

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:4532  
ANSWERED ON:17.12.2009  
NAMES OF FOREIGNERS IN VOTER LIST  
Agarwal Shri Jai Prakash

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- (a) whether Delhi High Court has directed the Election Commission of India not to include the name of foreigners in voters lists;
- (b) if so, the details thereof;
- (c) whether the Election Commission has directed the State Governments for strict compliance of orders issued by Delhi High Court;
- (d) if so, the details thereof;
- (e) whether the instances of inclusion of foreigners names in the voters lists has come up during the last three years; and
- (f) if so, the details thereof till date, State wise?

**Answer**

MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a) and (b): In CWP No. 2925/99 (Shri Ram Bilas & another Vs. Union of India & others) and CWP No. 3170/2001 (Shri Chetan Dutt Vs. Union of India & others) the Hon'ble Delhi High Court, inter-alia, passed an Order dated 28th September, 2005 that 'it is constitutional obligation of the Election Commission of India to see that electoral rolls reflect the names of only those people who are citizen of this country and that power is with the Election Commission of India under Representation of People Act'. In the Order it was also directed to submit methodology whereby in the electoral roll the names of Indian Citizens appear.

(c) and (d): The Hon'ble Supreme Court of India in it's judgment dated the 6th February 1995 in Writ Petitions (Civil) No.731 of 1994 (Lai Babu Hussein & Others -Vs.- Electoral Registration Officer & Others) and 56 of 1995 (P.U.C.L & Others -Vs.- Electoral Registration Officer & Others) under article 32 of the Constitution and Civil Appeal No. 1319 of 1995 [Hussein Dalwal & Others -Vs.- Union of India & Others (arising out of SLP (civil) No.21961 of 1994)] under article 136 of the Constitution had raised certain vital issues regarding inclusion or deletion of names in/from the electoral rolls, The Observations of the Apex' Court also included cases where the issue of citizenship of the applicant in case of a claim for inclusion and that of an elector who is already registered in the electoral roll for deletion arises for consideration of the Electoral Registration Officer. A copy of the said judgment was forwarded to Chief Electoral Officers of all States and Union territories with instructions to comply with the orders of the Supreme Court. Based on the Judgment dated 6th February 1995, guidelines for Electoral Registration Officers about determination of citizenship of doubtful applicants for inclusion of name in the Electoral Rolls are issued before every revision of electoral rolls whether summary or intensive.

In view of the position explained above, the Election Commission did not issue any specific directions in pursuance of the Hon'ble Delhi High Court's order dated 28th September 2005.

(e) and (f): As per the information obtained from the Government of the National Capital Territory of Delhi, there is a monitoring cell for identifying foreign nationals which meets once every month and gives the names of the identified foreign nationals to the election department of National Capital Territory of Delhi. The Election Department in turn checks the electoral rolls and deletes the names of these foreign nationals, if their names appear in the electoral rolls. As per the latest report, till date, 240 names of foreign nationals, which appeared in the electoral rolls, have been deleted.