Supreme Court confirmed the order.

2. The gist of the objections raised by the petitioner in the Election Petition disclose that the amendment to Representation of the People Act by incorporating Section 61A and making provision for use of electronic voting machines and the consequent amendment to Rules is bad in law as it permits arbitrariness and ultra vires the Constitution. An election conducted with the aid of electronic voting machine does not ensure the free and fair polling and counting, in view of the inherent defects in the electronic voting machine. It is also contended that electronic voting machine is vulnerable to tampering. Besides it is alleged that on account of the inherent errors in the electronic voting machine, there has been no proper counting of the votes. The first respondent has denied the allegations made in the petition. The following issues were framed by my predecessor.

1. Whether the petitioner proves that there has been non-compliance of the provisions



of the Constitution, Act, rules or orders made under the Act from the

time of polling to counting resulting in materially affecting the result of the election in so far as the first respondent is concerned?

2. Whether S. 61 of the Representation of the People Act and consequent rules under Chapter 2 of the Conduct of Election Rules, 1961 is ultra vires the constitution?
3. Whether the petitioner proves that elections held to No. 12, Bangalore North Parliamentary Constituency by using the Electronic voting machines is null and void?
4. Consequently, whether the petitioner is entitled for a declaration that the result of the 1st respondent electing him from No. 12 Bangalore North Parliamentary Constituency is liable to be declared as null and void?
5. Whether the petitioner has made out a case for re-poll?

3. In view of the disputed contentions, an additional issue is framed in the following manner:

4. Whether the electronic voting machines used in the conduct of the election is vulnerable to mischief or whether the electronic voting machine has in-built safeguards of tamper proof?

5. This case as usual of the civil litigations does not stand out as an exception for expeditious disposal. By the time the evidence is commenced and concluded, the political scenario of the country has undergone a thorough change, threatening a premature dissolution of Loksabha. In view of the changed context, the Counsel for the petitioner submits that factual contentions regarding impropriety and illegality of election canvassed in the petition are given up and confine to challenge only on the legal aspects and feasibility of the use of electronic voting machines in the election process.

6. The Supreme Court in *Mohinder Singh Gill v. Chief Election Commissioner, New Delhi* (1978) 2 SCR 272 : ((1978) 1 SCC 405 : AIR 1978 SC 851) with lucidity has explained the scope and powers of the Election Commission while interpreting article 324 of the Constitution. Primarily the Legislature has to frame Rules regarding the Superintendence, control and conduct of elections. Any gray area not covered by the rules, the Election Commission is empowered to regulate with the approval of the Government. The Election Commission cannot conduct itself overriding the provisions of the Act and the Rules.

7. In *A.C. Jose v. Sivan Pillai*, (1984) 2 SCC 656 : AIR 1984 SC 921, for the first time the legitimacy of user of electronic voting machine in an election came in question. The Supreme Court held that in the existing structure of Act and Rules, there is no provision for using electronic voting machine without necessary amendment, and such a user was held to be bad in law. The Supreme Court further in para 36 listed out the serious faults in the use of electronic voting machine and

found that with such defects it would not be advisable to use the electronic voting machine in the election.

8. Much water has flown under the bridge. There has been a tremendous advancement in the electronic technology. The electronic voting machine used in the election during 1982 is an obsolete model. The Scientist who is one of the co-designer of the electronic voting machine is examined as a court witness and his evidence unflinchingly supports the feasibility of use of electronic voting machines in the election. The defects of the machine pointed out in *A.C. Jose's case* no longer remain relevant. The present improved version of E.V.M. takes care of all those defects. The amendment to Representation of the People Act and Rules is carried out pursuant to the observations of the Supreme Court. Therefore, it is untenable to contend that the amendment of the Act and Rules is ultra vires and bad in law.

9. About the functional efficacy of E.V.E., one of the scientists of the Bharat electronic Limited (in short B.E.L.), who is the co-designer of the machine is examined as a court witness. The following is the gist of his evidence:

10. Voting machine has two major units: one is control unit and other is balloting unit. Control unit is handled by the Presiding Officer, who is in-charge of the Polling Booth. The control unit has all the intelligence inbuilt. The ballot unit is a dummy unit or otherwise called non-intelligence unit. The ballot unit has buttons and a lamp for each candidate arranged in a line. The ballot unit is kept in the polling compartment, 5 meters away from the control unit. The ballot Unit has a cable permanently attached. At the time of polling, the cable is connected to the control unit, when the voter press the



button casting the vote to a candidate, the lamp by the side of the button will glow to indicate that the voting done is proper and simultaneously in the control unit a beep sound is heard to a range of 30 ft. The control unit functions in a non-reversible cycle of voting process.

