

# **Electoral Roll**

**L e g a l   F r a m e w o r k   &   P r o c e d u r e**

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- Art. 324 of Constitution, mandates Election Commission to prepare electoral roll for conduct of elections to Parliament, State Legislatures, offices of President and Vice President.
- Constitutional and legal framework for preparation of electoral roll-
  - ✓ Constitution of India
  - ✓ RP Act, 1950
  - ✓ RER, 1960
- In addition, the Election Commission issues executive instructions to fill the gap between the laws and rules.
  - ✓ However instructions would not have over riding effect.
  - ✓ Not against principle of natural justice

## Constitutional Provision

### Constitution of India (Part- XV- 'Elections'- Article 324 to 329)

- **Article 324** -Superintendence, Direction and Control of elections to be vested in EC
  - (1) Preparation of ER and conduct of election
  - (2) Composition of EC
  - (3) CEC shall be Chairman
  - (4) Regional Commissioners
  - (5) Service conditions and tenure of EC and CEC
  - (6) President and Governor to provide staff for functions conferred on EC
  
- **Article 325**
  - ✓ One General Roll for every territorial constituency
  - ✓ No person shall be ineligible for inclusion in ER on ground of religion, race, caste, sex or any of them
  
- **Article 326**
  - ✓ Universal Adult Suffrage
  - ✓ Qualification- Citizen of India. 18 years on qualifying date
  - ✓ Disqualification- Non-residence. Unsoundness of mind. Disqualified on basis of crime/corrupt practice/illegal practice

- **Article 327-** Parliament to make provision for elections to legislatures
- **Article 328-** State Legislatures to make provision for elections to legislatures
- **Article 329-** Courts' barred to interfere in electoral matters

### Legal Provisions

- **RP Act, 1950**

- ✓ Officers (Part- IIA- Sec. 13A to 13CC)

Sec. 13A	: CEO
Sec. 13AA	: DEO
Sec. 13B	: ERO
Sec. 13C	: AERO
Sec. 13CC	: Deemed deputation
Sec. 13D	: ER for PC consists of ERs of all AC segments

- ✓ ER for AC (Part- III- Sec. 14 to 25A)

Sec 14	: Qualifying date
Sec 15	: ER for every Constituency
Sec 16	: Disqualification – not citizen, unsound mind, disqualified for voting
Sec 17 & 18	: Not registered in more than one place
Sec 19	: Conditions - not less than 18 - Ordinarily resident

Sec 20	: Ordinarily resident
Sec 21	: - ER comes with effect from date of final publication - Existing ER continue to be in operation till electoral roll is finally published - Revision before each election - Special revision for any AC/Part.
Sec 22	: Correction of Entries
Sec 23	: Inclusion of names
Sec 24	: Appeals
Sec 25	: Fees

✓ ER for Council Constituencies (Part-IV and Part- IVA – Sec. 26 to 27)

✓ General Provisions (Part-V- Sec. 28 to 32)

Sec 28	: Power to make rule
Sec 29	: Staff of local authorities
Sec 30	: Jurisdiction of Civil Courts
Sec 31	: False declaration
Sec 32	: Breach of official duty

## **RER, 1960**

### ✓ ER for ACs (Rule 4 to 27)

Rule 4 – Form & language of ER

Rule 5 – Preparation of ER in parts

(1) Convenient parts

(2) Last part containing SV

(3) Names of declared officers in part of native place

(3A) overseas Indian in part of native place

(4) No. of names not exceeding 2000

Rule 6 – Order of names

Rule 7 – Forms for SVs

Rule 8 – Information to be supplied (Form 4)

Rule 8 A & 8 B - Overseas electors

Rule 9 – Access to register of birth & death

Rule 10 – Publication of draft (Form 5)

Rule 11 – Publicity of draft

Rule 12 – Period for claim & objections

Rule 13 – Forms for claims & objections (Form 6-8A)

Rule 14 – Lodging claim & objections

Rule 15 – Procedure of designated officers (Form 9-11A)

Rule 16 – Procedure of ERO

Rule 17 – Rejection of claims and objections

Rule 18 – Acceptance with inquiry

Rule 19 – Notice of hearing

Rule 20 – Inquiry onto claims and objections

Rule 21 – Inclusion of omitted names

Rule 21 – Deletion

Rule 22 – Procedure of Final publication

- 1 .(a) Preparation of amendments / supplements
- (b) Publication of Final roll (Form 16)
- (c) Sharing of Final Roll
2. Complete roll means roll together with supplements
3. Integration process.

