

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO. 273 OF 2019

IN THE MATTER OF:

N. CHANDRABABU NAIDU & ORS.

... PETITIONERS

Versus

UNION OF INDIA & ANR.

... RESPONDENTS

PAPER - BOOK

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2

VOL - I

ADVOCATE FOR THE RESPONDENT NO. 2: AMIT SHARMA

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**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2**

I, Sudeep Jain, aged 49 years, Deputy Election Commissioner, Election Commission of India, having office at Nirvachan Sadan, Ashoka Road, New Delhi-110001, do hereby solemnly affirm and state as under:

1. I am Deputy Election Commissioner, in-charge of the EVM Division of the 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. 2 ("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, save and

except those that are expressly and specifically admitted hereinafter.

4. The Answering Respondent most respectfully submits that the List of Dates filed by the Petitioners along with the Writ Petition is incomplete and replete with errors and misrepresentations. It is further submitted that the Petitioners have deliberately concealed material facts from this Hon'ble Court for reasons best known to them. Therefore, the Answering Respondent herein craves liberty of this Hon'ble Court to refer and rely upon the following list of dates:

..... In 2010, all political parties, except a few from Assam and Tamil Nadu, 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 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 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 in the field trial. After 1<sup>st</sup> 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 2<sup>nd</sup> 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 45 to 52 .

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 53 to 60 .

14.08.2013: Accordingly, introduction of VVPAT was facilitated by amending the Conduct of Election 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 Election 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 61 to 67.

2013: 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 68 to 69.

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 huge 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 deem it fit to strike down the said Rule 56-D(2) of the Rules, 1961 and direct the Election Commission of India to mandatorily count the VVPAT printed paper trail of all 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 next 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 ensuing 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 70 to 85.

.....: It is pertinent to point out herein that the Election Commission of India procured 20,000 VVPATs in 2013 and had since 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 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 has 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 was pleased to *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*. Furthermore, this Hon'ble Court also asked the learned Solicitor General of India to assist it insofar as sanction and release of funds is 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 86 to 87.

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 to the Answering Respondent 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 persistent 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.
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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 88 to

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 89 to 94.

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 is committed to implementation of VVPATs nationwide by this year (i.e. 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 95 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 96 to 144.

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 145 to 146.

09.08.2017: In themeantime, 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 147 to 151 .

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 152 to 186 .

30.08.2017: Thereafter, the Election Commission of India further issued detailed instructions to the Chief Electoral Officers of all States and Union Territories on 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 187 to 191 .

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 192 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 193 to 194.

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 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.

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 to 195.

13.10.2017: Thereafter, on 13.10.2017, the Election Commission of 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 196 to 198.

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 to 199.

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 200 to 225.

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 226 to 227.

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 228 to 229.

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 230 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 231 to 259 .

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 260 to 271 .

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 Gujarat 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 272 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 273 to 276 .

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 277 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 278 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.

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.

- 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.
- 27.08.2018 The Commission convened a meeting of all the National and State Recognized 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 EVMs 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 279 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 280 to 284 .

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 285 to 306 .

....:

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 307 to 346 .

5. 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:-

- 5.1 That this Hon'ble Court, by its Order dated 25.03.2019, required the Election Commission of India to indicate the basis of its satisfaction of the physical verification of VVPAT in one polling station per Assembly Segment of a Parliamentary Constituency or Assembly Constituency. The Hon'ble Court further directed that in the said affidavit, the Election Commission of India shall also indicate whether any insurmountable difficulty will be caused if the sample survey of VVPAT is to be extended under this Hon'ble Court's orders to a higher level and the time that may be taken in making such arrangements if this Hon'ble Court is to pass such orders.
- 5.2 In the light of the aforesaid order of this Hon'ble Court, it is submitted that the confidence and satisfaction on the present rule of VVPAT slip verification of one (1) randomly selected Polling Station per Assembly Constituency/Assembly Segment (in case of Parliamentary Constituencies) is based on the secure design of EVMs and the elaborate procedural safeguards adopted for its usage as detailed in the EVM Status Paper and the Manual on EVM and VVPAT. It is pertinent to mention that no errors have been found in any of sample verification counts or

recounts of VVPAT slips. It is also relevant to mention in this context the various remedies in law available to voters and candidates in case any errors arise.

- 5.3 It is submitted that the EVM system in India has evolved over 40 years since its first conceptualization in 1977 and its first introduction in a bye poll at Kerala in 1982. It is submitted that since 2000 ECI has been conducting all elections to Lok Sabha and Vidhan Sabha using EVMs and more than 250 crore votes have been logged in the EVMs since its introduction.
- 5.4 It is relevant to mention that the Election Commission of India since 1990 has been guided by a Technical Experts Committee (TEC) comprising of eminent IIT Professors with global standing. The current TEC constituted in 2010 comprises of Prof D T Shahani (Chairperson), Prof Emeritus IIT Delhi, Prof Rajat Moona (member), Director IIT Bhilai and former Director General CDAC, Prof D K Sharma (member) Prof Emeritus IIT Mumbai, and Prof A K Agarwala (member), Prof IIT Delhi. At the same time, the Election Commission of India has constantly endeavored to make technical and systemic improvements based on experience and expert advice for enhancing the purity of the election process.
- 5.5 In the light of the aforesaid Order of this Hon'ble Court, it is relevant to mention herein that pursuant to the instructions issued by the Election Commission of India on 13.10.2017 and reiterated on 13.02.2018, VVPAT slip count of one polling station per Assembly Constituency is conducted as a sample for

verification of the electronic result with slip count in all General and bye elections to the Lok Sabha and State Legislative Assemblies. It is submitted that this measure was adopted as an internal audit mechanism for the purposes of the Election Commission of India and to enhance transparency and increase public confidence.

