

ISSUES CAME TO THE NOTICE OF THE ELECTION WATCH CONVENOR, ANDHRA PRADESH (V.V. Rao) ON EVMs

After the 2009 elections the survey made in six states of this country resulted in several findings against the use of the EVMs.

- 1) Mock poll did not clarify the droughts of the polling agents of the political parties while in many (Several places in A.P, T.N)
- 2) Delay in setting up the EVMs on the polling day due to mal functioning at several booths. (Ex. Done constituency. Voting started around 3pm. Due to this low voter turnout. And also in several other places)
- 3) In several polling booths voters asking whether the vote they have casted on EVM has gone to the person he has voted .As the buttons pressed to on one symbol but the led (indicator) shows to some other symbol. And we found Verification of polled votes by the voters is missing in EVMs. No backup or Audit trail of the votes polled in EVM were also questioned.
- 4) As per hand book of EVM, link error should come up when there is a mismatch of Ballot unit and Control unit, when the ballets were malfunctioning where there are elections simultaneously for parliament and assembly constituencies, but it is not the case in Anantapur, Uravakonda constituency. MP and MLA control units got problem and machines polled unto 120 votes and later presiding officer changed the EVM.
- 5) As per the form 17c the no of votes polled on polling day is differing with the no of votes counted on counting day.(In Bandara Gondia constituency of Maharastra) as reported by kiriti Somayyaji from bombay.
- 6) Some technical and professionals from electronics and computer field asked weather the EVMs come under e-governance. As per Indian constitution, e governance must pass OPEN STANDARDS. And there is no information available about it to the common man. And found that the election commission is not in a position to meet the recommendations of the expert committee appointed by the E.C it self as per the Indersen committee report .As comented by Hari Prasad of NITIndia from HYD, Proff Mehata from Delhi, Omesh Segal farmer IAS with IIT of Delhi, Internationally recognized Soft ware professional R.V.prasad from Delhi,Vijay Mukhi of DSK legal from Bombay,Arun and Vasvya soft wear programmer of HYD.
- 7) EVM evaluation reports are not available to public. I.e. there is no third party validation. For example, ATM must go through third party validation before it is put to use.
- 8) Due to Machine malfunctioning votes could not be retrieved on counting day. (It could get stuck or could not read memory). (Votes discounted in chama booth)
- 9) Voters and some political party representatives, even asking about the credibility of the EVMs and possibility of chances of tampering.
- 10) Some contestants were declared, as last the election and after some time returning officers declared him to win the elections. (Shivganga Consituency

where the present home minister Chidambaram contested)

11) Information is not properly displayed on the WEB SITES of E.C, unlike the previous elections, which is available up to 2004 elections. why not the information about the results of bi-elections and other elections in between and after 2009 elections (Srinivas an I.T Professional claims).

12) Also most doubtful information was displayed on E.C- WEB sites from 5th of may 2009 up to 15th may, showing the no of votes polled to the contestants from several constituencies, well in advance at least ten days before the elections results are announced are close to or tallying with the actual results announced on 16 th may. And when asked about it, there was no reply from E.C as claimed by Poff.Nalpath from Kerala and Saraff from Nagapoor. E.C is not is not transparent is disclosing the information on its web sites.

13) As per the farmer IAS from vizag A.S. Sharma of A.P, the election commission never took responsibility to give information to the RTI applications filed. As he claims the highest independent body to conduct elections in the country is loosing the credibility by not providing the information asked by several citizens of this country. Also he has insisted upon the transparency to be fallowed in the procedures to appoint the Election commissioners. And he has proposed to constitute a separate independent organization which cans continuously make studies on the problems receiving in every elections on EVMs and give suggestions to the E.C and government .And it should also receive suggestions by conducting open forums. To compare the methods fallowed in EVMs by several other advanced democracies.

14) While analyzing the judgments of both election petitions and the PILs filed on issues related to EVMs it was found the courts expressed the inability to look in to the software and hardware related technical aspects.(As expressed in JAYALALITA's case in Chennai high court as expressed by advocate Manoj pandian,)

In several other cases the inability to provide the required information to courts by the officials and the machinery involved in the elections was a major set back to these cases. Some times it is taking several years to decide a case and still the judgments are pending even after the tenure of the candidate contesting in elections is getting completed. As expressed by advocate K.Balu filed for PMK case and P.R.Krishnan senior advocate filed for MDMK from chennai and Rohit Deo advocate for Banverlal Purohiths case from Nagpoor.

As W.P filed by Shailendra Pradan in M.P.at Bhopal, more than 11 voters have given affidavits in that case asking how the machine read only 3 votes in favor of their candidate while they more confident on their vote they have castled to and found missing on the counting day as displayed by EVMs.

15)PIL filed by soft wear professionals Sainath choudary failed in the Supreme court in 2004, it was observed that, just mere trails made on assumptions and electronic theoretical principles, with out proper attempt made to compare with the ground realities and the improper studies made on several aspects of manufacturing and role of EVMs in previous elections.

