<u>**Date: 11 April 2025**</u>

<u>Sub: Concern over Non-response from the Election Commission of India on Issues related to Transparency and Accountability of the Election Process</u>

<u>**To,**</u>
<u>**The Election Commission of India (ECI)**</u>
<u>**New Delhi**</u>

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Dear Sirs,

Last July 2024, through a Notice served on the esteemed Election Commission of India (ECI) a constitutional authority, answerable to the People of India, its citizens, some of us signatories to this memorandum, had raised crucial issues of concern.

(Note to ECI, https://votefordemocracy.org.in/)

<u>In this memorandum, dated April 11, 2025, we reiterate some of these and specifically articulate some others.</u>

We reiterate our concern as citizens that the ECI appears clearly to act in a manner that is far from autonomous and independent of the Political Executive, i.e., the Union Government in Power at the Centre.

Today the ECI has lost the confidence of a fair section of the Indian people. wherein independent surveys have shown that 1 in 4 voters believes that there is some scope of manipulation in EVMs by the ruling party, while only 1 in 6 believe there is no scope of EVM manipulation. In April 2024, a

survey conducted by the CSDS revealed, shockingly, that only 28 per cent of Indians today retained any trust or confidence in the ECI.

The manner and extent to which India's election system has been eroded is complex and involves manipulations at multiple levels. These issues have been addressed rigorously by experts and citizens groups like the Citizens Commission on Elections (CCE-2021), Association of Democratic Reforms (ADR) and Vote for Democracy (VFD).

The contentious issues involve the utterly non-transparent manner of the functioning of the Election Commission of India (ECI) when it comes to

a) Non-release of Voters Data including Voters lists past and present

b) Non-release of 17C, 17-A forms, Video Recordings and Index Cards, mandated under Election Law and ECI Manuals;

c) Manipulation of Voters Lists through spurious Additions and Deletions; as critically

d) The Manipulation of the Electronic Voting System (EVS) through the Symbol Loading Unit (SLU) and Microprocessor;

e) Effectively rendering the VVPAT device with neither verifiability nor auditability.

A significant question regarding the EC's conduct pertains to the credibility of Electronic Voting System (EVS) itself and the Commission's supervision of the electoral process

The Election Commissions' FAQ lists the following as advantages of ECI-EVM voting system:

(i) As voting is done by pressing a button, there is no invalid vote as in paper ballot system.

(ii) Booth capturing has been eliminated by technology used in EVMs and administrative procedures such that capturing booth is not worthwhile even if attempted. EVM voting system does not permit more than 4 votes per minute under any circumstances. Thus, it takes too long a time to cast a substantial number of votes giving sufficient time to security forces to respond to the Booth Capturing attempt.

(iii) No possibility of voting after CLOSE button is pressed at the close of poll.

(iv) It ensures quick, error free and mischief free counting of votes.

v) Voter is instantly able to verify that his / her vote has been cast correctly by verifying the VVPAT 's printed slip.
[https://www.eci.gov.in/evm-faqs/]

We would also like to assert that together**, i) and iii)** must mean that discrepancy of even a single vote is inadmissible and must force the election to be nullified. In reality, thousands of votes have been found mismatched as per ECI's own data, in recent past elections. However, the ECI has refused to behave responsibly and has not shared any logical, consistent and scientific explanation to any questions regarding mismatched data.

Besides, our experience with analysing the conduct of elections under the present Electronic Voting System shows that over the year ECI appear clearly to have created a clumsy and messy system of conducting both the Lok Sabha and Assembly elections with approximately 10.5 lakh disconnected computers called EVMs.

To explain and detail further, technically, *any box with a Microprocessor, a RAM (Random Access Memory or Volatile Memory) and an EEPROM (Electrically Erasable & Programmable Read Only Memory or Permanent Memory which can be changed through Electrical* Programming as the name suggests) is a computer. These computers are not connected through a LAN (Local Area Network) and WAN (Wide Area network), and the Internet, as we all figured out during early days of electronic voting. An internet connection will make these machines hack-able or liable to external manipulation.

In this connection, as a citizen's collective, with eminent technical experts in our midst, we would like to formally ask the ECI if the Commission uses microcontrollers (like Arduino) or microprocessors (like Raspberry PI or X86 or later versions). In their original public statements, the ECI used to state that they use microcontrollers. If this is so, <u>the collector referred to in the paragraph above does not become a computer)</u>

However, when we introduced the VVPAT in 2017-2019, we introduced a system where the Election Commission --or its contract workforce-- can load the Data of Candidates (Name and Party Symbol) namely the Position of the Name and Symbol in the Ordering Sequence (Buttons of the Ballot Unit) ***through the use of External Laptops.***

Hence, here we enlist FOUR points detailing why this **system is semi-automated, messy and hence very clumsy**. We also articulate **<u>five clear demands</u>**:

A) The computerization is only limited to casting the vote, recording the vote and counting/aggregating of votes at the EVM level only. **There is no _searchable Voters List containing all recent_ additions and deletions open to members of the public i.e., all citizens, everyone, publicly on the ECI Website.**

Without such a search engine software, there is no way we, as citizens, ___can independently verify whether in a locality/Mohalla all our neighbours and fellow citizens are included as Voters in the official Voter List and whether the deceased have ceased to exist in the Voter List.___

First Demand: In our first demand, we state that, if the EVS system and the Election System as a whole is Technologically sound and safe, the ECI needs to demonstrate this by ensuring that all Voters Lists, Recent and Older ones, with all Additions and Deletions are made available on its Website to Citizens _in a searchable format_. A failure to meet this demand, can only mean that the ECI is **not technologically equipped to so provide.**

Creating such a search engine that will display in ___searchable way Voter and Constituency Details as well as procedural details on how the deletions and additions have been made,___ **is** a mammoth software project. The electronic voting machines with manual voters list, albeit saved as .pdf documents in computer and where additions and deletions have been made by the ECI –without transparency and accountability to citizens -- **opens the door for Voter List manipulation by the ECI especially in an era of the capture of regulatory bodies by vested political interests**.

B) **Form 17C:** The Form 17C records the number of votes cast in a booth at 6 p.m. when polling closes. **These manual Form 17Cs should be scanned and uploaded in an online database and should be searchable by Booth, Constituency etc. Also, the aggregation of Total Votes recorded in all Form 17Cs in a PC (Parliamentary constituency) or an AC (Assembly Constituency) is possible**. _Without these searchable Form 17Cs and the software aggregation of total votes by PC or AC, the Count of EVM total votes has no claim to accuracy..._ The microprocessor, thanks to spurious instruction set/program insertion during symbol loading (SLU), can be made to record extra votes and can be made to generate corresponding _VVPATS if polling in a booth is 50%-60% and there is room for jacking up the electronic vote count._

Second Demand: The ECI should make available, in a searchable format, Booth and Constituency wise, on its website, all data of Form 17Cs of all Parliamentary Constituencies (PCs) and Assembly Constituencies (AC) as also the Software Aggregation of total votes for all Parliamentary Constituencies (PCs) and Assembly Constituencies (ACs).

C) In this connection, we also state, ***that just like Form 17-C (see above), the ECI is constitutionally and statutorily mandated to make Forms 9, 10, 11, 11A and 11B –for Displaying list of claims and objections during Special Summary Revision of Voters Lists public on the ECI Website for all constituencies (Assembly and Parliamentary)***

<u>**Third Demand:**</u> <u>All Forms 9, 10, 11, 11A and 11B that reveal the process followed for the Special Summary Revision of Voters Lists (additions and deletions) are also made public on the ECI Website for all constituencies (Assembly and Parliamentary) in a searchable format.</u>

D) Most critically, the source code of the EVM is still not open source and not public property. Why is there such secrecy around an apparently humble source code which does harmless things like recording votes and counting votes for each candidate on Buttons of the Ballot Unit (BU)? This source code is not used to launch a missile against an enemy country or hack their defence computers.

E) How will the ECI ensure that except for Symbol Loading data, the source Code (instruction set) and other data elements are same across 10.5 lakh EVMs? Please note that inside a microprocessor, a RAM and EEPROM, Instruction set (Source Code) and Data are all coded in binary 0s's (low voltage) and 1's (high voltage) and hence indistinguishable.

F) **Fourth Demand:** The ECI makes the source code of the EVM Open Source and Open to the Public, and moreover that the source Code (instruction set) and other data elements are same across 10.5 lakh EVMs.

G) **Fifth Demand:** That the ECI also ensures that the entire contents of each SLU are uploaded on ECI website as well as each SLU is allowed to be inspected by a third-party technical expert for its entire contents.

Esteemed Sirs, Real Use of Technology and being Technologically Savvy means finding, rather identifying *vulnerabilities in technology to make it better using both logical reasoning and human intuition.* Being technologically savvy does not mean becoming slaves of technology *as both dumb and blind users.*

In this context it would be appropriate to refer to the depositions made before the Citizens Commission on Election by some of the top national and international domain experts in the areas of voting systems, election management, statistics and cyber security. These depositions mainly observed that the Indian VVPAT system does not allow the voter to verify the slip before the vote is cast, they have made five specific recommendations:

1. EVM design and implementation, as well as the results of both software and hardware verification, should be public and open to full independent review.