Rule 23 – Appeals

Rule 24 – Redelimited constituency

Rule 25 – Revision – types of Revision

Rule 26 – Continues Updation

Rule 27 – Appeals

Rule 28 – ID Card

Rule 29 – ER for PCs in Delhi



## ✓ ER for Council Constituencies (Rule 30 to 31)

Rule 30,31- Roll for Council Constituency

## ✓ Preservation and Disposal of ER (Rule 32 to 34)

Rule 32,33,34 – Preservation, Inspection and disposal of ER

## ✓ Miscellaneous (Rule 35)

Rule 35 – Use of old Forms

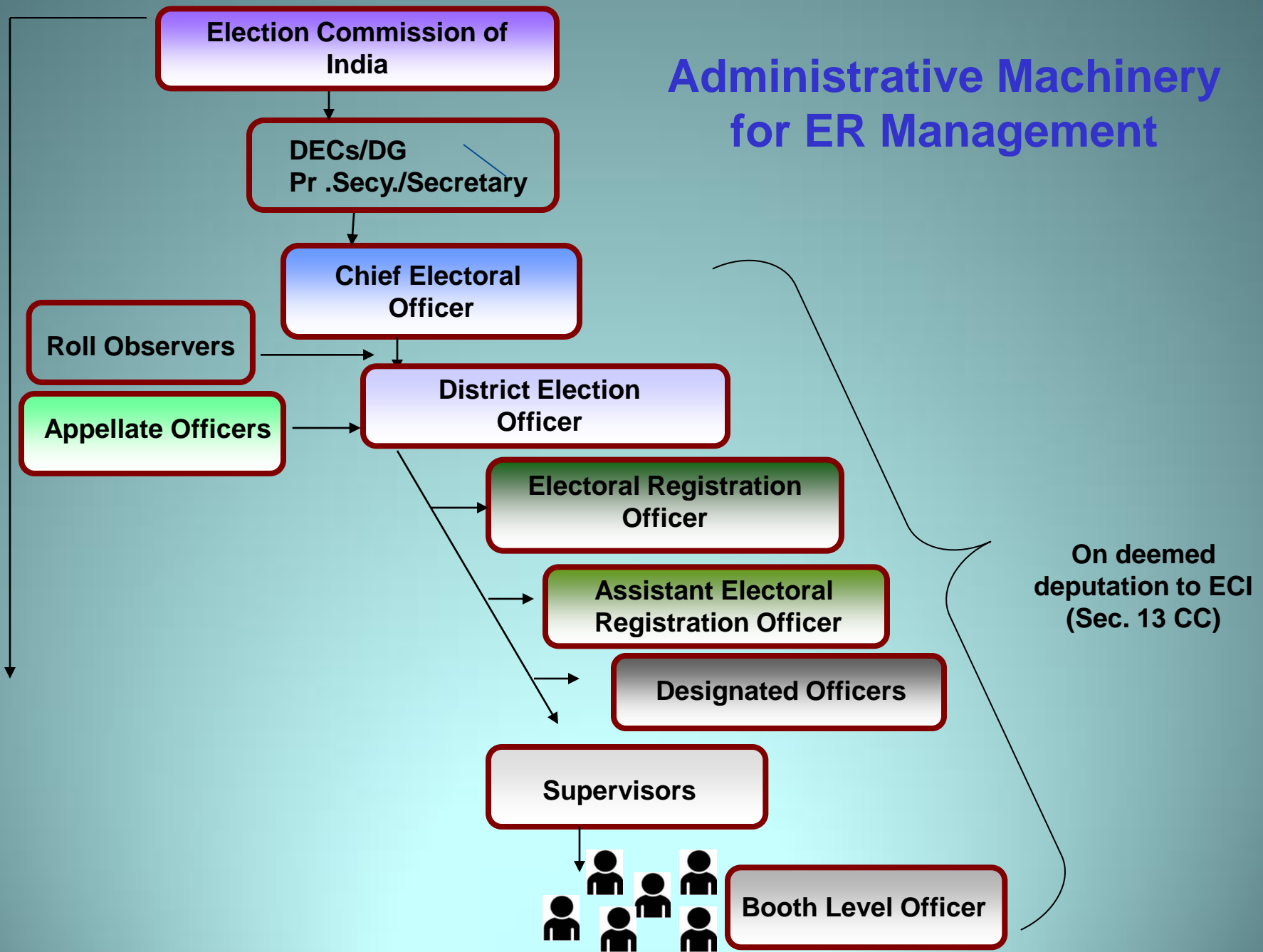
## ✓ Statutory Forms

# Statutory forms for ER preparation: Rule 7, 8, 8B, 10, 13, 15, 19, 22 & 31)

S. No.	Form	Description
1.	Form 1	Statement as to place of Ordinary Residence by a Person holding a Declared Office
2.	Form 2	Statement as to place of Ordinary Residence by a member of the Armed Forces
3.	Form 2A	Statement as to place of Ordinary Residence by a member of an armed police force of a State, who is serving outside that State
4	Form 3	Statement as to place of Ordinary Residence by a person employed under the Government of India in a post outside India
5	Form 4	Letter of request to occupants of a dwelling unit.
6	Form 5	Notice of publication of Electoral Roll in Draft
7	Form 6	Application for inclusion of name in Electoral Roll
8	Form 6 A	Application for inclusion of name in Electoral Roll by an overseas elector.
9	Form 7	Application for objecting inclusion or seeking deletion of name in Electoral Roll
10	Form 8	Application for correction to particulars entered in Electoral Roll
11	Form 8A	Application for transposition of entry in Electoral Roll

<b>S.no.</b>	<b>Form</b>	<b>Description</b>
12	Form 9	List of applications for inclusion of names received in Form 6
13	Form 10	List of applications for objection to inclusion of names received in Form 7
14	Form 11	List of applications for objection to particulars in entries in Electoral Roll received in Form 8
15	Form 11A	List of applications for objection to particulars in entries in Electoral Roll received in Form 8 A