- 5.6 It is relevant to mention that since the introduction of the aforesaid measure from May 2017, 1500 polling stations over several General Elections to the State Legislatures as well as bye elections to the Lok Sabha and State Assemblies have undergone VVPAT slip count wherein the tally matched completely i.e. no error was detected.
- 5.7 It is relevant to mention that the Election Commission of India undertakes a three-level check prior to the holding of elections along with VVPAT slip verification, in accordance with the Manual of Electronic Voting Machines and VVPATs issued by the Election Commission of India. It is submitted that each and every EVM and VVPAT is checked once by slip verification during First Level Check. Thereafter, 5% of the EVMs are selected at random and subjected to higher scrutiny through a mock poll along with slip verification of 1200 votes for 1%, 1000 votes for 2% and 500 votes for 2% of EVMs. It is further submitted that the aforesaid checks are undertaken in the presence of representatives of political parties and candidates.
- 5.8 It is relevant to mention that every EVM and VVPAT is subjected to a second mock poll along with slip verification at the time of



setting of candidates on the EVMs in the presence of candidates or their representatives. It is further submitted that in addition at this stage, 5% of EVMs and VVPATs are randomly selected for a higher mock poll of 1000 votes with slip verification.

- 5.9 It is further relevant to mention that at every polling station, a third mock poll is undertaken with slip verification of at least 50 votes on EVMs and VVPATs on the day of the election in the presence of polling agents. Thus, for instance in the General Elections to the House of the People, 2019 more than 1.6 Lakh EVMs and VVPATs will undergo VVPAT slip verification of 500 to 1200 votes before actual polls, which will be conducted in the presence of the representatives of political parties/candidates in absolute transparency.
- 5.10 It is also relevant to mention that the Election Commission of India has ensured that technical matters related to the conduct of election are driven by independent expert advice. It is submitted that since 1990, the design, production and technical upgradation of EVMs and VVPATs is actively guided by the Technical Experts Committee comprising of eminent professors with global credentials.
- 5.11 It is relevant to mention that in furtherance of the aforesaid practice of acting in accordance with independent expert advice and in view of demands from various political parties for increasing the sample size for VVPAT slip verification ranging from 10% to 100%, the Election Commission of India, engaged the Indian Statistical Institute, the premiere institution for

statistical studies and research. It is further submitted that the Election Commission has since received the said report on 22.03.2019. It is pertinent to mention that the report is authored by an Expert Committee comprising of Prof. Abhay G. Bhatt, Head Indian Statistical Institute, Delhi Centre, Prof Rajeeva L. Karandikar, Director, Chennai Mathematical Institute and Shri Omkar Prosad Ghosh, Deputy Director General (Social Statistics Division), Central Statistics Office, nominated by Director General, National Sample Survey Office (NSSO). The Expert Committee had wide ranging consultations with other experts in the field of statistics and examined suggestions received from other groups before finalizing their report.

- 5.12 It is relevant to mention that the said report unequivocally finds that adoption of a particular percentage as a sample for VVPAT slip verification is devoid of any scientific logic or statistical basis. It is further submitted that absolute number of the sample size and not the percentage adopted for verification determines the ability of such sample to accurately represent the overall population. It is pertinent to mention that the report recommends that undertaking slip verification for 479 EVMs and VVPATs out of all the 10.35 lakhs EVMs and VVPATs to be used in the ensuing elections is sufficient to achieve a confidence level of 99.9936%. It is further submitted that as per the Guideline 16.6, the Election Commission of India will undertake slip verification of 4,125 EVMs and VVPATs as a sample taken from one randomly selected polling station per assembly segment or assembly constituency in the forthcoming General Elections,

which is 8.6 times the sample size recommended in the said report. It is therefore submitted that Election Commission of India's Guideline 16.6 is statistically and technically robust. Any further increase in the sample size of verification will lead to very negligible gain in the confidence level, which currently is way above 99.9936%. It is pertinent to mention in this context that till date no mismatch has been detected in mock polls or in verification of VVPAT slips carried out at 1500 polling stations till date.

5.13 It is relevant to mention that the adoption of EVMs for the conduct of elections, pursuant to the enactment of Section 61A of the Representation of the People Act, 1951, was aimed at purifying the electoral system from grave ills.

5.14 It is relevant to mention that EVMs have completely eliminated the problem of invalid votes, which were in many cases more than the winning margin in the constituency. It is submitted that the use of EVMs substantially reduced the incidence of booth capturing during elections. It is further submitted that the use of EVMs have reduced the incidence of manual error in counting, which was responsible for various disputes and demands for recount. It is further submitted that the deployment of EVMs has also substantially reduced the time taken in counting thereby reducing the risk of speculation-fuelled political violence. It is therefore submitted that adoption of a large sample for slip verification shall render the purpose of Section 61A of the

Representation of the People Act, 1951 and the adoption of EVMs as otiose.

- 5.15 It is further relevant to mention that any manual count is 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. It is pertinent to mention in this regard that VVPAT slips are substantially smaller than ballot papers that were used prior to the introduction of EVMs. It is submitted that the count arrived at by slip verification is final and takes precedence over the EVM count.
- 5.16 It is relevant to mention that to ensure accuracy in slip counting, the Election Commission of India has mandated under clause 16.7 of the Manual on EVM and VVPAT that VVPAT slip counting may only take place in a specially erected VVPAT Counting Booth (hereinafter referred to as the "VCB"), under the very close monitoring of the Returning Officer and direct oversight of the Observer. It is further submitted that the VCB is akin to a cashier's cabin in a bank and only highly trained staff is deployed at the VCB. It is submitted that the Election Commission of India is of the considered view that the aforesaid measures and such other requirements of the Manual on EVM and VVPAT are essential for preserving the purity of the election process.
- 5.17 It relevant to mention that increased VVPAT slip counting will require extensive training and capacity building of election officials in the field and substantial increase of such officials will

be required for deployment in the field. It is submitted that erection of additional VCBs shall require larger Counting Halls which already pose a great difficulty in certain States.

5.18 It is relevant to mention that at present, VVPAT slip counting is undertaken after the completion of all rounds of EVM counting. It is submitted that in the circumstances that more than one VVPAT is to be counted, sequential counting after each round of counting of the EVM votes is essential in the considered in opinion of the Election Commission of India.