2. A Voter Verifiable Paper Audit Trail (VVPAT) should be generated for every EVM in every election.

3. Voters should be allowed to verify the printed VVPAT slip before the vote is cast. The use of a paper trail can greatly enhance the integrity of an electronic voting system. VVPAT slips are, however, weaker than paper ballots because paper ballots exactly represent the intended vote, but the VVPAT slip does so only if it is verified by the voter.

4. A robust, well-designed audit can provide considerable confidence in the outcome, and statistical principles would dictate when a full hand count would be required.

5. Legislation will be needed on what to do when the audit reveals an outcome different from that declared by the EVMs.

"If recommendations 1-5 above are followed, it may not be necessary to go back to paper ballots. If the VVPAT is not strengthened through improved voter-verification, secure storage, robust audit and supporting legislation, however, the vulnerabilities of the EVM will continue to pose a serious problem to election integrity and paper ballots could be preferred."[1]

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[1] [https://drive.google.com/drive/folders/1x00pJHVhR1K7uLCdFuPIsiTDKp4c_uQ2]
[https://constitutionalconduct.wordpress.com/wp-content/uploads/2021/04/citizens-commission-on-elections-vol.-i.pdf]

Sixth & Final Demand: We reiterate that there are many doubts on the integrity of the functioning of the EVMs. These have been raised by many experts and professionals as well.… Our suggestion is simple: Instead of the voter-verified paper audit trail (VVPAT) slip falling in the box, it should be handed over to the voter who shall then place it in a separate ballot box after having verified his or her choice. 100% counting of VVPAT slips should then be done. This will restore full confidence of the people in free and fair elections." Counting should also be on the basis of the paper slip count not EVM count.

We urge the ECI to open up discussions with the signatories to this memorandum which include experts, citizens, transparency and accountability activists and representatives of political parties to ensure that **all the demands articulated in this memorandum are met as early as possible.**

In anticipation of an early response,

Yours Sincerely,

MG Devasahayam, former Army and Indian Administrative Service officer, Economist, Soldier, Administrator; part of the 2021 Citizens commission on Elections (CCE).

Prof. Harish Karnick, Adviser, Miimansa.

Teesta Setalvad, Senior Journalist and Writer, Vote for Democracy.

Dolphy D'Souza, Social Activist, Mumbai.

Memorandum is endorsed by:

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4. Dr.Pyara Lal Garg, MCH in Paediatric Surgery, formerly with Panjab University, an Election Data Specialist

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15. Sunilam, President, Kisan Sangharsh Samiti & Ex MLA (MULTAI) Madhya Pradesh

16. Justice D. Hariparanthaman (Retd), Madras High Court

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50. Jitendra Nath Nandi, Manthan Samayaki, Kolkata

51. Sujata Gothoskar, Social activist member of Nari Atyachar Virodhi Manch (Forum Against Oppression of Women)

52. Muniza Khan, Activist and Social Scientist Purvanchal, Uttar Pradesh

53. Satish Londhe, Lok Morcha

54. Humayun Mursal, Lok Morcha

55. Debaprasad Ray, Secretary, Lohia Academy Trust founded by Late Rabi Ray

56. Fr. Cedric Prakash SJ, Human Rights and Peace Activist/Writer Ahmedabad, Gujarat

57. John Dayal, Writer and Activist

58. Raphael D'Souza, Advocate, Assistant Vice President, All India Catholic Union & Former President, The Bombay Catholic Sabha.

59. K P Fabian, Professor, Symbiosis University

60. Ramesh Patnaik, Co-Convener, Meluko Andhra Pradesh

61. Harkumar Goswami, Convenor, Forum for social harmony

62. Nanda Ghosh, Social Activist, Assam

63. Abhay Taksal, Advocate, Maharashtra State Executive Member, Communist Party of India

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65. Pawan S. Jondhale, Advocate, Parbhani district court, Maharashtra

66. Habibul Bepari, Social Worker

67. Rahul SM Pradhan, Ambedkarite Activist & Founder President, Yuva Panther Organisation Dalit Panther Movement, Maharashtra

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69. Cynthia Stephen, Independent Policy Researcher and Journalist

70. Michael Peter Moven, Social and Political Worker

71. Santosh George, Former Academic

72. Robert Gibbs, Advocate

73. Praveer Peter, Convenor SAJHA KADAM for Peace, Diversity and Communal Harmony (Jharkhand)

74. Swati, Ph D scholar, Eddelu Karnataka, Bengaluru

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