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भारत निर्वाचनआयोग
Election Commission of India

निर्वाचन सदन
Nirvachan Sadan,
अशोक रोड ,नई दिल्ली110001-
Ashoka Road, New Delhi-110001

No.23/2026-ERS (Vol.-II) **Dated: 3rd November, 2026.**

To,

The Chief Electoral Officers of,
All States/UTs

Subject: Submission of Form-6 – Clarification regarding previous electors who do not find their names in draft electoral rolls of Special Intensive Revision (SIR) or afterwards- reg.

Madam/Sir

I am directed to invite your attention to the subject cited above and to state that it has been brought to the notice of the Commission that certain previous electors, whose names do not figure in the draft electoral roll published during the ongoing SIR, are hesitant to submit Form 6 as these voters are also required to furnish a declaration prescribed in Form 6 to the effect that their name is being included for the first time in Electoral Roll. Therefore, such electors believe that submission of Form 6, in view of their previous enrolment, would amount to making a false declaration and render them liable for prosecution under Section 31 of the Representation of the People Act, 1950.

2. In this regard, it is stated that the declaration prescribed under Form 6 has been in force since 01.08.2022. It is clarified that an elector whose name does not appear in the draft electoral roll may submit Form 6 to seek inclusion in the final electoral roll, in accordance with the prescribed procedure. Consequently, an elector whose name does not appear in the draft roll is required to seek inclusion afresh in the electoral roll under SIR or afterwards, irrespective of whether the elector had been enrolled previously. The submission of Form 6 in such circumstances is, therefore, for the purpose of inclusion in the electoral roll under SIR or afterwards and is not, by itself, false merely because the elector was previously enrolled.

3. As set forth in the preceding paragraphs, this position aligns with the judicial pronouncement of the Hon'ble Delhi High Court in *Nilotpal Datta & Anr.*

v. Election Commission of India & Ors. (W.P. (C) No. 14955/2026, decided on 14.10.2026), wherein an applicant—who was not a first-time voter— argued that submitting Form 6 would amount to making a false declaration. The Hon'ble High Court held that the petitioners' apprehension regarding a false declaration was misplaced and the Court closed the Writ proceedings with the observation that the petitioners, if they so desire, may submit Form 6 to be processed in accordance with law.

4. Accordingly, no action under Section 31 of the Representation of the People Act, 1950, shall be initiated by an Electoral Registration Officer (ERO) against an elector merely on the ground that the elector had been included in a previous electoral roll and has submitted Form 6 during the SIR process or afterwards, provided that the elector is not already enrolled in any other Parliamentary or Assembly Constituency and the declaration made is otherwise in accordance with law.

5. The Chief Electoral Officers are requested to bring the above clarification to the notice of all concerned and, in public interest, provide wide publicity to the clarification, in the local language(s) as well, through available media in the State.

Yours faithfully,

(SANDEEP KUMAR)
UNDER SECRETARY

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