

Executive Summary: Lok Sabha Election Report 2024

Report Authored and Compiled by Vote for Democracy (VFD) Maharashtra

Title of the Report:

“REPORT: CONDUCT OF LOK SABHA ELECTIONS 2024”

Analysis of ‘Vote Manipulation’ and ‘Misconduct during Voting and Counting’

[At pg. 1 of the Report]

Chapter 1 of the Report: Introduction

The entire election process was completed in 7 phases from the period of April 19, 2024 to June 1, 2024. The ruling Bharatiya Janata Party (BJP) won 240 seats, falling short of the 272-mark that signifies a majority in the Lok Sabha, which has 543 seats in all. The opposition I.N.D.I.A (Indian National Developmental Inclusive Alliance) alliance, led by the Indian National Congress (INC), won 232 seats. The entire report consists of 4 Chapters along with relevant annexures.

The **first chapter** of the report primarily focuses on the introductory part of the Report and most important analytical data within it. This report does not look at the aspect of the hampering and colouring of the Free and Fair Election Process through “corrupt practices”, speeches that in fact are divisive and cause a one-sided discourse. Many such have not just tainted the 2024 Elections but have been indulged in by men and women who occupy high constitutional office. The abject failure of the ECI to act against the violators, be it the Prime Minister or his peers in the BJP will remain a serious blot on the institution’s conduct. The unexplained elimination of the totaliser technique, which deals with mixing of ballot votes for voter anonymity, has been briefly discussed in the report under the rubric of “Totaliser technique & how it ensures anonymity (secrecy of the ballot) & therefore protects the Mandate & Voter”.

The report focuses on the Facts with depth analysis and research on figures that clearly indicate how the Election Commission of India (ECI) failed to conduct the 18th Lok Sabha Election 2024 in a free and fair manner. It provides a **“table with names of 79 seats from 15 states “increased” because of the “Vote Dumping /Hike”** [Table 1]. In this table we explained the state-wise calculations of how the experts who have guided this Report have arrived at this figure of approximately 79 seats that could have benefitted the NDA/BJP coalition in the just concluded polls.

On the issue of phase wise hike in total votes polled we analysed the figures of 7 phases covering all PCs except Surat, Gujarat (where no election was held; the candidate declared “unopposed” and elected in a move that has also been questioned). These figures are based on a comparison between extrapolated figures and final turnout figures.

VFD under the guidance of two experts, MG Devasahayam, and Dr. Pyara Lal Garg closely monitored and observed the whole election process proactively and in a chronological manner and on the basis of analysis and investigation, we have prepared 3 specific tables.

→ In table 15, we consolidated the list of all the Parliamentary Constituencies (PCs), where the winning/defeat margin has under 1 lakh votes.

→ Table 16 provides the list of the PCs where discrepancies have been found between the EVM votes polled and EVM Votes recovered and counted for all the PCs where the defeat margin is 50000 votes or less, and Table 17, in which we shortlisted PCs where discrepancies of votes found at one thousand or more.

[Description of the tables at pg. 32 of the Report]

We have thoroughly prepared “**Checklist for Candidates**” that is a useful document to prevent such manipulations in future. (Arising out of the experiences and research on alleged Voting and Counting Manipulation in Lok Sabha Election 2024) this **Checklist has 30 essential ‘Dos’ that every contesting candidate must be aware of.** [At pg no. 33 to 34 of the Report]

The Report has highlighted the post-election reaction from opposition parties, namely, Manoj Jha (RJD MP), Mahua Moitra and Kalyan Banerjee (TMC MP) and Akhilesh Yadav (SP MP). [At pg no. 19 to 21 of the Report]

Prominently, for ready reference, we have also prepared a table on Election Rules and Laws, covering provisions related to Elections under the newly enforced Bharatiya Nyaya Sanhita, 2023 (BNS), The Representation of Peoples Act, 1951. [At pg. no. 37 to 41 of the Report]

The Role of Returning Officer (RO) and Counting Agent (CO) thoroughly discussed in the report. [At pg, no. 42 to 44 of the Report]

We have prepared a table on Supreme Court’s 6 landmark judgments since 2013 on Free and Fair Elections with important observations of the court in relation to the voter’ right to know, Free and Fair elections, Paper Trails (VVPAT) and also incorporate the key finding from ADR Judgement, 2024¹. [At pg no. 45 to 51 of the Report]

Chapter 2 of the Report: Voting Process

The ECI on March 16, 2024 announced the schedule for holding the 18th Lok Sabha General Elections and elections to the Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim. The provisions of Model Code of Conduct had come into force on March 16, 2024 and the same was lifted by the ECI on June 6, 2024 after the completion of the election process on June 4, 2024. The Lok Sabha 2024 election was conducted in seven phases.

