



LAWYERS FOR HUMAN RIGHTS INTERNATIONAL

(Regd. No. 2998 of 2000) Registrar of Firms & Societies U.T. Chandigarh

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PRESS NOTE

Free and Fair election are a very basic for the survival of democracy. Exercising of right to vote and for assuring that the vote which is cast is accounted in favour of the candidate and party which one likes is the very essence of democracy. There was a time when ballot papers were printed and the votes were manually cast in the election, but now the ballot paper has been replaced by electronic voting machines and everybody seems to be very happy with quick process and speedy declaration of election result. However, a strong and a large majority of people feel that the E.V.M machines are temperable. They think that the machines can be hacked and manipulated in favour or against a candidate/political party. If this is true, then the election process would end up being a farce and democracy would be at peril.

In the western world, specially Europe, most of the democracies in order to ensure free and fair elections have shifted to E.V.M with voter verifiable paper audit trail system or are sticking to paper ballot. The system of the V.V.P.A.T is that one casts one's vote electronically but a receipt is printed by the machine attached to the system, where one's vote has been cast, whereas in the normal E.V.M that are used at present one just presses the button as per the choice of symbol allotted to candidate, but the voter never knows as to where the vote has been cast and whether it is as per the choice of voter.

A petition was filed in the Hon'ble Supreme Court of India by Dr. Subramanian Swamy & others against the Election Commission of



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India in year 2012, where a prayer was made before the Hon'ble apex court of India to direct the Election Commission of India to introduce E.V.M with V.V.P.A.T system in order to ensure free and fair elections. The Election Commission of India submitted before the Supreme Court that it would require approximately 10 lac voting machines for the whole of the country. In order to introduce the same in the whole of the nation, the Election Commission of India said that it would require some time to ensure availability of E.V.M with V.V.P.A.T. system. The apex Court allowed the Election Commission to do so in a phased manner. The said petition was decided by the Hon'ble Supreme Court of India on 8th, October, 2013. Copy of the relevant portion of Hon'ble Supreme Court order is Appended with her **Annexure-A.**

That the Election Commission of India placed an order with 2 Government of India public undertakings for manufacturing of such machines. However, it come to light that though the Election Commission of India seemingly placed an orders for 1,07,300 voting machines, but in fact it has only 20,000 machines at its disposal to use in the coming elections of Punjab, Uttar Pardesh, Uttrakhand, Manipur and Goa. It is essential to state that Punjab has 117 Vidhan Sabha constituencies, with polling booths totaling in 22,603. The Election Commission is only making arrangement for using of said V.V.P.A.T machines in just 12 constituencies, and that too in merely 2,123 polling booths. Hence, the effort on the part of Hon'ble Supreme Court of India, which gave time to Election Commission on 8th October-2013, to make available E.V.M machines with paper trail system has been set to naught, due to the inaction of the Election Commission of India.



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That Dr. IshavarDas Singh who has sought support from our organisation, has filed a Contempt Petition in the Hon'ble Supreme Court of India, details of which are contained in **Annexure-B**. Dr. IshavarDas Singh also personally met and gave written representation to V.K.Singh chief electoral Officer Punjab, copy of which is attached as **Annexure-C**, but no response has been received by him.

That our organisation feels that the Election Commission of India is at a fault in not honouring its commitment before Hon'ble Supreme Court of India, which results into a situation that in the coming Election of 5 state including Punjab, the elections could be rigged in favour of powers that matter and the election process is vulnerable to fraud. Through the present press conference, we want to attract people at large and media to ensure Election Commission is forced to speed up the process of delivery and deployment of the E.V.M machines with paper trail system, so that democracy may survive.

NAVKIRAN SINGH ADVOCATE

General secretary LFHRI

DATE.27-12-2016.

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ANNEXURE - A

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9093 OF 2013

(Arising out of SLP (Civil) No. 13735 of 2012)

Dr. Subramanian Swamy

.... Appellant(s)

Versus

Election Commission of India

.... Respondent(s)

WITH

WRIT PETITION (C) NO. 406 OF 2012

J U D G M E N T

P. Sathasivam, CJI.

1) Leave granted.

Civil Appeal @ SLP (C) No. 13735 of 2012

2) This appeal is directed against the judgment and order dated 17.01.2012 passed by the Division Bench of the High Court of Delhi at New Delhi in W.P.(C) No. 11879 of 2009 whereby the High Court disposed of the petition by

29) From the materials placed by both the sides, we are satisfied that the "paper trail" is an indispensable requirement of free and fair elections. The confidence of the voters in the EVMs can be achieved only with the introduction of the "paper trail". EVMs with VVPAT system ensure the accuracy of the voting system. With an intent to have fullest transparency in the system and to restore the confidence of the voters, it is necessary to set up EVMs with VVPAT system because vote is nothing but an act of expression which has immense importance in democratic system.

30) In the light of the above discussion and taking notice of the pragmatic and reasonable approach of the ECI and considering the fact that in general elections all over India, the ECI has to handle one million (ten lakhs) polling booths, we permit the ECI to introduce the same in gradual stages or geographical-wise in the ensuing general elections. The area, State or actual booth(s) are to be decided by the ECI and the ECI is free to implement the same in a phased

manner. We appreciate the efforts and good gesture made by the ECI in introducing the same.

31) For implementation of such a system (VVPAT) in a phased manner, the Government of India is directed to provide required financial assistance for procurement of units of VVPAT.

32) Before parting with the case, we record our appreciation for the efforts made by Dr. Subramanian Swamy as well as the ECI, in particular Mr. Ashok Desai and Ms. Meenakshi Arora, learned senior counsel for the ECI.

