

अपीलीय अधिकारी / सहायक मुख्य निर्वाचन अधिकारी, उत्तराखण्ड
मुख्य निर्वाचन अधिकारी कार्यालय देहरादून।

संख्या- 1231 / XXV-12(10) / 2018

दिनांक 10 अगस्त 2021

अपील संख्या- 15 / 2021

अपीलकर्ता- श्री कविन्द्र सिंह, म0नं0-139, टाईप-1, पुलिस लाईन रेस कोर्स, देहरादून, उत्तराखण्ड।
उत्तरदाता:- लोक सूचना अधिकारी, मुख्य निर्वाचन अधिकारी कार्यालय, सचिवालय परिसर, देहरादून।

आदेश

अपीलकर्ता श्री कविन्द्र सिंह, म0नं0-139, टाईप-1, पुलिस लाईन रेस कोर्स, देहरादून, उत्तराखण्ड अपीलीय पत्र दिनांक 14.06.2020 के सम्बन्ध में इस कार्यालय के पत्र संख्या-986 दिनांक 21 जून 2021 द्वारा दिनांक 06 जुलाई 2021 की तिथि समय 11:00 बजे Google Meet (<https://meet.google.com/ptu-bnea-uvf>) / मोबाईल फोन के माध्यम से सुनवाई हेतु निर्धारित की गयी थी, जिसमें अपीलार्थी द्वारा प्रतिभाग नहीं किया गया जिस कारण इस कार्यालय के पत्र संख्या-1045 दिनांक 06 जुलाई 2021 के द्वारा Google Meet (<https://meet.google.com/ptu-bnea-uvf>) / मोबाईल फोन के माध्यम से पुनः दिनांक 03 अगस्त 2021 समय 11:00 बजे सुनवाई की द्वितीय तिथि नियत की गयी, जिसमें भी अपीलार्थी द्वारा प्रतिभाग नहीं किया गया है।

2- लोक सूचना अधिकारी कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड द्वारा अपने पत्र संख्या-838 दिनांक 28 अप्रैल 2021 द्वारा अपीलार्थी को सूचना उपलब्ध करायी गयी है।

उपरोक्तानुसार Google Meet (<https://meet.google.com/ptu-bnea-uvf>) / मोबाईल फोन के माध्यम से इस कार्यालय द्वारा नियत उक्त सुनवाई की तिथियों में अपीलार्थी द्वारा प्रतिभाग नहीं किया गया। लोक सूचना अधिकारी/मुख्य निर्वाचन अधिकारी कार्यालय द्वारा अपने पत्र संख्या-838 दिनांक 26 अप्रैल 2021 के द्वारा अनुरोधकर्ता को सूचना उपलब्ध करायी गयी है।

3- लोक सूचना अधिकारी, कार्यालय मु0नि0अ0 को निर्देशित किया जाता है कि वे इस आदेश के साथ अनुरोधकर्ता को स्पष्ट सूचना पुनः उपलब्ध कराना सुनिश्चित करें।


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी एवं
विभागीय अपीलीय अधिकारी।

1231

पू0संख्या- / XXV-12(10) / 2018 तददिनांकित।

प्रतिलिपि:-

1-अनुभाग अधिकारी/लोक सूचना अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी, उत्तराखण्ड को सूचनार्थ।

2- श्री कविन्द्र सिंह, म0नं0-139, टाईप-1, पुलिस लाईन रेस कोर्स, देहरादून, उत्तराखण्ड।


(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी एवं
विभागीय अपीलीय अधिकारी।



ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

By speed post

No. 4/RTI/01/EDPS/2021 / 466

Dated: 30.07.2021

To,

Sh. Raj Kumar, Advocate,
Samvidhan Bachao Trust (President),
Chamber No. 365, District and Session's Court,
Saharanpur - 247001 (U.P.)

Subject: - Information under Right to Information Act, 2005 - reg.

