

Press Release, July 22, 2024

YB Chavan Centre, Mumbai, Maharashtra

## **LOK SABHA ELECTION 2024: WAS IT FREE & FAIR?**

### **Release of Report & Notice Served on the Election Commission of India (ECI) by the People of India**

**Speakers:** MG Devasahayam, IAS (Retired) & Convenor, Forum for Electoral Integrity, & Coordinator, Citizens Commission on Elections; Prof. Sebastian Morris, IIM Ahmedabad (Retd.), & Member, Independent Panel for Monitoring India's Elections, Professor Harish Karnick (IIT, Kanpur, (Retd) & Member, Independent Panel for Monitoring India's Elections. Dr. Pyara Lal Garg, Former Dean, Faculty of Medical Sciences, Panjab University, Chandigarh is the expert who provided the basis for mathematical extrapolations.

### **“REPORT: CONDUCT OF LOK SABHA ELECTIONS 2024”**

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

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

The entire process of Lok Sabha Elections 2024 was completed in 7 phases from the period of April 19, 2024 to June 1, 2024. The results of the Lok Sabha election 2024 were declared on June 4, 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.

Through the poll process, serious questions have been raised about the discrepancies between the total votes polled and votes counted, as well as, the substantial unexplained hike in the turnout percentages by the Election Commission of India (ECI). While we do not doubt the credibility of the ECI, its conduct during this Lok Sabha election has made us, as citizens and voters, seriously concerned about the fair outcome of the electoral process. The Commission's dogged silence on several instances of alleged malpractices including in the PCs of Mumbai North West Farrukhabad, Uttar Pradesh and Karimganj, Assam does not inspire confidence in the minds of ordinary voters and citizens alike. The ECI's failure to act decisively against divisive hate speech is one more count for the growing mistrust of the citizen in the constitutional body. Together, this begs the question, ***Has the 2024 Lok Sabha Election been Free and Fair?***

### **Unexplained Vote Increase**

Most significantly, the numerical analysis of the election results and voter turnout percentage conducted by us reveals that the subsequent hike in voter turnout has arguably, disproportionately benefited the ruling regime. Notably, for all the 7 phases considered together, the cumulative hike in votes from initial turnout figures to figure turnout figures is close to 5 crore votes, or 4,65,46,885 to be precise! (Tabular data available in the report available on the website <https://votefordemocracy.org.in/>) This figure has been arrived at after a careful Phase-wise Extrapolation in Numbers of Votes. This percentage increase is of 3.2 % to a 6.32 % average across a seven-phase poll. [Though, further aggregated within the Phases and State of the Union on the basis of ECI's own data this difference in Vote percentage is a staggering 12.54 % in Andhra Pradesh and 12.48 % in Odisha]. Since, historically, in previous elections voting percentage figures have changed by a minute approximate 1 per cent only, this unexplained hike across all and in some states/phases is unacceptable. Especially since the ECI has, so far, not been forthcoming with any credible reasons for the hike. This then leads to one more question, ***Has the 2024 Lok Sabha Mandate been Stolen from the People of India***

### **Extrapolated Vote Increase translates into 79 seats countrywide!**

This unprecedented vote percentage increase translated into actual votes has meant that the thus “manipulated” figures of Votes Recovered and Counted ensured that **18 more seats were arguably won by the ruling NDA (BJP) in Odisha, eleven in Maharashtra, 10 in West Bengal, 7 in Andhra Pradesh, 6 in Karnataka, 5 each in Chhattisgarh and Rajasthan, three each in Bihar, Haryana, Madhya Pradesh and Telangana, 2 in Assam and 1 each in Arunachal Pradesh Gujarat and Kerala. This means that a possible, minimum of as many as 79 seats in 15 states could have been won by the NDA/BJP through this hike of Votes!**

### **Notice to the ECI**

These discrepancies and also several other violations have resulted in a Notice to the Election Commission of India (ECI) served on Friday, July 19, 2024. This notice served has been served on the ECI on grounds of alleged gross illegalities/irregularities, vote manipulation and misconduct, spurious injection of votes as well as violations of Model Code of Conduct and Supreme Court judgements during voting and counting in the 18th Lok Sabha Election 2024 conducted under the Superintendence, direction and control of the ECI as Commission holder of repository power under Article 324 of the Indian Constitution.

In the notice before the ECI, we citizens seek explanation and answerability of the ECI on the appointment of the election commissioner in partiality, violation of People’s Act 1951, conducting election through EVMs, registration and counting manipulation in election, large scale spurious injection of votes, illogical and chaotic scheduling of election, voting misconduct and malpractices, serious violation of MCC, complaints of not providing Form 17C to the voting agents, delay in releasing voter turnout, violation of statutory directions by the Returning Officers and discrepancies between votes polled and votes counted. We also in our notice placed reliance on the Supreme Court’s ADR Judgement (2024) on strengthening integrity of the election process and that has not been compiled by the ECI. The ECI notice may also be read here <https://votefordemocracy.org.in/>

The Notice to the ECI has been endorsed by 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/illegalities 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

- Set 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.
- Countermand the election in the constituencies where large-scale spurious injection of votes have taken place as per the list provided in the Annexure Tables (State-wise Constituencies) and (Polling Day and Counting Day Malpractices as reported) and order re-election.

