

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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**K.N. Bhar**

**Under Secretary**

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No. 51/8/16/9/2009-EMS/Vol.IX

Dated: 14<sup>th</sup> December, 2009

To

Sh. V.V. Rao,  
H.I.G.-155, 5<sup>th</sup> Phase, K.P.H.B. colony,  
KKP, Hyderabad,  
Andhra Pradesh.

Subject: Your allegation of lack of response from the ECI.

Sir,

I am directed to refer to your letter, dated 10<sup>th</sup> and 25<sup>th</sup> November, 2009, and to state that the allegation contained in the letters and the import of your argument therein are not acceptable to the Commission. The following will explain the facts in this regard:

1. The Commission vide its letter No. 51/8/16/2009-EMS (Vol.-VII), dated 22<sup>nd</sup> July, 2009 had asked Shri V. Laxman Reddy, one of the petitioner before the Hon'ble Supreme Court (Writ Petition (c) No. 292 of 2009) to demonstrate the alleged tamperability of ECI-EVMs in actual practice even before receipt of any reference from you.
2. Immediately after getting orders from the Hon'ble Supreme Court, the Commission had written a letter (dated 31<sup>st</sup> July, 2009) to your counsel to inform that the petitioners in the above mentioned writ petition may give a demonstration of alleged tamperability of EVM in the premises of the Commission without any delay, preferably in the week between 3<sup>rd</sup> to 7<sup>th</sup> August, 2009. You or your representatives did not turn up on those dates.
3. Subsequently as desired by you, a meeting was organized in the Commission on 17<sup>th</sup> August 2009. You were requested to show the alleged tamperability in the ECI-EVMs. Instead of doing that you raised several issues like security of EVMs, Trojan Horse, Paper Trail, election procedure etc. on that day. The Commission and technical experts explained all the issues raised by your team.
4. One more date to facilitate your demonstration of alleged tamperability of the ECI-EVMs was fixed on 3<sup>rd</sup> September, 2009 in consultation with you. On 31<sup>st</sup> August, 2009, we received a letter dated 27.8.2009 from you, wherein you suggested some procedures for demonstrating alleged tamperability and also raised a number of technical and procedural questions which you had not raised in your Writ Petition before the Supreme Court. On 3<sup>rd</sup> September 2009, when you

visited the Commission at its invitation to demonstrate tamperability, you preferred to raise the points made in your letter dated 27.8.2009. The Commission informed you that the issues raised in your said letter would be examined after obtaining necessary details from the manufacturers and expert committee. The Commission again requested you to give a demonstration of alleged tamperability on the same day i.e. 3<sup>rd</sup> September, 2009 itself. But, as you are aware, your team did not demonstrate any tamperability. Your team opened the machine, scanned the interior and took some inside measurements, to which the manufacturers objected on the ground of the risk of duplication or counterfeiting.

5. In view of the foregoing, the allegation leveled in your letter that the demonstration process which your team began on 3<sup>rd</sup> September, 2009 was halted abruptly by the Commission's officials does not have any factual basis whatsoever and hence is rejected. The Commission has been fully engaged in meeting its primary constitutional obligation of holding elections to various State Assemblies in the past few months needing its full time attention and not allowing it to attend to other issues, which could wait for a while.

The Commission has now decided to offer you one more chance to demonstrate alleged tamperability of EVMs as available in the field as a final response to your allegations of tamperability of EVMs. Please confirm at the earliest one of the days and the time of yours convenience between 29<sup>th</sup> to 31<sup>st</sup> December, 2009, when you can come to the premises of the Commission to demonstrate alleged tamperability of ECI-EVMs. As regards your suggestions related to procedures for demonstration of tamperability in your letter dated 27<sup>th</sup> August, 2009, the Commission's response in the matter is given in the Annexure.

Yours faithfully,

**(K.N. Bhar)**

\*Note: Continued in next pages



**Annexure**

**Suggested Procedure for demonstration of the tamperability of the Electronic Voting Machines of ECI- Commission's Acceptance.**

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## **Element 1: Finalisation of Verification Protocols**

1. The functional testing of the ECI-EVM, which is carried out during First Level Check (FLC) will be demonstrated by the Commission.
2. Tests carried out at Manufacturer site will be explained.
3. The security check methodologies like sealing mechanisms, mock poll and storing of EVMs at different stages will be explained and demonstrated by the Commission and the manufacturers.

### **Element 2: Selection of EVMs of different models and makes**

Any model of EVM may be selected by your team, from the EVMs already brought to ECI for the purpose. The Commission does not have EVMs with Detachable memory model.

### **Element 3: Selection of EVMs for Tampering & Detection**

Your team may select 20 EVMs out of the lot brought to Election Commission of India as mentioned above and after the completion of your procedure, these EVMs shall be rechecked by the manufacturer i.e. BEL and ECIL.

### **Element 4: Team Size, Equipment and Risks involved**

You are allowed to demonstrate the alleged tampering. However this has to be restricted to the framework of normal tampering that can happen in the field under security of procedures in place. Any attempt at Reverse Engineering is not acceptable. It violates IP held by the manufacturers of ECI-EVMs.

### **Element 5: Stages of Tamperability Demonstration**

As explained above against Element 1 to 4.

### **Element 6: Independent Audit**

Commission is hearing a complaint from you. The Commission is not an interested party. ECI does not accept the need for engagement of so called 'third party' experts or observers.