We have closely monitored and observed the incidents on voting day that tainted the Election Process. We have highlighted the manipulation during the Seven Phases; numerous instances of poll code violations were reported across different States/UTs, including incidents of booth capturing, voter suppression, police harassment and not providing of Form 17C to the electoral agents of the candidates. [At pg no. 26 to 30 of the Report]

The Report explains the phase and state wise hike in voter turnout percentage, increased between end of the poll day figures and final figures released by the ECI. [At pg no. 54 to 68 of the Report]

Unexplained hike and delay in releasing voting percentage:

Additionally, based on Dr. Garg’s meticulous calculations, the Report presents cross verified data on Phase-wise hike in total votes polled, highlights the figures based on a comparison between extrapolated figures and final figures. In this table the Report also analyses the figures of seven phases in relation to hike and found in Phase 1,2,3,4,5,6, and 7 the hike of 3.27%, 5.27%, 4.23%, 6.32%, 4.73%, 4.31%, and 4.43%, respectively with cumulative 4.72% hike (4,65,46,885 votes).

Significantly, the total hike in absolute number of votes cumulatively for all the phases between the turnout figures reported at 7-8.45 PM (extrapolated figures) and final turnout is close to 5 crore votes, or 4,65,46,885 to be precise. The Election Commission of India (ECI) has not provided any reasonable justification for such a hike except suggesting delays due to distance, logistics, complexity of the exercise, need for triangulation, and personnel issues. [At pg no. 54 to 69 of the Report]

- Despite the first rate connectivity in Chandigarh, the final turnout released on June 6 with an inexplicable delay of 5 days and the turnout increased by 5.18%.

¹ Association for Democratic Reforms v. Election Commission of India and Another, (2024) SCC OnLine SC 661

Link between voter turnout hike and parties Victory:

The Report thoroughly analyses the hike of vote percentage and strike rate of parties in securing win. The NDA Alliance got 10 seats out of 16 in Phase 2 with a strike rate of 62.5 % but in next phases (Phase 3 to 7) in Uttar Pradesh wherein the hike was only around 0.25% and NDA tally was 26 out of 64 seats with a strike rate of 40.63 % only. An analysis of the strike rate of the NDA in various phases indicates clearly that by phasing out the elections in various states, grouping of states in a particular phase and the seats of each state in a particular phase were determined with some motive.

The report, based on ground level reported facts and figures, comprehensively analysed the hike in vote percentage and the interrelated rise in the favourable strike rate to the ruling party. The Report has meticulously provided the phase and state wise tables on overall hike of votes. [At pg. no. 76-100 and 183-202 of the Report]

Checking/verification of burnt memory/microcontroller of EVMs and Supreme Court Directions:

The Supreme Court in **ADR Judgement (supra)**, dated April 26, 2024, opened two windows for verification and issued directions to the ECI in para 76 of the judgement. Both the directions were not implemented by the ECI, either in letter or spirit. Whereas an administrative SOP for the ‘burnt memory/microcontroller’ was issued on June 1, 2024, 3 days before counting, charging a hefty fee of Rs. 40,000 plus 18% GST per EVM–no Technical SOP to make it operative as mentioned in Para 7 of Administrative SOP was issued before expiry of 7 days thereby effectively preventing candidates from availing of this window provided by the Supreme Court. Then ECI enacted a farce on 16 July, 2024 (43 days after the counting and declaration of results) by issuing a so-called Technical SOP. [At pg no. 24 to 25 of the Report]

Analysis of alleged malpractices during voting and counting:

The Report closely tracks all the PCs state wise on voting and counting day. Resultantly, we found 18 (could be more) PCs where malpractice took place during voting and counting day and RO concerned failed to take appropriate action and behaved in a biased and partial manner. For factual correctness we have cited media reports and tweets for convenience. The major voter suppression in Farrukhabad PC and RO’s misconduct in Mumbai North West PC, have been highlighted specifically. [At pg. no. 26 to 32]

