

1	2	3	4	5
3rd	1962	63.31	46.63	55.42
4th	1967	66.73	55.48	61.33
5th	1971	60.90	49.11	55.29
6th	1977	65.63	54.91	60.49
7th	1980	62.16	51.22	56.92
8th	1984	68.18	58.60	63.56
9th	1989	66.13	57.32	61.95
10th	1991	61.58	51.35	56.93
11th	1996	62.06	53.41	57.94
12th	1998	65.72	57.88	61.97
13th	1999	63.97	55.64	59.99
14th	2004	61.66	53.30	57.65

Rigging of Electronic Voting Machines

929. SHRI D. RAJA:

SHRI M. P. ACHUTHAN:

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

(a) whether Government's attention has been drawn to the complaint made by a major political party in Tamil Nadu that Electronic Voting machines (EVMs) were rigged in the Lok Sabha polls;

(b) whether it is fact that some developed countries have reverted to ballot paper after manipulation of EVMs was detected; and

(c) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) Yes, 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.

DMDK has filed PIL in Hon'ble High Court of Madras, to ban use of EVMs in future elections.

A complaint letter dated 10th June, 2009 from Sh K. Balu, Advocate, Legal Wing of PMK has been received in the Commission.

(b) The Commission does not have any formal information in this regard.

(c) The Commission's views are:-

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

- (2) The EVMs have been tested by an Expert Committee consisting of experts from IIT appointed by the Government
- (3) 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.
- (4) 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.
- (5) 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.)
- (6) Many Courts including 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 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.Ahammed Kabeer Vs. A.A.Azees and others and Hon'ble High Court of Karnataka in E.P.No. 29 of 1999- Michael D. Fernandes Vs. C.K. Jaffer Sharif and others have upheld the EVM as a safe and secure device for conduct of elections.
- (7) The 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.

Chief Justices' Conference

930. SHRI R.C. SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether it is a fact that the recently held Chief Justices' conference passed a resolution to increase the working hours from 4.5 to 5.5. hours a day;
- (b) whether the conference also recommended that retired Government servants with law degrees may preside over trials in petty cases;
- (c) if so, whether Government has taken any view on the above recommendation;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) and (b) Yes, Sir. The Chief Justices' Conference held on April 17, 2008 had, *inter-alia*, resolved that: