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REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) No. 640 OF 2025

Association For Democratic Reforms & Ors. … Petitioners

versus

Election Commission of India & Ors. … Respondents

WITH

WRIT PETITION (CIVIL) No. 634 OF 2025

WRIT PETITION (CIVIL) No. 644 OF 2025

WRIT PETITION (CIVIL) No. 645 OF 2025

WRIT PETITION (CIVIL) No. 646 OF 2025

WRIT PETITION (CIVIL) No. 637 OF 2025

WRIT PETITION (CIVIL) No. 636 OF 2025

WRIT PETITION (CIVIL) No. 638 OF 2025

WRIT PETITION (CIVIL) No. 630 OF 2025

WRIT PETITION (CIVIL) No. 631 OF 2025

WRIT PETITION (CIVIL) No. 642 OF 2025

WRIT PETITION (CIVIL) No. 686 OF 2025

WRIT PETITION (CIVIL) No. 700 OF 2025

WRIT PETITION (CIVIL) No. 701 OF 2025

WRIT PETITION (CIVIL) No. 708 OF 2025

WRIT PETITION (CIVIL) No. 676 OF 2025

WRIT PETITION (CIVIL) No. 674 OF 2025

WRIT PETITION (CIVIL) No. 719 OF 2025

WRIT PETITION (CIVIL) No. 855 OF 2025

JUDGMENT

SURYA KANT, CJI

1. Before any representative government can count votes, it must first know whose votes may be counted. The story of democracy is therefore not only a story of voting, but also of identifying the persons entitled to participate in the choice of government. The electoral roll is the legal record of that political community. For this reason, disputes concerning electoral rolls are never merely administrative. They go to the composition of the electorate and, in turn, to the foundation of representative government[1]. Across different periods and forms of political organisation, Indian history discloses a recurring concern. By what legal parameters is the body of citizens entitled to participate in public affairs to be identified?

2. Bihar stands at the beginning of that history. In the age of the Mahajanapadas, roughly between the sixth and fifth centuries BCE, the region now forming Bihar contained both monarchical and non-monarchical polities. Magadha and Anga were associated with kingship. However, the Vajji confederacy, centred

[1] Bernard Manin, The Principles of Representative Government 1–7, 161–83 (Cambridge Univ. Press 1997); Hanna Fenichel Pitkin, The Concept of Representation 1–13 (Univ. of Cal. Press 1967)

at Vaishali, stood on a different footing. Modern scholarship has located the Vajji polity within the tradition of republican and quasi republican institutions in ancient India[2].

3. The Mahāparinibbāna Sutta, a key Pali text describing the final days of the Buddha, refers to the Vajjis as holding full and frequent assemblies, meeting and conducting business in concord, and acting according to established institutions. These accounts do not speak of a general electoral roll. Nor do they employ the modern language of equal adult suffrage. Yet they unmistakably point to a constituted public body, settled procedures, and authority exercised through assembly rather than through the solitary will of a ruler. Ancient Bihar, therefore, cannot be reduced to monarchy alone. It also preserves the memory of organised republican life[3]. Such republics were not democracies in the present constitutional sense. Participation was narrower and often structured by status, family, or rank. Even so, any republic, including an oligarchic one, had to determine who could participate, deliberate, and decide

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[2] Jagdish Prasad Sharma, *Republican and Quasi-Republican Institutions in Ancient India, with Special Reference to the Time of the Buddha* (Ph.D. thesis, SOAS Univ. of London 1962); Jagdish Prasad Sharma, *Republics in Ancient India, c. 1500 B.C.–500 B.C.* (E.J. Brill 1968); R.S. Sharma, *Aspects of Political Ideas and Institutions in Ancient India* (Motilal Banarsidass 1959); R.S. Sharma, *India's Ancient Past* (Oxford Univ. Press 2007)

[3] Mahāparinibbāna Sutta (Dīgha Nikāya 16), in *Last Days of the Buddha: The Mahāparinibbāna Sutta* (Sister Vajirā & Francis Story trans., Buddhist Publication Soc'y 1964; R.C. Childers, The Pali Text of the Mahāparinibbāna Sutta and Commentary, with a Translation, 7 *J. Royal Asiatic Soc'y* 49 (1874)

questions of polity. In that limited but real sense, ancient history reveals an early concern with public membership.

4. The problem of identifying eligible voters assumed its modern legal form under colonial rule. The Government of India Act, 1935 (**1935 Act**), established a comprehensive statutory framework for electoral rolls and their revision. The Sixth Schedule required an electoral roll for every territorial constituency. It provided that such rolls would be prepared and revised, in whole or in part, by reference to a prescribed date. The same scheme fixed age qualifications, recognised legal disqualifications, and continued communal and special electorates. The importance of the 1935 Act lies not in having democratised the franchise, for it plainly did not do so, but in having transformed enrolment and revision from scattered administrative practice into a formal legal regime[4].

5. The Constitution of India was framed in the shadow of that history and in conscious departure from it. In the Constituent Assembly Debates, it was recognised that the purity and freedom of elections required the election machinery, particularly the preparation and revision of electoral rolls, to be placed beyond executive control. The Assembly also adopted the principle of one general electoral roll for every territorial constituency and

[4] Government of India Act, 1935, 26 Geo. 5 & 1 Edw. 8 c. 2, sched. VI, paras. 1–3 (U.K.); M.V. Pylee, *Constitutional History of India 1600–1950* 120–34 (Asia Publishing House 1967)

affirmed that elections to the House of the People and to the Legislative Assemblies would be based on adult suffrage. The Constitution, therefore, did not invent the electoral roll. It altered its constitutional character. What had earlier been an instrument of a limited and exclusionary franchise was now made the foundation of universal political participation. An older question concerning the manner in which a polity identifies those entitled to participate in government was thus answered by the Constitution through one general electoral roll, universal adult franchise, and an independent Election Commission.[5]

6. To that effect, our Constitution-makers, with remarkable foresight, devoted an entire chapter in Part XV to the subject of "Elections", thereby recognising that the sanctity of the electoral process lies at the very heart of our democratic framework. The Commission has been vested with the plenary power of superintendence, direction and control over elections, ensuring that the conduct of elections remains insulated from extraneous influence and guided solely by constitutional principles. The relevant constitutional provisions in this regard may be noticed:

> *"**324. Superintendence, direction and control of elections to be vested in an Election Commission** – (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct*

[5] Constituent Assembly Debates, vol. VIII, 15 June 1949 (Draft Article 289); Constituent Assembly Debates, vol. VIII, 16 June 1949 (Draft Articles 289-A and 289-B, later Articles 325 and 326)

> *of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission)*
> *……x……x……x……x……..x……x……..*
>
> ***327**. **Power of Parliament to make provision with respect to elections to Legislatures** - Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses."*

7. It is in this historical and constitutional setting that the present controversy arises. The dispute is not concerned merely with the mechanics of a revisional exercise. It concerns the manner in which the constitutional promise of universal adult franchise is preserved through an electoral roll which is accurate, inclusive, and legally valid. Bihar assumes particular significance in this regard because the last Special Intensive Revision of this nature in the State was conducted in 2003. For more than two decades thereafter, the electoral rolls were carried forward through summary revisions, without the same degree of verification that an intensive exercise entails. The Order dated 24.06.2025 (**Impugned Order**) issued by the Respondent No. 1 Election Commission of India (**Commission**), directing a Special Intensive Revision (**SIR**) of the electoral rolls in the State of Bihar,

therefore, does not arise in isolation. It stands at the intersection of two constitutional concerns. First, that no eligible citizen should be excluded from the electorate. Second, the electoral roll must continue to reflect the true composition of the political community.

8. The present batch of writ petitions has been instituted under Article 32 of the Constitution of India, assailing the Impugned Order directing SIR in Bihar. The Petitioners contend that, unless quashed, the Impugned Order is liable to result in the arbitrary disenfranchisement of lakhs of voters in the State of Bihar, thereby imperilling the conduct of free and fair elections.

9. We deem it appropriate to clarify that certain petitions (for instance, *Writ Petition (Civil) No. 855 of 2025*) have in fact been instituted in support of the SIR exercise. The Petitioner(s) in these cases have urged that such an exercise ought to be conducted at regular intervals to prevent and curb the inclusion of ineligible persons in the electoral rolls on account of illegal influx.

A. ***FACTUAL MATRIX***

THE ISSUANCE OF THE IMPUGNED ORDER BY THE ELECTION COMMISSION OF INDIA

10. The present controversy emanates from the issuance of the Impugned Order by the Commission in purported exercise of its

powers under Article 324 of the Constitution of India, read with Section 21(3) of the Representation of the People Act, 1950 (**RP Act**), directing an SIR of the electoral rolls in every Assembly constituency of the State of Bihar.

10.1. The Impugned Order recorded that the last intensive revision in the State of Bihar was conducted in 2003, and that, over the past two decades, substantial changes in the electoral rolls have occurred *inter alia* on account of rapid urbanisation and large-scale migration. Therefore, in furtherance of its constitutional mandate to safeguard the integrity of the electoral rolls and ensure free and fair elections, the Commission resolved to undertake a nationwide SIR. Given that general elections to the Bihar Legislative Assembly were anticipated later in 2025, the Commission directed the conduct of SIR in the State of Bihar.

10.2. In terms of *Clause 11* of the Impugned Order, the Commission decided to treat the 2003 electoral roll, with 01.01.2003 as the qualifying date, as probative evidence of eligibility, unless rebutted. The Impugned Order, in *Clause 12*, further stipulated that any person not listed in the 2003 roll must produce one or more prescribed government documents to establish their eligibility as an elector.

10.3. The Impugned Order also provided that for the aforesaid purpose, the Commission shall release an Enumeration Form to be filled and submitted by 25.07.2025, failing which the elector's name would be excluded from the draft rolls. Pertinently, the Enumeration Form provided an indicative list of Eleven (11) documents that could be submitted along with the Enumeration Form, each of which would be considered a sufficient document in itself.

10.4. *Clause 14* of the Impugned Order read with the accompanying Guidelines (**SIR Guidelines**) thereafter added that, after the publication of the draft roll, the Electoral Registration Officer (**ERO**)/Assistant Electoral Registration Officer (**AERO**) were required to scrutinise the eligibility of the proposed electors in accordance with Article 326 of the Constitution, read with Sections 16 and 19 of the RP Act. Upon such scrutiny, where the eligibility of any person is found to be doubtful, the ERO/AERO was mandated to issue a show-cause notice setting out the grounds for the proposed exclusion, allow the concerned elector to submit a response, and thereafter render a reasoned and speaking order in the matter.

10.5. In this context, the Impugned Order further added that any person aggrieved by a decision of the ERO shall be entitled to

prefer an appeal before the District Magistrate under Section 24(a) of the RP Act, read with Rule 27 of the Registration of Electors Rules, 1960 (**1960 Rules**). Furthermore, it was also stipulated that if the elector remains dissatisfied with the decision of the District Magistrate, a second appeal may be filed before the Chief Electoral Officer (**CEO**) within thirty days, in terms of Section 24(b) of the RP Act, read with Rule 27 of the 1960 Rules.

10.6. As already observed in the preceding paragraphs, along with the Impugned Order, the Commission also published detailed SIR Guidelines for the conduct of the exercise. It was envisaged that the exercise would be carried out through a structured House-to-House enumeration, the rationalisation of polling stations, and the preparation of electoral rolls. It was further stipulated that Booth Level Officers (**BLOs**) would visit each household, distribute pre-filled enumeration forms to existing electors, and collect the duly filled forms along with requisite documents, with an additional facility for online submission and verification. In addition, the SIR Guidelines also contemplated that the draft electoral roll would include only those electors from whom enumeration forms had been received, either physically or through verified online submission, while the names of those who

failed to submit such forms would not be included at the draft stage.

10.7. Shortly after the publication of the Impugned Order and the SIR Guidelines, the Commission issued a Press Note on 28.06.2025 declaring the commencement of the SIR in the State of Bihar.

THE PROCEEDINGS BEFORE THIS COURT

10.8. In the interregnum, the instant batch of Writ Petitions came to be filed. Upon hearing the parties on 10.07.2025, this Court, while issuing notice to the Commission, observed that on a *prima facie* appraisal, three substantial questions arise for determination: *first*, the very authority of the Commission to embark upon the impugned exercise; *second*, the procedure and methodology adopted in carrying out the exercise, including the method prescribed by the Commission to ascertain the Citizenship of the Voters; and t*hird*, the propriety of its timing, given that elections to the Bihar Legislative Assembly were slated for November 2025. The Court further observed that, in the interest of justice and to obviate any unwarranted exclusion of eligible voters, the Commission should, in addition to the eleven documents already prescribed, also consider accepting ***(a)*** Aadhaar Card; ***(b)*** Electors Photo Identity Card (**EPIC**); and ***(c)*** Ration Card, as valid proof.

10.9. Upon expiry of the prescribed timeline for submitting Enumeration Forms, i.e., 25.07.2025, the Commission, on 27.07.2025, issued a press release explaining that 7 lakh electors were found enrolled at multiple places, 22 lakh were recorded as deceased, and another 36 lakh were either permanently shifted or not found. Consequently, on 01.08.2025, the Draft Roll containing approximately 7.24 crore electors was published by the Commission. It is undisputed that, prior to the commencement of the SIR, the electoral roll as on 24.06.2025 featured about 7.89 crore electors. Consequently, nearly 65 lakh electors stood excluded from the draft roll for non-submission of the Enumeration Form.

