

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/6/2011-EMS

Dated: 26th December, 2011

To

The Chief Electoral Officers of
All States and Union Territories.

Sub: Data Entry of all Electronic Voting Machines (EVM) data in EVM tracking software -regarding.

Sir/Madam,

I am directed to refer to the Commission's instructions No. 51/8/3/2010 Vol-II, dated 4th October, 2011, on the subject cited, whereby the Commission had directed to complete data entry of all EVMs by 31st October, 2011 in every district. However, data entry of all EVMs has not yet been completed. In the CEOs' conference held on 20th December, 2011, attention of the Commission was invited towards the issue of opening of Strong Rooms containing the EVMs involved in Election Petitions or any other Court Case for the purpose of data entry in the EVM tracking software and for physical verification. The Commission has decided to issue further following guidelines in this regard in modification of Para 3 of the instructions referred to above: -

1. In the case of elections, where no election petitions have been filed or no other court cases are pending, after the expiry of a period of six months from the date of declaration of the result of the election, physical verification of the EVMs can be done by opening strong room (s). No special permission of the Commission is required for opening the strong room (s). Only in case, where the EVMs have to be used in any subsequent election by clearing the data of polled votes of the EVMs before the expiry of the six months period mentioned above, the permission may be obtained from the Commission.
2. In the case of elections, where election petitions/court cases are pending:-
 - a) The Chief Electoral Officers shall obtain a copy of the relevant petition/interim order/appeal from the concerned Court.
 - b) An application should be moved by the Chief Electoral Officer in the concerned High Court seeking permission of the Court to open the strong room and carry out physical verification of EVMs in the presence of representatives of parties before the Court, Political Parties and Candidates. It should be explained in the application that this verification is required because Election Commission of India wants to strengthen the security of EVMs by entry of the ID number of each unit into a EVM tracking software for the purpose of tracking the movement of each unit at all times. It should also be explained that this verification will be done by reading the ID number of BU & CU on the metallic strip at the back of unit and from the bar code sticker pasted on the units. There will be no need to switch on the EVM unit. The data of votes polled shall not be erased. It should

also further be explained that there is no possibility of accidentally clearing the data of votes polled because the data can only be erased when the BU & CU are inter connected with each other and the clear button on the CU is pressed.

c) If the High Court grants permission to open the strong room, physical verification of EVM should be carried out as under: -

- (i) The strong room should be opened, in the presence of all the parties to the court case, candidates or their representatives and political parties after giving them a notice in writing of atleast 72 hours;
- (ii) The BUs and CUs should be physically verified separately and should in no case be connected with each other.
- (iii) The whole process shall be videographed and a copy thereof be given to the High Court concerned, and petitioners/respondent of the Election Petition.
- (iv) The data in the EVMs shall not be cleared till the election petition is finally disposed of.

d) If the High Court declines to give permission, physical verification of EVMs shall not be carried out and it should be brought to the notice of the Commission immediately.

3. During the conference, it was also desired by some Chief Electoral Officers that the specifications of Bar Code Reader for data entry of the EVMs in software may be prescribed.

The Commission has decided to specify that 'Code 39- General Standard Bar Code Reader' – plug and play, as available in the market may be procured for this purpose.

4. The Commission has directed that the Chief Electoral Officers may ensure that certificate of physical verification of EVMs, conflict resolution, security of EVM-warehouses and account of damaged EVMs shall reach the Commission by 3rd January, 2012 positively.

Yours faithfully,

(K. N. Bhar)
Secretary