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3. Supreme Court Upholds Special Intensive Revision of Electoral Rolls – Polity

A bench comprising Chief Justice of India Surya Kant and Justice Joymalya Bagchi has upheld the constitutional validity of the Special Intensive Revision (SIR) of electoral rolls conducted by the Election Commission of India. The judgment addresses petitions challenging the Election Commission's authority to conduct large-scale electoral roll revisions, a practice not explicitly outlined in ordinary revision procedures. This landmark judgment balances the constitutional imperatives of free and fair elections, electoral integrity, and universal adult suffrage by establishing safeguards for voter protection during large-scale verification exercises.

1.Key Highlights of the Supreme Court Judgment

Consistency with Constitutional Principles

1. The Supreme Court held that the SIR exercise does not detract from the constitutional imperative of free and fair elections as guaranteed under Articles 19, 21, and 326.
2. The exercise satisfies the test of proportionality, as the measures adopted have rational nexus with the objective, are not manifestly excessive, and include sufficient procedural safeguards against arbitrary exclusion.
3. The constitutional purpose of restoring accuracy, completeness, and integrity of electoral rolls constitutes a legitimate and constitutionally grounded objective warranting the special revision exercise.

Legal Framework and Statutory Authority

1. The Supreme Court observed that the SIR process does not stand in direct conflict with the Representation of the People Act, 1950 or the Rules framed under it.
2. The Election Commission's authority to conduct such special revisions derives from Section 21 of the RPA 1950, which authorizes the Commission to revise electoral rolls, including conducting special revisions after recording reasons.
3. So long as the Election Commission acts within the bounds of the statute, records reasons for using its special power, and does not violate express prohibitions under the Act or Rules, the exercise cannot be termed ultra vires merely because it differs from ordinary revision procedures.

Foundational Role of Electoral Rolls

1. Democracy is not only about voting but equally about identifying the persons entitled to participate in the choice of government through proper and accurate electoral records.
2. Free and fair elections depend not only on the polling process but equally on the integrity, accuracy, and purity of electoral rolls, which form the foundational basis of legitimate democratic participation.
3. The Court emphasized that maintaining accurate voter lists is as essential to electoral integrity as transparent polling procedures themselves.

Residual Authority and Procedural Requirements

1. The Election Commission retains a degree of residual authority to formulate and adopt documentation frameworks suited to the needs of a Special Intensive Revision when existing statutory provisions do not specifically address particular circumstances.

2. Where the Commission is not satisfied that a person fulfils statutory conditions for inclusion, it must refer the individual to the competent authority of the Central Government for adjudication according to law.
3. The Commission's determination is confined only to electoral purposes and cannot attain finality on citizenship issues; any deletion on citizenship grounds remains subject to adjudication by the appropriate authority.

2.About Special Intensive Revision (SIR)

Definition and Operational Framework

1. Special Intensive Revision is a targeted and time-bound exercise undertaken by the Election Commission to verify voters through door-to-door verification conducted by Booth Level Officers.
2. The process aims to make electoral rolls accurate, updated, and inclusive by facilitating fresh registrations of eligible citizens, deletions of ineligible entries, and corrections in voter details.
3. Unlike ordinary periodic revisions, SIR represents an intensive, geographically-focused, and expedited electoral roll purification exercise.

Statutory Authorization and Historical Precedent

1. Section 21 of the Representation of the People Act, 1950 authorizes the Election Commission to prepare and revise electoral rolls, including conducting special revisions whenever required after recording reasons justifying the exercise.
2. Special Intensive Revisions were historically conducted during 1952-56, 1957, 1961, 1965, 1966, 1983-84, 1987-89, 1992, 1993, 1995, 2002, 2003, and 2004 across different parts of the country.
3. In Bihar, the last Special Intensive Revision was carried out in 2003, making the current exercise a significant undertaking after a two-decade gap.

3.Constitutional Basis

Election Commission's Constitutional Powers

1. Article 324 of the Indian Constitution empowers the Election Commission to supervise, direct, and control the preparation of electoral rolls and the conduct of elections across the nation.
2. This constitutional power extends beyond merely managing voting processes to encompassing comprehensive electoral administration, including maintenance of accurate voter records.
3. The broad language of Article 324 enables the Commission to adopt innovative and specialized procedures addressing emerging challenges in electoral administration.

Right to Vote and Its Preconditions

1. Article 326 guarantees universal adult suffrage, granting voting rights to every citizen above 18 years of age, subject to disqualifications imposed by law for criminal conviction, unsoundness of mind, or corrupt practices.
2. The constitutional guarantee of universal adult suffrage presupposes accurate identification and enumeration of entitled voters through proper electoral rolls.
3. Maintaining integrity of electoral rolls becomes essential to realizing the constitutional commitment to universal adult franchise.