10.10. Shortly, thereafter, the present batch of matters was taken up for hearing by this Court, whereupon interim directions have been issued from time to time. On 14.08.2025, after hearing the parties, the Court directed the Commission to publish the list of approximately 65 lakh electors who had been excluded from the draft roll, along with the reasons for such exclusion, and to give ample coverage to such publication through newspapers, electronic media and radio. It was further directed that persons aggrieved by their exclusion could submit claims by furnishing the same along with a copy of their Aadhaar Card.

10.11. On 22.08.2025, this Court directed that twelve political parties, comprising six nationally recognised and six state recognised parties, be impleaded as respondents in the present proceedings through their respective Presidents. It was further directed that the aforesaid twelve political parties, acting through their respective Presidents of the Bihar State, shall issue specific instructions to their Booth Level Agents (**BLAs**) to assist voters in their village, block, constituency, panchayat area, as well as in relief camps, in submitting the requisite forms along with any of the eleven documents specified in the SIR Notification or with their Aadhaar Card.

10.12. On 01.09.2025, certain interlocutory applications seeking extension of time for filing claims were taken up for hearing. On such a plea, the Commission took a categorical stand that claims, objections, and corrections could be submitted even after the deadline of 01.09.2025. It was stated that the process of consideration of claims and objections would continue until the last date of nominations, and that all inclusions and exclusions would be duly integrated in the final roll. Subsequently, with a view to aid and facilitating the voters of the State of Bihar, the Chairman of the Bihar State Legal Services Authority was directed to issue instructions to all the District Legal Services Authorities. These Authorities were required to depute and notify

para-legal volunteers, along with their names and mobile numbers, who would assist individual voters or political parties in submitting claims, objections, and corrections through the online process.

10.13. On 08.09.2025, the issue that arose for consideration concerned the legal acceptability of the Aadhaar Card as a supporting document in the SIR process. This Court observed that, in terms of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (**Aadhaar Act**), an Aadhaar Card does not constitute proof of citizenship and, therefore, cannot be relied upon for that purpose. At the same time, it was noted that Section 23(4) of the RP Act expressly includes Aadhaar among the documents which may be produced for the limited purpose of establishing the identity of a person. Keeping this in view, the Commission was directed to treat Aadhaar Card as the 12th document of identity for consideration for the purposes of inclusion or exclusion from the revised electoral roll of the State of Bihar. It was, however, made explicit that the authorities would have the power to verify the authenticity and genuineness of an Aadhaar Card by calling for further material where necessary.

10.14. It assumes significance that, during the pendency of these proceedings, the Commission, by way of a Press Release dated 30.09.2025, declared the successful culmination of the SIR exercise in the State of Bihar. The figures therein disclosed that out of 7.24 crore electors in the draft roll published on 01.08.2025, a further 3.66 lakh names stood deleted, while as many as 21.53 lakh eligible electors were added. **The net result was that the final electoral roll published on 30.09.2025 contained 7.42 crore electors**, compared to 7.89 crore on 24.06.2025.

10.15. Based on the Final Electoral Roll published on 30.09.2025, the Commission proceeded to conduct the Legislative Assembly Elections for the State of Bihar in November 2025. The electoral process was completed in accordance with the law, and the results of the said elections were duly declared on 14.11.2025.

B. ***CONTENTIONS ON BEHALF OF THE PETITIONER(S)***

11. Mr. Kapil Sibal, Dr. Abhishek Manu Singhvi, Mr. Gopal Sankaranarayanan, Mr. P.C. Sen, Mr. Shoeb Alam, Mr. KS Chauhan, Mr. Shahdan Farasat, Mr. Raju Ramachandran, Mr. Prashant Bhushan, Ms. Vrinda Grover, Ms. Fauzia Shakil, Mr. Nizamuddin Pasha and Ms. Neha Rathi, learned Senior Counsel/Counsel appearing on behalf of the Petitioner(s)

vehemently contended that the Impugned SIR exercise is unconstitutional, arbitrary, exclusionary and disproportionate. We have also heard Mr. Yogendra Yadav, who argued in person, at length.

12. In support of their submissions, the learned Senior Counsel/Counsel have canvassed the following grounds:

a) At the threshold, the Commission's purported reliance on Article 324 of the Constitution as the source of power to initiate and conduct the Impugned SIR exercise is fundamentally flawed and constitutionally impermissible. Article 324, which vests in the Commission the superintendence, direction, and control of elections, is not a freestanding reservoir of plenary power that may be invoked *de hors* the legislative framework.

b) The settled constitutional position, as authoritatively expounded by this Court in a catena of decisions, is that the residuary power traceable to Article 324 operates only in the interstitial spaces, and is available to the Commission solely where Parliamentary legislation under Article 327 of the Constitution does not occupy the field. Where Parliament has made a law, the Commission cannot leapfrog the same by resorting to its plenary constitutional power. In

Mohinder Singh Gill v. Chief Election Commissioner, **(1978) 1 SCC 405**, this Court recognised the width of Article 324, but also made it clear that the provision operates only in areas left unoccupied by statute. Similarly, in ***A.C. Jose v. Sivan Pillai*****, (1984) 2 SCC 656**, this Court held where the Act and the Rules occupy the area, the Commission cannot override them or act in direct disobedience of their mandate.

c) In the present case, the Commission has, under the guise of an administrative exercise, devised an entirely new regime of enumeration, documentary scrutiny, inclusion and deletion, though the field already stands occupied by parliamentary legislation enacted under Article 327 of the Constitution, namely the Representation of the People Acts, 1950 and 1951, and the Registration of Electors Rules, 1960. According to the Petitioners, once Parliament has legislated upon the subject of electoral rolls, Article 324 cannot be invoked to supplant that framework. The constitutional scheme, read as a whole, makes it manifest that Article 324 must be construed harmoniously and in consonance with the statutory framework enacted by Parliament. The Commission cannot don the garb of Article 324 to circumvent statutory provisions that have been

specifically enacted to regulate the very exercise it seeks to undertake.

d) Without prejudice to the aforesaid, the Commission's attempt to anchor the impugned exercise in Section 21(3) of the RP Act is equally misconceived. Section 21(3) empowers the Commission to direct a special revision of an electoral roll with respect to *"any constituency or part of a constituency"* in such manner as it may think fit. The provision, by its plain text, is constituency-specific and part-specific, and does not contemplate or authorise a sweeping statewide or nationwide revision exercise of the kind that has been initiated by the Impugned Order.

e) The legislative intent underlying Section 21(3) reinforces this textual reading. A special revision is envisaged as an extraordinary measure, only to be used when Section 21(2) is rendered inapplicable, and one that is meant to be deployed in exceptional circumstances, confined to specific geographical units where an identified exigency warrants departure from the routine revision process. To interpret Section 21(3) otherwise would be to read into the statute a power that Parliament conspicuously chose not to confer

upon the Commission, and would transgress the boundaries of the legislative purpose.