5.19 It is relevant to mention that as per the past experience, it takes about 1 hour for slips relating to one VVPAT to be counted. It is further submitted that, specific instructions have been issued by the Election Commission of India to ensure adequate care and caution is exercised while undertaking the manual counting of VVPAT slips, which are small in size, to ensure that there are no errors or inaccuracies in the manual counting process. Hence, the VVPAT slip count is taken up one at a time inside the VCB. The time implication of conducting 50% slip count is as follows:

- Total No. of Polling Stations: 10.35 Lakhs
- Total No. of Assembly Constituencies (AC)/Segments (AS):  
4125
- Average No. of Polling Stations per AC/AS: 250
- Average time taken for VVPAT Slip Count of 1 Polling Station:  
1 Hour

- Average time taken for 50% Slip count:  $250/2 \times 1 = 125$  hours  
= 5.2 days
- Further, since VVPAT Slip count is taken up after the round wise Control Unit (CU) count, another 10-12 hours would be required
- Total time required: 6 days

It is, therefore, submitted 50% VVPAT slip verification in each assembly segment of a Parliamentary Constituency or Assembly Constituency on an average shall enlarge the time required for counting to about 6 days. It is also relevant to mention that in many Assembly Constituencies, there are more than 400 polling stations, which will require about 8-9 days to complete the VVPAT slip count. It is pertinent to mention that demands for re-count that routinely arise of the VVPAT slips themselves, which will compound the time requirement.

- 5.20 It is also relevant to mention that there are no barcodes on the paper slip which allows the same to be tallied mechanically through a counting machine. It is therefore submitted that there is no present mechanical system for counting of VVPAT slips.
- 5.21 It is submitted that the above circumstances, it is submitted that the present Writ Petition does not disclose even one specific instance for this Hon'ble Court to come to a conclusion that the existing system would in any manner adversely influence the free and fair elections.

5.22 It is in fact, submitted that similar issue raised in this petition has been raised time and again, before this Hon'ble Court and the High Courts and this Hon'ble Court has been satisfied with the Election Commission of India's Guidelines and manner of dealing with the VVPATs, and has not been inclined to interfere. It is submitted that the instant Writ Petition does not raise any new or different apprehension or grievance as was raised in the earlier cases, nor brings out any grave or serious reason requiring a revamping of the system that has been adopted by the Election Commission of India for the purpose of the conduct of the 2019 elections. It is further submitted that when the polls are imminent and polling is to commence from April 11, 2019, to now seek to alter the system adopted by the Election Commission of India at this stage might not be feasible. It is submitted that as pointed out above, the present system has been adopted after detailed study and consideration of all aspects and bringing into play all safeguards and checks as have been felt necessary. It is submitted that the Election Commission of India is committed to ensuring a free and fair election and has, after conducting sufficient study through experts, adopted the present method as the optimum way of conducting such true and fair elections. It is submitted that in the absence of any specific instance or grievance, which would warrant raising grave doubts over the system adopted by the Election Commission of India, the Writ Petition filed ought not to be entertained.

5.23 In this context, it is also relevant to mention herein that a new Rule 49MA was inserted after Rule 49 in the Conduct of Elections Rules, 1961 (hereinafter referred to as 'the Rules, 1961') by virtue of the Conduct of Election (Amendment) Rules, 2013. Rule 49MA of the Rules, 1961 provides that:

***"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."*

It is submitted that the aforesaid Rule 49MA of the Rules, 1961 categorically provides the detailed procedure to be followed in case of complaint about particulars printed on paper trail. In view of the same, there remains no need for cross-checking the paper trail for verifying the count of votes as the same are already done by the individual voters and in cases where no complaint is received, there is no need to go for re-counting the paper trail. It is also relevant to state herein that the Election Commission of India has also, time and again, issued detailed instructions relating to the procedure to be followed in case of any complaint by a elector/voter under the aforesaid Rule 49MA of the Rules, 1961, such as on 16.10.2017 (annexed as Annexure-C/20 herein).

It is pertinent to point out herein that till date VVPATs have been used by the Election Commission of India, since 2013, in 1628 Assembly Constituencies and 21 Parliamentary Constituencies. During this period, only once has any complaint been made by a voter alleging that his/her vote did not go to the candidate he had pressed the button in favour of. However, the

said complaint also, upon checking by the Returning Officer, turned out to be false and suitable action was taken as against the said voter by the Returning Officer.

- 5.24 It is also pertinent to point out herein that a new Rule 66A was inserted in the Rules, 1961 by the Conduct of Elections (Amendment) Rules, 1992. Furthermore, under the said new Rule 66A, Rule 56D was inserted by the Conduct of Elections (Amendment) Rules, 1992. Rule 66A of the Rules, 1961 provides that:

***“66A. Counting of votes where electronic voting machines have been used.—In relation to the counting of votes at a polling station, where voting machine has been used,—***

*(i) the provisions of rules 50 to 54 and in lieu of rules 55, 56 and 57, the following rules shall respectively apply, namely:—*

xxxxx

*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."*

It is submitted that the aforesaid Rule 56D (under Rule 66A of the Rules, 1961) categorically provides that after announcement of result sheet entries, any candidate, their election agent or their counting agents may apply in writing to the Returning Officer to count the printed VVPAT paper slips of any 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 decide according to guidelines issued by the Election Commission of India. Of course, if any

candidate is aggrieved by such decision, it would always be open to the candidate to take recourse under Section 81 of the Representation of People Act, 1951 through an election petition or taking such other proceedings as available in law.

- 5.25 It is further pertinent to point out herein that during the State Assembly Elections in five (5) states in February-March 2017, 53,500 VVPATs were used by the Election Commission of India in 33 Assembly Constituencies in Punjab, 6 Assembly Constituencies in Manipur, 3 Assembly Constituencies in Uttarakhand, 30 Assembly Constituencies in Uttar Pradesh, and in all 40 Assembly Constituencies in Goa. In the Assembly election to Goa, a candidate had applied for recount of VVPAT paper slips pertaining to 7 polling stations in the constituency of 34-Cuncolim Assembly Constituency, invoking Rule 56D of the Rules, 1961. Accordingly, after considering the grounds for the recount, the Returning Officer passed a speaking order for a recount of 4 polling stations using VVPATs, and it was found that the result tallied perfectly. In addition to Rule 56D of the Rules, 1961, the Election Commission of India had then directed, on a pilot basis, the verification of VVPAT slips of one (1) randomly selected polling station of every Assembly Constituency against count of Control Unit, in the General Elections to the State Legislative Assemblies of Gujarat and Himachal Pradesh, which were conducted in December 2017. Thus, VVPATs (along with EVMs) is being deployed and used successfully by the Election

Commission of India, on an ongoing basis for conducting elections to the Parliament and State Legislative Assemblies.