Chapter 3 of the Report: Counting of Votes

In chapter 3, the Report analyses the counting for Lok Sabha Election 2024, while covering all the phases i.e 7 phases we closely look into the “PCs in which the defeat margin is under 1 Lakh votes” and prepared a comprehensive table for the same. In table 15, the details and seats have been progressively categorised – first category is for the seats where defeat margin has been under 5000 votes, second for margin from 5001-20000, third for 20001-40000, fourth for 40001-50000, fifth for 50001-70000, sixth for 70001-90000, and seventh for 90001-100000. [At pg. no. 102 to 120 of the Report]

On similar lines, the Report provides another table, i.e. Table 2 in which it highlights the “PCs of 24 States/Uts where discrepancies found b/w votes polled and votes counted”. [At pg no. 121 to 131 of the Report]

Thereafter, Table 3 is for “PCs where discrepancies of votes found and additionally where reports of malpractice have also been alleged along with sub-table on Shortlisted PCs: Variation of votes 1 thousand or more [Chhattisgarh, MP, Odisha and UP],[At pg no. 132 to 142 of the Report].

[Annexures at pg no. 144 to 181 of the Report]

In the annexures, we have provided an explanation of our methodology for the use, collection, calculation and extrapolation of the figures used throughout the report.

Citizens' Notice to the ECI

Close to two dozen citizens and citizens organisations have sent a notice to the Election Commission of India (ECI) on July 19:

Narrating a detailed context on the basis of which such a Notice was being sent The above factual narrative clearly establishes that India's electoral democracy is facing clear and present danger and all steps need to be taken to save it from extinction. Therefore, citizens who are signatories that include MG Devasahayam (IAS, Retd. & Forum for Electoral Integrity) , Prof. Harish Karnick (retd IIT Kanpur academic & Member, Independent Panel for Monitoring of Elections), Teesta Setalvad, Dolphy D'Souza (Vote for Democracy), Dr Bharat Patankar (Lok Morcha, Maharashtra), Prafulla Samantara (Lok Shakti Abhiyan, Orissa), Shyam Gaikwad (Progressive Republican Alliance), Tara Rao and Noor Sridhar (Eddelu Karnataka), Roma (AIUFWP), KM Subhaan, Thomas Pallithanam, and Ramesh Patnaik (Meluko Andhra Pradesh), Aflatoon (Samajwadi Jan Parishad), Harkumar Goswami and Shishir Dey (Forum for Social Harmony), Dr Kushal Singh (Kendri Sri Guru Singh Sabha, Punjab), Dr. Sunilam (Kisan Sangharsh Samiti, Madhya Pradesh), Jitendra Nath Nandi (Manthan Samayiki), Thomas Franco (People First), and Javed Anand (Indian Muslims for Secular Democracy).

The Notice demands a thorough investigation into the issues raised and the irregularities/illegality pointed out in the *Notice* for the information of the voting public who are the real stakeholders in any election. The Notice further demands that the ECI take immediate action including

- a) Thorough investigation into the issues raised and the irregularities/illegality pointed out in the Notice for the information of the voting public who are the real stakeholders in any election.
- b) Immediate remedial action on all the issues raised.
- c) Setting aside the election of the illegally returned candidates on grounds of non-compliance with the provisions of the Constitution or of RP Act or of any rules or orders made under this Act.
- d) Immediate registration of FIR Under Section 129 of the RPA 1951, Section 65,66,66F of the IT Act, 200 and IPC Sections 171F/409/417/466/120B/201/34 and investigation into the roles of all involved, including ECI officials, BEL and ECIL engineers, and beneficiary parties.
- e) Countermanding the election in the constituencies where large-scale spurious injection of votes have taken place as per the list in Annexure and ordering re-election.
- f) Passing such other orders and further orders as may be deemed necessary on the facts and in upholding integrity and fairness of the elections for the future also.

Our Vote Counts and it is the sanctity of that Vote that is central to any mammoth electoral exercise. To ask and question whether the collective expression of the Rights guaranteed to every adult citizen of India has been, without fear or favour, under Article 326² of the Constitution, been preserved with the sanctity and impartiality that it deserves, that and that alone is the reason for presenting this Report to the Nation.

The ECI is answerable to the People of India alone and not the government in the seat of power.

² The Right of Universal Adult Franchise that guarantees to all citizens who are 18 years and above irrespective of their caste or education, religion, colour, race and economic conditions the Right to Cast their Vote.