11. After the publication of the list of the candidates, the Returning Officer sets the number of contesting candidates in the control unit, which functions on a battery specially manufactured and supplied by B.E.L. The effective life of the battery is 48 hours of continuous functioning. In the balloting unit the printed ballot sheet is put behind the transparent screen. The balloting unit is capable of handling the ballot sheet containing 16 contestants and on the whole EVM is

designed to handle a maximum of 64 contestants at an election. The balloting unit has got 16 buttons operatable through a panel cut out. After inserting the balloting paper in the ballot unit, the Returning Officer closes the lid and put a seal provided by the election commission in presence of the candidates/their agents. The lid and the flaps once closed and sealed cannot be opened without tampering the seal. The Returning Officer simultaneously will set the control unit to receive the information about the number of candidates contesting in the election. By pressing the last "Can set" button in the control unit, the number of contesting candidates is recorded. The candidate set compartment of the control unit is closed and sealed in the presence of the candidates/their agents. Thereafter the control unit and the balloting unit are put separately in a carrying cases and are sealed by the Returning Officer in presence of the candidates/agents. The carrying cases containing control unit and balloting Unit are delivered to the Presiding Officers on the previous day to the election and would be carried to the polling booth.

12. The Polling Officer will verify the seals of the carrying cases, take out the control unit and balloting unit, verify the correctness of the seals. An hour before the polling time, mock poll is conducted to verify the functional capacity. The agents/candidates are asked to press the button in the balloting unit to cast their votes. Later on the "result button" in the micro controller is pressed which display the number of votes polled. After demonstration of the correctness of the function, the 'clear button' is pressed which will erase all the data of the mock poll. After the mock poll, the Presiding Officer will close the result compartment by putting the seal provided by the election commission by which the voting machine is ready for polling.

13. The voter presents before the Presiding Officer, after verifying the identity, the Presiding Officer will press the 'balloting button' in the control unit and send the voter to the polling cabin. When the voter press the 'balloting button' casting vote to the candidate of his choice, the lamp by the side of the button will glow indicating the correctness of voting. The control unit will give a beep sound to indicate that the vote casted is registered in the control unit. For the next vote to be cast, again it is necessary that the 'balloting button' in the control unit is to be pressed by the Presiding Officer, otherwise, mere pressing of button in the balloting unit by the voter will be of no consequence. For every next vote to be cast, it is necessary that the 'balloting button' in the control unit is to be pressed by the Presiding Officer. After polling time is over 'close button' in the control unit is pressed by the Presiding Officer by which the machine gets locked. Thereafter, the balloting unit is disconnected from the control unit, they are separately packed in the carrying cases and sealed in presence of the agents by the Presiding

Officer. Later on they are transported to the counting centers and ballot unit and control unit are kept in a strong room before they are taken to the counting centers. At the time of counting, seals put by the Presiding Officer to the control unit is verified to ensure that no tampering has taken place. When the 'result button' is pressed, machine will display the number of votes polled against each candidates sequentially.

14. Control unit has two main devices: one is micro controller and another is memory. Micro controller is one time programmable component. Micro controller once fused with program code and data is unchangeable and irreversible. The memory device is functionally efficient and retain the voting data without the aid of a battery. The micro controller will record and register the voting data by cross checking with the memory for every vote. The programme code is encrypted and stored in the memory. It is not possible to replace the memory device in order to play mischief. If the Memory device is removed,



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micro controller will detect and declare that the machine is in error state. The memory device and one time programmable micro controller are the pivotal devices of the EVM and they act as tamper proof device for the programme code and poll data.

15. If a voter damages the button of the balloting unit or for accidental reason the button of the balloting unit gets struckn, such errors are indicated in the control unit. In such cases, a spare balloting unit is used. The sound of error message is heard in the control unit like a alert sound, simultaneously the display panel will show letters "PE" indicating that balloting unit has gone out of order. If the connecting cable is damaged or cut, letter 'LE' is displayed in the display panel of the control unit with an alert sound and these are the possible errors that can happen during use of machine during polling. If there is any error in the memory device, the machine is declared dead. The weak battery can also lead to error and the panel display will indicate by six dash marks. The Presiding Officer will change the battery and continue polling. The defect in the battery is a rare phenomenon. If the machine is not functioning, there will be no battery consumption.