4.Judicial Precedent – Mohinder Singh Gill v. Chief Election Commissioner (1977)

Scope of Election Commission Authority

1. The Supreme Court upheld the Election Commission's wide powers under Article 324 to ensure free and fair elections, including authority to order re-polls when necessary to protect electoral integrity.

2. The judgment recognized that the Commission possesses substantial discretion in electoral matters not explicitly regulated by statutory provisions, provided such discretion is exercised reasonably and in good faith.

Judicial Restraint During Electoral Processes

1. The Court observed that judicial intervention in electoral matters remains limited during the election process due to the constitutional bar under Article 329(b), which restricts questioning elections in courts.
2. The judgment clarified that the Election Commission may act independently in situations where laws framed under Articles 327 and 328 do not specifically address particular issues or circumstances.

Balancing Procedural Fairness with Electoral Necessity

1. Although principles of natural justice remain important, the Court acknowledged that the Election Commission may adopt swift and practical measures in exceptional circumstances to preserve electoral integrity.
2. This recognition permits expedited procedures like SIR to address urgent electoral administration challenges without requiring elaborate bureaucratic processes that might render the exercise impractical.

5. Need for Special Intensive Revision (SIR)

Ensuring Accuracy of Electoral Rolls

1. SIR helps remove duplicate, fake, and outdated entries from voter lists that accumulate due to administrative inertia, migration patterns, and poor record-keeping.
2. The Election Commission has periodically detected multiple entries for individual voters due to migration and urban mobility in large states such as Uttar Pradesh and Bihar.
3. Accurate electoral rolls prevent the disenfranchisement of legitimate voters and prevent fraudulent voting by individuals with artificially created multiple identities.

Deletion of Ineligible Voters

1. The process identifies names of deceased persons, residents who have shifted to other constituencies, non-citizens, and persons disqualified under law, removing them from active voter lists.
2. According to Election Commission data from previous revisions, lakhs of names are routinely deleted during roll purification exercises conducted before major elections.
3. Timely deletion prevents election disputes, ensures accurate vote tallies, and improves confidence in electoral results.

Inclusion of Eligible Citizens

1. SIR facilitates the registration of first-time voters, previously omitted citizens, and persons who have become eligible since the last general revision.
2. India had over 96 crore registered voters in the 2024 General Elections, with millions of new eligible voters emerging annually as young citizens reach voting age.
3. Regular updating of electoral rolls ensures no eligible citizen is disenfranchised due to administrative omissions.

Preventing Electoral Fraud and Malpractices

1. Clean electoral rolls reduce the risks of bogus voting, impersonation, and electoral malpractice including use of duplicate voter IDs.

2. Cases of duplicate voter IDs and fake entries have often been reported during Assembly and Local Body elections, undermining electoral credibility.
3. Accurate voter identification mechanisms prevent criminal exploitation of electoral processes.

Strengthening Free and Fair Elections

1. Accurate voter lists strengthen the constitutional principle of free and fair elections, which the Supreme Court has repeatedly described as part of the basic structure of the Constitution.
2. Electoral rolls lacking accuracy introduce systematic bias into the voting process, potentially advantaging candidates in constituencies with inflated or corrupt voter records.

Addressing Demographic Changes

1. Rapid urbanization, migration, and population mobility require regular verification of electoral rolls to reflect current population distribution and voter eligibility status.
2. Cities such as Delhi, Mumbai, and Bengaluru witness large-scale annual migration affecting voter records, requiring periodic updates to maintain accuracy.
3. Failure to update electoral rolls creates stale records reflecting outdated population patterns rather than contemporary voter constituencies.

Enhancing Public Confidence in Elections

1. Transparent revision processes improve citizens' trust in the Election Commission and the democratic process, especially before large-scale elections such as Lok Sabha Elections.
2. Visible efforts to maintain electoral integrity enhance democratic legitimacy and strengthen the social contract underlying electoral participation.

Improving Election Administration

1. Updated rolls help the Election Commission in better booth management, voter distribution across polling locations, and logistical planning.
2. Accurate electoral rolls enable smoother conduct of elections across more than 10 lakh polling stations in India, reducing confusion and administrative bottlenecks on polling days.

6.Concerns Associated with Special Intensive Revision (SIR)

Risk of Wrongful Exclusion

1. Large-scale verification may lead to wrongful deletion of names belonging to migrant workers, elderly persons, homeless individuals, and marginalized communities who may lack proper documentation.
2. Exclusion of genuine voters disenfranchises eligible citizens despite the constitutional guarantee of universal adult suffrage.