Sir,

The following 4 RTI Applications dated 26.06.2021 received in the Commission on 20.07.2021 and 27.07.2021, has been transferred to this office by:

1. Public Information Officer, Election Department, Himachal Pradesh
2. SPIO, Election Department, Assam
3. SPIO, O/o Chief Electoral Officer, Rajasthan
4. Public Information Officer, O/o Chief Electoral Officer, Uttarakhand

In this connection it is informed that all the information sought by you vide above transferred RTIs have already been provided to you vide this office letter no. 4/RTI/02/EDPS/2021 dated 29.07.2021 (copy enclosed).

In case you are not satisfied with the above information supplied, you may make an appeal within 30 days of the date of issue of this letter before the First Appellate Authority.

Particulars of the First Appellate Authority are as under:-

Sh. K.N. Bhar, Sr. Principal Secretary,
Election Commission of India,
NirvachanSadan, Ashoka Road,
New Delhi - 110001.

Yours faithfully,

Soumyajit Ghosh

(SOUMYAJIT GHOSH)
SECRETARY & CPIO

Copy to for information to:

1. Public Information Officer, Election Department, Block No. 38, S.D.A. Complex, Kasumpti, Shimla-9, Himachal Pradesh.
2. SPIO, Election Department, Janta Bhawan, Block-C, 4th Floor, Dispur, Guwahati-781006, Assam.
3. SPIO, O/o Chief Electoral Officer, North Block, Food Building, Secretariat Rajasthan, Jaipur.
- ✓ 4. Public Information Officer, O/o Chief Electoral Officer, Vishkarma Bhawan, 1st Floor, Secretariat Campus, 04-Subhash road, Dehradun-248001, Uttarakhand.

| | | |
|-----|---|---|
| 10. | What is the number of EVM failure at the time of counting resulting in vote loss? | No specific information has been sought by the applicant. |
| 11. | How many total count of post poll audit were conducted by ECI after past election? | There is no such provision. |
| 12. | Is the EVM kit body is radiation resistance and can it block IR signal as well or not? | This information pertains to M/s BEL and M/s ECIL which are separate public authorities under the RTI Act. You may seek information from them directly. |
| 13. | How many EVMs have been manufactured by ECIL and BEL year 2010-2020? | Information not available in compiled form, hence, the same cannot be provided under section 7(9) of the RTI Act-2005. |
| 14. | How many EVMs have been purchased by election commission by ECIL and BEL? | |
| 15. | EVM being electronic machine how is it assured that it will not fall or malfunction at the time of election or before vote counting? | The requisite information is not available in any material form as desired by you. Hence, no information can be provided u/s 2(f) of RTI Act, 2005. However you may please refer to the Commission's "Status Paper on EVM/VVPAT" available at https://eci.gov.in/files/file/8756-status-paper-on-evm-edition-3/ which comprehensively addresses and clears all doubts and queries regarding credibility of EVMs used by Election Commission of India. |
| 16. | How no replacement of EVM can be assured. Is there any inbuilt device number that is shared at the time of polling with booth agents or party involved to match at the time of result counting? | EVM has unique ID number. The same is shared with political parties/candidates. |
| 17. | How much is the expenditure in one EVM and VVPAT machine incurred in each election that includes storage, application and transportation charges as well i.e. 2010-2020 year wise? | The query is not specific and hence information cannot be provided. |

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/VVPAT-INST/2019-EMPS

Dated: 5th April, 2019

To

The Chief Electoral Officers of
All States and Union Territories.

