

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/7/2018-EMPS

Dated: 1st November, 2018

To

The Chief Electoral Officers
Of All States and Union Territories.

Subject: Use of Electronic Voting Machines in elections - Period of retention thereof.

Sir/Madam,

I am directed to refer to the discussion held on 8th October, 2018 in Review Meeting of All EVM-VVPAT Nodal Officers. It was decided the EVMs/VVPATs blocked due to an Election Petition but EVMs/VVPATs are not a subject of the Election Petition, the permission from the High Court concerned might be obtained for releasing those EVMs/VVPATs for further use in elections.

In this regard, I am directed to draw your attention to the Commission's letter No. 51/8/7/2016-EMS, dated 15th July, 2016, on the subject cited, wherein it was mentioned that "3 (ii) If the EVMs are **not** the subject of the election petition, ***an application may be moved to the concerned Court for allowing the EVMs concerned to be taken out of the strong room for any future election or any other purpose like movement, physical verification of EVMs etc.***

(iii) In case EVMs not involved in any Election Petition/Court Case are stored with the EVMs involved in Election Petition/Court case, the following procedure shall be followed for segregating the EVMs not involved in any election petition/court case from the EVMs involved in EP/Court Case:-

- (a) A Notice informing the opening of Strong Room having EVMs involved in EP/Court Case shall be given to the petitioner/respondents of the EP/Court Case and the representatives of all political parties in writing at least 72 hours in advance, requesting them to remain present at the time of opening of strong room.
- (b) The strong room shall be opened in the presence of the District Election Officer, Petitioners/respondents of the EP/Court Case and representatives of Political Parties.
- (c) The EVMs not involved in any EP/Court Case shall be segregated from the EVMs involved in EP/Court Case for taking out of the warehouse. A list of EVMs being taken out from the strong room shall be prepared.
- (d) The EVMs, which are not involved in any EP/Court Case, should be taken out of the warehouse.


- (e) The entire process shall be videographed.
- (f) A copy of the list of EVMs being taken out from the strong room and copy of videography shall be given to the petitioner/respondent of the EP/Court Case and acknowledgment taken.”

You are, therefore, requested to submit a *Certificate* to this effect to the Commission, in the next Review Meeting of All EVM-VVPAT Nodal Officers, that the above course of action has already been taken and no course of action is pending.

Further, a Certificate may also be sent that only EVMs belonging to the following ACs/PCs under the Election Petition alone are locked up and in all these EP EVMs are a subject of matter in the EP :-

S.No.	No. & Name of AC/PC	Number of units blocked in EP		
		CUs	BUs	VVPATs

Yours faithfully,


(ANOOP KUMAR)
SECRETARY