

State	2016	State	2016
Punjab	53	Telangana	3
Puducherry	-	Uttar Pradesh	86
Rajasthan	22	Uttarakhand	2
Sikkim	-	West Bengal	12
Tamil Nadu	61		
Tripura	1	TOTAL	530

Complaints regarding EVMs

1856. SHRI SANJAY RAUT: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Government has received a large number of complaints about Electronic Voting Machines (EVMs) in the recent elections in various parts of the country;
- (b) if so, the details thereof and Government's response thereto; and
- (c) the details of steps taken or proposed to be taken by Government regarding reliability of EVMs in the country?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY): (a) and (b) The information is being collected and will be laid on the Table of the House.

(c) The Election Commission has informed that the following measures have been taken to ensure reliability of the Electronic Voting machines (EVMs) in the country:—

(1) **Technical Security of EVMs**

- (i) The machine is both mechanically and electronically protected to prevent any tampering/manipulation. The programme (software) used in these machines is burnt into a One Time Programmable/Masked chip (Hardware) so that it cannot be altered or tampered with. Further these machines are not networked either by wire or by wireless to any other machine or system. Therefore, there is no possibility of its data corruption.
- (ii) The software of EVMs is developed in-house by BEL a Defence Ministry PSU and ECIL an Atomic Energy Ministry's PSU independently.

- (iii) The vote can be recorded by an elector from the ballot unit only after the Presiding Officer enables the ballot on the Control Unit, the machine does not receive any signal from outside at any time.
- (iv) During production in the factory, functional testing is done by production group as per the laid down quality plan and performance test procedures.
- (v) Samples of EVMs from production batches are regularly checked for functionality by Quality Assurance Group, which is an independent unit within the manufacturing firms.
- (vi) Certain additional features were introduced in 2006 in ECI-EVMs such as dynamic coding between Ballot Unit and Control Unit, installation of real time clock, installation of full display system and date and time stamping of every key pressing in EVM.

(2) Complete Procedural Security

The Commission has put in place an elaborate administrative system of measures and procedural checks-and-balances aimed at prevention of any possible misuse or procedural lapses. These safeguards are implemented transparently with the involvement of political parties, candidates and their representatives at every stage to build their confidence on efficacy and reliability of EVMs, as they are actually representatives of electors. These safeguards are:-

- (i) Before every election a first level checking (FLC) is done for every EVM to be used in the election by the engineers of the manufacturers in the presence of political parties' representatives. Any malfunctioning EVM is kept separately and is not used in the election.
- (ii) Manufacturers certify at the time of FLC that all components in the EVM are original. After this, the plastic cabinet of Control Unit of the EVM is sealed using a "Pink Paper Seal", which is signed by representatives of political parties. After this, the plastic cabinet of control unit of the EVMs cannot be opened and there is no access to any component inside of EVMs.
- (iii) At the time of FLC, at least 1000 votes are cast by the representatives on 5% of EVMs randomly selected by them. A printout of the results of mock poll as well as a sequential print out of every vote polled during the mock poll at the time of First Level Checking of EVMs are taken out for at least 5% of EVMs and shown to the representatives of political parties.

Representatives of political parties are allowed to pick machines randomly for this purpose. In rest of the machines, number of votes polled during the mock poll are to the satisfaction of the representatives of political parties. Representatives of political parties are allowed to do mock poll themselves.

- (iv) Subsequently, EVMs are further randomized twice once for allocation of machines to assembly constituencies and second to polling stations in the presence of candidates or their representatives before they are distributed for use in individual polling stations. Such lists of EVM containing serial number of EVM allocated to particular polling station are provided to the political parties/candidates.
- (v) Candidates and their representatives are allowed to conduct mock polls on EVMs at the time of candidate setting and also before the actual poll on the poll day to satisfy themselves about the satisfactory functioning of EVMs being used.
- (vi) Once the candidate setting is done the Ballot Unit of the EVM is also sealed with thread/Pink Paper seals so that nobody has access to, the inside of the Ballot Unit too. These Pink seals also bear signatures of representatives of political parties/candidate.
- (vii) A printout of the results of mock poll as well as a sequential print out of every vote polled during the mock poll at the time of preparation of EVMs and candidate setting are also taken out for at least 5% of EVMs and shown to the representatives of political parties. Representatives of political parties are allowed to pick machines randomly for this purpose.
- (viii) On the poll day, a mock poll by casting at least 50 votes is conducted at every polling stations in the presence of the representatives of the candidates/ polling agents with their signature and a certificate to that effect is obtained from every Presiding Officer.
- (ix) After the mock poll is over, another thread seal and green paper seals are put on the EVM to block access to all buttons on the EVM, except those, which are used for the conduct of poll. These paper seals and thread seals are allowed to be signed by the polling agents. After the poll is over, the Presiding Officer presses the "Close" button on the EVM in the presence of polling agents. Thereafter, no votes can be polled in the EVM.
- (x) After this, the entire EVM is sealed. Candidates and their agents are allowed to put their signatures on the seals, which they can check for the intactness of the seal before counting.

- (xi) In addition to this, the strong rooms where EVMs are stored, pending for counting are also sealed and watched round the clock. The candidates and their representatives are allowed to put their own seals on the strong rooms. They are also allowed to keep a watch round the clock on the strong room.
- (xii) The representatives of candidates of all political parties are given opportunity to participate in all the above occasion of FLC, Preparation of EVMs before poll, mock poll, etc.

Report of Twentieth Law Commission

†1857. SHRI PRABHAT JHA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the terms of reference of the 20th Law Commission and the remedial recommendations made by the Commission in respect of them;

(b) whether the recommendations made by the 20th Law Commission have been implemented/are to be implemented, if so, the details thereof; and

(c) whether the 21st Law Commission has been constituted, if so, the terms of reference assigned to the Commission on which remedial recommendations are to be made?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY): (a) The terms of reference of 20th Law Commission are given in Statement-I (*See* below). Recommendations made by the 20th Law Commission are as under:—

- (i) Report No. 244 - Electoral Disqualifications.
- (ii) Report No. 245 - Arrears and Backlog: Creating Additional Judicial (wo)manpower.
- (iii) Report No. 246 - Amendment to the Arbitration and Conciliation Act, 1996.
- (iv) Report No. 247 - Sections 41 to 48 of the Indian Succession Act, 1925 - Proposed Reforms.
- (v) Report No. 248 - "Obsolete Laws: Warranting immediate Repeal" - An Interim Report.

†Original notice of the question was received in Hindi.