16	Form 12	Notice of hearing of a claim
17	Form 13	Notice to the objector
18	Form 14	Notice to the person in respect of whom objection has been made
19	Form 15	Notice of hearing of an objection to particulars of an entry in the E. Roll
20	Form 16	Notice of final publication of Electoral Roll
21	Form 17	Application for name in e roll for local authorities constituency
22	Form 18	Application for inclusion of name in roll for graduates constituency
23	Form 19	Application for inclusion of name in roll for teachers constituency

# Administrative Machinery for ER Management



## Basic Concepts of registration

- **Qualifications and Disqualifications** (Art. 326) – Also refer to Disqualifications for Registration (Sec. 16) and Conditions for Registration (Sec. 19)
- **Qualifying Date** (Sec.14) –
  - ✓ Date with reference to which eligibility of an applicant is determined.
  - ✓ 1<sup>st</sup> January of the year in which ER finally published
  - ✓ Determination of age on qualifying date (List of documents)
  - ✓ No documentary proof of age is required if the age is obviously more than the age of eligibility. Documentary proof may be asked for only when age is borderline and can not be assessed by visual inspection of the applicant
  - ✓ Certificate or mark-sheet of class 12, 10, 8 or 5; certificate of a sarpanch, councillor, ward member etc. are accepted as age proof

- **Determination of Citizenship**

- ✓ Officer concerned will bear in mind the Constitution and Citizenship Act, 1955 and all other provisions related to the citizenship before passing the order
- ✓ Though the onus of proof of citizenship lies on applicant, the ERO must be satisfied with all the proofs which can be any of the following
  - National Register of Citizens (NRC)
  - Citizenship certificate issued by competent authority
  - Valid passport by Government of India
  - Birth Certificate etc.
- ✓ If still not satisfied the ERO should refer the matter to the competent authority under the relevant law.

