

By e-mail/Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No.23/2008/ERS

Dated: 25th September, 2008.

To

The Chief Electoral Officers of all
States and Union Territories

Subject:-Revision of electoral rolls – enrolment of names of tenants – regarding.

Sir/Madam,

It has been brought to the notice of the Commission that many tenants staying in rented houses, find it difficult to prove their status of ordinary residence at that address for want of any documentary proof of residence like Passport, Driving License, Ration Card, Gas connection, electricity bill, telephone bill etc. in their name with that address. The landlords also generally refuse to give any certificate or undertaking citing various reasons. This results in many eligible citizens failing to get enrolled in the electoral roll, as they cannot prove their place of ordinary residence.

2. It is hereby reiterated that it is **not necessary** for a person to own or possess a dwelling house within the constituency where he/she ordinarily resides. A person is said to be ordinarily resident in a place if he uses that place for sleeping. He need not be eating in that place and may be eating from a place outside. It is also not necessary that the period of stay should be continuous for any particular length of time and should be without any break. It is purely a question of fact whether a person is ordinarily resident at a particular place or not.

3. The intention of the law is to allow all eligible citizens above 18 years of age to get enrolled at the place of their ordinary residence. A tenant living at a particular address is, therefore, eligible to get enrolled in the electoral roll at the address where he/she is staying. The inclusion in the concerned part of electoral roll can be during the period when an intensive revision/verification is undertaken by house-to-house visit or by filing an application in Form 6 after draft/final publication. The ERO who is the statutory authority to allow or reject such inclusion in the electoral roll has to satisfy himself before taking any decision in the matter. The *onus of proof* lies with the applicant seeking registration in the electoral roll for the first time or due to change of residence.

The ERO can rely on documentary evidence or hold a summary inquiry to satisfy him. It has to be borne in mind that once a name is ordered to be included in the electoral roll by the ERO/AERO, the *onus of proof* shifts on the authority or individual objecting to such inclusion at a later stage due to some reason or the other. Therefore, the ERO has to take a judicious approach in deciding claims and objections not supported by valid documentary or corroborative evidence.

4. The Commission has considered the difficulties alleged to be faced by tenants staying with family or single persons. In order to streamline the process of registration of tenants, following procedures may be followed :-

- 4.1 It should be ensured at the time of receipt of application in Form 6 by the receiving official, that the Form is complete in all respects, specially the DECLARATION about the previous address to be given at the end in Part IV of the Form. In sub-part (ii) of the Form, the period from which the tenant is ordinarily staying at the present address must be clearly filled up.
- 4.2 In sub-part (iv), one of the inapplicable statements should be deleted. In case the applicant tenant states that his/her name has not been included in the electoral roll of any other assembly constituency and the age of the applicant is more than 25 years then the application shall not, repeat shall not, be accepted unless the applicant gives valid reasons and evidence for non-inclusion of his/her name in the previous years.
- 4.3 In case the applicant makes the second alternative statement that his/her name might have been included in the electoral roll of the constituency where he/she was previously residing, then full postal address of the earlier place of ordinary residence and details of EPIC, if any, issued at that address must necessarily be mentioned in the space provided. In case, the applicant already possesses an EPIC, then the applicant should be advised to attach a photocopy of that EPIC (both sides) to the application Form.
- 4.4 Producing the EPIC number and a photocopy of earlier EPIC will be of the advantage to the applicant in that no further inquiry will be needed for the applicant's registration as a voter at the new place except for the verification of the fact of new residence.

- 4.5 The fact of residence can also be verified, inter-alia, through the self-declaration given by the applicant in sub-part (i) of Part IV of Form 6 accompanied with the evidence of such residence, e.g., postal department's posts received/delivered in the applicant's name at that address within the period of stay at that address. Thus, if an elector(tenant) seeking registration in a new place on shifting of residence, produces the EPIC issued to him/her at the previous place, no further inquiry need be made on his/her claim for inclusion in the electoral roll and only the fact of his being ordinarily resident at the new address should be verified.
- 4.6 In all such cases referred to above action should also be taken to get delete his/her name from the previous place of residence by the ERO if the claim is accepted.
- 4.7 If a person (tenant) seeking registration on shifting of residence claims that he/she was not issued EPIC at the previous place, the applicant should be asked to submit a separate declaration in the attached format. In such a case, before including the claimant's (tenants) name as an elector and issuing a new EPIC, an enquiry should be conducted to ensure that no EPIC was issued to the applicant (tenant) in the past in his/her previous place of residence. Besides, after inclusion of the name in the new place, it shall be the responsibility of the ERO of this new place to get the applicant's name deleted from the earlier place.
- 4.8 In such cases, where the applicant cannot produce any firm documentary evidence in support of his stay at the address where he is staying as a tenant, the declaration made about the period of stay at that address mentioned in sub-part (i) of *Part IV* of Form 6 shall, on verification by the BLO, be treated as correct. The ERO/AERO before taking any final view in the matter should get a spot verification conducted by a verifying official (BLO) and the official should record his observations on the FORM to enable the ERO/AERO to take a decision on that basis.
- 4.9 It shall not be necessary for a tenant to attach any certificate/undertaking from the landlord.

4.10 The students residing as tenants at the place of study will have the option to get themselves registered as electors either at their native places with their parents/guardians or at the address of landlord where they are residents for the time being for pursuing their studies. The courses pursued by the said students should be recognised by Central/State Govt. or Boards/Universities/Deemed Universities defined under relevant Acts and such courses should be of not less than one year's duration.

4.11 Such students who are either not already registered or do not want to retain their registration at their native place with their parents/guardians but want to enroll themselves as an elector at the place of their present stay will have to apply for registration to the ERO of the constituency within which the place of their present stay falls. For that purpose, they will have to apply in Form 6 addressed to the ERO of the concerned constituency alongwith a bonafide certificate from the Head Master/Principal/Director/Registrar/Dean of the educational institution. (As per specimen attached). Those who are already registered in the electoral roll at their native place should indicate the full address of such native place and other details of their enrolment in that constituency, in the relevant column of Form 6. Those who are already in possession of an Electoral Photo Identity Card (EPIC) should also attach a photocopy of the same. The onus of presentation of the application in Form-6 and/or the Self-Declaration to the ERO concerned shall squarely lie on the student.

5. The detailed and exhaustive instructions issued vide Commission's letter No.23/ID/2008/ERS dated 18th September, 2008 may also be referred to for issue of EPIC at the changed address, if requested, and management of database.

Yours faithfully,

(Ashish Chakraborty)
UNDER SECRETARY

STANDARD DISTRIBUTION

**DECLARATION BY STUDENTS LIVING IN
HOSTELS/MESSES/ELSEWHERE**

(TO BE ATTACHED WITH FORM 6)

SPACE FOR PASTING
ONE RECENT
PASSPORT SIZE
PHOTOGRAPH (3.5x
3.5 CM) SHOWING
FRONTAL VIEW OF
FULL FACE WITHIN
THIS BOX

1. I,(NAME IN BLOCK LETTERS),
son/daughter of _____ resident of _____
_____ (complete postal address
of native place), hereby declare that :----

(a) I am a bonafide student of _____ (name
of the institution) and pursuing _____ (details of the course)
from _____ (month) _____ (year) to _____ (month) _____ (year);

* (b) I am presently residing at –

(i) _____ (if residing in
hostel/mess, mention Room No./Block No./ Block Name, etc. of the hostel/mess).

OR

* (ii) _____ (if
residing elsewhere outside the hostel/mess, mention complete postal address of the place of stay outside
the hostel/mess).

(c) * I want to be registered in the electoral roll/retain my registration in the electoral roll of my native place
at my above-mentioned residential address with my parents/guardian.

OR

* I want to be registered in the electoral roll of the constituency where I am presently residing.

II. I am aware that registration in the electoral roll of more than one constituency or more than once in a
constituency is not permitted under the election law and am also aware of the penal provisions of Sec. 31 of the
R.P.Act, 1950, which reads as follows: -

*“If any person makes in connection with (a) the preparation, revision or correction of an electoral roll, or (b) the
inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and
which he either knows or believes to be false or does not believe to be true, **he shall be punishable with imprisonment
for a term which may extend to one year, or with fine, or with both.**”*

Place :

(signature of the student)

Date :

It is certified that the information given in the declaration at (a) above and the photograph have been
verified from the records of the institution and are found to be correct.

Place/Date:

Signature and seal of the Head
Master/Principal/Registrar/Director/Dean

* *Strike out the inapplicable alternatives.*

Note- The onus of delivery of the declaration to the ERO concerned will lie on the applicant.

DECLARATION *

(For an elector seeking registration but without an EPIC having been issued earlier)

I,, Son/Daughter/Wife of, R/o, declare as under:-

1. I have applied for registration in the electoral roll ofconstituency on change of my residence.
(for persons seeking registration in a new place on change of residence)

or

I have applied for registration in the electoral roll ofconstituency as my name does not figure in any electoral roll.
(for persons of 25 years or more seeking registration in the same place)

2. I have not been issued any EPIC at any time in the past in any constituency.

Signature of the Applicant

Place:

Date:

*(Making false declaration in matters related to preparation/revision of electoral roll is an offence punishable under Section 31 of the Representation of the People Act, 1951, and also under the provisions of the Indian Penal Code).