f) Even if the Commission were otherwise vested with the power to initiate the impugned exercise, the manner in which such power has been exercised is *ex facie* arbitrary and unreasonable. The Impugned Order does not disclose any valid reasons that could justify the initiation of an SIR of this magnitude. Every exercise of statutory power, particularly one that bears upon fundamental civil rights, ought to be supported by the application of mind and must be traceable to relevant and constitutionally valid considerations.

g) The Impugned exercise, in calling upon enrolled electors to re-establish their credentials through a wholly new and onerous process, effectively inverts the well-settled presumption of citizenship and places upon the elector an affirmative burden of proving anew what the law already presumes in their favour. This strikes at the very foundation of the statutory scheme governing electoral rolls, which is premised on the principle that a name once included upon due verification carries presumptive validity unless displaced through the procedure prescribed by law.

h) This Court in ***Lal Babu Hussein v. Electoral Registration Officer, (1995) 3 SCC 100***, has unequivocally held that electors whose names appear on the electoral roll are entitled to a presumption of citizenship, and that this presumption cannot be displaced except by following the procedure prescribed by law. Similarly, in ***Inderjit Barua v. Election Commission of India, (1985) 4 SCC 722,*** this Court affirmed the probative value that attaches to enrolment on the electoral roll insofar as it evidences the elector's entitlement to be registered.

i) The selection of 2003 as the cut-off year for determining which enrolled electors are required to undergo fresh verification introduces an entirely arbitrary classification, lacks any rational nexus to the object sought to be achieved, and has no legally sustainable basis. The Commission has not placed on record any material demonstrating that the electoral rolls of 2003 possess some special accuracy that subsequent rolls lack, or that electors enrolled thereafter constitute an inherently suspect class.

j) It was also emphasised that the existing voters can be deleted by merely not filling up their enumeration form and without giving them any notice as provided under Rule 21A

of the 1960 Rules, and that an existing voter filling up the enumeration form can also be arbitrarily excluded without any guidelines for the same. Rule 21A of the 1960 Rules sets out the procedure for removing names on the roll on the grounds of death, migration and disqualification and requires the ERO to prepare a list of names, exhibit it, invite claims and objections and give a reasonable opportunity for a hearing to a voter before deletion.

k) The Impugned exercise is independently and cumulatively vitiated by a series of deep-seated procedural infirmities that render it an affront to the principles of fairness and due process. The introduction of a new enumeration form imposes a fresh and onerous evidentiary burden upon persons whose entitlement to be on the roll has already been duly established. For instance, the exclusion of documents previously accepted as valid proof of identity and residence, without any reasoned justification, compounds this unfairness manifold. The grant of excessive and largely unchecked powers to BLOs in the verification process, without adequate safeguards, standardised criteria, or mechanisms for oversight, creates ground for abuse and arbitrariness at the very grassroots of administration.

l) One of the manifest objects of the Impugned SIR exercise is to permit a broad-ranging scrutiny of the citizenship of persons whose names appear on the electoral roll. This is constitutionally impermissible. Under the **Government of India (Allocation of Business) Rules, 1961,** the determination of whether a person is or is not a citizen of India is a matter that falls squarely and exclusively within the domain of the Ministry of Home Affairs. The Commission neither has the constitutional mandate nor the institutional competence to usurp this function under the pretext of electoral roll revision.

C. ***CONTENTIONS ON BEHALF OF THE RESPONDENT, ELECTION COMMISSION OF INDIA***

13. *Contrarily,* Mr. Rakesh Dwivedi, Mr. Maninder Singh, Mr. D.S. Naidu, Mr. Vijay Hansaria and Mr. Sukumar Pattjoshi, learned Senior Counsels, along with Mr. Eklavya Dwivedi, learned Counsel appearing on behalf of the Election Commission of India and some of the Petitioner(s) supporting the Impugned SIR, have strongly opposed the instant Writ Petition(s) urging that the Impugned Order and the resultant SIR exercise falls within the Constitutional mandate of the Commission and thus warrants no interference.

14. Their submissions may be summarised as follows:

a) Electoral democracy is premised upon the preparation and maintenance of accurate electoral rolls in terms of the conditions prescribed under Articles 325 and 326 of the Constitution. However, the nature and modality of any revisional exercise is a matter left to the informed discretion of the Commission, which is to be exercised having regard to prevailing circumstances. The Impugned Order and the resultant SIR exercise are squarely within the authority of the Commission and are entirely consistent with Articles 324, 325, and 326 of the Constitution, read with Sections 15, 21(2), and 21(3) of the RP Act.

b) Article 324 of the Constitution expressly vests, in the Commission, the power of superintendence, direction, and control over the preparation of electoral rolls and the conduct of all elections to the Parliament and the State Legislatures. While Article 327 empowers Parliament to make laws with respect to elections, such power is expressly *subject to the provisions of the Constitution*, meaning that Parliamentary legislation cannot detract from what the

Constitution itself provides. The power under Article 324(1) is wide enough to equip the Commission to deal with the myriad situations that arise in the context of electoral roll preparation, and no narrow or restrictive construction of that power is warranted.

c) ***Mohinder Singh Gill (Supra)*** does not say that the Commission becomes powerless the moment Parliament legislates. It says only that the Commission must not act in breach of the law. So long as the Commission acts within the constitutional purpose of ensuring free and fair elections and within the broad statutory framework, directions issued under Article 324 remain available. Similarly, ***AC Jose (Supra***) concerns an altogether different situation, namely the introduction of mechanical voting by executive action in a field where the relevant rules positively contemplated paper ballots and the change directly conflicted with the existing statutory mechanism. The Impugned Order does not negate any express prohibition in the RP Act or the 1960 Rules. It operates in furtherance of the statutory objective of revision of rolls and within the constitutional duty of ensuring that only eligible persons remain in the roll.

d) In ***Sadiq Ali v. Election Commission of India,*** **(1972) 4 SCC 664**, this Court rejected the contention that the Commission acts merely as a delegate of Parliament while exercising power in the electoral field. Once Article 324 vests the constitutional function in the Commission, it does not become a subordinate delegate merely because Parliament has legislated in the same area. It continues to act in its own right as the constitutional repository of electoral superintendence.

e) Judgment like ***All Party Hill Leaders' Conference, Shillong v. Captain W.A. Sangma,*** **(1977) 4 SCC 161**, underscore that Article 324 has repeatedly been understood as a source of wide power enabling the Commission to issue directions, including directions of a legislative or subordinate legislative character, where such directions are necessary to effectuate the constitutional mandate of free and fair elections. The Commission is not confined to a passive role of merely implementing pre-existing rules in a mechanical fashion. It may, in aid of the constitutional objective, lay down procedural modalities, provided they are not contrary to an express statutory prohibition.

