

ELECTION COMMISSION OF INDIA

Ashoka Road, Nirvachan Sadan, New Delhi

No.51/8/16/9/2010-EMS

Date 8th July, 2010

To

Shri S Niranjan Reddy
General Secretary
Member Polit Bureau
Telangana Rashtra Samithi
Telangana Bhavan
Road No. 10
Banjara Hills
Hyderabad- 500034

Sub: - Use of EVMs in the current bye-elections in Andhra Pradesh.

Ref: -Your letter on the above subject dated 2-7-2010.

Sir,

The Commission has considered all the points in your representation in detail. The Commission has looked into the matter with all seriousness at its command, with an open mind. The Commission has had repeated consultations and detailed discussions at the highest levels with the Chairmen and officials of both the manufacturing companies of EVMs. The Commission has also been advised by an independent Technical Experts Committee comprising of Professor Indiresan (who was also a member of the Technical Experts Committee set up in 1990 by the Electoral Reforms Committee headed by the then Law Minister Shri Dinesh Goswami to study the EVMs), Professor Agarwala and Professor Shahani of IIT Delhi. This Committee after meticulous study has ruled out the possibility of any tampering with EVMs.

2. You have mentioned that many democracies like Germany, Ireland, Holland and Italy have banned the use of EVMs. Our EVMs are quite distinct and different from those used in these other countries in most vital respects. ECI-EVMs do not use an operating system. These are stand alone machines, which cannot be networked. It is therefore not feasible to compare voting systems used in other countries with our voting systems.

3. The Commission has in place detailed instructions on strict administrative safeguards to be followed for the use of EVMs wherein there is accountability by Government Officials at every stage and participation of Political Parties at every stage. Recently the Commission has also issued fresh instructions that even First Level Checking (FLC) of EVMs should be done in the presence of representatives of Political Parties. Your party representatives were present during the FLC and have participated in the FLC on 6th and 7th July 2010.
4. Shri V V Rao had filed W.P. (C) No. 229/2009 before the Supreme Court. The Apex Court disposed of the petition with the directions that the petitioner should first approach the Election Commission. The Commission immediately invited Shri V V Rao. Shri V V Rao came to the Commission on 17th August and 3rd September 2009. Shri Rao was not able to demonstrate tamperability of EVMs and wanted more time. The Commission again invited Shri V V Rao several times to come to the Commission between 29th and 31st December 2009, on 19th January 2010, 10th February 2010 and between 19th and 22nd March 2010. However he did not come to the Commission. He has been given another opportunity by the Commission to come between 20th and 23rd July 2010.
5. The Commission has provided ample opportunity to every person who raised the possibility of tamperability of EVMs to come and make a demonstration before the Commission. Shri Kirit Somaiya met the Commission on 7th August 2009, Shri Omesh Saigal met the Commission on 8th August 2009, Dr Satinath Choudhary came on 8th August 2009 and Shri G K Mani came on 27th August 2009. It may be pointed out that nobody has been able to demonstrate any tamperability of ECI-EVMs either to the Commission or to any Court.
6. It has been brought to the notice of the Commission that certain individuals have shown on TV a particular EVM which was apparently doctored to show results in favor of a particular candidate. It was apparent from the show that it was a machine stolen from the lawful custody of the DEO in which some components had been unauthorizedly replaced. This matter is being investigated by the Maharashtra Police. This EVM is thus a fake EVM having ceased to be the official EVM of the Commission and manipulation of results on such a fake machine cannot be given any credence to question the credibility of the EVM voting system. It may be noted that several High Courts have upheld the use of EVMs. The Karnataka High Court in EP No. 29/1999 Michael B Fernandes Vs. C K Jaffer Sharief and others has observed in judgment dated 5th February 2004: "this (ECI-EVM) invention is undoubtedly a great achievement in the electronic and computer technology and a National pride". The Kerala High Court in EP No. 4 of 2001 T A Ahammed Kabeer Vs. A A Azeez and others in judgment dated 9th January 2002 has also recorded its appreciation of the efficiency of ECI-EVMs.
7. Non-tamperability of EVMs was also explained to your party representatives by the CEO Andhra Pradesh when they submitted a copy of your representation to him. In view of the above having considered all aspects, the Commission has issued a notification on 05-07-

2010 for taking polls using EVMs in terms of Section 61-A of Representation of the People Act, 1951.

Yours faithfully

(K N Bhar)
Secretary
Election Commission of India