



**Citizens for Verifiability, Transparency &
Accountability in Elections**

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By Courier/ e-mail

August 06, 2010

To,

The Chief Election Commissioner
Election Commission of India
Nirvachan Sadan
New Delhi 110 001

Subject: Our writ petition in the Hon'ble Supreme Court (Writ Petition (c) No. 292 of 2009) and the subsequent proceedings in the Election Commission in pursuance of the Hon'ble Court's directions

Sir,

This letter has reference to your office letter No. 51/8/16/9/2009-EMS/Vol.IX dated 26th July, 2010 from Shri K.N. Bhar, Under Secretary.

In our letter dated 16th July, we expressed our willingness to meet the full Election Commission. We wrote, "We eagerly await to hear from the Commission on the agenda, date and time for the meeting." We expected you to fix a meeting on any of the dates you had indicated in your letter of June 24. There is little ambiguity in our communication. Yet, your letter referred above states, "instead of suggesting a suitable date and time for the meeting you have again raised the same oft-repeated procedural questions in your letter."

While the Commission's letter further states that we have been given several opportunities to demonstrate tamperability of EVMs, this is not borne out by facts. Throughout the period we interacted with the Commission, the Commission had changed its stance on demonstration repeatedly, effectively trying to block our genuine attempts to show vulnerabilities.

Further, the Election Commission, its suppliers and its subordinate offices have continuously harassed the petitioners in the Hon'ble Supreme Court with criminal, civil and police action for highlighting vulnerabilities in public domain. Before our last meeting on September 3, 2009, one of the EVM manufacturers, ECIL sent us legal notices threatening civil and criminal action against all the petitioners.

In the present instance, brute administrative power is sought to be unleashed against the media and technologists involved in publicly exposing the vulnerabilities of the EVMs by pressing for action by Maharashtra police. In this context, it is necessary to point out inaccurate statements in your July 26 letter, "Mr. Hariprasad, who came with you for meeting the Commission on 17th August and 3rd September 2009, has apparently said in a programme shown on a Telugu TV channel that he has stolen an EVM and replaced its

components, thereby creating a fake EVM. You were yourself seen sitting with Mr. Hari Prasad on that TV show where he made this statement.” This statement (rather a creative interpretation) attributed to Mr. Hari Prasad (a hactivist with noble intentions evident from his public disclosures of EVM vulnerabilities) is absolutely false, mischievous, misleading and aimed at tarnishing reputation of serious researchers including some respected academicians from the University of Michigan, U.S. who also participated in the collaborative research study to highlight vulnerabilities of Indian EVMs.

The research paper available at www.indiaEVM.org prepared by these researchers is a public document meant for public education and electoral reform. It has been adjudged as one of the best researches on electronic voting in the world and will shortly be presented at prestigious international conferences. It does not befit a public body such as the Election Commission of India to make wild allegations of theft against serious researchers and civil society activists.

We hope the ECI would resist such temptation on its part to shoot the messengers who are merely doing their job as citizens interested in clean, fair elections free from all possibilities of fraud. In fact, all our efforts - post-application of PIL in the Hon'ble Supreme Court - have been consistent and in public interest. Unfortunately, the ECI has changed its stance repeatedly with a view to derail any serious examination of the vulnerabilities of the Indian EVMs.

The researchers including Mr. Hari Prasad, Alex Halderman and Rop Gonggrijp had categorically stated in their internationally acclaimed research paper and in press statements that the real EVM used for demonstration was made available by an anonymous official for research purposes. These researchers have done a public service by publicly exposing the vulnerabilities of EVMs.

Tamperability Demonstration

From the unscientific, irrational and constantly shifting conditions imposed by you on tamperability demonstration – the latest absurdity being denial of permission to open the EVM for vulnerability demonstration – it is evident that the Commission does not want a genuine demonstration of the EVMs. This is perhaps unnecessary also as the tamperability of EVMs has been demonstrated and placed in public domain by researchers for over two months.

Though the Commission continues to protest that the tamperability demonstrated is not acceptable, the whole world and the international community have not only accepted it but have appreciated it widely.

Administrative Safeguards

Regarding your formulation under point 2 in your letter, “...EVMs cannot be seen in isolation. Security of any voting system depends as much on administrative safeguards as on technical safeguards”, we are not in agreement with the Commission. Excessive reliance on administrative safeguards while adopting a “non-transparent”, “black box like” Direct-recording electronic voting system is dangerous and seriously compromises the integrity of electronic voting.

We are prepared to apprise the Commission of the dangers involved in excessively relying on administrative safeguards and the ubiquitous threat of insider fraud particularly from EVM manufacturers, their suppliers, authorized technicians etc. etc. over whom the ECI has no direct control or superintendent authority. It is surprising that the ECI does not recognize and appreciate this “insider” threat.

Willingness to attend proposed meeting

As you are aware, an international workshop on Electronic Voting is scheduled from August 9 to 10 at Washington D.C. The meeting which has a special session on Indian EVMs is being attended by the chairman of the ECI's expert committee Prof. P.V. Indiresan, deputy election commissioner Dr. Alok Shukla and our VeTA President Mr, GVL Narasimha Rao who is also an author of the only book on Indian EVMs.

Against this background, we would have liked to have our meeting with the ECI organized any day after August 17 – after the international workshop on electronic voting in Washington D.C scheduled from August 9 to 10 being attended by ECI experts gets over – so that our meeting can also draw from the experiences and views of international experts discussed at the international workshop.

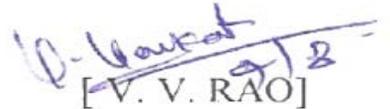
However, if the ECI is not prepared to revise the meeting dates, we are prepared to come on August 10 at 3 P.M as per your proposed schedule. If you have any confusion on this, please ccheck with us on mail or over phone.

As the issues involved are of extremely serious nature and have grave implications for the sanctity of electoral mandates, we would like to suggest that all the election commissioners should be present to hear our views on the vulnerabilities of EVMs.

Looking forward to hear from you,

With regards,

Yours faithfully,


[V. V. RAO]

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