## **Report**

The Report, *Conduct of Lok Sabha Elections 2024: Analysis of 'Vote Manipulation' and 'Misconduct during Voting and Counting'* deals with multiple levels of unexplained conduct by the ECI during this election including some of those mentioned above. The Report contains detailed legal grounds and authentic numbers all sourced from original ECI data. Additionally, the ECI's failure to issue Technical SOPs following the Supreme Court judgment dated 26.04.2024, (the ECI complied in a limited way on in the third week of July 2024) for checking the burnt memory/microcontroller in 5% of the EVMs per assembly segment of a parliamentary constituency, upon the request of the runner up candidates has rendered this purportedly corrective measure nullified!

The detailed report prepared by VFD under expert guidance<sup>1</sup> on the conduct of the Lok Sabha election 2024 underlines the alleged malpractices during the polling process, numerical discrepancies in the results, violations of election laws, (mis)conduct of ECI and its personnel, especially the returning officer(s), and judicial precedents regarding the conduct of free and fair elections.

## **Highlights of this Report**

- The figures/data incorporated in this report are based on the voter turnout percentage uploaded by the ECI through press notes during the voting of 7 phases.
- The overall conduct of the officers deputed by the ECI in Lok Sabha Election 2024, doubtful and questionable and ultra vires.
- The objective of the report is document allegations of blatant voting manipulation and misconduct during the Lok Sabha Election 2024 and how the Election Commission of India failed to comply with the Constitutional and Statutory mandate to conduct elections in a free and fair manner.
- Unexplainable hikes in extrapolated figures and final figures in all the phases i.e. 7 phases, 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%, **5.75%**, 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.
- The report includes consolidated figures in the form of a table explaining "State-wise increases of seats on the basis of Hike/Dumped voter from Extrapolated figures" (based on a comparison between extrapolated figures and final figures calculated from voter turnout percentage given by the ECI) with state wise calculation and our conclusion that at least 79 seats have likely benefitted the BJP/NDA in the just concluded polls.
- Precisely monitored Parliamentary Constituencies (PCs) where discrepancies of votes found and additionally where reports of malpractice have also been alleged along with Shortlisted PCs in which Variation of votes 1 thousand or more [Chhattisgarh, MP, Odisha and UP].
- Consolidated the PCs where the winning/defeat margin has under 1 lakh votes.
- PCs of 24 States/UTs where discrepancies found b/w votes polled and votes counted.
- Comprehensive checklist on alleged voting and counting manipulation in the Lok Sabha Election 2024.

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<sup>1</sup> Soldier, author and economist and author of Electoral Democracy? An Inquiry into the Fairness and Integrity of Elections in India, M. G. Devasahayam January 18, 2022, Dr Pyara Lal Garg, Former Dean, Faculty of Medical Sciences, Panjab University, Chandigarh & Professor Harish Karnick, Retd IIT academic

- During the intensive numerical analysis, a pattern emerges: that, between the voter turnout hike and the delay in releasing the final turnout has ultimately favoured the ruling dispensation.
- The Report has also closely tracked all the PCs state-wise where malpractices were reported on voting and counting day. Resultantly, the inquiry found at least 18 PCs where malpractice took place during voting and counting day and the Returning Officer (RO) concerned failed to take appropriate action and behaved in a biased and partial manner. Voter suppression in both the PC of Farrukhabad in Uttar Pradesh and the RO's misconduct in the Mumbai North West PC, is highlighted specifically.

Finally, it is settled principle that the true will of the voter must reflect in the results of the election, If, however irregular and corrupt practices have influenced the result, or the electorate has been a victim of any such fraud or compulsion on any essential matter, meaning, if the will of the people as recorded in their votes is not the 'free and true', articles 324-326 of the Constitution and several provisions of Election related law and rules, stand violated. Under Article 324 of the Indian Constitution, the ECI is vested with the powers of superintendence, direction and control of the elections. But such superintendence and control of the elections is not only limited to the announcement and conduct of the elections but also requires 100% purity of the entire election process.

The Report: Conduct of Lok Sabha 2024 reveals clear signs of deliberate misconduct and manipulation taken place in the Lok Sabha Election 2024 as well as the biased and partial functioning of the ECI in taking action against the political parties during the MCC period.

Hence an independent investigation under autonomous supervision into all aspects of the misdemeanours is the need of the hour to restore the faith of the People in a Free and Fair Election process.

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**Vote for Democracy, Mumbai**

**Dr Bharat Patankar**  
**Satish Londhe**  
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