f) Insofar as the power to conduct the SIR under Section 21(3) of the RP Act is concerned, the Section uses the expression "*in such manner as it may think fit.*" The Commission is therefore vested with the wide power of special revision, which may be conducted *de hors* the prescribed procedure and in such manner as the Commission deems fit. This provision was deliberately enacted to vest plenary powers in the Commission in extraordinary circumstances, and once an SIR is directed thereunder, the Commission is fully authorised to prescribe the manner in which it shall be conducted. The Commission has, in the present case, furnished cogent and specific reasons for initiating the SIR, which include large-scale migration owing to rapid urbanisation, illegal cross-border migrations, intra-state migrations, and widespread duplications in the rolls.

g) Moreover, the non-obstante clause in Section 21(3) is substantive and enabling, not merely formal. The non-obstante clause frees the Commission, for the purpose of a special revision, from the procedural limitations otherwise attached to the ordinary revision process envisaged under Section 21(2). The Commission therefore contends that once Section 21(3) is invoked, the source of power is the statute

itself, and not the rule-bound regime that ordinarily governs revision under subsection (2).

h) With respect to the geographical scope of the SIR exercise, the use of the word ***"any"*** before ***"constituency"*** in Section 21(3) plainly indicates that the provision can embrace all constituencies of a State within a single SIR. The Petitioner(s) have failed to demonstrate anything particular which establishes that the power under Section 21(3) is restricted to a single or only a clutch of constituencies. There is no reason to curtail the ambit of Section 21(3) and limit the discretion of the Commission to one or a few constituencies. Especially when reasons such as rapid urbanisation, duplication of voters, cross-border and intra-state migrations are common to all constituencies, and there is no need to issue separate orders with respect to each constituency. These grounds provide sufficient cogent reasons, as required under Section 21(3), to carry out the Impugned exercise.

i) The need for SIR is not in dispute. Political parties across the spectrum have repeatedly raised serious concerns regarding the accuracy of electoral rolls prepared through the summary revision process. Notably, even the

Petitioner(s) have, in substance, conceded the necessity of such an exercise, their challenge being limited only to its modalities. In this backdrop, the initiation of the SIR itself cannot be faulted.

j) The reliance placed by the Petitioner(s) upon the decision of a coordinate bench in ***Lal Babu Hussein*** (***Supra***) to contend that there is a presumption attached to the persons whose names were already reflected in the existing electoral rolls is also wrong and clearly distinguishable on the facts. The observations therein were rendered in the backdrop of the fact that regular Special Intensive Revisions were being periodically conducted at that time. Such observations cannot be extended to attach a presumption of eligibility to entries recorded subsequently based on mere summary revisions, which do not entail the same degree of verification.

k) Without prejudice to the aforesaid, the Commission has acted consistently to the extent possible by directing that full probative and evidentiary value shall be attached to entries in the electoral roll of 2003, which was itself finalised based on an SIR.

l) The selection of the electoral roll of 2003 as the baseline for the present SIR is neither arbitrary nor irrational. The 2003 revision was itself a special revision of an 'intensive' nature, entailing house-to-house verification using existing rolls as a base. Individuals whose names appear therein would necessarily have substantiated their date of birth, place of birth, and ordinary residency either in the SIR of 2003 or in one of the intensive revisions that preceded it. Moreover, it may be added that the Citizenship (Amendment) Act, 2003, introduced a statutory cut-off date at its commencement, i.e., 07.01.2004, whereunder persons born thereafter are required to establish that at least one of their parents is a citizen of India and that neither parent is an illegal migrant. The classification is therefore founded upon an intelligible differentia and bears a direct and rational nexus to the object of ensuring the accuracy and integrity of the electoral roll.

m) The allegation of the Petitioner(s) that the SIR exercise is opaque and procedurally unfair is belied by the record. The Impugned Order was issued in compliance with the prescribed procedure and was designed to facilitate the registration of all genuine electors through BLOs, Volunteers, and BLAs appointed by political parties. Where

doubt arose as regards the eligibility of any elector, an enquiry was conducted, and notices were issued to the concerned individual, affording an opportunity to establish their eligibility. The ERO was thereafter obligated to pass a speaking order, against which a two-tier appeal mechanism was available as recourse. Detailed guidelines were issued to BLOs, and house-to-house distribution of pre-filled enumeration forms was duly carried out.

n) The documentation framework prescribed under the Impugned exercise is neither rigid nor arbitrary; rather, it is broader and more facilitative when compared to earlier exercises. It has been pointed out that while the Special Intensive Revision conducted in 2003 envisaged a limited set of documents, the present exercise expands the list to eleven documents, thereby enhancing inclusivity rather than constraining it. As regards the exclusion of certain documents, such exclusions are based on valid and rational considerations.

o) Additionally, the amplitude of outreach measures undertaken to disseminate information regarding the SIR exercise attests to the fact that the entire exercise was neither opaque nor exclusionary. To that end, the CEO of

Bihar, District Election Officers and Commission widely published information regarding the conduct of the SIR exercise in newspapers across Bihar and other States, so as to enable even migrants to submit Enumeration Forms digitally or otherwise. The list of approximately 65 lakh individuals who had not submitted Enumeration Forms was furnished to political parties at the State, District, and Booth levels, along with reasons for non-submission, pursuant to the directions of this Court dated 14.08.2025. In addition, the said list was also posted outside Block Development Offices, Panchayat Bhavans, and Polling Booths, and disseminated through the Commission's website. The limited number of claims and objections received, notwithstanding the orders of this Court and the availability of legal aid and absence of any appeals filed against the deletion of 3.66 lakh names, is indicative of the fact that the SIR was fairly and transparently implemented.

p) The submission of the Petitioner(s) that the Commission has no power to scrutinise citizenship is wholly misconceived. The power to examine the citizenship of a person claiming enrolment flows directly from the constitutional mandate of the Commission embodied in Articles 325 and 326, read with Section 16 of the RP Act, which prescribes

disqualification from registration on grounds including non-citizenship.

q) The determination of whether a person is or is not a citizen of India is a matter that falls squarely and exclusively within the domain of the Ministry of Home Affairs is also misplaced. Section 9(2) of the Citizenship Act, 1955, (**Citizenship Act**) is concerned solely with the termination of citizenship upon voluntary acquisition of foreign citizenship and does not operate as an exhaustive provision governing all inquiries into citizenship. Several provisions of the Constitution vest similar powers in different authorities, such as the President and Governors under Articles 102-103 and 191-192, respectively, wherein they decide cases involving the disqualification of Members to the Parliament or Legislative Assemblies based on the citizenship of such persons. Pertinently, in those cases, the President and Governors are required to obtain the opinion of the Commission and are bound to act accordingly.

r) Even otherwise, the Commission's exercise in the present case is not a determination of citizenship *per se* but an enquiry into eligibility for enrolment, which is a function squarely within its constitutional remit. Furthermore, the

citizenship of an individual under the Citizenship Act will not cease on account of their ineligibility to register in the electoral rolls, pursuant to SIR.