16. The Micro controller manufactured with a given programme code is only useful for EVMS made for the elections by the B.E.L. company and cannot be used for any other purpose. The programme code is encrypted by out-source agency in the presence of the responsible

official of the BEL and the programme code is a business secret. Outsource agency would keep the encrypted data as utmost secrecy. It is further stated that the encrypted code and data is unchangeable and indelible by anybody, even by the manufacturer. Any attempt to tamper with the encrypted code would only result in damage to the machine. But the micro controller and memory cannot be manipulated by anybody. It is also stated that the EVM is tested to the temperature condition of 20 degree C to + 55 degree C. and electromagnetic radiation also would not affect the functioning of the machine. The witness categorically states that either by manipulation or by accident there is no possibility of transfer of votes from one candidate to another and the machine designed is fully tamper proof.

17. The witness is cross-examined at length by the counsel for the petitioner and nothing is elicited in the cross-examination from the witnesses about the vulnerability of the machine. The evidence on the other hand fully inspires the confidence of the Court that the EVMS are fully tamper proof. There is no possibility of manipulation of mischief at the instance of anyone. The Supreme Court in *T.A. Ahammed Kabeer v. A.A. Azeez*, (2003) 5 SCC 650 : AIR 2003 SC 2271, has approved the fact that in the present version of EVM used in the 1999 general election, it is possible to get at the disputed impersonated votes by decoding. However, it is not possible to identify the impersonator, that shortcoming is well with the manual ballot system also.

18. The evidence further discloses that the EVM has seeming advantage over the traditional manual ballot method. In the manual method, there is possibility of swift rigging at the end of polling time. But when the votes are cast through EVM there has to be necessary minimum time lag between one vote and the next vote. Therefore, when the EVMs are used, the malpractice of rigging swiftly and quickly at the closing hours of the polling time stands avoided.

19. The EVMs have been put in use in the last general elections and in the last assembly elections in U.P. and other States. The practical wealth of experience has dispelled abundantly the theoretical unfounded apprehensions of the possible misuse. Cost-wise also, use of EVMs is economical. Traditional manual method involves huge cost towards printing charges and counting expenses. The said expenses will almost account to 30-40% of the election expenses. On one time investment by purchasing required EVMs, the cost of general elections to Parliament and assembly and by-elections would get largely reduced. The life span of EVM is 15 years.

20. The invention of EVM has an interesting history. According to the evidence of the witness C.W. 1, the scientists of Bharath Electronics Limited developed electronic voting machine to handle the trade union elections. The election commission grasping the utility and its relevance

to the country's general elections approached the B.E.L. for manufacturing a EVM suitable for the general elections. The scientists got involved



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themselves personally Including C.W. 1 in the general elections to study the nuances of the pattern and procedures of the elections. After thorough practical experimentation and research the present version of EVM is designed. This invention is undoubtedly a great achievement in the electronic and computer technology and a national pride. It has come in the evidence of the witness that country like Singapore, Malasiya and U.S.A. are interacting with BEL for supply of EVMs suitable for their election requirements.

21. For the reasons and discussions made above Issue No. 2 and Additional Issue is answered in Affirmative. Issues Nos. 1 and 2 and 4 pertain to the factual aspects of the election.

22. In view of the imminent premature dissolution of Lokasabha the Counsel has given up those issues. Accordingly, they are answered in negative and the election petition is dismissed. In the circumstances, no order as to costs.

23. The Registry is directed to furnish the copy of this judgment to the counsel appearing for the petitioner, to enable to her to submit the same to the election commission.

24. Petition dismissed.

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ITEM NO.5

COURT NO.3

SECTION IV-C

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

Petition(s) for Special Leave to Appeal (C) No(s). 16870/2022

(Arising out of impugned final judgment and order dated 14-12-2021 in WP No. 26671/2021 passed by the High Court Of M.p Principal Seat At Jabalpur)

MADHYA PRADESH JAN VIKASH PARTY

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA

Respondent(s)

(IA No. 120814/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 30-09-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Varun Thakur, Adv.
Mr. Varinder Kumar Sharma, AOR

For Respondent(s)

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

The election process under the representation of the People Act, 1951 is monitored by a Constitutional Authority like Election Commission. Electronic Voting Machines (EVM) process has been utilized in our Country for decades now but periodically issues are sought to be raised. This is one such endeavor in the abstract. It appears that party which may not have got much recognition from the electorate now seeks recognition by filing petitions!

We are of the view that such petitions must be deterred and thus dismiss this petition with costs of Rs.50,000/- to be deposited with Supreme Court Group-C (Non-Clerical) Employees Welfare Association within a period of four weeks from today.

Pending applications stand disposed of.

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER

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