

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No. 23/2021-ERS

Dated: 2nd August, 2021

To,

CEOs of all States/UTs

Subject: Deletion of the names of dead electors from the electoral rolls- regarding.

References:-

- (i) Commission's letter no. 23/2013-ERS/Vol-III dated 11th April, 2013
- (ii) Commission's letter no.23/1/2013 dated 11th December, 2013
- (iii) Commission's letter no.23/1/2013 dated 21st January, 2014 and
- (iv) Commission's letter no. 23/1/2013-ERS-Vol-III dated 13th February, 2014
- (v) Commission's letter no. 22/2/2019-ERS (Vol-II) dated 17th September, 2019

Sir/Madam,

I am directed to state that the Representation of the People Act 1950 and the Registration of Electors Rules, 1960 make detailed provisions for preparation of electoral rolls. To supplement the statutory provisions, the Commission has been issuing instructions from time to time including certain instructions in letters referred to above.

2. Under these enabling provisions, the EROs take assistance from educational institutions and the Office of Registrar of birth and deaths to prepare and update rolls. Rule 9 of Registration of Electors Rules, 1960 provides as under :-

“Rule 9-Access to certain registers—For the purpose of preparing any roll or deciding any claim or objection to a roll, any registration officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institution, and it shall be the duty of every person incharge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.

3. Section 22 of Representation of the People Act 1950, read with Rule 18 of Registration of Electors Rules, 1960 provides procedure of correction.

“Section 22-Correction of entries in electoral rolls:-If the Electoral Registration Officer (ERO) for a constituency, on application made to him or on his own motion, is satisfied, after such enquiry as he thinks fit, that any entry in electoral roll of that constituency should be deleted on the ground that the

person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll, the ERO shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, delete that entry”.

Further, Rule 18, *interalia*, says the following :-

“Rule 18- Acceptance of claims and objections without inquiry: - *If the registration officer is satisfied as to the validity of any claim or objection, he may allow it without further inquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under clause (b) of rule 16. Provided that where before any such claim or objection has been allowed, a demand for inquiry has been made in writing to the registration officer by any person, it shall not be allowed without further inquiry”.*

4. As it is clear from the provisions contained in Section 22 and Rule 18, referred to above, the ERO, either through a formal application or suo-moto (without a formal application), can make deletion of a name from electoral roll subject to his satisfaction. To make the status of provision more clear and for future guidance of EROs, the Commission has, in supersession of all the existing instructions directed to issue the following SOP for deletions in death cases:-

(A). SOP to be followed in Suo-moto deletion.

Deletion of the name of deceased elector may be done suo-moto (without Form-7/ without further enquiry), if the identity is established with reference to death certificate or after field verification on the basis of:

- i. Death certificate from the competent authority obtained by BLO or submitted by family members, or**
- ii. List of deceased electors collected from database of Registrar of Birth and Death.**

(B). General procedure (other than suo-moto) for deletion-On the basis of Report from BLO concerned along with Form-7 from a family member or a local elector or BLO of the concerned polling station.

The individual form will be displayed on ERO's notice board for prescribed 7 days' notice period and if the ERO is satisfied about the validity of objection in Form-7, he may allow it without further enquiry after expiry of 7 days' notice period. In case, he is not satisfied, he will give notice of hearing to the objector and to the person objected to either personally or by registered post or by affixing it at the person's residence. After enquiry into the objection in respect of the objection, ERO shall dispose of Form-7, following due procedure.

5. *No suo moto deletions shall be done in an election year, when a general election to State Assembly or House of People is due in the State concerned during the 6 months' period ending on the date of expiry of the term of the said house. However, suo-moto deletion can be done in special circumstances, after obtaining the Commission's approval.*

6. All the records, communications and responses relating to deletions shall be kept in the file (physical as well as in ERO-Net) separately for each of such electors whose names have been deleted, uploaded in ERO-Net for future reference for 3 years. Provision for this will be made in the ERO-Net.

7. Wide publicity may be given about options available for person, whose name has been deleted from the electoral roll wrongfully. These options are that either he/she can file an appeal under Section 24 of the Representation of the People Act, 1950 within the prescribed period to the District Election Officer against the deletion of his/her name or submit a Form-6 before the Electoral Registration Officer for inclusion of his/her name in the electoral roll any time during summary revision or continuous updation of electoral roll.

8. All concerned may be informed accordingly.

Yours faithfully



(RITESH SINGH)
UNDER SECRETARY