D. ***ISSUES FOR CONSIDERATION***

15. Having traversed the sequence of events as they emanated, the contentions put forth on behalf of the parties, as well as the material on record, we are of the considered view that the following issues require analysis:

(i) Whether the Election Commission of India has power to conduct the Impugned Special Intensive Revision?

(ii) Whether the Impugned Special Intensive Revision is founded on a legitimate purpose, and if so, whether the measures adopted by the Election Commission of India are proportionate to the object sought to be achieved?

(iii) Whether the procedure adopted by the Election Commission of India in conducting the Impugned Special Intensive Revision is contrary to, or in violation of, the provisions of the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960?

(iv) Whether, in the exercise of its constitutional mandate of preparation and maintenance of electoral rolls, and in furtherance of the statutory conditions governing such registration, the Election Commission of India is empowered to scrutinise the citizenship status of persons seeking inclusion or continuation in the electoral roll?

E. ***ANALYSIS***

E.1. Whether the Election Commission of India has power to conduct the Impugned Special Intensive Revision?

16. We have considered the rival submissions advanced on behalf of the Petitioners and the Election Commission of India on whether the Commission has power to undertake the impugned exercise.

17. A plain reading of Articles 324 and 327 shows that they are not competing repositories of power. Article 324 vests the constitutional function of superintendence, direction and control of preparation of electoral rolls in the Commission. Article 327 enables Parliament to make law in relation to elections, including preparation of electoral rolls, but expressly makes such law making power "subject to the provisions of this Constitution". The opening words of Article 327 are not ornamental. They make it clear that parliamentary legislation in the field of elections must operate in harmony with the constitutional design and

cannot be read so as to extinguish the constitutional function vested in the Commission. Conversely, the Commission's authority under Article 324 must also operate in conformity with a valid law made by Parliament. It is this mutual accommodation, and not mutual destruction, which the Constitution contemplates. In consonance with this harmonious construction, this Court in ***Sadiq Ali (Supra)*** found no substance in the contention that, as the power to make provisions in respect to elections has been given to the Parliament by Article 327 of the Constitution, the power cannot be further delegated to the Commission. It held thus:

> *"**41.** …The opening words of Article 327 are "subject to the provisions of this Constitution". The above words indicate that any law made by Parliament in exercise of the powers conferred by Article 327 would be subject to the other provisions of the Constitution including Article 324. Article 324 as mentioned above provides that superintendence, direction and control of elections shall be vested in Election Commission. It, therefore, cannot be said that when the Commission issues direction, it does so not on its own behalf but as the delegate of some other authority…"*

18. In our considered view, the proposition advanced by the Petitioners that Article 324 operates exclusively in the residual interstices completely untouched by statute is legally untenable. It is incorrect to posit that once Parliament legislates on a particular subject, the Commission is entirely disabled from exercising its vested constitutional powers. The Commission

inherently possesses the jurisdiction to issue directions of a general and regulatory character to effectuate the constitutional purpose entrusted to it. Parliament by legislating under Article 327 does not reduce Article 324 to a dead letter.

19. In ***All Party Hill Leaders' (Supra)***, this Court recognised that the Commission is empowered in its own right under Article 324 of the Constitution to issue directions in the widest terms necessary to facilitate a free and fair election with promptitude. Article 324, on the face of it, vests vast functions with the Commission, which may be powers or duties, essentially administrative and marginally even judicative or legislative.

20. Petitioners have anchored their contention on the observation of this Court in ***Mohinder Singh (Supra***), wherein Krishna Iyer, J., emphasised that Article 324 '*operates in areas left unoccupied by legislation*'. However, in paragraph 92 of the judgment, it has been further held that where a law is made under Articles 327 and 328, the Commission must act 'in conformity with, not in violation of' such law. But where the law is silent, the Commission retains the authority to act for the avowed purpose of pushing forward a free and fair election with expedition. Paragraph 92 reads as follows:

> *"**92.** …*

(b) …when Parliament or any State Legislature has made valid law relating to or in connection with elections, the Commission, shall act in conformity with, not in violation of, such provisions but where such law is silent Article 324 is a reservoir of power to act for the avowed purpose of, not divorced from, pushing forward a free and fair election with expedition…"

21. A perhaps more nuanced understanding of the interplay between Article 324 and Article 327 was expounded by Goswami, J., in his concurring opinion in ***Mohinder Singh (Supra***). His Lordship observed that:

> *"**113. Article 324(1) vests in the Election Commission the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the legislature of every State and of elections to the offices of the President and Vice-President held under the Constitution. Article 324(1) is thus couched in wide terms. Power in any democratic set-up, as is the pattern of our polity, is to be exercised in accordance with law. That is why Articles 327 and 328 provide for making of provisions with respect to all matters relating to or in connection with elections for the Union Legislatures and for the State Legislatures respectively. When appropriate laws are made under Article 327 by Parliament as well as under Article 328 by the State Legislatures, the Commission has to act in conformity with those laws and the other legal provisions made thereunder.** Even so, both Articles 327 and 328 are "subject to the provisions" of the Constitution which include Article 324 and Article 329. Since the conduct of all elections to the various legislative bodies and to the offices of the President and the Vice-President is vested under Article 324(1) in the Election Commission, the framers of the Constitution took care to leaving scope for exercise of residuary power by the Commission, in its own right, as a creature of the Constitution, in the infinite variety of situations that may emerge from time to time in such a large democracy as ours. **Every contingency could not be foreseen, or anticipated with precision.***

> ***That is why there is no hedging in Article 324. The Commission may be required to cope with some situation which may not be provided for in the enacted laws and the rules. That seems to be the raison d'etre for the opening clause in Articles 327 and 328 which leaves the exercise of powers under Article 324 operative and effective when it is reasonably called for in a vacuous area. There is, however, no doubt whatsoever that the Election Commission will have to conform to the existing laws and rules in exercising its powers and performing its manifold duties for the conduct of free and fair elections****…"***
>
> **[Emphasis Supplied]**

22. The ratio of ***Mohinder Singh (Supra)***, properly understood, is twofold. Firstly, Article 324 is not a spent or empty provision. It vests real constitutional power in the Commission. Secondly, it clarifies that such power is not unbridled and cannot be exercised to defeat an express statutory mandate. The Petitioners rely only on the latter restriction. The Respondents emphasise only the former empowerment. Neither submission, taken in isolation, captures the whole principle. ***Mohinder Singh (Supra)*** does not support the proposition that the Commission is stripped of authority the moment Parliament legislates on any part of the subject. Nor does it support the proposition that the Commission may act contrary to the statute. It supports the middle position that constitutional power survives, but must be exercised consistently with the law. The correct principle emerging therefrom is that parliamentary legislation under Article 327 undoubtedly regulates the electoral field, but the Commission

does not, for that reason, cease to be a constitutional authority acting in its own right under Article 324. The plenary powers afforded to the Commission under the constitution supplements the law where necessary to effectuate the constitutional mandate, but cannot be deployed to override an express statutory prohibition.