- 5.26 Besides the above, the instructions dated 16.10.2017 issued by the Election Commission of India also provide for the arrangements to be made for counting of VVPAT Paper slips and the procedure to be followed in relation to the said counting. Furthermore, the said instructions also provide for the procedure to be followed in case any voter makes any complaint about incorrect printing of particulars on paper slip. In fact, in view of Rule 49MA of the Rules, 1961 which provides for the procedure in case of complaint about particulars printed on paper trail, there remains no need for cross-checking the paper trail for verifying the count of votes as the same are already done by the individual voters and in cases where no complaint is received, there is no need to go for re-counting the paper trail.

In this regard, it is pertinent to point out herein that VVPATunit is a printing mechanism, which is an independent system attached with the Electronic Voting Machines for the purpose of permitting the voters to verify that their votes are cast as intended. When a vote is cast in the ballot unit of EVM, a slip is printed on the VVPAT printer containing the serial number, name and symbol of the candidate and the slip remains exposed through a transparent window for 7 seconds. Thereafter, this printed slip automatically gets cut and falls in sealed drop box of the VVPAT. Thus, VVPATs are not stand-alone units; they are intended to be used in conjunction with EVMs to facilitate voter

information about the vote he/she has cast. Thus, the necessity of counting the printed paper slips would only arise if there is any discrepancy between the results as shown by the EVM and as reflected on the printed paper slip.

- 5.27 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. Insofar as the grievances and reliefs prayed for in the instant writ petitions are concerned, these are all matters to which the Election Commission of India has applied itself, and after due studies and tests has arrived at the conclusion that the method as presently adopted has been found to be most suitable. If at all with regard to future elections, any other suggestions that have not been considered by the Election Commission of India are brought up, the Election Commission of India would immediately look into the same in order to consider their efficacy and utility to the ultimate objective of conducting free and fair polls. It is submitted that with the imminent elections, issues raised in the instant petitions are matters that have already been considered, studied and determined by the Election Commission of India and have since culminated in adopting the course of conduct of the imminent elections in the present manner. It is submitted that the Writ Petition does not raise any ground or base for altering the same at this juncture and it is accordingly prayed that the present system as decided to be adopted for the imminent elections be continued with and the present Petition dismissed.

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5.28 Thus, in view of the aforementioned facts and circumstances, it is humbly prayed that the aforementioned Writ Petition be dismissed and pass any other orders or directions in the interest of justice.

*Sudeep Jain*  
सुदीप जैन/SUDEEP JAIN  
उप निर्वाचन आयोग  
Deputy Election Commissioner  
भारत निर्वाचन आयोग  
Election Commission of India  
निर्वाचन सदन / Nirvachan Sadan  
अशोक रोड / Ashoka Road  
नई दिल्ली-110001 / New Delhi-110001  
**DEPONENT**

**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 29<sup>th</sup> day of March, 2019.

*Sudeep Jain*  
सुदीप जैन/SUDEEP JAIN  
उप निर्वाचन आयोग  
Deputy Election Commissioner  
भारत निर्वाचन आयोग  
Election Commission of India  
निर्वाचन सदन / Nirvachan Sadan  
अशोक रोड / Ashoka Road  
नई दिल्ली-110001 / New Delhi-110001  
**DEPONENT**

**Settled by Mr. C. Aryama Sundaram, Senior Advocate**

Filed by: AMIT SHARMA, Adv. For R-2

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ANNEX- C / 1

## ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. ECI/PN/44/2011

Dated: 20<sup>th</sup> 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 14<sup>th</sup> 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: -



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

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)

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**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. Oolampara
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

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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	

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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		
10	70	Rajkiya Uchch Madhyamik Vidyalaya	Mohangar	
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		
16	122	Imanual Middan School Indra Colony		
17	124	Samudayik Sabha Bhawan Babar Magra		
18	126	Rajkiya Balika Uchch Madhyamik Vidyalaya	Jaisalmer	
19	135	Rajkiya Prathmik Vidyalaya Malka Prol		
20	140	Rajkiya Uchch Prathmik Vidyalaya Megwala Vas		
21	156	Rajkiya Uchch Madhyamik Vidyalaya	Kanoi	
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	133-Pokran Assembly Constituency
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		
30	70	Rajkiya Uchch Prathmik Vidyalaya No.3	Pokran	
31	73	Rajkiya Uchch Prathmik Vidyalaya 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	

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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**

T/c

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ANNEX- C/2

## 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	PLC of EVMs & VVPAT systems	Preparation of EVMs & VVPAT systems	Dispersal of polling parties	Date & Hours of poll	Counting of votes	Computersation 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



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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 trials is enclosed.

**(Padma Angmo)**  
**Deputy Secretary**

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**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)

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**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

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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
<b>26-Shella Assembly Constituency</b>		
1.	6-Tyrna	Govt. L.P. School, Tyrna
2.	7-Laittyra	M.E. School, Laittyra
3.	12-Mawlong 'A'	Mawlong Umwai M.E. School (East Wing), Mawlong
4.	13-Mawlong 'B'	Mawlong Umwai 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--Mawsmat	Community Hall, Mawsmat
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
<b>28-Sohra (ST) Assembly Constituency</b>		
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) Iewmawiong
27.	34-Laitlyngkot 'A'	Govt. L.P. School (East Wing), Laitlyngkot
28.	34-Laitlyngkot 'B'	Govt. L.P. School (West Wing), Laitlyngkot

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**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

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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

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**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)

T/C

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ANNEX - C/3

## ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 3/1/2013/VVPAT/SDR

Dated: 15<sup>th</sup> October, 2013

To

The Chief Electoral Officers of  
all States and Union Territories

**Subject: The Conduct of Election (Amendment) Rules, 2013-reg.**

Sir/ Madam,

I am directed to forward herewith a copy of the Conduct of Elections (Amendment) Rules, 2013, as published in Extraordinary Issues of the Gazette of India dated 14<sup>th</sup> August, 2013, amending/ making rules for the use of 'Printer for paper trail' of votes recorded in EVMs. These amendments would be relevant in cases which VVPAT system is used with EVMs, under the Commission's instructions.

