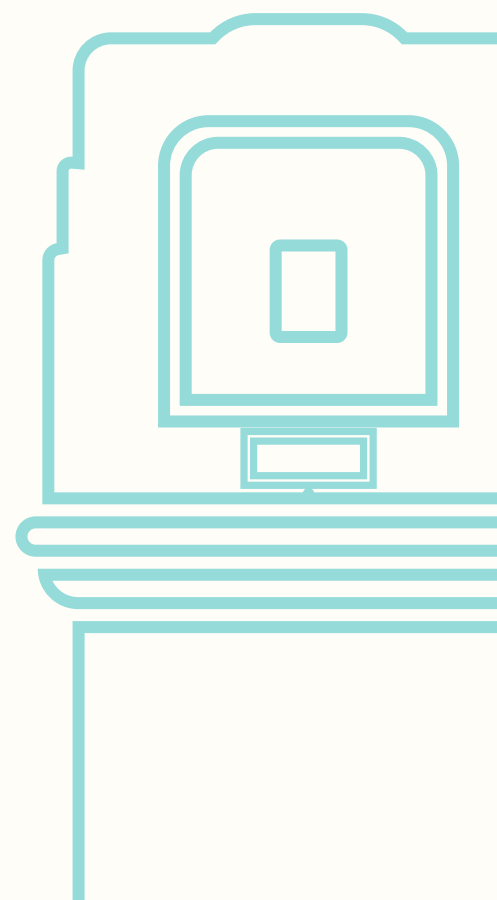


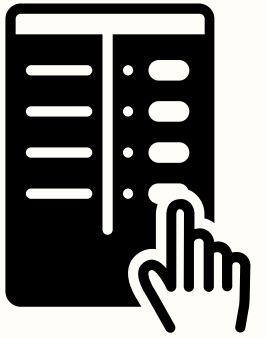
Key takeaways from VVPAT-EVM case/ Judgement analysis

Association for Democratic Reforms v.
Election Commission of India and Another
(MANU/SC/0343/2024; 2024 INSC 341)

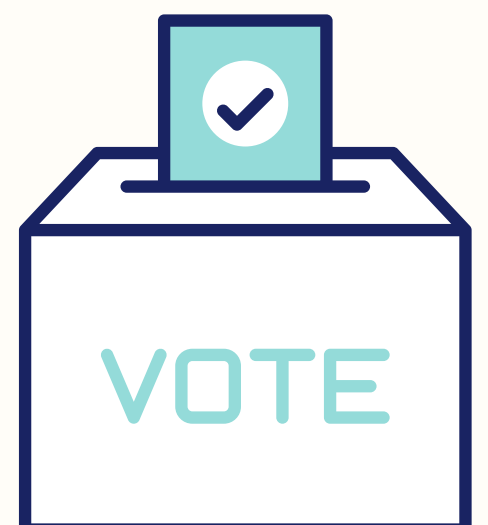


Background of the case

The petitioners in the present petition seek 100% verification of votes cast through Electronic Voting Machine (EVMs) with Voter Verified Paper Audit Trail (VVPAT) and return to the paper ballot system.



VVPAT is an independent system attached with the EVMs that allows the voters to verify that their votes are cast as intended. The VVPAT slip is illuminated for 7 seconds to enable the voter to know and verify the serial number, the candidate and the symbol for which they have voted.





Supreme Court's observation:

Supreme Court rejected the petitions seeking 100% verification of votes cast through EVMs with VVPAT. Justices Sanjiv Khanna and Dipankar Datta delivered two different but concurring judgments.



Justice Sanjiv Khanna



Justice Dipankar Datta

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| <p>To strengthen the integrity of election process, following directions were issued:</p> | |
| <p>The symbol loading process in the VVPATs shall be kept sealed and secured for 45 days in a room post-election result.</p> | <p>Regressive measures to revert to paper ballots or any alternatives to EVMs violate the interest of the citizen.</p> |
| <p>Post results, in case of a dispute the burnt memory /microcontroller in 5% of the EVMs shall be checked by the team of engineers from the companies that manufacture the EVM's.</p> | <p>Blindly trusting any aspect of the system leads to unwarranted skepticism. To maintain balance a critical yet constructive approach, along with evidence and reason should be followed.</p> |



Before the aforesaid ruling, the SC passed several judgements discussing the issue of VVPAT and other matters relating to election. Some of the judgements are highlighted below;

| Name of the case | Held |
|---|---|
| Subramanian Swamy v. Election Commission of India (MANU/SC/1032/2013; 2013 INSC 699) | To ensure full transparency and confidence of voters, court recommended that EVMs be set up with VVPATs |
| N. Chandrababu Naidu and Ors. v. Union of India and Anr. (MANU/SC/0652/2019) | To achieve full accuracy of the election results, instead of one, now five EVMs per assembly constituency or assembly segment in a parliamentary constituency would be subject to VVPAT verification. |
| N.P. Ponnuswami and Ors. Vs. Returning Officer, Namakkal Constituency and Ors. (MANU/SC/0049/1952; 1952 INSC 2) | Elections must always be concluded within the given time schedule and all disputes arising out of elections should be postponed till the elections are over. The legislature has the sole authority to examine the matters relating to election, even if they vest this power with special tribunal. |
| Union of India (UOI) and Ors. Vs. Association for Democratic Reforms and Ors. (MANU/SC/0394/2002; 2002 INSC 253) | To protect the rights and choice of electors under the Right to Information, SC directed that each candidate seeking to contest election in Parliament or State Legislature, as a part of his nomination paper, must provide details like criminal record, educational qualification, assets and liabilities. |