# E.V.M.: Sanctity Vs. Suspicion: An Overview

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## Abstract

India has earned the credit of being the largest democracy of the world as it successfully conducts elections at required intervals, thereby providing an opportunity to a lot of people to share power who had never tasted it. But occasionally some blots, as recent one of hacking and tampering E.V.M., are slapped on it. Open challenge to prove the allegations has been declined. Sanctity of polls is unnecessarily questioned when E.C.I., media, various stake holders are quite alert. E.V.M. is programmed in way to avert any such possibility. Better not to spill grief of defeat by defacing the image of E.C.I. and Indian democracy. Some measures to improve the electoral system, however, deserve a consideration. Vision will lead the country to the path of aggrandizement.

**Keywords:** Free, Fair and Transparent Polls (Sanctity of Poll), E.C.I., E.V.M., Hacking and Tampering with E.V.M. (Suspicion on Poll).

## Introduction

**"Vision elevates the nation".**[1]

After winning independence in 1947, apprehensions were pervasive, at home and abroad, if India will be able to sustain as a democracy. India did succeed as a democracy if a look at Afro Asian states is thrown which though gained freedom almost the same time India got, but their success story as democracy is bleak. In many, violence is rampant, political parties and institutions are not well developed, constitution and constitutionalism are in a state of flux. But India in seven decade march of its democracy, can feel proud of several things as telecommunication, food security, nuclear power, catering to the needs of vast population, computer software, one prominent marvel being holding elections at regular intervals. Under Indian constitution, part VX under Article 324(1) provides for an Election Commission in these words "the superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections to parliament and to the legislature of every state and of elections to the offices of President and Vice President held under this constitution, shall be vested in a commission". [2] Decade of 80,s witnessed a new era when E.C.I. introduced E.V.M. for holding elections with a view to be technology friendly and overcome many of the electoral mal practices. "The Commission has been able to generate a sense of faith that the people repose in its integrity. E.C.I. is one of the institutions that have earned the country credit at home and abroad". [3]

## Aim of the Study and Methodology

E.V.M. introduction was preceded by profound endeavour to eradicate any apprehension about its sanctity but occasionally suspicions are expressed in this regard. Result of five Legislative Assemblies, Uttar Pradesh, Uttarakhand, Punjab, Manipur and Goa were announced in mid March 2017 but a controversy cropped up with several political parties levelling allegation of tampering and hacking with E.V.M. "This is a blame game indulged in periodically, notwithstanding the fact that E.C.I. has time and again demonstrated, through increased and transparent measures, the reliability and fool proof nature of E.V.M."[4] Demand was made to hold polls through ballot papers, Delhi Assembly held its special session to show tampering of E.V.M. with a dummy machine.

The paper aims to remove these myths regarding the performance of E.V.M. Election in India through E.V.M. has earned credit to the country all over the world but the latest controversy has dented in it. Since the topic is a burning and contemporary one, secondary sources have been relied upon heavily. Inductive method has been employed for the study, thereby observation, personal experience, has also been incorporated in this paper.

### Review of Literature

The issue being a short lived one; very scant literature is available on it. P.V. Indiresan wrote in Yojana, (January 2009 issue) extensively about the induction, features, merits and viability of E.V.M. Likewise N. Gopalaswami, former Chief Election Commissioner also deeply dealt with the theoretical and practical aspects of the machines in his article The Hindu (27.03.2017). The operational part of the E.V.M. was elaborated at the website of the E.C.I. (https://eci.nic.in) itself. Books on Indian Polity and Constitution by A.P. Awasthi and P.N. Bakshi respectively, furnished the understanding of Indian electoral system in theory and practice. How a country (India) can prosper and rise with an insight, a beautiful narration, in this regard was embellished in Turning Points by Dr. A.P.J. Abdul Kalam. An analytical vision on the subject was rendered by various newspapers of Hindi and English.

### E.V.M. at a Glance

Hacking, simply speaking is slapped online while tampering is inflicted offline. E.V.M. hacking is possible if it was an online device, connected with internet or computer or any other such device. Even a Bluetooth like option is not there. So the data can not be accessed. Tampering E.V.M. is possible if mother board or any other part of the machine, is changed. But E.C.I., Engineers of Bharat Electronics Limited and Electronics Corporation of India (the two companies to manufacture E.V.M.), D.E.O., R.O., Sector Officers, Presiding Officers, agents and representatives of parties and candidates and security forces, none among these will cause or let the any alteration happen in the E.V.M., not because they are infallible but because of its infeasibility. Electoral activities are subject to web casting, video recording and surveillance to ensure utmost transparency.