This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also the State Units or recognized political parties and all registered unrecognized political parties based in your State/ Union Territory for their information.

Please note that the format of Statutory Form 17C appended to the CE Rules, 1961 that is used for keeping account of votes recorded at polling stations with the use of EVMs and noting down the result of counting displayed on the Central Unit of EVM has been amended by this notification. Henceforth, only this Form 17C will be used at all future elections conducted by use of EVMs irrespective of the fact whether the printer is used for printing of paper trail or not. The stock of existing Form 17C may be replaced with the modified Form.

Kindly acknowledge the receipt.

Yours faithfully,

(N. T. Bhutia)  
UNDER SECRETARY

STANDARD DISTRIBUTION



## 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.”;

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(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

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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-I.eg.II]

Dr. G. NARAYANA RAJU, Jt. 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.

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and Published by the Controller of Publications, Delhi-110054.

T/c

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ANNEX - C/4

## 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 7<sup>th</sup> September, 2013 for the bye-election to 51-Noksen (ST) Assembly Constituency, where poll was held on 4<sup>th</sup> 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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ANNEX - C/5

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: 24<sup>th</sup> 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

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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

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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

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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;

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- (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

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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.



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- 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

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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**

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**Annexure-I**

**Mock Poll Certificate**

This is certified that I, ..... Presiding Officer at the Polling Station No.....of .....Assembly Constituency (or the .....Assembly segment under .....Parliamentary 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 at .....AM.

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

Date:

Time:

Name & Signature of the Presiding Officer

Polling Station No.....

Polling Station Name.....

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Annexure-II

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 RECDNNECT 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.

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## Annexure-IV

**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<br>(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<br>of the Conduct of Elections Rules  | : | 100 copies |
| 9. Operational Manual of VVPAT  | : | 1 No.      |

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ANNEXURE - V

## **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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ANNEX - C/6

ITEM 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  
R E C O R D O F P R O C E E D I N G S

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

RESPONDENT(S)

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'BLE MR. JUSTICE RANJAN GOGOI  
HON'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.

Validity unknown  
Digitally signed by  
VINOD K. K. K.  
Date: 2017.01.03  
17:25:56 +05'30'  
Reason:

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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

→ t/c

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ANNEX-17

By Speed Post/email

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 51/8/VVPAT/2017/EMS

Dated: 21<sup>st</sup> 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 19<sup>th</sup> April, 2017.

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ANNX - C/8

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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  
R E C O R D O F P R O C E E D I N G S

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  
(WITH OFFICE REPORT)

RESPONDENT(S)

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  
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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.

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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]

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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. From the materials laid before the Court it appears that on 19<sup>th</sup> 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 21<sup>st</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> Lok Sabha.

4. That for General Elections for Parliament alone



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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

T/c

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ANNEX-C/9

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

**PRESS NOTE**

No. ECI/PN/37/2017

Dated: 9<sup>th</sup> 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 12<sup>th</sup> 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](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.

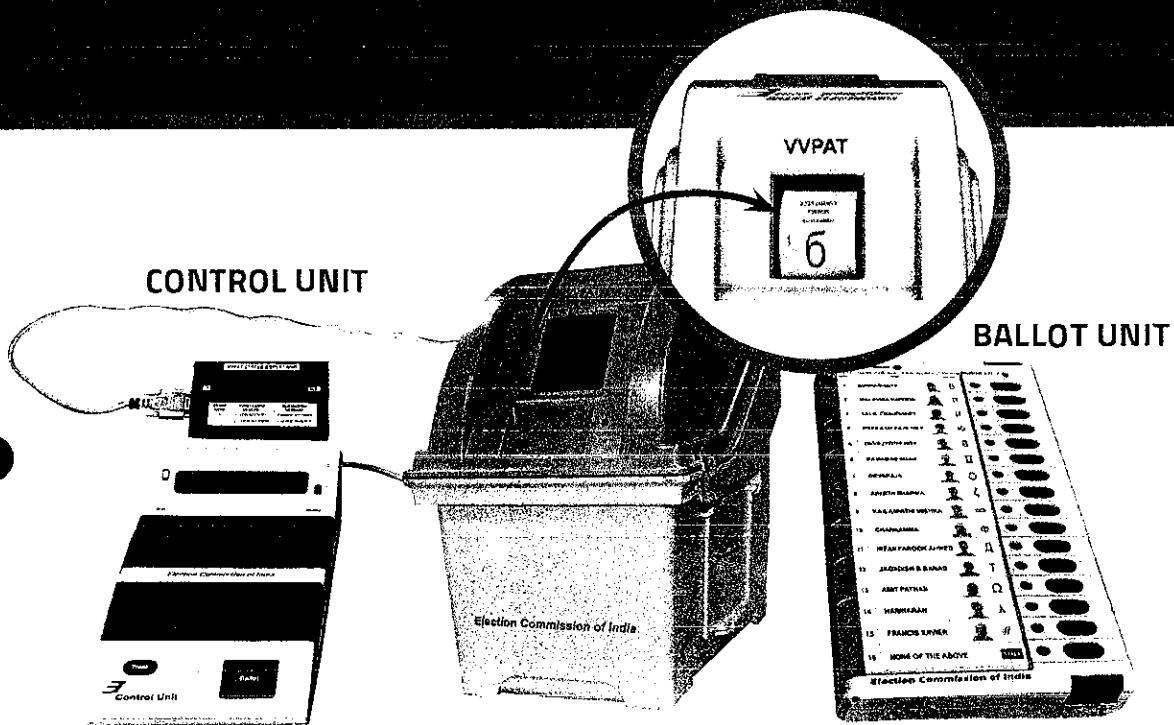
**(Dhirendra Ojha)**  
Director

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ANNEX- C/10



# 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

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## 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.

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- 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.

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## 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.



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- 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. Shakdhar, 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.

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## 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.

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## 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."*

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- 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.

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## 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.



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- 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.

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- 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

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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/

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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.**

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- 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.]

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**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.

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- 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.



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**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.

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- 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.

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- (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.

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- 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

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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.

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- 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.

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- (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



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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

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## 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](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:

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- 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](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://wwwverifiedvoting.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,

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- 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...

