

## Restoring faith in EVMs

On July 17, several Opposition parties decided to [discuss the issue of malfunctioning electronic voting machines \(EVMs\)](#) in the current [Monsoon Session of Parliament](#) and place a joint demand to the Election Commission (EC) to use ballot papers in the upcoming Assembly elections and the 2019 Lok Sabha elections. Incidentally, in a recent interview, Chief Election Commissioner (CEC) O.P. Rawat ruled out the option of reverting to ballot papers. EVMs are being made a “scapegoat” because they “cannot speak”, he said. While writing off the concerns about EVMs in such a sweeping manner is contentious, Mr. Rawat is partially right. One of the main reasons the functioning of EVMs is being questioned is, ironically, the EC itself.

### Questioning the EC’s propriety

The Narendra Modi government has been accused of undermining various constitutional institutions including the EC. In contrast to the time when T.N. Seshan as CEC firmly established the EC as an independent authority by rigorously bringing in revolutionary reforms, the body has lost some sheen in the last few years. Former Gujarat Chief Secretary Achal Kumar Jyoti was appointed the CEC in July 2017, months before the crucial Gujarat elections. In a peculiar decision, the EC chose not to announce dates for the Gujarat elections but announced dates for the Himachal Pradesh elections which were to be held at the same time. This conveniently allowed the Prime Minister to announce some new sops and schemes for Gujarat which he would not have been able to do if the dates had been announced. The inept management of elections by the ECI, as seen in the [December 2017 R.K. Nagar by-election in Chennai](#) in which there was distribution of cash and in the seizure of fake electoral ID cards in the R.R. Nagar constituency in Bengaluru, has brought into question the Commission’s propriety. It has also cast a shadow on the integrity of EVMs.

### A look inside the electronic voting machine

The intermittent reports of malfunctioning EVMs have intensified the gloom. For instance, data obtained under the RTI revealed that votes cast for an Independent candidate went to the BJP candidate in the February 2017 polls to the Buldhana zilla parishad in Maharashtra.

In a democracy, there is perhaps nothing more important than the credibility of the electoral process. Many Opposition parties have asked for a return to the ballot paper. As one of the earliest proponents of the EVM and as someone who has worked as a counting agent in the chaotic ballot paper era, I am stunned at the misplaced sense of confidence that political parties are showing in ballot papers.

There are several problems that political parties and counting agents face while dealing with ballot papers. When the election is seen to be swinging in favour of one party, the agents of the perceived winning party create havoc. EVMs have brought a certain structure that did not exist during the ballot paper days when a large number of invalid votes would often be higher than the margin of victory. Interestingly, even in the ballot paper era, there were often bizarre theories. One of them was the ‘Russian ink’ theory when Indira Gandhi was Prime Minister. Opposition parties then ridiculously alleged that “special ink” was being imported by the government to stamp ballot papers that would favour the Congress.

### Some suggestions

Rather than throwing the baby out with the bathwater, a couple of procedural changes will bring in credibility to the voting process. The EC has already operationalised the voter-verifiable paper

audit trail (VVPAT) with an attached printer that will provide a paper trail for those who have cast their votes. At present, after casting the vote in EVMs, the printed paper is directly dropped in the box (the voter only has seven seconds to see this). Instead, the paper should be given to the voter who should then drop it in the ballot box. This was the procedure before the introduction of EVMs. In the current system, to ask for a counting of ballots from the VVPAT, one has to move the courts. Instead, the ECI should introduce a new procedure wherein the manual counting of the printed ballots has to be done before announcing the result if the difference between the winner and the loser is less than, say, 10%, and the loser demands a recount. In a democracy, elections should not only be fair but should be seen to be fair. By shoring up its image and bringing in some more transparent reforms, the EC can restore faith in elections.

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