Reference: ECI's letter No. 51/8/VVPAT-INST/2018-EMS, dated 13th February, 2018

Subject: **Mandatory verification of VVPAT paper slips- regarding.**

Sir,

In supersession of the Commission's letter No. 51/8/VVPAT-INST/2018-EMS, dated 13th February, 2018, I am directed to state that in pursuance to Hon'ble Supreme Court's order dated 8th April, 2019, the Commission has directed that henceforth, **mandatory verification of VVPAT paper slips of randomly selected 05 (five) polling stations shall be conducted in all future General and Bye Elections to the House of the People and State Legislative Assemblies. in addition** to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs, as under:

- (a) In case of General and Bye elections to State Legislative Assemblies, verification of VVPAT paper slips of randomly selected **05 (five) polling stations per Assembly Constituency.**
- (b) In case of General and Bye elections to the House of the People, verification of VVPAT paper slips of randomly selected **05 (polling) polling stations of each Assembly Segment of the Parliamentary Constituency concerned.**

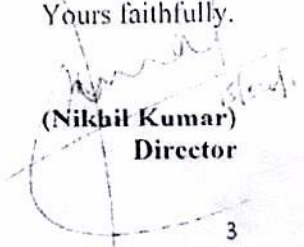
For this mandatory verification of VVPAT paper slips, the following procedure shall be followed:

1. The verification of VVPAT paper slips of randomly selected 05 (five) polling stations for each Assembly Constituency/Segment shall be taken up after the completion of the last round of counting of votes recorded in the EVMs and VVPAT paper slips count due to non-display of result from the Control Unit(s) or under Rule 56(D) of the Conduct of Elections Rules 1961 or whatsoever the reason.
2. The random selection of 05 (five) polling stations per Assembly Constituency/Segment shall be done by Draw of lots, by the Returning Officer concerned, in the presence of candidates/their agents and the General Observer appointed by the Commission for that Constituency.

7. The Verification count of the VVPAT paper slips of the randomly selected 05 (five) polling station shall be conducted sequentially i.e. **one after another**.
8. The Verification count of the VVPAT paper slips of the randomly selected 05 (five) polling station shall be conducted strictly in accordance with the instructions of the Commission on counting of printed paper slips.
9. The Returning Officer and Assistant Returning Officer, as the case may be, shall personally supervise the counting of VVPAT paper slips at the VCB. The Observer concerned shall maintain close and direct oversight on the entire exercise and ensure strict compliance of the Commission's instructions.
10. In case there is any mismatch between electronic count of the Control Units and VVPAT slips manual count, recounting of the VVPAT slips of that particular EVM shall be conducted till the recount is tallied either with the EVM count or one of the previous VVPAT slips count.
11. After completing the process as specified in para 10 above, if there is any discrepancy between EVM count and VVPAT paper slips count, as per Rule 56D(4)(b) of the Conduct of Elections Rules 1961, the VVPAT paper slips count shall prevail. Hence, if there is discrepancy between the count of votes displayed on the Control Unit and the count of printed paper slips in respect of that Polling Station, the result sheet will be amended as per the printed paper slips count.
12. The above process shall be fully videographed.
13. After completion of the above process, the Returning Officer shall give a certificate in the annexed format (**Annexure-A**) separately for each polling station to the Chief Electoral Officer concerned. The CEO shall compile the reports for the entire State/UT and submit a consolidated summarized report to the Commission within 7 days from the end of counting process.
14. The Observers appointed by the Commission shall also submit their report to the Commission through the Zonal Secretary concerned in the annexed format (**Annexure-B**).

The above direction of the Commission shall be brought to the notice of all concerned.

Yours faithfully,


(Nikhil Kumar)
Director

Annexure-A

Mandatory verification of paper slips of VVPAT of 05 (five) randomly selected Polling Stations

(Separate for each polling station- To be sent only to the CEO concerned)

Name of State:.....
 No. and Name of Assembly Parliamentary Constituency:.....
 No. and Name of Assembly Segment (in case of PC):.....
 Sl.No. and name of Polling Station:.....
 Unique ID of Control Unit:.....
 Unique ID of VVPAT:.....