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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**.

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**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.

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## 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.

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- 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.

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**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.**

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## 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:



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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

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## **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

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**“NO VOTER TO BE LEFT BEHIND”**



**Election Commission of India**

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ANNEX-C/41

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi

### PRESS NOTE

No.ECI/PN/39/2017

Dated: 12<sup>th</sup> 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

T/c

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ANNEX-C/12

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

Validity unknown

Digitally signed by  
SARITA PERCOTH  
Date: 2017.08.30  
16:27:41 +05'30'  
Reason:

1. In the counter affidavit filed on behalf of the  
Election Commission of India, it is sought to be asserted

as under :

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"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;  
9<sup>th</sup> August, 2017.



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ITEM NO.1 & 4 COURT NO.1 SECTION III  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

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 WPPIL 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.

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Mr. Chandra Shekhar Suman, Adv.  
Mr. R.K. Rajwanshi, Adv.  
for Mr. Mukesh Kumar Maroria, AOR

for Election Commission of India Mr. Amit Sharma, Adv.  
Mr. Dipesh Sinha, Adv.  
Ms. Ayiala Inti, 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)

T/C

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ANNEX - C/13

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

NO. 51/8/16/4/2017-EMS

Dated: 30<sup>th</sup> 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.

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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.

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## 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.

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- 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.

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- 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.



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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.

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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.

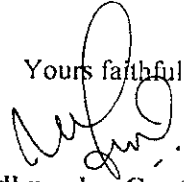
**10 Recording of FLC Status in EVM Tracking Software:**

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'.

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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

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Annexure-1

(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)

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**Annexure-2**

**(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.

<b><u>CU Identification No.</u></b>	<b><u>BU Identification No.</u></b>

**(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;

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#### **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

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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**

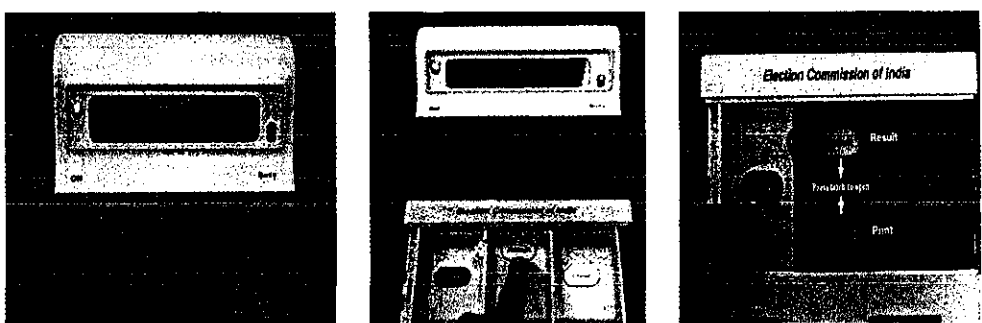
- a) Open the outer door of Result compartment and then open the inner door. Press CLEAR button to delete any votes stored in CU.



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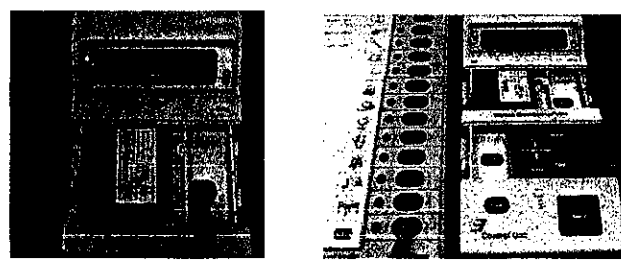
b) If CU displays INVALID, press RESULT button. If it still displays INVALID, press CLOSE button.



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

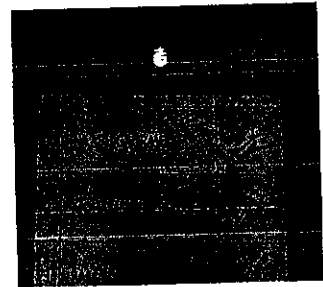
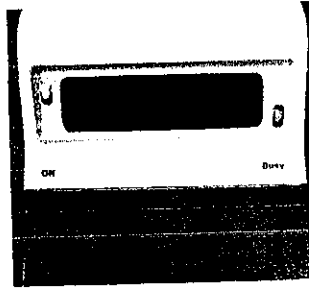
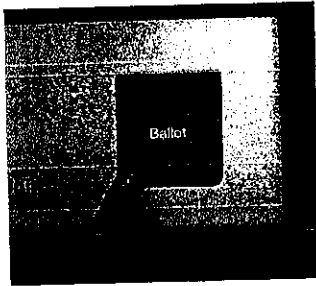
a) Press CANDIDATE SET button for setting candidates. Observe "SET CANDIDATE – "display in CU. Press 16<sup>th</sup> button in BU to set the number of Candidates to 16.



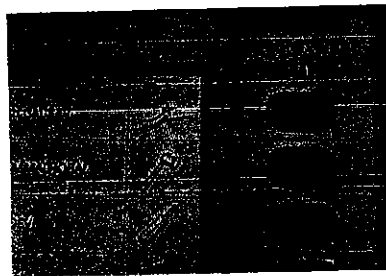
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## BALLOT OPERATION

- 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.

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- 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.

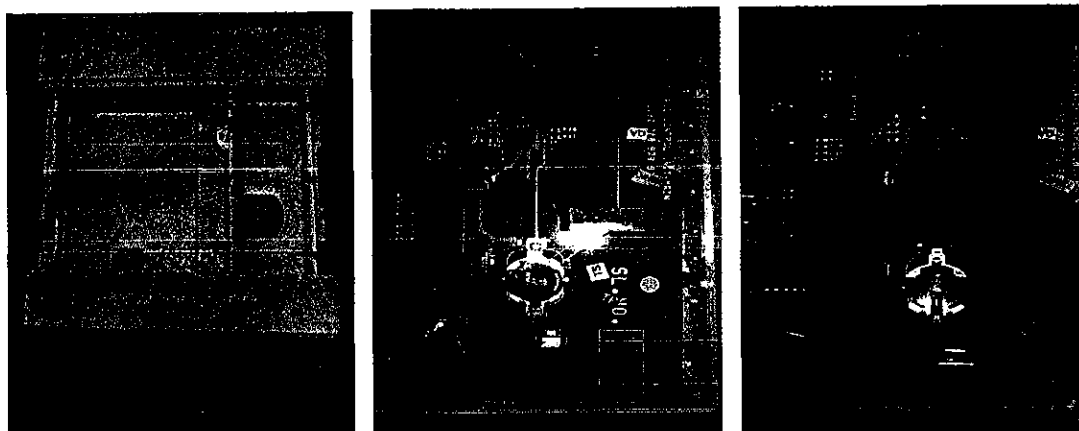
## **14. DOCUMENTATION**

- 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.