- **Ordinary Residence (Sec. 20)-**
  - ✓ No minimum period specified
  - ✓ Person should be sleeping regularly at the place
  - ✓ Temporary absence, no disqualification
  - ✓ Mere ownership of a dwelling place, no qualification
  - ✓ Exceptional categories- MP/MLA/MLC, patients under treatment from mental illness, detained prisoners, service voters and wives if living with them, Declared office holders and wives if living with them, Overseas Indian Electors, students, Sangha electors
  - ✓ Documentary proof of residence may not be insisted if it is not available specially in case of homeless persons, tenants who have disputes with landlords, sex workers etc.
  - ✓ In such cases the BLO or some other officers can verify by visiting the place of residence mentioned in the application form that the applicant actually lives there

- **Periodicity of Revision (Sec. 21)**
  - ✓ Before each election.
  - ✓ However, ECI may direct revision in any year.
  - ✓ Annual Revision, though not provided in laws.
- **Types of Revision (Rule 25(1))**
  - ✓ Intensive Revision, OR
  - ✓ Summary Revision, OR
  - ✓ Partly intensive and partly summary.
- **ER for AC and PC**
  - ✓ ER is prepared AC wise (Sec. 14 to 25)
  - ✓ In States/UTs having LA, no separate ER for PC where ER of PC is comprised of ER of its Assembly segments (Sec. 13D)
  - ✓ ER are organized as geographically defined parts (Rule 5). Parts are further organized into Sections and households
  - ✓ Each Part has an identified PS where electors cast their votes on the poll day



- **Language of ER (Rule 4)**

- ✓ ECI to notify the languages in which the ER of a constituency be prepared.
- ✓ It is normally the official language of the state being spoken by majority of the people.
- ✓ If any minority language is spoken by not less than 20% of the population , then ECI notifies that language also.
- ✓ ER in metropolitan cities shall be prepared in English also.
- ✓ The last part is also published in English.
- ✓ Currently, ER is published in 16 languages throughout the country.

- **Layout and Structure of ER**

- ✓ ER of every AC should have title page specifying:
  - Year of preparation/revision
  - Number, name and reservation status
  - Details of Constituency and number of Parts
- ✓ Followed by table of contents indicating serial order of area covered
- ✓ Title page is followed by Constituency map
- ✓ Summary sheet attached at the end of Assembly Roll

- ✓ ER is divided into convenient 'Parts' with identifiable geographical boundary having its individual title page (Rule 5)
- ✓ This title page is followed by a sketch map of Polling Station area in that Part
- ✓ These Parts are further organized into Sections
- ✓ Followed by elector details in prescribed format
- ✓ The electors details are arranged in 10-column format
- ✓ Summary sheet is provided at the end of Roll of a Part
- ✓ Last Section in each Part is for Overseas Electors
- ✓ Number of names included in any Part should not exceed 2000 (Rule 5 (4))
- ✓ Last Part of Roll, lists the details of Service Voters (SVs) in English

# Polling Stations (Sec. 25 of RPA, 1951)

- ✓ Each Part has a PS for a well defined and compact geographical area where DEO/RO facilitates electors of that Part to vote.
- ✓ DEO is responsible for providing PS with prior approval of ECI .
- ✓ A poll taken at any other place is void *ab-initio*.
- ✓ Part number of ER and PS number should be same
- **Parameters for setting PS**
  - ✓ Maximum distance to reach a PS should not be more than 2 KMs.
  - ✓ Preferably, within the polling area.
  - ✓ Preferably in a Govt. building.
  - ✓ Should not be in hospitals, police station or religious places.
  - ✓ Each revenue village of 300+ electors should have independent Polling Station, if a suitable building is available.
  - ✓ Maximum no. of electors in a PS is 1500 (in poll bound states 1200).
  - ✓ Irrespective of electorate size, identifiable pocket/hamlet/village of weaker section should have independent PS.
  - ✓ If the polling area comprises of more than one village /localities then , as far as practicable, PS should be in the village with more electors.