There are three versions of E.V.M. Pre 2006, Post 22006 and Upgraded Post 2006 which is the latest one. An E.V.M. consists of B.U. and C.U. and now of V.V.P.A.T. as well. When E.V.M. is received by D.E.O., F.L.C., is done by the authorised engineers in the presence of representatives of political parties. At this stage, cleaning and dusting of E.V.M. , removal of old records in it, ensuring full functionality of its all components, is done under the surveillance of C.C.T.V. Thereafter 5% of the E.V.M. is randomly chosen by the representatives and mock poll is done by casting of 1000 votes against all 16 candidates by them. Then votes are counted, its print out is also taken and representatives are assured of the sanctity of the E.V.M. Thereafter the C. U. is sealed from the left side, by using pink seal between its candidate and result section. This pink seal receives the signature of authorised engineers and representatives present there to ensure that no internal part of the machine is accessible without breaking this seal.

"Two randomization are performed to allocate E.V.M. in the polls".[5] 1. D.E.O. level: machines are randomized for allocation to different assembly constituencies in the presence of representatives of parties, using software. After providing a list of the same to them, machines are kept in a strong room. 2. R.O. level: Like F.L.C. again

machines are thoroughly checked and a mock poll is conducted. When the no of contestants are clear, candidate set is done in the B.U. and in C.U. and sealing is also conducted in both these components of E.V.M. so that no internal part of the machine is open for access without tampering the seal. Now randomization is done to allocate machines for various polling booths in the presence of Observer and party representatives and accordingly a list is prepared, which is shared with the candidates, further to be shared by the candidates with their representatives. Such randomized machines are put in the Strong Room.

On the poll day at polling booth, in the leadership of Presiding Officer, mock poll is conducted in the presence of agents of the candidates and Micro Observer if any, where they are at liberty to cast vote and see the sanctity and proper functioning of the E.V.M. Here Green Paper Seal and Strip Seal are used to seal the result section of the machine and signature of the agents is sought on it. The whole process is kept into record.

E.V.M. is subjected to tight security and surveillance by putting it in strong room before and after the poll. These are escorted by the para military forces on the eve of poll, during the poll and after the poll are over. Poll personnel deposit it at the earliest in the strong room once the poll is over. Sanctity of poll is ensured by taking parties, candidates and their representatives into confidence, seeking their presence at different stages, signature on various seals and making them an inherent part of the poll process. Repairing the machines in case of their mal functioning is prohibited. E.V.M. is self sufficient, self sustained and lonely machines, neither networked by any wire nor wireless device. So these are free from manipulation by signals from mobile phones or any other gadget. "It (E.V.M.) is a closed and dedicated machine in which the program is burnt into a ROM. Once the program is burnt into a chip, there is no way to alter, manipulate or tamper the program other than by damaging the chip in the process. Indian E.V.M., being non networked and standalone, are not subject to vulnerability and interference". [6]

### Arguments against E.V.M.

Arguments against machines are-50 votes cast through mock poll, are properly recorded but machine is manipulated in such a way that after initial 50 votes, votes are cast in favour of a pre decided candidate. All the votes will be recorded properly at the polling stage but at the counting stage from any central command and control room, mother board of the EVM is manipulated in such a way by linking it with some device, that votes are transferred in favour of a particular candidate. A secret programme is built into software that will transfer all votes to a favourite party.

In an era of technological advancement, suspicions likely to germinate further are:

If money transfer through BHIM app and access to social media without internet is possible, so EVM hacking without net is also possible.

Countries like Netherlands and Germany have quit the use of E.V.M.

## Counter Arguments

But due to ECI impartiality and integrity, sanctity of EVM can be banked upon as it is conducting all the polls without fear or favour, in transparent way, being more and more technology friendly. ECI is an institution manned by different Commissioners and officials, at different point of time, belonging to different social background and ideologies.  To manage every Commissioner in every election is Herculean task.  They are unlikely to allow mother board to be controlled or tampered in favour of someone. Moreover tampering or hacking needs to be done at massive scale in order to win election to the extent to form the govt. This is simply impossible. Misdeed, if any committed, its secrecy can not be concealed for longer period of time.