It is certify that mandatory verification of paper slips of VVPAT of randomly selected polling station mentioned above has been conducted as per the instructions of the Commission.

| Name of Candidate | No. of Votes Cast | | Discrepancy if any |
|--------------------|-------------------|--------------------|--------------------|
| | As per EVM | As per Paper Slips | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| -- | | | |
| -- | | | |
| NOTA | | | |
| TOTAL VOTES | | | |

(Present during the mandatory verification of VVPAT slips count)

| S.No. | Name of Candidate/ Counting Agent | Mention Candidate/ Counting Agent | Name of Party | Signature |
|-------|--------------------------------------|---|---------------|-----------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Signature of Assistant Returning Officer

Signature of Returning Officer

Signature of ECI Observer

318/21



By speed post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 4/RTI/01/EDPS/2021

1472

Dated: 30.07.2021

To,

Sh. Raj Kumar, Advocate,
Samvidhan Bachao Trust (President),
Chamber No. 365, District and Session's Court,
Saharanpur - 247001 (U.P.)

Subject: - **Information under Right to Information Act, 2005 - reg.**

Sir,

The following 2 RTI Applications dated 26.06.2021 received in the Commission on 27.07.2021, has been transferred to this office by:

1. Public Information Officer, Election Department, Himachal Pradesh
2. Public Information Officer, O/o Chief Electoral Officer, Uttarakhand

In this connection, the information sought by you vide above transferred RTI is as under:

1. Information sought vide Point No. 1,2,3,4,5,6,7,8,9,10,11,13,14,15,18,19,20 have already been provided to you vide this office's letter No. 4/RTI/01/EDPS/2021 dated 28.07.2021 (copy enclosed).
2. Information sought vide Point No. 21 has already been provided to you vide this office's letter No. 4/RTI/02/EDPS/2021 dated 29.07.2021 (copy enclosed).

3.

| Point No. | Answer |
|-----------|---|
| 12 | The requisite information is not available in any material form as desired by you. Hence, no information can be provided u/s 2(f) of RTI Act, 2005. |
| 16 | |
| 17 | This information pertains to M/s BEL and M/s ECIL which are separate public authorities under the RTI Act. You may seek information from them directly. |



ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

By speed post

No. 4/RTI/01/EDPS/2021

Dated: 28.07.2021

सेवामें,

श्री राजकुमार, एडवोकेट,
संयोजक, संविधान बचाओ ट्रस्ट,
चै० नं० 365, दीवानी न्यायालय,
सहरानपुर-247001, उ०प्र०
मो० नं० 9152095833

विषय:- आर.टी.आई. एक्ट 2005 के अंतर्गत मांगी गयी सूचना के सम्बन्ध में।

श्रीमान,

आपके द्वारा दिनांक 14.06.2021 के आरटीआई आवेदन, जो की आयोग में दिनांक 22.06.2021 को प्राप्त हुआ, के अंतर्गत मांगी गयी सूचना इस प्रकार है:-

| मद सं | प्रश्न | जवाब |
|-------|---|--|
| 1 | स्वतंत्र होने पर पार्टी आर्डर के लिए बैलेट यूनिट और VVPAT को कैसे जोड़ा जाता है। | बैलेट यूनिट की तार (cable) के द्वारा VVPAT को जोड़ा जाता है। |
| 2 | VVPAT को पार्टी सिंबल के लिए कैसे सक्षम किया जाता है यह सक्षम करने के लिए बाहरी डिवाइस का उपयोग करता है। | VVPAT को पार्टी सिंबल के लिए सिंबल लोडिंग यूनिट द्वारा सक्षम किया जाता है। |
| 3 | क्या एक ही बटन की कई कुंजीयन को परिक्षण मोड के तहत अनुमति दी जाती है, जैसे की बैलेट यूनिट पर हरी बत्ती पाने के लिए बटन को 5 बार दबाने पर। | नहीं। |
| 4 | VVPAT द्वारा निर्मित भाग का जीवन काल कितना है और इसे कितने समय तक संग्रहित किया जाता है। | प्रश्न स्पष्ट नहीं है। |
| 5 | कंट्रोल यूनिट में चुनाव के बाद कब तक वोट जमा होते हैं। | कंट्रोल यूनिट में चुनाव के बाद तब तक वोट जमा रहते हैं जब तक उसे डिलीट नहीं किया जाता |
| 6 | क्या बैलेट यूनिट कंट्रोल यूनिट को सिग्नल भेजता है। कंट्रोल यूनिट द्वारा उनकी व्याख्या कैसे की जाती है। | मांगी गयी जानकारी M/s BEL एवं M/s ECIL से सम्बंधित है, जो की आर टी आई एक्ट के तहत स्वयं अलग अलग पब्लिक अथॉरिटी है। अतः आप उनसे सीधे जानकारी मांग सकते हैं। |