16) As PIL filed by the Dr. Jitendra v. Jadhav along with his advocate Betty D'Souza says voter is not confident with EVMs so as per the GERMAN Supreme Court judgment EVMs be banned.

17) In recent local bodies elections in PUNE the EVMs used were separately designed with detachable memory to it. And no manual is supplied to the retuning officer's. On the day of polling it was reported that some manipulations took place after the polling and before it was taken to the strong room, when the same was asked by the election watch activist the E.C failed to reply. And it is against the E.C code of conduct. As reported by Mrs. Gorehay from PUNE.

18) E.C has been challenging everyone, to tamper these EVMs in front of them. As they say it is impossible to do so because there is a wall of china built by the procedure adopted by E.C

- 1) RANDAMISATION of ballots before polling day
- 2) Tampering is not be possible as the ORDER OF CANDIDATE'S NAMES ON BALLOT IS DESIDE ONLY AFTER WITHDRAWEL OF NOMINATIONS. AND THIS IS DIFFERENT FOR DIFFERENT COSTITUENCIES AND TO TAMPER YOU NEED MORE NUMBER OF PEOPLE TO DO THIS AND IT IS EASILY IDENTIFIED. SO IT IS NOT POSSIBLE is the common answer given to every one by E.C officials.

But Hari Prasad of NIT India say it is a child's play as there is no rocket science involved in this, it is a simple calculator electronics involved in this EVMs and on our request, he has designed a similar EVM with same standards as used by ECIL and BEL. And displayed to every one, in the same way the mock poll as it is shown on polling day and after the actual polling, he is showing the display of results how they are getting manipulated with a preprogrammed chips designed by his team Arun, Vasaya and Prasad in it.

Know he is challenging the E.C to tamper his EVM, as he says it is only possible to tamper if you know the Trojans introduced in the source code. And as the chips used in this EVMs are not manufactured with in this country (as it is in JAPAN) and the security measure at any stage between the manufacturing to the counting day, with infinite number of Trojans can be designed with pre programmed chips can be swapped, are all the possibilities to tamper these EVMs. And to clarify this E.C should provide testing tools for cross verification at any stage of the polling before counting of votes.

19) G.V.L. Narsimha Rao, psephologist who has witnessed several previous elections and analyzed the results since the independence says the outcome of the exit poll and the outcome of the real election results are not matching since the EVMs are introduced in this country.

20) As per Professor David Dill of Stanford University USA, the electronic way of recording the votes is prone to tampering as it will not leave any imprints of getting manipulated even after the EVMs are getting tampered. This is the main reason the legal cases against the EVMs are not able to prove the tamperability which resulted in losing of cases in the election petitions by several contestants who lost the elections.

21) Professor Alex from USA has expressed his view on the ECI's EVM design and how easy it to replace the display board of the ECI's EVM and places a

Bluetooth in between to manipulate the results through a remote control.

22) Rop Gangrip from Holland says Hacking is possible even by satellite remote control.

23) Attorney from Germany Till Jaigar says that why there should be a EVM which is interfering between the voters and the contestant he is interested to elect as a representative for the self governance in a democracy which is manipulating the results.

24) Satya D. alumni of IIT Chennai from USA says Indian democracy is facing biggest risk from the ECI which is working against the ethics of the elections and not exhibiting the independent nature and the elections are controlled by the manufacturers.

25) Dr. Subramanyam Swamy , President of Janta Party says while there is a IT act in this country which compels the EVMs to produce a paper receipt to the voters which is very essential as a part of verifiability, and accountability in elections. In spite of the discretionary power given to the ECI to exhibit the same why they are not doing it?

26) Chandrababu Naidu says EVM was introduced into this country by the ECI just to facilitate the officers on counting day and who were having problems with the paper ballots which are confined to that particular polling booth only and they are more of law and order problems. But they have not concentrate on the verifiability of the vote which is very important for the credibility of the elections.

27) Umesh Sehgal formal IAS and alumina of IIT have already challenged the EC whether they can come out with a internal audit report which can provide the information so far out of the total 14.3 lacs EVMs available in the field how many are prone to tampering.

28) J. C. Mohantey former IAS has witnessed the EVMs getting shifted to the private godowns for a short time before the elections in Orissa in 2009.

29) Devsahayagam former IAS from Tamilnadu expressed his view as the electoral integrity is at stake unless the EVMs are made tamperproof.

30) L. K. Advani expressed adding a paper trial would make a big difference for the EVMs and also would buildup the confidence of the voters.

31) Lalu Prasad Yadav says illiterate can never believe these EVMs as they have several doubts on EVMs while they are confident with paper ballots.

32) Sharad Yadav feels it is very risky for a politician to contest in the elections while he is not confident after the results whether he got defeated with the verdict of the voter or due to manipulation of the EVMs.

33) Ram Jethmalani feels it would be difficult for the courts to prove the manipulations in the EVMs. As the nature of electronic way of recording of the votes is not verifiable, which will not leave any evidences of getting manipulated is a biggest problem in this issue. There should be a discussion on amendment in the act of the introduction of the EVM, weather it is satisfying the need of the election. *****