23. The aforementioned settled proposition finds favour in a catena of subsequent decisions rendered by this Court. In ***Kanhiya Lal Omar v. R.K. Trivedi*, (1985) 4 SCC 628**, this Court dealt with the constitutional validity of the Election Symbols (Reservation and Allotment) Order, 1968, which was issued by the Commission in the plenary exercise of its power under Article 324 of the Constitution, read with Rules 5 and 10 of the Conduct of Election Rules, 1961. The challenge was premised on the ground that the Symbols Order, being legislative in character, could not be issued by the Commission in the absence of an express statutory entrustment regarding the specification, reservation, and allotment of symbols. Negativing this contention, the Court observed that the word 'elections' in Article 324 is used in a wide sense so as to include the entire process of election, embracing several stages and steps that have an important bearing on the ultimate result. Crucially, the Court held that even if certain provisions contained in the Symbols

Order are not strictly traceable to the parent Act or the Rules, the Commission's power under Article 324, being plenary in character, can encompass all such provisions. This Court emphasized that Article 324 operates in areas left unoccupied by legislation, and that the expressions 'superintendence', 'direction', 'control', and 'conduct of all elections' are terms of the broadest amplitude, which inherently include the power to make all such necessary provisions. Highlighting the wide import of Article 324, the Court further observed:

> *"**17.** …While construing the expression 'superintendence', 'direction and control' in Article 324(1), one has to remember that every norm which lays down a rule of conduct cannot possibly be elevated to the position of legislation or delegated legislation.* ***There are some authorities or persons in certain grey areas who may be sources of rules of conduct and who at the same time cannot be equated to authorities or persons who can make law, in the strict sense in which it is understood in jurisprudence. A direction may mean an order issued to a particular individual or a precept which many may have to follow. It may be a specific or a general order. One has also to remember that the source of power in this case is the Constitution, the highest law of the land, which is the repository and source of all legal powers and any power granted by the Constitution for a specific purpose should be construed liberally so that the object for which the power is granted is effectively achieved.*** *Viewed from this angle it cannot be said that any of the provisions of the Symbols Order suffers from want of authority on the part of the Commission, which has issued it."*
>
> **[Emphasis Supplied]**

24. Therefore, it is a settled position, as held in ***Election Commission of India v. Ashok Kumar & Ors*****, (2000) 8 SCC 216**, that the jurisdiction of the Commission under Article 324 is of sufficient amplitude to encompass all powers necessary for the smooth conduct of elections. The expression 'elections' in Article 324 is employed in a comprehensive sense to include the entire electoral process, a proposition that was subsequently reaffirmed by a three-Judge Bench of this Court in ***Union of India v. Association for Democratic Reforms & Anr.*****, (2002) 5 SCC 294**. The Bench stated that:

> *"**46.** ... 1. **The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word "elections" is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps**.*
> *2. **The limitation on plenary character of power is when Parliament or State Legislature has made a valid law relating to or in connection with elections, the Commission is required to act in conformity with the said provisions. In case where law is silent, Article 324 is a reservoir of power to act for the avowed purpose of having free and fair election. The Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules.** By issuing necessary directions, the Commission can fill the vacuum till there is legislation on the subject. In Kanhiya Lal Omar case the Court construed the expression "superintendence, direction and control" in Article 324(1) and held that a direction may mean an order issued to a particular individual or a precept which many may have to follow*

and it may be a specific or a general order and such phrase should be construed liberally empowering the Election Commission to issue such orders."

[Emphasis Supplied]

25. As opined earlier, Petitioners' premise that Article 324 is merely a residual reservoir of power that evaporates upon the enactment of parliamentary legislation cannot be countenanced. Such a restrictive construction is consistently belied by the decisions noticed above. Article 324 remains plenary, serving as the foundational constitutional source of the Commission's authority over the preparation of electoral rolls and the conduct of elections. While this plenary nature does not place the Commission above statutory law, the constitutional restraint operates in both directions. The Commission cannot act in defiance of an express statutory prohibition. Conversely, parliamentary legislation cannot be deployed to extinguish the Commission's overriding constitutional mandate. This delicate constitutional equilibrium was authoritatively elucidated by the Constitution Bench in *In Re:* ***Special Reference No. 1 of 2002 (Gujarat Assembly Election Matter),*** **(2002) 8 SCC 237**, wherein it was observed:

*"**76.** … However, care was taken not to leave the entire matter in the hands of the Election Commission and, therefore, under Article 327 read with Entry 72 of List I of the Seventh Schedule of the Constitution, Parliament was given power subject to the provisions of the Constitution to make provisions with respect to matters relating to or in connection with the election of*

either House of Parliament or State Legislature, as the case may be, including preparation of electoral roll. For the States also, under Article 328 read with Entry 37 of List II, the Legislature was empowered to make provisions subject to the provisions of the Constitution with respect to matters relating to or in connection with election of either House of Parliament or State Legislature, including preparation of electoral roll. ***Thus, Parliament was empowered to make law as regards matters relating to conduct of election of either Parliament or State Legislature, without affecting the plenary powers of the Election Commission. In this view of the matter, the general power of superintendence, direction, control and conduct of election although vested in the Election Commission under Article 324(1), yet it is subject to any law either made by Parliament or State Legislature, as the case may be, which is also subject to the provisions of the Constitution. The word "election" has been interpreted to include all the steps necessary for holding election****. In Mohinder Singh Gill v. Chief Election Commissioner, A.C. Jose v. Sivan Pillai and Kanhiya Lal Omar v. R.K. Trivedi it has been consistently held that Article 324 operates in the area left unoccupied by legislation and the words "superintendence", "control", "direction" as well as "conduct of all elections" are the broadest of the terms.* ***Therefore, it is no more in doubt that the power of superintendence, direction and control are subject to law made by either Parliament or by the State Legislature, as the case may be, provided the same does not encroach upon the plenary powers of the Election Commission under Article 324.****"*

[Emphasis Supplied]

26. To summarise, the following propositions can be culled out from the foregoing discussion:

i. The legislative competence of Parliament under Article 327 and the Commission's mandate under Article 324 are complementary. They are designed to operate in tandem

rather than as competing or mutually exclusive domains. Any law enacted under Article 327 cannot be, thus, construed in a manner that extinguishes or paralyses the core constitutional functions vested in the Commission under Article 324.

ii. The Commission's supervisory authority is inherently expansive. Functioning as a continuous wellspring of power, it encompasses every facet and stage of the electoral machinery to ensure the sanctity of the democratic process.

iii. The Commission retains the absolute constitutional mandate to step into vacuous areas left unoccupied by legislation. In situations where the enacted laws and rules are silent or inadequate to meet emerging contingencies, the Commission is empowered to take necessary steps that will ensure the purity of the electoral process.

iv. The constitutional equilibrium rests upon a delicate balance. Although the Commission’s power under Article 324 is plenary, it must be exercised with due regard to parliamentary law, including statutory prohibitions. Parliamentary law may illuminate the exercise of that constitutional power, but it cannot be applied or construed in a manner that emasculates or extinguishes the

Commission's overriding constitutional mandate to secure free and fair elections.

