



EVMs Not Under RTI Act

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Why in News

Recently, the Delhi High Court **quashed** an order of the **Central Information Commission (CIC)** which **had held** that **Electronic Voting Machines (EVMs)** fall within the definition of 'information' under the **Right To Information (RTI) Act**.

- The CIC's order had come on a plea which sought **access to an EVM maintained by the Election Commission (EC)** under the RTI Act.
- CIC had observed that EVMs available with the EC in a **material form or as a sample** is a **piece of information** under **section 2(f) of the RTI Act**.

Section- 2 (f) states that "Information" means any material in any form, including Records, Documents, Memos, e-mails, Opinions, Advice, Press releases, Circulars, Orders, Logbooks, Contracts, Reports, Papers, **Samples, Models**, Data material held in any electronic form and information relating to any private body which can be accessed by a Public Authority under any other law for the time being in force.

- With this judgement, **EVMs are out of the purview of RTI ACT**.

Election Commission's Stand

- **EC does not maintain any EVM in sample or model form for the purpose of Section 2(f) of the RTI Act.**

Though it maintains a small number of EVMs for the purposes of **training of election officials** and uses in **awareness programmes** under strict supervision.

- All EVMs utilised in the conduct of elections are **securely stored** in **accordance** with the manual on **EVMs issued by the EC and the Representation of People Act**.

- As per **Article 324 of the Constitution**, ECI has plenary powers in matters related to conduct of elections. And **EVMs are integral to the conduct of elections** in India. Its unregulated disclosure may lead to the **threat to the purity and fairness of elections**.

Source: TH