| | | |
|----|--|--|
| 18 | ओपी कोड संस्करण को कैसे सत्यापित किया जा सकता है की यह नवीनतम संस्करण है और अनियंत्रित है। | मांगी गयी जानकारी M/s BEL एवं M/s ECIL से सम्बंधित है, जो की आर टी आई एक्ट के तहत स्वयं अलग अलग पब्लिक अथॉरिटी है। अतः आप उनसे सीधे जानकारी मांग सकते हैं। |
|----|--|--|

यदि आप दी गयी सुचना से संतुष्ट नहीं है तो आप इस पत्र के जारी होने के 30 दिन के भीतर प्रथम अपीलीय अधिकारी के समक्ष अपील कर सकते है।

प्रथम अपीलीय अधिकारी की जानकारी इस प्रकार है।

Sh. K.N. Bhar, Sr. Principal Secretary,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110001.

सौम्यजीत घोष

(सौम्यजीत घोष)

सेक्रेटरी एवं जन सुचना अधिकारी

| | | |
|-----|---|---|
| 10. | What is the number of EVM failure at the time of counting resulting in vote loss? | No specific information has been sought by the applicant. |
| 11. | How many total count of post poll audit were conducted by ECI after past election? | There is no such provision. |
| 12. | Is the EVM kit body is radiation resistance and can it block IR signal as well or not? | This information pertains to M/s BEL and M/s ECIL which are separate public authorities under the RTI Act. You may seek information from them directly. |
| 13. | How many EVMs have been manufactured by ECIL and BEL year 2010-2020? | Information not available in compiled form, hence, the same cannot be provided under section 7(9) of the RTI Act-2005. |
| 14. | How many EVMs have been purchased by election commission by ECIL and BEL? | |
| 15. | EVM being electronic machine how is it assured that it will not fall or malfunction at the time of election or before vote counting? | The requisite information is not available in any material form as desired by you. Hence, no information can be provided u/s 2(f) of RTI Act, 2005. However you may please refer to the Commission's "Status Paper on EVM/VVPAT" available at https://eci.gov.in/files/file/8756-status-paper-on-evm-edition-3/ which comprehensively addresses and clears all doubts and queries regarding credibility of EVMs used by Election Commission of India. |
| 16. | How no replacement of EVM can be assured. Is there any inbuilt device number that is shared at the time of polling with booth agents or party involved to match at the time of result counting? | EVM has unique ID number. The same is shared with political parties/candidates. |
| 17. | How much is the expenditure in one EVM and VVPAT machine incurred in each election that includes storage, application and transportation charges as well i.e. 2010-2020 year wise? | The query is not specific and hence information cannot be provided. |

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/VVPAT-INST/2019-EMPS

Dated: 5th April, 2019

To

The Chief Electoral Officers of
All States and Union Territories.

Reference: ECI's letter No. 51/8/VVPAT-INST/2018-EMS, dated 13th February, 2018

Subject: **Mandatory verification of VVPAT paper slips- regarding.**

Sir,

In supersession of the Commission's letter No. 51/8/VVPAT-INST/2018-EMS, dated 13th February, 2018, I am directed to state that in pursuance to Hon'ble Supreme Court's order dated 8th April, 2019, the Commission has directed that henceforth, **mandatory verification of VVPAT paper slips of randomly selected 05 (five) polling stations shall be conducted in all future General and Bye Elections to the House of the People and State Legislative Assemblies. in addition** to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs, as under:

- (a) In case of General and Bye elections to State Legislative Assemblies, verification of VVPAT paper slips of randomly selected **05 (five) polling stations per Assembly Constituency.**
- (b) In case of General and Bye elections to the House of the People, verification of VVPAT paper slips of randomly selected **05 (polling) polling stations of each Assembly Segment of the Parliamentary Constituency concerned.**

For this mandatory verification of VVPAT paper slips, the following procedure shall be followed:

1. The verification of VVPAT paper slips of randomly selected 05 (five) polling stations for each Assembly Constituency/Segment shall be taken up after the completion of the last round of counting of votes recorded in the EVMs and VVPAT paper slips count due to non-display of result from the Control Unit(s) or under Rule 56(D) of the Conduct of Elections Rules 1961 or whatsoever the reason.
2. The random selection of 05 (five) polling stations per Assembly Constituency/Segment shall be done by Draw of lots, by the Returning Officer concerned, in the presence of candidates/their agents and the General Observer appointed by the Commission for that Constituency.

7. The Verification count of the VVPAT paper slips of the randomly selected 05 (five) polling station shall be conducted sequentially i.e. **one after another**.
8. The Verification count of the VVPAT paper slips of the randomly selected 05 (five) polling station shall be conducted strictly in accordance with the instructions of the Commission on counting of printed paper slips.
9. The Returning Officer and Assistant Returning Officer, as the case may be, shall personally supervise the counting of VVPAT paper slips at the VCB. The Observer concerned shall maintain close and direct oversight on the entire exercise and ensure strict compliance of the Commission's instructions.
10. In case there is any mismatch between electronic count of the Control Units and VVPAT slips manual count, recounting of the VVPAT slips of that particular EVM shall be conducted till the recount is tallied either with the EVM count or one of the previous VVPAT slips count.
11. After completing the process as specified in para 10 above, if there is any discrepancy between EVM count and VVPAT paper slips count, as per Rule 56D(4)(b) of the Conduct of Elections Rules 1961, the VVPAT paper slips count shall prevail. Hence, if there is discrepancy between the count of votes displayed on the Control Unit and the count of printed paper slips in respect of that Polling Station, the result sheet will be amended as per the printed paper slips count.
12. The above process shall be fully videographed.
13. After completion of the above process, the Returning Officer shall give a certificate in the annexed format (**Annexure-A**) separately for each polling station to the Chief Electoral Officer concerned. The CEO shall compile the reports for the entire State/UT and submit a consolidated summarized report to the Commission within days from the end of counting process.
14. The Observers appointed by the Commission shall also submit their report to the Commission through the Zonal Secretary concerned in the annexed form (**Annexure-B**).

The above direction of the Commission shall be brought to the notice of concerned.

Yours faithfully

(Nikhil)

Annexure-A

**Mandatory verification of paper slips of VVPAT of 05 (five) randomly selected
Polling Stations**

(Separate for each polling station- To be sent only to the CEO concerned)

Name of State:

No. and Name of Assembly Parliamentary Constituency:

No. and Name of Assembly Segment (in case of PC):

Sl.No. and name of Polling Station:

Unique ID of Control Unit:

Unique ID of VVPAT:

It is certify that mandatory verification of paper slips of VVPAT of randomly selected polling station mentioned above has been conducted as per the instructions of the Commission.

| Name of Candidate | No. of Votes Cast | | Discrepancy if any |
|-------------------|-------------------|--------------------|--------------------|
| | As per EVM | As per Paper Slips | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| -- | | | |
| -- | | | |
| NOTA | | | |
| TOTAL VOTES | | | |

(Present during the mandatory verification of VVPAT slips count)

| S.No. | Name of Candidate/ Counting Agent | Mention Candidate/ Counting Agent | Name of Party | Signature |
|-------|--------------------------------------|---|---------------|-----------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Signature of Assistant Returning Officer

Signature of Returning Officer

Signature of ECI Observer