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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/7/2010-EMS

Dated: 20th November, 2010

To

**The Chief Electoral Officers
Of All States & Union Territories.**

Subject: Action to be taken in case of malfunctioning of Electronic Voting Machines (EVM) during counting of votes.

Sir,

I am directed to state that the Commission has advised that the following action to be taken in case of malfunctioning of EVM during counting of votes during General Election/Bye-elections: -

- a. In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.
- b. When counting of votes in other machines is complete, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in the malfunctioned machine (s).
- c. In both the cases where the margin of votes is more or less than the total votes polled in the malfunctioned machine (s), the Returning Officer should try to retrieve the result from this machine, with the help of engineers of BEL/ECIL, using Auxiliary Display Unit (ADU) in the presence of candidates or their election agents. If the result can be retrieved by using an ADU, the result of the election can be declared accordingly. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A.
- d. In case it is not possible to retrieve the result from the malfunctioned machine even by using ADU, then the returning officer should try to retrieve the result from the machine by taking a print out of the result with the help of engineers of BEL/ECIL. If the result can be retrieved by using a printer, the result of the election can be declared accordingly. In such a case, also the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A.

- e. If the result from the malfunctioned machine can not be retrieved even by using printer, the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the Commission. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-B, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the malfunctioned EVM, and in Annexure – C where such margin is less. In no case the machine should be opened, or its outer or inner seals disturbed in any manner. There should be no attempt to repair the machine. Replacement of any parts of the EVM in the field level is strictly forbidden.
- f. After completion of counting, all the Control Units whether result has been retrieved from it or not should be kept back inside their respective carrying cases. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

Yours faithfully,

(K.N. Bhar)
Secretary

Copy to

1. The Chairman-cum-Managing Director,
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka.
2. The Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
Hyderabad, Andhra Pradesh

Annexure-A

(Report on retrieving result from Control Unit by using Auxiliary Display Unit/Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been retrieved from the following malfunctioned Control Unit (s) by using Auxiliary Display Unit/Printer in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

Final statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled
1.			
2.			

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-B

(Report on non-retrieving of result from Control Unit by using Auxiliary Display Unit/Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following malfunctioned Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

Statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled
1.			
2.			

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Unit (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-C

(Report on non-retrieving result data from Control Unit by using Auxiliary Display Unit and Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

As the margin of votes between the candidates having highest votes and the runner up is less than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Statement showing votes polled by the candidates having highest vote and runner up

S.No.	Name of candidate	Party affiliation, if any	Votes polled
1.			
2.			

(Name & Signature of Returning Officer)

(Name & Signature of Observer)