

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO. 40 OF 2025

IN

WRIT PETITION (CIVIL) NO. 434 OF 2023

ASSOCIATION FOR DEMOCRATIC REFORMS

APPLICANT/
PETITIONER

VERSUS

ELECTION COMMISSION OF INDIA &
ANR.

NON-APPLICANTS/
RESPONDENTS

with

WRIT PETITION (CIVIL) NO. 46 OF 2025

O R D E R

Pursuant to the order dated 11.02.2025, the respondent, Election Commission of India,¹ has filed a short affidavit in Writ Petition (Civil) No. 46/2025, stating that it will no longer erase the data on the Electronic Voting Machine² Units, of which verification is sought by the candidates in terms of the judgment of this Court in *Association for Democratic Reforms v. Election Commission of India & Anr.*³. Therefore, the ECI proposes to amend the 'Technical Standard Operating Procedure' with the following steps: -

"i. General instructions for Checking and Verification of EVM units;

ii. Diagnostic Checking of EVM Units; and

¹ For short, "ECI".

² For short, "EVM"

³ 2024 SCC OnLine SC 661.

Diagnostic Checking of selected EVM units is based on the following crucial technical features available in the EVM:

(a) Self-diagnosis: All EVM units (BU, CU, and VVPAT) have self-diagnosis capability on every switch-on. Every such self-diagnosis process also inter alia checks for the fidelity of the burnt program.

(b) Mutual-authentication: When EVM units are connected to each other and switched ON, they mutually authenticate each other. This rules out connection of any spurious or unauthorised units. Successful mutual authentication is indicative of genuineness of units and fidelity of burnt memory.

iii. Report/Certificate"

We accept the aforesaid proposal.

However, the checking and verification of EVM Units will be conducted by the Engineers of the Electronics Corporation of India Limited⁴ and Bharat Electronics Limited.⁵ The Engineers will issue certificate(s) that they are satisfied that the burnt memory/micro controller and the data/program(s) loaded by them have not been tampered with and their integrity is maintained.

Further, in case any candidate wants to conduct a mock poll on the EVM units, he may make a request to the ECI in writing. Thereupon, the Engineers of ECIL or BEL, as the case may be, will operate the EVM Units and show the data, as recorded, on the machine itself, to the candidates and other authorized persons present. Thereafter, the data on the EVM Units may be erased and

⁴ "ECIL", for short

⁵ "BEL", for short

mock polling can be undertaken.

It will also be open to the candidates to state that the data loaded on the Symbol Loading Units (SLU) may not be erased and retained for use in the mock poll.

Recording the aforesaid, the miscellaneous application and the writ petition are disposed of.

Pending interlocutory applications including I.A. No. 53908/2025 in Writ Petition (Civil) No. 46/2025 for intervention/impleadment, shall stand disposed of.

.....CJI.
(SANJIV KHANNA)

.....J.
(DIPANKAR DATTA)

NEW DELHI;
MAY 07, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION NO. 40 OF 2025
IN
WRIT PETITION (CIVIL) NO. 434 OF 2023

ASSOCIATION FOR DEMOCRATIC REFORMS

APPLICANT/
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VERSUS

ELECTION COMMISSION OF INDIA &
ANR.NON-APPLICANTS/
RESPONDENTS

(IA No. 300600/2024 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 5769/2025 - EXEMPTION FROM FILING O.T.)

WITH

W.P.(C) No. 46/2025 (X)

(FOR GRANT OF INTERIM RELIEF ON IA 17657/2025, FOR EXEMPTION FROM FILING O.T. ON IA 17658/2025 and FOR INTERVENTION APPLICATION ON IA 53908/2025)

Date : 07-05-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) :

Mr. Prashant Bhushan, AOR
Ms. Neha Rathi, Adv.
Ms. Kajal Giri, Adv.
Mr. Kamal Kishore, Adv.

Mr. Devdatt Kamat, Sr. Adv. (N/P)
Mr. Aljo K. Joseph, AOR
Mr. Ankit Acharya, Adv.
Mr. Sheikh Mohsin, Adv.
Mr. Vinay Kumar Puvvala, Adv.
Mr. N. Leela Vara Prasad, Adv.
Mr. Siddharth Singh, Adv.
Mr. Rohit Kalra, Adv.
Mr. Saket Jee, Adv.

For Respondent(s) :

Mr. Maninder Singh, Sr. Adv.
Mr. Prateek Kumar, AOR
Mr. Amarpal Singh Dua, Adv.
Mr. Abhinav Nagar, Adv.

Mr. Maninder Singh, Sr. Adv.
Mr. Ankit Agarwal, AOR
Ms. Viyushti Rawat, Adv.
Mr. Koustubh Desai, Adv.

Mr. Tushar Mehta, SG (N/P)
Mrs. Aishwarya Bhati, ASG (N/P)
Ms. Chitrangda Rastravara, Adv.
Mr. Praneet Pranav, Adv.
Mr. Kanu Agarwal, Adv.

Mr. Rahul Gupta, AOR

UPON hearing the counsel the Court made the following
O R D E R

The miscellaneous application and the writ petition are disposed of, in terms of the signed order.

Pending interlocutory applications including I.A. No. 53908/2025 in Writ Petition (Civil) No. 46/2025 for intervention/impleadment, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)

(signed order is placed on the file)