- **Preparation and approval of list of PS (Rationalization)**
  - ✓ 100% physical verification of PS location.
  - ✓ Publication of Draft list at DEO office with minimum 7 days notice period.
  - ✓ Objections and suggestions from recognized political Parties/ sitting MPs and MLAs etc.
  - ✓ After due consideration of received suggestions and objections/ complaints, the DEO sends the proposal through CEO to ECI for approval.
  - ✓ Publication of final list after approval of ECI.
  - ✓ ERO rearranges ER accordingly.
  - ✓ Any further changes/modifications in the list only after ECI approval .

# ER Cycle

ER remains continuously in state of updating throughout the year (except during period from last date of nominations and date of completion of election)

- **Pre-revision activities (Preparatory work)**
  - ✓ Identification of Revision Staff and their training/orientation
  - ✓ *Suo-motu* corrections in ER since last publication
  - ✓ Removal of DSE/and Logical errors
  - ✓ Check the presence of names of marked electors
  - ✓ Rearrangements of Parts as per Rationalized PS
  - ✓ Control table updation
  - ✓ Preparation of supplements of continuous updating
  - ✓ Integration of supplements and preparation of integrated ER
  - ✓ Availability and Provisioning of Forms
  - ✓ Readiness of CEO's website

- **Revision Period activities**

- ✓ Draft Publication (Rule 10)
- ✓ Period of claims and objections (Rule 12)- Within period of 30 days from date of draft publication- minimum period 15 days
- ✓ Disposal of claims and objections
- ✓ Preparation of supplements
- ✓ Final Publication (Rule 22)

## Schedule of SSR, 2022

### Pre-Revision activities

1	(i) Removal of all DSEs, logical errors etc. (ii) H2H verification through BLOs (iii) Proper formation of sections; and (iv) Rationalization of polling stations	09.08.2021 (Monday) to 31.10.2021 (Sunday)
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### Revision Activities

2	Publication of Integrated draft electoral roll	On 01.11.2021 (Monday)
3	Period of filing claims & objections	01.11.2021 (Monday) to 30.11.2021 (Tuesday)
4	Special campaign dates	As suggested by CEOs
5	Disposal of claims and objections	By 20.12.2021 (Monday)
6	Final publication of electoral roll	By 05.01.2022 (Wednesday)

- **Publication of Draft ER**

- ✓ Draft roll will be an integrated roll.
- ✓ ERO publishes ER in Draft by making copy available for inspection and displaying a notice in Form 5 (Rule 10):
  - At his office, within the Constituency
  - At place specified by him, if his office is outside the Constituency



- ✓ Pdf format of ER (only in text mode) is uploaded at CEO's website
- ✓ Also published in PS for general electors to check and file their claims/objections
- ✓ ER in all Constituencies in a State/District is published on the same day.
- ✓ Publication of Roll includes all Parts of Roll of Assembly Constituency and service Voters list in the last Part.
- ✓ If ER published in more than one language, all ERs to be identical and published simultaneously
- ✓ Publication is not made on public holiday
- ✓ Free of cost 2 copies of ER to every recognized political party Rule 11 (c)
- ✓ One soft pdf copy and one hard print copy of ER to be shared with political parties
- ✓ Soft copy only indicates that photograph is available against the elector's details and hard copy contains the photographs
- ✓ Soft copies of ER without images are given within a week on payment to all concerned persons

## Actions after Draft publication

- ERO reports to CEO immediately in case of any omission of names from ER
- CEO reports to ECI for all such omission cases
- CEO/DEO and ERO call recognized political parties to obtain their suggestions for any corrections in the Draft Roll
- ERO also scrutinizes Rolls himself particularly individual households showing more than 10 electors, etc.
- ERO arranges for reading aloud of each Part Roll before the concerned Gram Sabha/ Ward Committee
- ERO analyses the health indicators of the roll like EP ratio, gender ratio, age cohort and sends format 1 -8.

