ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi- 110 001.

464/ INST/2009/EPS

Dated: 3rd May, 2009.

To

The Chief Electoral Officers of All States and Union Territories.

Subject:- Use of Videography and digital cameras during elections -

period of retention thereof; - regarding.

Sir/Madam,

I am directed to refer to the Commission's earlier letter No. 51/8/99-Vol.III dated 02.06.1999, containing the guidelines regarding the period of retention of EVMs before using them in subsequent elections under rule 94 (aa) of the Conduct of Election Rules 1961. The guidelines are reproduced below for convenience:-

- (i) Every voting machine (EVM) used in an election and kept in the custody of the District Election Officer shall normally continue to be kept in such custody for a period of six months from the date of declaration of the result of the election.
- (ii) In the case of elections, where no election petitions have been filed or no other court cases are pending, after the expiry of the said period of six months, the machines may be used for any future election.
- (iii) In the case of election where election petition has been filed, the voting machines used at all polling stations in the constituency concerned shall continue to be kept in the safe custody of the District Election officer, till such time the election petition is finally disposed of by the courts.
- (iv) If any other court case is pending like booth capturing, etc. in which any EVM is involved, the EVM concerned or the EVM(s) used at such polling station(s) concerned may also be kept till the final disposal of the said case.

- (v) After the final disposal of the election petitions or, as the case may be other court cases referred to clauses (iii) and (iv) above, the voting machines can be used for subsequent elections.
- (vi) Notwithstanding anything contained in clauses (i) and (ii) above if the machines used at an election in respect of which no election petition has been filed, are needed for use at any subsequent election before the expiry of the period of six months referred to therein, the Election Commission may by special direction permit these machines to be so used.
- 2. The Commission has also issued consolidated instructions regarding use of videography and digital cameras to cover various aspects/stages of election process. Letter Nos. 464/INST/2005-PLN-I dated 15.10.2005, 447/2007-PLN-IV dated 17.01.2007, 4/2008/SDR dated 29.01.2009 and 464/INST/2009 dated 2nd April 2009(copies enclosed) may be referred to.
- 3. The Commission has considered the matter regarding the period of retention of video cassettes, video tapes, print outs of films of Videography /digital cameras etc and has decided that films of video digital print out, video cassettes, video tapes, taken as per the above mentioned instructions of the Commission, must be kept with the District Election Officers in safe custody. The retention period of these video cassettes, video tapes, films of video digital print outs of films of videography/digital cameras etc; will be the same as in case of period of retention of EVMs mentioned in the aforesaid sub paras (i) to (vi) of Para (1).
- 4. These directions shall be brought to the notice of all concerned for immediate compliance.

Yours faithfully,

SUMIT MUKHERJEE (UNDER SECRETARY)