

7. Electoral Rights Is Qualified Right- Polity

Supreme Court on SIR highlights- Electoral Registration Officers competent to review citizenship, says Rakesh Dwivedi in a significant submission to the Supreme Court, the Election Commission of India (ECI) has defined the right to be included in the electoral roll as a "qualified right." This statement came during hearings regarding the Special Intensive Revision (SIR) exercise, a process designed to ensure the integrity and purity of India's democratic process.

1. The Concept of a 'Qualified Right'

The ECI maintains that being a voter is not an absolute or permanent entitlement, but one contingent upon specific legal and constitutional conditions.

Dependency on Eligibility- Inclusion depends strictly on meeting parameters defined under Article 326 of the Constitution and the Representation of the People Act, 1950.

Continuous Requirement- Eligibility is not a "one-time check." Voters must continuously fulfill the criteria (especially citizenship). If a condition is lost, the right to remain on the roll is forfeited.

No Permanent Entitlement- Entry in the roll does not guarantee a permanent stay; the ECI has the mandate to remove names if disqualifications arise.

2. Qualifications for Registration as a Voter

The legal framework establishes "Positive Qualifications" that a person must possess to seek registration.

Citizenship- The individual must be a Citizen of India. This is the foundational requirement; foreign nationals or those who have renounced Indian citizenship are strictly ineligible.

Age Criteria- * Minimum age of 18 years on the qualifying date.

Historical Note- The voting age was reduced from 21 to 18 years by the 61st Constitutional Amendment Act, 1988.

Ordinary Residence- The person must be an "ordinarily resident" in the specific constituency where they seek to register.

Legal Standing- The person must not be otherwise disqualified by any law made by the Parliament.

3. Disqualifications (Grounds for Removal/Non-Registration)

Even if age and residence criteria are met, a person can be disqualified based on the following-

Ground for Disqualification	Description
Non-Citizenship	If a person is found not to be an Indian Citizen.
Unsound Mind	If a person is declared to be of unsound mind by a competent court.
Corrupt Practices	Disqualification resulting from conviction in election-related offences or corrupt practices.
Statutory Offence	Disqualification under any other specific law relating to electoral offences.

4. Understanding Special Intensive Revision (SIR)

The SIR is a proactive and intensive purification exercise undertaken by the ECI to ensure "one citizen, one vote."

Purpose and Purity- The primary goal is to ensure only eligible citizens remain on the list. It targets the removal of

Non-citizens who may have inadvertently or illegally enrolled.

Duplicate entries (voters registered in more than one place).

Deceased voters whose names remain on the list.

Legal Basis

Article 324- Grants the ECI powers of superintendence, direction, and control of elections.

Representation of the People Act, 1950- Empowers the ECI to carry out special revisions "in such a manner as it may think fit."

Scope vs. Citizenship Adjudication- The ECI clarified that SIR is not a citizenship determination exercise (like an NRC or a Tribunal). It is a limited verification process to check if a person qualifies to remain a voter. It does not decide a person's legal status as a citizen in a broader sense.

5. Summary of the ECI's Position

The ECI's argument centers on the "Purity of the Rolls" as a prerequisite for **Free and Fair Elections**. The Special Intensive Revision is portrayed as a legitimate verification tool to uphold constitutional morality.

Feature	Regular Revision	Special Intensive Revision (SIR)
Nature	Annual/Periodic update.	Intensive, door-to-door, or targeted verification.
Intensity	High-level/Standard.	Deep-dive purification to remove ineligible.
Trigger	Routine schedule.	Special circumstances or specific judicial/regulatory directions.

Source- <https://www.thehindu.com/news/national/supreme-court-hearing-live-updates-special-intensive-revision-election-commission-january-13/article70504335.ece>