# Analysis of Health of ER

- Elector to population ratio is studied and reported to ECI revealing the age-wise under or over enrollments in comparison to census figures
- Age cohort analysis of the electors in the Roll with census population for various ages groups is carried out
- PS wise abnormal addition and deletion over last 3 years is identified, verified, corrected and reported to ECI
- Data on EPIC & photo coverage roll is analyzed in the prescribed formats
- Data on voters registered but found absent (ASD) during field verification is collected and appropriate action is taken under Rule 21A
- ERO exhibits on the notice board of his office, list of names to be deleted from the Roll to invite any objections

# Disposal of Claims and Objections

- Lists of the received forms shall be prepared in forms 9,10,11 and 11A and be displayed at ERO's notice board, Polling Station notice board, Website of CEO
- Only individual applications are to be accepted, except for an individual presenting the applications of the same households
- BLO/DO/AERO/ERO should not receive Forms 'in bulk' submitted by one person on behalf of many persons not belonging to the same family

(BLAs can submit upto 10 applications per day and a total of 30 applications during the entire revision)

- It should be noted that
  - ✓ Form is not unsigned or without thumb impression (rule 17 of RER, 1960)
  - ✓ No column in the Form is left blank

- For shifting residence in the same Constituency to file application in Form 8A and not Form 6.
- Details of the immediate family members (father, mother, husband, siblings) already enrolled in the current Rolls should be indicated for applicants applying for the first time on attaining age 18 years.
- Date of birth and age should be indicated. Where age is not known, approximate age as on qualifying date should be written
- Underage applicant should not get enrolled
- EPIC details should also be reflected in the Form
- In case of a homeless person, who does not possess any of the documents mentioned above, BLO will visit the address given in Form-6 at night to ascertain that the homeless person actually sleeps at the place which is given as his address in Form- 6.

- If the BLO is able to verify that the homeless person actually sleeps at that place, no documentary proof of place or residence shall be necessary.
- BLO must visit for more than one night for such verification
- In all such cases statement of homeless persons shall be recorded by the BLO in which specific information about the place of his ordinary residence of such person shall be asked for.
- All Forms 6 with previous EPIC details should be enrolled by informing the ERO of the previous area to delete the entry from that area and transfer the photo of that concerned elector
- ERO may refer applications (Form 6,7,8,8A) to the AERO for disposal in accordance with law and both ERO and AERO can get the details locally verified by the verifying officers
- ERO may directly allow the entry in ER under rule 18, if he/she is satisfied with the details or may verify in case if doubt

- An individual notice with date and time of hearing should be sent to the applicants in case of inquiry. The ERO has to give notice of hearing
- The ERO has power to require any claimant, objector, person objected to, to appear in person before him for clarification and sub-rule (3) of rule 20, ERO can ask the information on oath / affidavit.
- ERO should record the decisions with the reasons and should enter the decision just below the entries in the respective Forms 9,10,11, 11A
- List of applications accepted and rejected should be displayed on the notice board for any claim or objections Form 6, 7, 8 and 8A
- If the ERO is not satisfied of the age proof of the applicant even after the verification, he/she may take the evidence on oath of applicant as well as any member of family
- Form 7 should be carefully scrutinized so that they are not used to delete names of genuine electors
- In doubtful cases, where persons are not found at home during verification, ERO should send an individual notice with a date and time of hearing either before ERO or AERO
- In case of inconvenience in traveling hearing could be held at the village/taluka/zonal offices

# Preparation of Final Roll

- Final Roll is the Draft Roll with the lists of supplements prepared in the prescribed format.
- Supplements have three components:
  - ✓ Component I – Additions
  - ✓ Component II – Deletions
  - ✓ Component III – Corrections
- All components of supplements are in same language as of basic Electoral Roll published as Draft
- Serial numbers for voters in Supplement - Component I is the continuation of last serial number in draft Roll
- If there are no entries in one or more components, “nil” is entered under the relevant heading
- In case of all “nil” amendments, “nil” Final lists of amendments are prepared



- The Supplements are prepared but not published or shared with anybody. Those are simply kept in ERO-net for record and future experience of EROs.
- Statistical Analysis in Formats 1-8.
- Assembly and PS wise analysis of EP ratio, Sex ratio, Age Cohorts, additions and deletions percentages against expected values
- Permission to be sought from ECI for final publication based on analysis of Formats 1-8
- Final roll is published in integrated form without disturbing Sl. Nos. of draft roll.