33) With the above directions, the appeal and the writ petition are disposed of. No separate order is required in the applications for intervention. Both sides are permitted to approach this Court for further direction(s), if need arises.

.....CJI
(P. SATHASIVAM)

.....J.
(RANJAN GOGOI)

NEW DELHI
OCTOBER 8, 2013

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Ann-B

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION
CONTEMPT PETITION (CIVIL) NO. 745 OF 2016
IN
CIVIL APPEAL NO. 9093 OF 2013

IN THE MATTER OF

Dr. Swami Ishavardas Singh
S/o Late Shri Harpal Singh
R/o 3048, Street No. 1,
Power House Road,
Bathinda, Punjab.

... PETITIONER

Versus

Dr. Nasim Zaidi
Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashok Road,
New Delhi-110001.

... Respondent/Contemnor

PETITION FOR CONTEMPT UNDER ARTICLE 129 OF
THE CONSTITUTION OF INDIA READ WITH THE
PROVISIONS OF THE RULES TO REGULATE
PROCEEDINGS FOR CONTEMPT OF THE SUPREME
COURT, 1975.

TO

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS HON'BLE COMPANION JUDGES
OF SUPREME COURT OF INDIA,

MOST RESPECTFULLY SHOWETH

1. That this is a petition for contempt under Article 129 of the Constitution of India read with the provisions of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975, for violating the judgement and order passed by this Hon'ble Court on 8.10.2013 in Civil Appeal No. 9093/2013

Am-C
1

Revised

NA
2/12/16

To
Mr. VK Singh
Chief Electoral Officer, Punjab
SCO 29-30 Sector 17-E
Chandigarh - 160017

Respected sir,

Subject: Deployment of VVPAT in upcoming Vidhan Sabha elections in Punjab in 2017

I humbly submit:

1. That I had met you personally on 26th November 2016 at your office, where I had raised some issues vis-à-vis the **intended non-deployment by the Election Commission Punjab of VVPATs in 100% of the voting booths (22, 603 in total) in Punjab** in the upcoming Vidhan Sabha elections in Punjab in 2017.
2. That on 25th Oct. 2016, in the presence of the entire media of Punjab, you and the Chief Election Commissioner of India Mr. Nasim Zaidi had assured an eminent political delegation that **at the very least it shall be insured that VVPAT paper receipt system will surely be deployed in the VVIP - the most volatile and politically sensitive - areas of Punjab.**
3. That, however, when I met your most honourable self at your office in Chandigarh then, and in our subsequent telephonic conversation on 1st December 2016, you had sounded rather vague and even non-reassuring; and had said something to the effect that **the VVPATs may not be fully deployed even in the VVIP constituencies of the C.M., the Deputy C.M., the head of Punjab Congress etc.**
4. That in addition, your kind self and the Chief Election Commissioner of India had also assured in open media session and public forum on 25th Oct. 2016 that rather than just in 4,000 booths (as earlier announced by you) **the WEBCASTING will be mandatorily in place in 100% of the booths i.e. in all the 22, 603 voting booths in the Vidhan Sabha elections in 2017.**
5. That, however, it has now come to fore in some media outlets that webcasting too will be done in only a few selective booths, that too in a small number of constituencies in 2017 elections.

Could you please give us a written assurance and clarification about the above-mentioned points so that we may follow up the same in the courts of the land or in the court of the public vis-à-vis your stand and intended doings in the afore-said and stated vital issues.

In short, we the public, and the "little man" of India would like to know in specific the following:

1. I urge that VVPATs be placed in 100% of the voting booths (22, 603) in the upcoming elections in Punjab in 2017?
2. In case you are not deploying VVPATs in 2017 elections in 100% of the voting booths in, at the very least, the constituency of the C.M. Punjab (LAMBI, in Sri Muktsar Sahib district), of the Deputy Chief Minister (JALALABAD, in Fazilka district), and of the President of the Punjab Pradesh Congress (Capt. Amarinder Singh, in Patiala district and other sensitive constituencies and constituencies of so called VIPs these VVPAT must be installed.
3. You should also assure that webcasting will be in place in 100% of the total 22, 603 voting booths of Punjab in 2017?

It may also be worthy of mention that on 17th Sept. 2016 I had by name filed a CONTEMPT OF COURT petition in public interest in the honourable Supreme Court of India against the Chief Commissioner of India Mr. Zaidi, for a wilful violation of the 8th Oct. 2013 judgment of the apex court. Therein, it has been stated by our lawyer in the highest court of law of India that such an act by the Election Commission - of **non-ordering and non-deployment of lakhs of VVPATs** in the past 3 years till now (from 2013 to 2016) - has been done in the elections held after the apex court judgment. And that the same has been seems to be done in a seemingly criminal conspiracy, in cahoots with the powers that be, so as to enable the present political masters to win the elections by hacking into the "**vulnerable to frauds**" EVMs (*as held by 17th Jan. 2012 Judgment of the Delhi High Court*).

Sir, we the people fear the same criminal conspiracy is yet in place at the present moment.

And therefore, we the law abiding citizens of India are fearful that the responsible officials of the Election Commission of India, and those under its command at the regional level, are still shirking in their duty and hence are not ready to make 100% deployment of VVPATs in 100% of the voting booths in all the 5 States that are going to polls in the year 2017.

Please assure us – the "little man" – the public, that your most honourable self are doing your lawful duty under the Constitution of India, and allay our fears.

This may be done by answering the above asked questions in written.

Thanking you,
Yours sincerely,

(Dr. Ishavardas Singh Sidhu)

H.No. 3048, Street No. 1, Power House Road, Bathinda (Pb.) Mobile - 9988202716