

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2648
ANSWERED ON:23.07.2009
ELECTRONIC VOTING MACHINES
Das Gupta Shri Gurudas;Lingam Shri P.

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government has received any complaints regarding Electronic Voting Machines(EVMs) were rigged in the recent Lok Sabha polls;
- (b)if so, the details thereof;
- (c) whether some developed countries have reverted to ballot paper after manipulation of EVMs was detected;
- (d)if so, the details thereof: and
- (e) the reaction of the Government thereto?

Answer

MINISTER OF LAW AND JUSTICE(DR. M. VEERAPPA MOILY)

(a) and (b): Yes, Madam. The Election Commission of India has intimated that after declaration of the results of the Lok Sabha 2009, the leaders of some of the opposition parties (DMDK, PMK etc.) have been alleging that EVMs have been tampered with. Further, DMDK has filed PIL in Hon`ble High Court of Madras, to ban use of EVMs in future elections. Further also, a complaint letter dated the 10th June, 2009 from Sh K. Balu, Advocate, Legal Wing of PMK has been received in the Election Commission.

(c): There is no such formal information available with Legislative Department, Ministry of Law and Justice and the Election Commission of India.

(d): Does not arise.

(e): The Election Commission has intimated the following information in respect of the working of Electronic Voting Machines (EVMs):-

(i) The EVMs have not been introduced all of a sudden. These have been tested initially and gradually introduced all over the country.

(ii) The EVMs have been tested by an Expert Committee consisting of experts from IIT appointed by the Government.

(iii) The EVMs have been certified as tamper proof reliable device by Expert Committee and various preventive to precautionary steps have been preserved by the Commission for the operation, maintenance and storage of the EVMs.

(iv) There have been some minor mechanical.and human errors while handling them during elections which have been attended promptly by replacing the EVMs or repairing them.

(v) The EVM mentioned in the complaint is being checked by the manufacturers to detect the actual defect in it and reason for the same will be ascertained (like manufacturing defect etc.).

(vi) Many Courts including Hon`ble Supreme Court have time and again appreciated the efficiency of EVM in many court cases. Attention, in this regard, is invited to the judgment of the Hon`ble High Court of Madras in WP No. 3346, 3633, 4417, 4454, 4466, 4945, 5077, 6038 and 6039 of 2001 dated 10.4.2001, AIADMK and others Vs. Chief Election Commissioner and others where the Hon`ble Court dismissed the writ challenging the introduction of EVMs. The petitioner`s challenged this ruling of the Madras High Court before the Supreme Court in C.C.2824 Å and 2825/2001 which was dismissed by the Hon`ble Apex Court in its decision dated 23.4.2001 and the decision of the Madras High Court was upheld. Separately, the Hon`ble High Court of Kerala in E.P. No. 4 of 2001- T.A.Ahamed Kabeer Vs A.A.Azeez and others and Hon`ble High Court of Karnatka in E.P.No. 29 of 1999- Michael D. Fernandes Vs. C.K.Jaffar Sharif and others have upheld the EVM as a safe and secure device for conduct of elections.

(vii) The Election Commission has also given the opportunity to the persons who alleged that EVM could be manipulated/tampered with. However, no one could prove it yet.