Documentation Burden on Citizens

1. Excessive reliance on documentary proof can create hardships for economically weaker sections, especially in rural and remote areas where access to official records remains limited.
2. Poor documentation infrastructure in backward regions may result in systematic disenfranchisement of disadvantaged groups despite legal eligibility.

Verification Errors and Arbitrary Deletions

1. Errors during verification by Booth Level Officers may result in accidental or arbitrary exclusion of eligible voters from electoral rolls.
2. Inconsistent application of deletion criteria across constituencies creates inequality in the verification process.

Citizenship-Related Anxieties

1. Critics argue that intensive verification exercises may indirectly raise questions regarding citizenship status, creating fear and uncertainty among vulnerable populations including religious minorities and migrant communities.
2. Linking electoral roll verification to citizenship determination creates anxiety beyond the legitimate administrative objective of maintaining roll accuracy.

Administrative and Logistical Challenges

1. Conducting house-to-house verification for crores of voters requires massive manpower, financial resources, and coordination across states and districts.
2. Logistical complexity increases the risk of verification errors and uneven implementation across different regions.

Timing Constraints Relative to Elections

1. If undertaken close to elections, SIR may create confusion, increase grievances, and affect preparedness of both voters and election authorities.
2. Voters may lack adequate time to correct or update their electoral details following deletion.

Digital and Literacy Divide

1. Many citizens, particularly in rural areas, face difficulties in accessing online correction and verification systems due to low digital literacy and inadequate digital infrastructure.
2. Online-first correction procedures disadvantage citizens lacking internet access or digital skills.

Political Sensitivity and Controversy

1. Electoral roll revisions often become politically sensitive, with allegations of selective deletions or partisan targeting by opposition parties and civil society groups.
2. Perception of political bias undermines public confidence in the neutrality of the verification exercise.

Impact on Universal Adult Suffrage

1. Arbitrary exclusions may undermine the constitutional guarantee of universal adult franchise under Article 326, which forms the foundational basis of democratic participation in India.
2. Disenfranchisement, even if unintentional, violates constitutional commitments to electoral inclusivity.

Limited Awareness Among Voters

1. Lack of adequate public awareness regarding verification procedures and deadlines may prevent eligible citizens from correcting or updating their electoral details in time.
2. Information gaps create systematic disadvantage for voters lacking access to mass media or civic education resources.

7.Way Forward**Strengthen Procedural Safeguards**

1. As emphasized by the Supreme Court, adequate safeguards such as prior notice, hearing opportunities, and appeal mechanisms must be ensured to prevent arbitrary exclusion of voters.
2. Booth Level Officers should be required to provide written notice of proposed deletion with specific reasons, enabling voters to respond.

Ensure Inclusive Verification Processes

1. Following the spirit of Article 326, special assistance should be provided to migrant workers, elderly citizens, homeless persons, and marginalized groups to protect universal adult suffrage.
2. Mobile verification units and extended grievance windows should accommodate citizens facing documentation challenges.

Adopt Technology-Driven Electoral Reforms

1. The Election Commission should integrate secure digital databases, Aadhaar-based authentication safeguards, and Geographic Information System mapping to improve accuracy while avoiding duplication.
2. Biometric verification systems can enhance accuracy while reducing documentation burden on citizens.

Enhance Transparency and Accountability

1. In line with the principles laid down in Mohinder Singh Gill v. Chief Election Commissioner, the Election Commission should record reasons for deletions and make verification procedures transparent and publicly accessible.
2. Public disclosure of deletion statistics and reasons enhances democratic accountability.

Expand Voter Awareness Campaigns

1. Large-scale awareness drives through SVEEP (Systematic Voters' Education and Electoral Participation Programme) should educate citizens regarding correction procedures, deadlines, and documentation requirements.
2. Multilingual, multimedia campaigns should reach citizens in remote and marginalized communities.

Build Administrative Capacity

1. Greater training and institutional support must be provided to Booth Level Officers to minimize verification errors and improve field-level efficiency during large-scale revisions.
2. Standardized protocols and oversight mechanisms ensure consistent application of deletion criteria.

Establish Independent Grievance Redressal Mechanisms

1. Fast-track mechanisms should be created for resolving complaints relating to wrongful deletion, omission, or correction of electoral details before elections.
2. Independent grievance officers should ensure impartial review of voter complaints.

Balance Electoral Integrity with Democratic Inclusion

1. As observed by the Supreme Court, the objective of maintaining the purity of electoral rolls should be balanced with the constitutional commitment to free and fair elections and protection of democratic participation.
2. Policy frameworks should prioritize inclusion of eligible voters even at the cost of including occasional ineligible entries, consistent with the principle that democracy requires broad participation.

Source - <https://www.scconline.com/blog/post/2026/05/28/special-intensive-revision-sir-eci-validity-upheld-sc/>