

EVM debate has a solution.

And it's neither the ballot paper nor INDIA's new demand.

Pure stonewalling or hiding behind claims of technical perfection won't do. The ECI must prove that its systems are above suspicion.

Yogendra Yadav



Representative image | PTI

The EVM debate is back. Though there is nothing fresh about the arguments and counter-arguments, the counter-intuitive results in the recent assembly polls and the impending Lok Sabha election lend it fresh urgency. Unfortunately, it is not clear how this dispute can be settled or even debated meaningfully. EVM sceptics demand a foolproof system that makes tempering impossible. EVM believers ask for forensic proof of electoral fraud in real life. Fortunately, there is a way to bury this unending dispute.

The INDIA coalition's latest meet has brought this debate back on the national agenda. While their unanimous resolution stops short of blaming the EVM for Congress defeats, it registers a serious concern: "There are many doubts on the integrity of the functioning of the EVMs. These have been raised by many experts and professionals as well." Thankfully, the Opposition has not demanded a rollback to ballot paper. INDIA makes a different proposal: "Instead of the voter-verified paper audit trail (VVPAT) slip falling in the box, it should be handed over to the voter who shall then place it in a separate ballot box after having verified his or her choice. 100% counting of VVPAT slips should then be done."

This issue is also likely to come up after the winter vacation in the Supreme Court in a petition filed by the Association for Democratic Reforms.

Given the excitement around this issue, and the sins of my previous birth as a psephologist, I have had to comment repeatedly to make a simple point: While there are increasingly good reasons to suspect that the EVMs can be manipulated, we have so far not had prima facie evidence that they have been tweaked to rig an election. I maintained this position when West Bengal CM Mamata Banerjee blamed EVMs for her defeat in 2006 and when GVL Narasimha Rao — now a BJP leader — wrote a book titled Democracy at Risk! against EVMs with LK Advani ji's blessings. I reiterated the same position after 2014 in response to suspicions about the BJP's big and surprise victories. As you can imagine, this stubborn and public insistence has not made me popular among my political friends.

What's behind the distrust of EVMs

The suspicion against EVMs is based on three assumptions, each of which makes sense. First, there is a distrust of the machine: Any electronic gadget can be programmed and manipulated. In an excellent article in The India Forum, Kannan Gopinathan has shown that the introduction of VVPAT has not reduced but actually increased this possibility. Second, the suspicion is accentuated by political distrust of the current establishment. Not even the most gullible political animal would accuse the top two leaders — the only ones who matter today — of moral qualms. Just play this thought experiment in your mind: If someone told this duo that there was a safe and reliable way to hack the machines, would they refuse on moral grounds?

Finally, there is an institutional distrust that turns this suspicion into a full-blown conspiracy theory. Sadly, the rapid erosion of the autonomy and the authority of the Election Commission of India (ECI) has meant that no one entertains the illusion that the electoral watchdog might resist any illegitimate demand by the ruling dispensation. The ECI has not helped the matters by stonewalling all serious queries about EVMs and instead organizing gimmicks like hackathons.

These three valid assumptions only prove that EVM manipulation is a real possibility. But it does not prove that it has happened in a given election. Much less that it has happened at a scale to alter the overall outcome of the electoral verdict.

Take the recent example of the Madhya Pradesh assembly election. The outcome was counterintuitive as many electoral outcomes are. No political observer, journalist, or opinion poll (barring one exit poll) anticipated such a huge BJP victory, a lead of over 8 percentage points. Like all those who travelled extensively in the state, I, too, could not believe the results; I still feel something is fishy about these numbers. But that cannot count as evidence.

The Congress pointed out that there was a mismatch between postal ballots and EVM vote count. Odd, but not unprecedented. There is something strange about the decline in the vote share for smaller parties and independents and almost identical increase in the BJP's vote share. Strange, but not impossible. At the end of the day, after the results in MP, the EVM sceptics are more strident in their conspiracy theories while EVM believers are surer than before that it is the losers' rant.

Yet, this debate cannot be allowed to fester. And the onus is clearly on the ECI. Frankly, the commission has not quite been forthcoming in fostering trust, responding to legitimate queries, and taking on board valid suggestions on this issue. It has long maintained that the EVMs are "stand-alone" machines that cannot be connected, directly or remotely, to any external device. This is simply not true any more after the introduction of VVPATs and the symbol loading during the election process. Gopinathan shows that

this one technical change renders most of the earlier precautions and safety protocols useless. The ECI – or the Supreme Court – must come up with additional procedures to maintain public trust.

3 things ECI can do

For the last few years, I have been making suggestions for small changes that should satisfy EVM sceptics. I fear that unless we work out something on this issue, Indian elections could go the Bangladesh way, where the loser would inevitably reject the results. Here is my revised proposal (to take the design of VVPATs into account, thanks to a conversation with Gopinathan). This does not require going back to the ballot paper, which can introduce more problems than it would solve. And it does not involve handing over the VVPAT slip to the voter as demanded by the Opposition. Though that proposal needs careful thinking, it does not appear feasible at least in the 2024 Lok Sabha election.

The commission can take the following three steps to build public confidence in the electoral outcome.

One, the ECI should place in the public domain the source code of the software being used for the Control Unit, the VVPAT, and the Symbol Loading Unit and allow representatives of political parties to verify its authenticity at the time of elections. That should eliminate suspicions about malware insertion during symbol loading.

Two, the commission should alter the existing process, so that the randomised allotment of EVMs to specific polling booths is done by a draw of lots in the presence of the representatives of the candidates (not through a centralised server) and done after the loading of symbols and commissioning of EVMs (not before the loading as is the case now). This would take care of the possibility of targeting of booths for possible manipulation.

Three, and most important of all, the VVPAT slip (and not the electronic record in the Control Unit) should be recognised as the legally authentic expression of vote. The logical corollary is that the final result must be declared only after all the votes, as verified by the voters and recorded in the VVPAT slips, are counted and matched with the electronic count in the Control Unit. If there is a mismatch, as per Conduct of Election Rules 56D(4) (d), the count of VVPAT slips prevails. That may delay the count by a few hours but would be a robust precaution against any possible manipulation at any stage.

The commission could, of course, come up with better and additional mechanisms than the ones suggested here. But pure stonewalling or hiding behind claims of technical perfection won't do. It is not enough to assert that the critics have not proven any malpractice. The ECI must prove that its systems are above suspicion. Our democratic institutions and processes are fast eroding. Elections are nowhere close to a level playing ground, with the ruling party enjoying a massive advantage. The only remaining fair element in the democratic process is the episode of voting and counting. So far, the losers have accepted the electoral verdict announced by the ECI. That last element is at stake in this dispute. Should we hope that someone will step in soon to preserve this saving grace?