Besides, the software once fused into the E.V.M. chip, is intact and unalterable. And machine can not be manipulated by sending messages from external devices. To prepare mother boards to affect the result is practically not so easy. Candidates, media all have an eye over the whole electoral procedure. So hacking is not possible.

Suspicion on sanctity of E.V.M. is ill founded as there are three mock polls, various seals and signatures of the different functionaries at many stages, equipped with the presence of candidates their representatives or agents. In mock poll, one can ascertain proper functionality of machine and voting and consequent result in it. E.V.M. is kept in strict security in Ware House and Strong Room. Sector or Presiding Officer need to deposit it at the earliest. E.V.M. is handled by authorised engineers, D.E.O., R.O., Sector Officer, and Presiding Officer. At no stage tampering is possible.

In a poll, machines manufactured in different years, are used. In the assembly polls of 2017, E.V.M. made from 2006 to 2012, were used. Out of it, over 75% of the machines were made in 2007, 2008, and 2009. The machines of 2006 to 2009 vintage would have seen service in at least three elections held from 2006 to 2014, prior to being deployed in 2017. In U.P. one party in 2007 and the other in 2012 did well in Assembly elections. In 2017, another party performed well. In 2009 Lok Sabha elections different parties performed well. In 2014 Lok Sabha polls, another party shined. "This should convince any sceptic that the voters not the machines decide the outcome". [7]

Name of the candidates appears on the ballot unit in alphabetical order, irrespective of the name of the party. Thus it does happen that one party's candidate is at no 1 position in one constituency because of his/her name's alphabetical order. However the same party's candidate in other constituency might fall at the end in ballot unit because of alphabetical order of his/her name. So for a party it is not possible to manage E.V.M. in bulk of constituencies extensively to be able to form govt. "Even a super intelligent programmer can not visualize in 2007, 2008 or 2009 at the time of manufacture, of where machines will be used and what the position of a particular party's candidate will be in the B.U. of different constituencies and accordingly tweak the programme to favour a particular party". [8]

In 2019 Lok Sabha elections, V.V.P.A.T., will be used at every polling booth to ensure 100% transparency. In V.V.P.A.T. when a voter votes for a candidate of his choice, a small paper slip, containing the serial no. of the voter, name of the candidate and symbol, would be printed for the voter to verify that vote was cast correctly. But this slip can not be given to the voter rather this will be automatically cut after certain amount of time and then deposited in a box meant for the purpose and at counting stage if any doubt emerges these slips will be helpful in verifying the results.

Following similar allegations, E.C.I. in 2009 invited sceptics of E.V.M. to demonstrate how they can be tampered with. "100 E.V.M. samples were randomly collected from 10 states for the purpose. None of the claimants were able to prove that the machines could be hacked. E.V.M. doesn't have any communication device. They don't have even an antenna and therefore any device from outside can not be connected to them wirelessly". [9]

E.C.I. again rejected the baseless and allegations of E.V.M. tampering in March 2017. Again an open challenge was served to the various stake holders to prove their claims of tampering and hacking. In closing days of May 2017 only two political parties accepted it while others expressed interest in observing the proceeding. "Even these parties have given a walk over to the Commission. One party argued its three technical experts will try to remove the suspicions which have cropped up. The other party's view is that it will use this opportunity to study the system". [10] One party demanded to be allowed to tamper with the voting machine's mother board or circuitry to prove that it can be tampered with. However the Commission disallowed it arguing granting permission to such a change is like permitting to manufacture a new machine and introduce new EVM in the system of Commission.

On June 3, 2017, in E.V.M. challenge session, between 10 AM – 2 PM, where 14 machines used in Assembly polls, were put open for inspection, press any combination of keys or using Bluetooth, Wi-Fi on Internet based devices in an attempt to tamper with it. But in E.V.M. challenge none of the parties partook. One party took the illogical pretext that battery and memory no of the machine be spared with it in 4 day advance which was not possible for the E.C.I. However on the challenge day, Commission was ready to share these two no with the party. "The only demand not asked for was to take away machines to the home or to crack it with hammer". [11] Future polls will be held with E.V.M. and V.V.P.A.T., said E.C.I. Thus it is impossible to hack the E.V.M. owing to technology used and administrative processes, adopted.

Further Netherlands discarded Voting Machines because these were net workable PC type of machine running on OS. Germany lacked an enabling provision for using Voting machines, so their Supreme Court discontinued its use.