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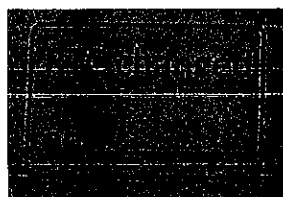


- b) Put the tamper sticker on four screws on top side. Fix the RTC cell sticker on the back of the Control Unit.
- c) Note down total number of Control Units in which RTC cells were replaced in the prescribed format.

Tamper Sticker

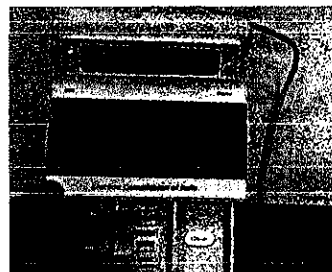
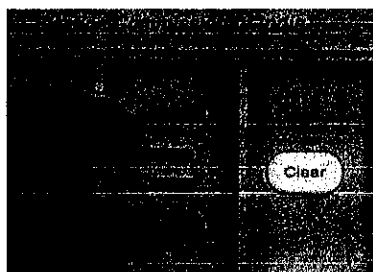


RTC cell sticker



## 16. TIME SETTING

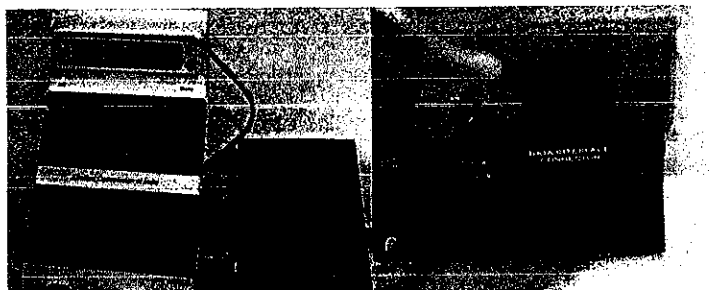
- a) Bring the CU to "Result" mode. Hold simultaneously "Result" and "Print" buttons and switch ON CU. CU shall display "Set Time" mode.



- 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.

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c) Switch OFF CU. Again, switch ON and confirm the Date and Time.

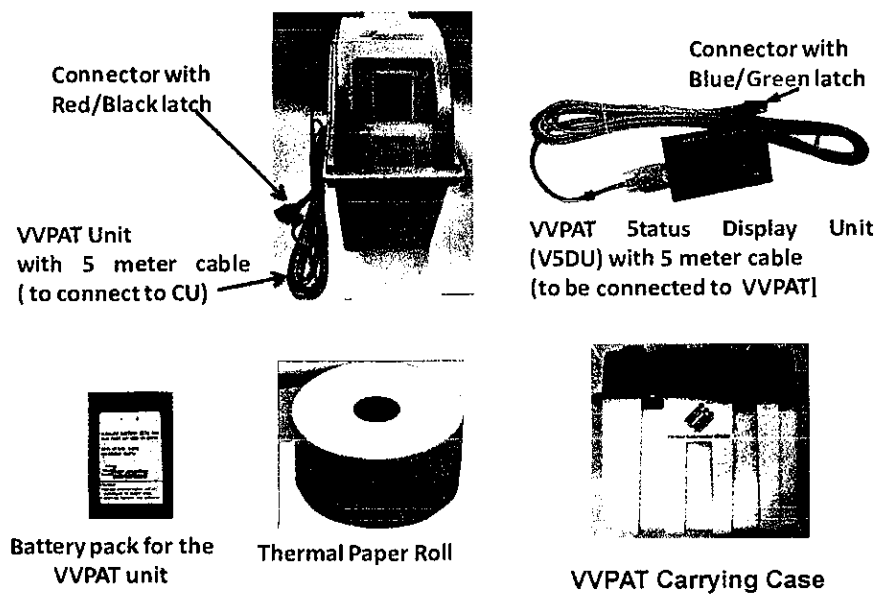


## 17. CLOSING OF FLC

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.

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**FIRST LEVEL CHECK PROCEDURES FOR VVPAT**



**VVPAT AND ITS ACCESSORIES**

**18. PHYSICAL INSPECTION OF VVPAT**

- a) 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.
- b) Remove previously placed address tag and FLC stickers from the VVPAT.
- c) Remove any paper slips from the VVPAT, if found inside. Remove battery pack from the battery compartment, if any, present in the VVPAT.
- d) Perform mechanical inspection by checking connector and battery compartment, LOCK-UNLOCK switch and latching/Unlatching of latches.

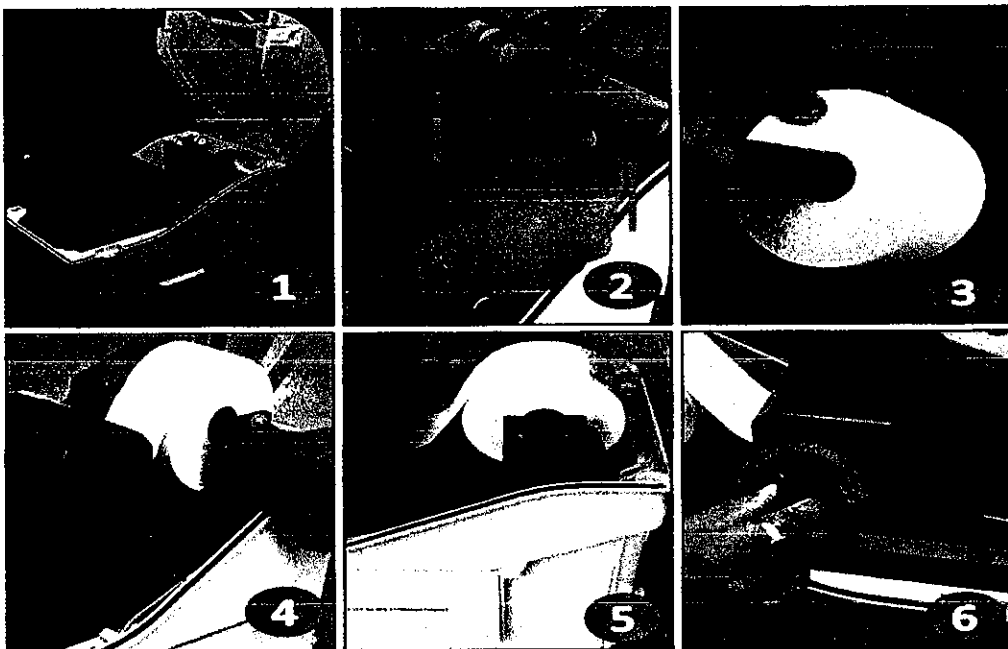
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## 19. INSTALLATION OF BATTERY