## Integration of Final Roll (Rule 22(3))

- ✓ The final roll will be an integrated roll (mother roll plus all entries added, deleted and modified during revision period).
- ✓ Integration of final roll would not mean a merger/amalgamation of integrated draft roll with supplements of revision period. There would be no change in the serial number of entries appeared in draft roll.
- ✓ All the additions made during revision period will be put in chronological order giving continuous serial number starting with serial number of last entry in draft roll with all deletions and modifications reflected with appropriate mark.

- ✓ The modified entry will replace the existing entry with a sign of #. Similarly, against the serial number of a deleted entry, the words 'DELETED' shall be super imposed diagonally on the elector detail box.
- ✓ The reason 'E', 'S', 'Q', 'R', 'M', shall be prefixed against the serial number of each deleted entry.
- ✓ No separate supplements (addition list, deletion list, modification list) shall be printed, though the list will be kept in ERO-Net for reference.

## Revision in Election Year

- Being an election year no suo-moto deletion shall be done by ERO. Deletion can be done only on basis of Form-7 or declaration part of Form-6 (incase of shifting).
- If at all it becomes necessary to delete certain entries, ERO shall consult DEO, who shall monitor all additions, deletions and corrections from date of final publication onwards.
- Incase, deletion of more than 0.1% of total number of electors in any AC, DEO shall take approval of CEO before allowing deletion by ERO.

- No deletion or modification shall be done by ERO either suo-moto or on basis of forms after announcement of elections.
- Form-7,8, 8A received till date of announcement will be taken for disposal. Meaning thereby, only forms will be disposed till 10<sup>th</sup> day from date of announcement.
- Form-7, 8, 8A received after announcement of election would be kept separately for disposal only after completion of election.
- The integrated roll incorporating deletion and modification shall be printed immediately after 10<sup>th</sup> day of announcement of election.
- Inclusion/addition of names will carry on till last date of filing of nomination, therefore, the addition list reflecting entries from the date of final publication to the last date of filing nomination shall be printed after the last date of filing nomination.

- Preparation and printing of integrated roll for elections:-
  - ✓ On last date of filing nominations, rolls shall be frozen.
  - ✓ All Forms -6 received till 10 days before the last date of nominations shall be disposed off and additions shall be added diatonically below the basic mother roll without disturbing sequence/serial number of electors so added with caption **“Additions during Continuous Updation”**.
  - ✓ Deletion and modification made in second supplement shall be reflected at the appropriate serial number.
  - ✓ To differentiate deletions done during continuous updation from deletions made in finally published integrated roll, the words **“DELETED-DELETED”** shall be super imposed crossed diagonally on the elector detail box.

- ✓ 'EE', 'SS', 'QQ', 'RR', 'MM', shall be prefixed against the serial number of each deleted entry.
- ✓ Similarly double ## shall be prefixed before serial number of each modified entry.
- ✓ All the newly modified entries will replace the existing entries. The existing entry will be included in the modification supplement.
- ✓ List of additions, deletions and modifications shall be generated through ERO-Net for future reference only. It will not be printed or shared with political parties.
- ✓ The integrated roll printed after last date of filing of nominations shall be given to the contesting candidates of recognized political parties within 3 days of last date of withdrawal of candidatures.
- ✓ The identical integrated roll, after indicating postal ballot/EDC/adding proxy shall be used for polling.

# Hosting of ER on website

- **Image pdf** (non-editable) of ER, with only details and without photograph of electors, shall be hosted on the CEOs' website.
- Access to view such image PDF to be strictly provided through CAPTCHA containing alphabet, numeral and special character.
- Wherever soft copy of ER is shared with political parties/ others, it should be in the image pdf Format with only the details and without the photograph.



**THANK  
YOU**