## Merits and Demerits

E.V.M. is immensely preferable to old ballot paper system on several counts. It is environment friendly as there is no need to print ballot papers at massive scale which in turn saves trees. Enormous expenditure on printing ballot paper is checked by using E.V.M. There is no need to sign and stamp each and every ballot by Presiding Officer and no possibility of invalid votes as well (due to lack of seal or sign.). Carrying E.V.M. is easier in comparison to ballot boxes and ballot papers. Even damage, rigging and capturing E.V.M. is difficult in comparison to ballot system. By merely pressing the close button of the result section, in any unpleasant situation, the whole process can be stopped. Relief is felt in counting as well due to the absence of invalid votes Due to overlapping or dubious arrow mark). Counting in less time with utmost accuracy is done.

## Foresight

Foresight asks to undertake some measures to visualise electoral betterment. Upper limit of voters to a polling booth should be 1200 to facilitate smooth polling as it would take 1 minute per voter to cast vote, when V.V.P.A.T. too is coming in vogue when P.O.1 is to identify the voter, P.O.2 to fill 17A Register in apply indelible ink and P.O.3 to press ballot, voter to cast vote and verify vote at V.V.P.A.T. Fault in E.V.M. on poll day, which causes panic, should be minimised by ascertaining rigorous checking of machines, followed by quick E.V.M. back up plan. Today N.O.T.A. votes go in vain. With the kind permission of honourable court, either this practice should be deleted or provided if N.O.T.A. votes are 25% +, such candidates should be barred from polls for 5+ years. This will clean politics.

## Defamation of E.V.M. Without Substance Should Be Met With Punishment, As Unfettered Freedom of Expression Leads to Mess

M.C.C. is often in vogue due to frequency of polls (at an interval of 15-18 months), which adversely affects development. Simultaneous polls for at least Lok Sabha, and Vidhan Sabha should be considered. Frequency of polls undermines the original work of various departments as employees are engaged with election related tasks. Separate poll machinery should be erected. Poll related procedural burden is very heavy. Many papers and envelops need to be prepared. This should be minimised as these were useful when ballot based election was exercised. Assembly election in five states in 2017 witnessed a trend to enlighten the voter to vote on issues, instead of caste, or religion and also for a good candidate with clean image, inclined for development. SWEEP activities should be used for popularising the message for ethical voting by staying away from money, drugs, inducements and threats". [12]   Provision should be made that 50% of total votes of a polling station to be polled as many cases show lower voter turn out though voting %age has improved significantly due to the efforts of E.C.I.  A provision should be made that in order to win an election; a candidate has to obtain at least 50 % of the voted polled. If a candidate receives lesser than 50% votes polled, a second poll should be arranged between only top two contestants.

This will reflect the representation of majority of voters and undermine the narrow lines of caste or religion based mobilization as it is unlikely that in a constituency, a single caste or religion will comprise 50% plus votes.

## Conclusion

EVM is preferable to old paper ballot system. Charges against E.V.M. are like arguing one is guilty unless he/she proves his innocence. E.V.M. in the able supervision of E.C.I. is performing its defined task fairly. Political defeat should be accepted gracefully instead of making E.V.M. a scapegoat and tarnishing the credibility of E.C.I. Democracy survives and succeeds when mandate and verdict of people, derived through adherence to the rules of the game, is honoured. Should the sceptics not be ready to regress and regret as they have miserably failed to prove their charges of E.V.M. tampering and hacking. The need of the hour is a vision to elevate India at world stage and to realize it, the greatest onus lies on the shoulders of political leaders. They should behave in a responsible way not play petty games. To conclude with Dr. A.P.J. Abdul Kalam – Oh! Parliamentarians, the sculptors of Mother India, Lead us to light, enrich our lives, your honest toil is our guiding light, if you work hard we all can prosper.

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## Abbreviation

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|---|---|
| E.V.M. | Electronic Voting Machine |
| E.C.I. | Election Commission of India |
| C.U. | Control Unit |
| B.U. | Ballot Unit |
| V.V.P.A.T. | Voters Verification Paper Audit Trail |
| F.L.C. | First Level Checking |
| D.E.O. | District Election Officer |
| P.O. | Polling Officer |
| M.C.C. | Model Code of Conduct |
| N.O.T.A. | None Of the Above |