

Foreword

Modern India's greatest pride is that it is not only the world's largest, but because of the grassroots institutional mechanisms that we have built for the panchayat raj, is also the most vibrant democracy. It gives to every Indian the world's largest number of elected representatives to ensure peoples' participation in governance at the local, state and national levels. At the national level the institution of the Election Commission of India (ECI) is mandated to ensure that this participation is not only truly representative, but also one of the world's most free.

In such a democracy, accountability and transparency are the guarantors of good health. ECI, set up under Article 324 of the Constitution of India, is expected to work with civil society to ensure this within the framework of India's Right to Information Act (RTI), 2005. In our democracy the RTI, which encourages accountability through transparency, is an expression of a profound national commitment to ensuring an open government. Not surprisingly, this commitment is shared by all political parties, forming part of the manifesto also of India's ruling party today. Citizens have consistently worked with the Commission to flag issues of concern to government or to the public. It is in this context that we might place the endeavour of researching the functioning of EVMs and VVPATs which is described in the present publication.

As the preface to the volume clarifies, our group of citizens have in our careers been associated in big ways and small in the building of the governance of India as it stands today. For them, India's Constitution has been the only scripture, and hence they are concerned that the ECI's conduct of the parliamentary elections of 2019 had led to grave doubts about its very fairness, which has always been its greatest strength. The Association for Democratic Reforms, the Constitutional Conduct Group of former civil servants and the Forum for Electoral Integrity were among the civil society groups that were constrained to invite public attention to what appeared to be the ECI's shortcomings in living up to its mandate of neutrality. Many political parties, mainstream and digital media houses also joined in voicing serious apprehensions as to the manner in which the 'model code of conduct' was violated with impunity.

ECI neither responded to criticism or sought to defend itself when patent infirmities were specifically pointed out by responsible citizens with no effort to satisfy the critics, several of whom were retired officials themselves, experienced in conducting elections. The Citizens' Commission on Elections' (CCE) came into being to go into critical aspects of the conduct of elections, call for expert advice where necessary and come up with appropriate suggestions. These are to be placed in the public domain for the consideration of Indian citizens who, at final call, should have the last word in India's governance to ensure that elections are conducted as merit the proud Republic of India.

The first sectoral report that deals with the merits of Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPAT) in light of the requirement of verifiability and transparency is ready for public discussion. The functioning of EVMs has been researched by CCE's experts, specifically in light of their adherence to principles of democracy. In keeping with the law, there is an insistence on absolute transparency to facilitate the voter in the exercise of his or her choice and in ensuring that their selection is indeed reflected in the stored vote and counted as such — with no deviation whatever. These principles also mandate that the voting procedure be easily comprehended and verifiable by the voter and open to audit without complications but not concealed by the application of relevant technology.

There can be no compromise allowing for error or misrepresentation of the elector's choice, for in our view, that would be a compromise with the essence of India's democracy and therefore suborn our Constitution. Towards the end of ensuring that the elector's choice is faithfully reflected, the group has relied on expert opinions drawn from national and international experts: these explain

why even those countries most advanced in information technologies have avoided the use of EVMs during polls, even despite initial enthusiasm. The recommendations are now before the citizens not only of India but before those of democracies across the world - as a gauge for assessing safeguards to democratic functioning and their conservation in light of revolutions in technology.

Madan Lokur

Wajahat Habibullah