- 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

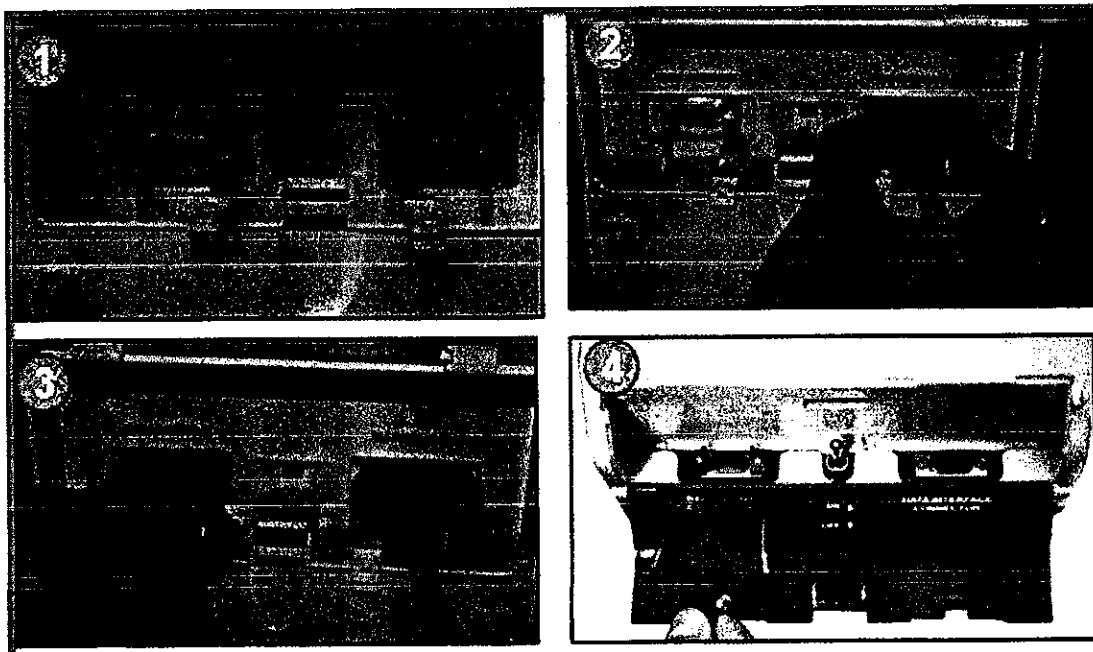
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## 21. SYMBOL LOADING

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:

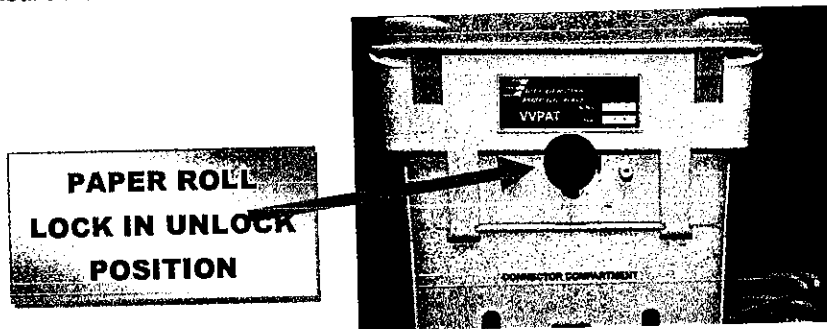
- a) Test Preparation
  - 1 BU, VSDU and CU are needed.
  - The VVPAT should be initialized and loaded with 16 dummy-symbols.
  - Make connections and operate the VVPAT.



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- 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.



- 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.

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- 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

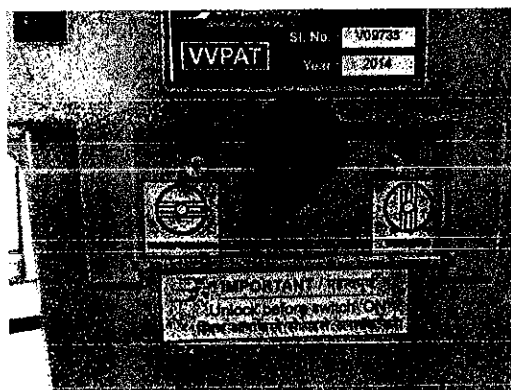
The VVPAT is FLC OK, if all of the following are achieved

- 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"



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## **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, IVSDU and ICU 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.**

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SAMPLE REPORT FORMAT

NOT TO BE COUNTED  
VVPAT UNIT POST REPORT  
Version No: 10, A2  
Candidate set: IB  
SI.No: 107152 Session:22  
1.VVPAT Error History: Absent  
2.Paper Under Head:Present  
3.Printer Head Temperature:Ok  
4.Platen:Closed  
5.Length Sensor Std:Passed  
6.Fail 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): 390  
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. Contrast: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

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## **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

[illegible]

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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)			

**Date:** .....

Name of District:

Address of hall:

[illegible]



### *Annexure-5*

**(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]

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Annexure-6

(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.....

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Annexure-7

(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)

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**Annexure-8****(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)**

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Annexure-9

(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)

T/C