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ECINET Introduces Parent-Linked Declaration in Online Form 6, Raising Constitutional and Electoral Due Process Concerns

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Recent Developments:

- **Election Commission of India (ECI)** has introduced a new **online declaration** on the **ECINET** portal for fresh voter registration through **Form 6**.
- New applicants must disclose whether their **parents were included in the last Special Intensive Revision (SIR)** of electoral rolls and, where applicable, furnish their **Assembly Constituency Number, Polling Booth (Part) Number, and Electoral Roll Serial Number**.
- The additional declaration is available on the **online portal**, while the statutory downloadable **Form 6** under the **Registration of Electors Rules, 1960** continues to remain unchanged, triggering concerns regarding the legal validity of the change.

ECINET and the New Declaration Requirement:

What is ECINET?

- **ECINET** is the **Election Commission of India's** integrated digital platform providing online electoral services such as **new voter registration, correction of electoral details, deletion of names, voter search, and electoral roll management**.

New Declaration Introduced in Online Form 6:

- Applicants must declare whether either ****parent** was included in the **last Special Intensive Revision (SIR)** of electoral rolls.
- If **parents were included**, the applicant must provide:
- **Assembly Constituency Number, Polling Booth (Part) Number, Electoral Roll Serial Number** of either parent.
- If **parents were not included**, the applicant must provide:
- **Parents' Names, Electors Photo Identity Card (EPIC) Numbers**, if available.
- The requirement applies in **all States and Union Territories** where **SIR has been completed or is underway**, except **Bihar**.

Special Intensive Revision (SIR):

Meaning of SIR:

- **Special Intensive Revision (SIR)** is a comprehensive revision of the **electoral roll**, involving **fresh verification of eligible electors**, unlike the routine annual revision.
- The exercise aims to improve the **accuracy, integrity, and authenticity** of electoral rolls by identifying **duplicate, deceased, shifted, or otherwise ineligible electors**.

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Current Status of SIR:

- **SIR** has been completed in **13 States/Union Territories** using the **early-2000s intensive revision** as the reference point.
- The exercise is currently underway in **19 States/Union Territories**.
- **Himachal Pradesh, Ladakh, and Jamm& Kashmir** are yet to be notified for SIR.
- In **Assam**, SIR has been deferred until completion of the **National Register of Citizens (NRC)** exercise.
- The exercise has resulted in the deletion of approximately **5.58 crore** names nationwide, primarily due to **death, migration, duplicate registration, or prolonged absence**.
- In **West Bengal**, nearly **27 lakh** names were deleted through judicial adjudication, with appeals pending before appellate authorities.

Legal and Constitutional Issues:

Constitutional Provisions:

- **Article 326** guarantees **universal adult suffrage** by providing electoral registration to every citizen who:
- Has attained **18 years of age**.
- Is **ordinarily resident** in a constituency.
- Is not disqualified under any law.

Statutory Framework:

- **Representation of the People Act, 1950 (RPA, 1950)** governs preparation and maintenance of electoral rolls.
- **Registration of Electors Rules, 1960** prescribe the statutory formats, including **Form 6**.
- **Section 28 of the RPA, 1950** empowers the **Central Government**, after consultation with the **Election Commission**, to notify electoral rules through the **Official Gazette**, followed by laying them before **Parliament**.

Issue of Due Process:

- The additional declaration has been introduced only on the **ECINET portal** without any notified amendment to **Form 6** under the **Registration of Electors Rules, 1960**.
- The statutory downloadable version of **Form 6** does not contain the additional declaration, indicating that the prescribed form has not been formally amended.
- The absence of a **Gazette Notification** raises concerns regarding:
- **Statutory authority**.
- **Procedural legality**.
- **Administrative transparency**.
- **Parliamentary oversight**.

Implications for New Electors:

Administrative Implications:

- First-time voters may need to locate historical electoral details relating to their parents.
- Young electors whose parents were never enrolled or whose records are unavailable may face procedural difficulties.
- The Election Commission has not clarified whether failure to furnish such details would delay or affect enrolment.

Legal and Democratic Concerns:

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- Additional procedural requirements may increase the burden on genuine first-time electors.
- Children of electors whose names were previously deleted during SIR may face uncertainty during registration.
- Questions have arisen regarding the balance between **electoral integrity** and **ease of electoral participation**.

Arguments in Favour of the Requirement:

Strengthening Electoral Rolls:

- Helps establish continuity between successive electoral rolls.
- Assists in identifying duplicate or fraudulent registrations.
- Facilitates better verification during large-scale electoral roll revision.
- Supports preparation of cleaner and more reliable electoral databases.

Concerns Raised Against the Requirement:

Legal Concerns:

- Introduction through an online portal without amendment to statutory rules may violate established rule-making procedures.
- Administrative instructions cannot ordinarily override statutory forms prescribed under law.

Constitutional Concerns:

- Additional documentary requirements may indirectly affect the exercise of **universal adult franchise** protected under **Article 326**.
- The measure may create procedural barriers for otherwise eligible citizens.

Governance Concerns:

- Lack of public consultation and formal notification reduces transparency.
- Absence of clear operational guidelines may result in inconsistent implementation across States.

Related Constitutional and Electoral Institutions:

Election Commission of India (ECI):

- Constitutional body established under **Article 324**.
- Responsible for:
 - Conducting elections.
 - Preparing and revising electoral rolls.
 - Supervising free and fair elections.
 - Registering political parties.
 - Enforcing the **Model Code of Conduct**.

Representation of the People Acts:

- **RPA, 1950** deals primarily with:
 - Allocation of seats.
 - Electoral rolls.
 - Qualifications of electors.
- **RPA, 1951** deals with:
 - Conduct of elections.
 - Qualifications and disqualifications of candidates.

- Election disputes.
- Electoral offences.

Way Forward:

Ensuring Legal Validity:

- Any modification to statutory electoral forms should follow the prescribed legislative procedure through **Gazette Notification**.

Improving Transparency:

- The Election Commission should issue comprehensive public guidelines explaining the objective, scope, and legal basis of additional declarations.

Protecting Electoral Inclusion:

- Procedural safeguards should ensure that genuine electors are not denied registration solely due to the non-availability of historical parental records.

Balancing Integrity and Accessibility:

- Electoral reforms should simultaneously strengthen **electoral roll accuracy** and preserve the **constitutional right to vote** through accessible registration procedures.

Value Addition for UPSC:

Important Constitutional Articles:

- **Article 324** – Superintendence, direction and control of elections vested in the **Election Commission of India**.
- **Article 325** – One general electoral roll; prohibition of exclusion on grounds of religion, race, caste or sex.
- **Article 326** – Elections based on **Universal Adult Suffrage**.
- **Article 327** – Parliament's power to make laws relating to elections.
- **Article 328** – State Legislature's power to legislate on State elections where Parliament has not provided otherwise.

Important Electoral Forms:

- **Form 6** – Inclusion of name in electoral roll.
- **Form 6A** – Registration of overseas electors.
- **Form 7** – Objection to inclusion or deletion of name.
- **Form 8** – Correction of entries or transposition within the electoral roll