

Date: 31-07-2024

To,

Shri Rajiv Kumar

Chief Election Commissioner

Election Commission of India (ECI)

Shri Gyanesh Kumar

Election Commissioner

Election Commission of India (ECI)

Dr Sukhbir Singh Sandhu

Election Commissioner

Election Commission of India (ECI)

SUBJECT: *Matter related to the discrepancies in the EVM votes polled and EVM votes counted by the ECI while declaring the results of the General elections 2024.*

Dear Sir(s),

1. On 4th November, 2019, 'Association for Democratic Reforms' (ADR) and 'Common Cause' had filed a petition in the Supreme Court of India seeking directions from the court to order the Election Commission of India to completely stop the practice of announcing election results based on provisional and estimated data, prior to an actual and accurate reconciliation of data. The petition had relied on the Lok Sabha 2019 Elections where the Election Commission had announced election results in all constituencies on 23rd May 2019, based on estimated data. This was verified by the Election Commission's Press Note dated 01 June 2019 that stated "...the final data on votes counted has been made available within a few days of declaration of results....."
2. On 27th February, 2020 an application was filed in the court against the 'mysterious rush and urgency' shown by the Election Commission of India by destroying the VVPAT slips used in 2019 Lok Sabha elections in just four months after the results were declared. This was in contravention of the rules prescribed under Rule 94 (b) Conduct of Election Rules, 1961

which states that, “the used or printed slips in any election shall be retained for one year from the date of declaration of the results of the election and shall thereafter be destroyed.” This was also in contravention of Election Commission’s own directions to all the CEOs of States and Union Territories through its letter dated 23rd September, 2019 (Letter No. 51/8/EVM/2019-EMP) which had clearly instructed that “VVPAT slips pertaining to mock poll and actual poll cannot be disposed of if any election petition or court case is pending in the competent court and the paper slips shall be kept in the custody of District Election Officers till the final disposal of the Election petition or Court case.”

3. 'On 4th and 9th May, 2024, two separate applications were filed asking the court to direct the ECI to disclose authenticated record of voter turnout by uploading on its website scanned legible copies of Form 17C Part-I (Account of Votes Recorded) of all polling stations after each phase of polling and to provide tabulated polling station- wise data in absolute figures of the number of votes polled as recorded in Form 17C Part- I after each phase of polling during the Lok Sabha, 2024 elections.
4. On 13th December, 2019, the Supreme Court of India had issued notices to the Election Commission of India and Union of India based on our petition. Since then, the matter has been pending before the court for a full hearing. No action or steps were taken by the highest court against the discrepancies found in the 2019 Lok Sabha election inspite of the various applications filed and repeated requests made for an urgent adjudication of the petition. On 24th May, 2024, taking a hands-off approach in between the elections, the court refused to hear the applications filed against the discrepancies and violations found in the 2024 Lok Sabha elections and rather adjourned the matter along with the main petition filed by ADR and Common Cause in 2019.
5. Discrepancies found during the Lok Sabha, 2024 elections: Even during the 18th General Elections, 2024 serious discrepancies have been found in the total number of EVM votes cast and total actual number of EVM votes counted. In addition, the inordinate delay in the release of final voter turnout data, absence of disaggregated constituency and polling station figures in absolute numbers and whether the elections results were declared based on final reconciled data has raised concerns and public suspicion regarding the correctness of the election results. Details of the discrepancies in the votes counted and votes polled in the general elections 2024 are given in the tables in the attached report.
6. On 29-07-2024, Association for Democratic Reforms (ADR) released a report titled, 'Discrepancies between the votes cast and the votes counted in the 2024 Lok Sabha election: Multiple Perspectives'. This report is prepared to highlight the discrepancies in the EVM votes polled and EVM votes counted by the ECI while declaring the results of the General elections 2024. Votes polled and counted showed significant discrepancies in 538 PCs, except Amreli, Attingal, Lakshadweep and Dadra Nagar Haveli and Daman Diu. Surat PC was uncontested. Hence the total discrepancies in 538 PCs are 5,89,691. The data for all parliamentary constituencies has been compiled from the data available on the website of the ECI.

Overall difference between EVM votes counted and EVM votes polled: In 362 parliamentary constituencies, a total of 5,54,598 votes counted are less than the votes polled. In 176 parliamentary constituencies, a total of 35,093 votes have been counted in excess of the votes polled. Each and every vote is important and must be accounted for, hence the citizens want the ECI to state the reasons for the above stated discrepancies.

7. We hope that Election Commission, as a constitutional body and a competent authority to conduct free and fair elections to the Parliament and to the Legislature of every State Commission will take cognizance of this matter by taking firm and swift action and uphold the faith of the public in the free and fair elections and the rule of law.
8. Through this letter we would also like to request the Commission to inform us about the steps/action taken by the Commission or intending to take in the light of the findings of the attached report.
9. It will be appreciated if the receipt of this letter is acknowledged.

Yours sincerely,

Maj. Gen. Anil Verma (Retd.), Head - NEW & ADR anilverma@adrindia.org	Prof. Jagdeep Chhokar IIM Ahmedabad (Retd.) Founder Member –NEW & ADR jchhokar@gmail.com	Prof. Trilochan Sastry IIM Bangalore Founder Member – NEW & ADR tsastry@gmail.com
---	--	--