

# Bharatiya Janata Party-Shiv Sena

9C, Neelam Nagar, Mulund East, Mumbai 400 081  
Tel: 21634152 ♦ Fax : 21637432 ♦ E-mail: [kirit@vsnl.in](mailto:kirit@vsnl.in), [ksoffice@rediffmail.com](mailto:ksoffice@rediffmail.com)

July 28, 2009

Mr. Navin B. Chawla  
Chief Election Commissioner  
Election Commission of India

Dear Mr. Chawla,

**Sub: Need for fool-proof Ballot/EVM system i.e. EVM with Paper Back UP**

**Ref : 1. Ensuing Assembly election in Maharashtra – October 2009  
2. Observations, debate ... - Functioning of EVM system in India**

We on behalf of Bharatiya Janata Party-Shiv Sena would like to submit and draw your attention towards the observations, articles, debate going on in India regarding the functioning of Electronic Voting Machine system. It may be observed that the debate, observations have been made since 2004-05. The issue has rendered importance after, for the first time, India used EVM system fully in the Lok Sabha 2009 elections. We appreciate use of most modern technology for elections. It has to be transparent, most modern, easily understandable by common voter, tamper proof , open technology.

We are enclosing herewith :

1. A Power Point Presentation
2. Supporting notes/documents/press clipping expressing concern of the Society on the Ballot/EVM system being used in India.

We Bharatiya Janata Party-Shiv Sena believe and support :

- i) Confidence in the system
- ii) Fundamental right of the voter/citizen
- iii) Transparency
- iv) Security system being in existence, implemented in practice
- v) Capacity/capability, experience, knowledge of the election personnel about using EVM/IT system, software/hardware technology, security/concept/measures
- vi) Concern expressed by almost all major political parties
- vii) Concern expressed by IT experts, IT security experts
- viii) Happenings in the world, developed countries
- ix) Availability of a better system
- x) Non-transparency in the name of security, secrecy - stake holders, voters have to remain in dark/blind
- xi) Unavailability of full data in the Commission regarding hardware, software, etc.
- xii) The present system of using EVM, storage, etc.
- xiii) Involvement of private contractors, sub-contractors, suppliers, etc.
- xiv) Present technological hardware, software status of EVM used in India.

The basic principle in a democratic set up of conducting elections is faith/confidence in the system. The present EVM system used has created an atmosphere of suspicion. It

# Bharatiya Janata Party-Shiv Sena

9C, Neelam Nagar, Mulund East, Mumbai 400 081  
Tel: 21634152 ♦ Fax : 21637432 ♦ E-mail: [kirit@vsnl.in](mailto:kirit@vsnl.in), [ksoffice@rediffmail.com](mailto:ksoffice@rediffmail.com)

2

becomes the duty of the Election Commission to go for a simple and transparent system till the cloud of suspicion is cleared.

An observation certainly needs attention. The Constitution gave birth to the Election Commission as an autonomous, independent body. Provisions have been made to see that it remains at a distance from the Government. Election Commission has been giving only one explanation that they are totally depending on the PSUs like BEL, ECIL for software, hardware. The Commission says, as these are Government companies, everything is to be accepted without checking, rechecking or going for any test. Is it the EC depends wholly on Govt. i.e. Govt own PSU's ?

The explanation the Election Commission has regarding hacking, replacing hardware, manipulation, jamming.... is "we are offering mock poll in the morning of the polling day". Is it sufficient?

It is understood that the present EVM technology system used in India is outdated. It has been discarded by various countries in the world years back. Some countries have gone for a better system, i.e. EVM with paper back up.

We would request yourself to please ask the Election Commission staff to make available to us :

- i) Implementation, execution of all the recommendations/observations of the Expert Committee appointed by the Election Commission
- ii) Observation, recommendations on the development taken place in EVM technology
- iii) Pre-poll, during poll, post-poll check, counter-check, audit done by EC till now
- iv) Full details about the failure of EVM (various formats) including not opening, jamming, malfunctioning....) :

- during the Lok Sabha 2009 elections,
- during previous elections (where EVM was used)

BJP-Shiv Sena request :

- a) EVM with paper back up be used in Maharashtra Vidhan Sabha October 2009 elections
- b) There should be total transparency, use of modern technology, simple method in which voter should get acknowledgement and proof that the vote has gone to the candidate to whom he intended
- c) Protection of fundamental right to know, right of the political party, candidate and stake holders about the hardware, software system used,

# Bharatiya Janata Party-Shiv Sena

9C, Neelam Nagar, Mulund East, Mumbai 400 081  
Tel: 21634152 ♦ Fax : 21637432 ♦ E-mail: [kirit@vsnl.in](mailto:kirit@vsnl.in), ksoffice@rediffmail.com

3

Provision for checking the EVM to ensure no malfunctioning of polling system.

We are sure you have taken note of the happenings in the country. It is a pity that a major political party in Tamil Nadu has declared to boycott the Assembly by-elections.

We are sure you will understand the concern of the Society, political parties, experts, authorities, stake holders as also of the views expressed by the BJP-Shiv Sena and shall take corrective measures.

Thanking you,

**NITIN GADKARI**

*President, BJP Maharashtra  
Lok Sabha*

**GOPINATH MUNDE MP**

*BJP National General Secretary*

**ANANT GITE MP**

*Shiv Sena Group Leader*

**PANDURANG PHUNDKAR**

*Leader of Opposition  
Maharashtra Leg. Council*

**ANANDRAO ADSUL MP**

*Shiv Sena Leader*

**BHARAT KUMAR RAUT - MP**

*Shiv Sena Leader*

**PRAKASH JAVDEKAR**

*MP & BJP Spokesperson*

**KIRIT SOMAIYA Ex MP**

*Convenor BJP EVM Committee*

-