27. Seen thus, the Petitioners are right only to a limited extent. They are correct in law in submitting that Article 324 cannot be used to override an express statutory command. However, they are not correct in contending that, because Parliament has legislated under Article 327, every procedural or regulatory step taken by the Commission to attain the constitutional goal of free and fair elections would stand forfeited. Such a reading would render Article 324 unduly anaemic. The correct question, therefore, is narrower and more precise - whether the Impugned Order is in direct conflict with the RP Act and the 1960 Rules and whether, in its operation and effect, it achieves the constitutional goal of free and fair elections?

28. At this stage, it may be apposite to delve into the submission made by Petitioners that in ***AC Jose (Supra)***, this Court held that the powers of the Commission under Article 324 are "meant to supplement rather than supplant the law" and that where there is an Act and express Rules made thereunder, it is not open to the Commission to override the Act or the Rules. The reliance placed by the Petitioners upon ***AC Jose (Supra)*** must be strictly circumscribed by the factual and legal matrix of that case. Its

ratio cannot be elevated to a level of abstraction divorced from its specific context. The case arose in the context of introduction of voting machines in a field where the Act and the Rules positively contemplated ballot papers and the Commission's notification directly collided with the governing scheme. The core ratio, therefore, is not that the Commission can never prescribe procedure, but that it cannot, in the teeth of an express contrary statutory or rule-based arrangement, substitute a different regime of its own under the garb of Article 324. It does not lay down an absolute embargo disabling the Commission from exercising its constitutional authority whenever Parliament occupies a field.

29. However, the present controversy rests on an entirely different pedestal. The critical element that was completely missing in ***AC Jose (Supra)*** namely, a clear statutory authorization to depart from the ordinary prescribed regime is explicitly embedded in the statute itself here. Through the deliberate insertion of Section 21(3) in the RP Act, the legislature has affirmatively vested the Commission with the power to direct a special revision "in such manner as it may think fit." Once Parliament itself uses such language and expressly carves out a discretionary domain for the Commission, the foundation of the Petitioners' case regarding total field occupation becomes considerably weakened. To

understand the true contours of this statutorily conferred discretion, it is therefore necessary to turn to the RP Act itself.

30. At the time of its enactment, the framework for revision of electoral rolls was contained in the erstwhile Section 25 of the RP Act, which empowered the Commission to direct revision in the prescribed manner as set out in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950 (**1950 Rules**). Section 25, as originally enacted, reads as follows:

> *"**25. Revision or correction of electoral rolls in special cases** :-*
> *Notwithstanding anything contained in sections 23 and 24-*
> *(a) The Election Commission may at any time, for reasons to be recorded in writing, direct the revision in the prescribed manner of the electoral roll of any constituency or part of a constituency, and when a list containing any additions to, omissions from or alterations in, the electoral roll as a result of such revision has been finally published in the prescribed manner, the electoral roll shall be deemed to have been revised accordingly;*
> *(b) The Electoral Registration Officer for a constituency, on application made to him for the correction of an existing entry in the electoral roll of the constituency for the time being in force shall, if he is satisfied after such enquiry as he thinks fit that the entry relates to the application and is erroneous or defective in any particular, amend, or cause the roll to be amended, accordingly."*

31. Thereafter, the Representation of the People (Amendment) Act, 1956, was enacted, which introduced a revised statutory framework governing revision of electoral rolls. The amendment replaced the erstwhile Section 25, which governed revision of

electoral rolls with Section 21. The Amendment Act is set out as follows:

> "***15.*** *For sections 21 to 25 of the principal Act, the following sections shall be substituted, namely:—*
>
> *"**21.** (1) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.*
>
> *(2) The said electoral roll shall thereafter be revised in every subsequent year in the prescribed manner by reference to the qualifying date:*
>
> *Provided that if for any reason the electoral roll is not revised in any year the validity or continued operation of the electoral roll shall not thereby be affected.*
>
> *(3) Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:*
>
> *Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed."*

32. Section 21(1) contemplates the initial preparation of the electoral roll in the prescribed manner with reference to the qualifying date. Sections 21(2) and 21(3), in turn, delineate the process of revision of the electoral roll. Section 21(2) embodies the ordinary scheme of revision, requiring the electoral roll to be periodically revised in the prescribed manner, while also preserving the continuity and validity of the roll notwithstanding any failure to revise it in a particular year.

33. Section 21(3) however was devised on an entirely distinct and high footing to tackle exigencies vitiating the electoral process. Beginning with a non-obstante clause overriding Section 21(2), Section 21(3) empowers the Commission, at any time and for reasons to be recorded, to direct a special revision of the electoral roll, whether in any constituency or part thereof, in such manner as it may think fit. The provision therefore confers a flexible and enabling power, departing from the regime of ordinary revision. The proviso appended thereto ensures continuity of a roll already in place until the completion of the special revision.

34. Juxtaposing the scheme of revision envisaged under erstwhile Section 25 of the original RP Act with Section 21 of the amended RP Act would reveal that the 1956 amendment through the newly introduced Section 21(3) gently widened the scope of powers vested in the Commission to revise electoral rolls.

35. Section 21(3) is a conscious attempt by the legislature to confer the power to undertake a special revision of the electoral rolls on the Commission. "Notwithstanding anything contained in sub-section (2)" the opening non-obstante clause unequivocally disengages the exercise from the impediments imposed on the ordinary revision mechanism under Section 21(2) and hints at a legislative intent to create an unfettered source of authority. The

same is reinforced by the amplitude of the expression "at any time," which dispels temporal limitations and authorises the Commission to act whenever the integrity of electoral roll so demands. The phrase "for any constituency or part of a constituency" further imparts territorial flexibility and permits a targeted intervention tailored as per the exigencies at hand. Crucially, the stipulation of "reasons to be recorded" operates as a substantive safeguard and ensures that the exercise of such seemingly untrammelled power is anchored in demonstrable justification and in fact, remains amenable to judicial scrutiny. Finally, the words "in such manner as it may think fit" vest the Commission with broad procedural discretion and allow it to devise appropriate modalities for the revision. Read holistically, these elements affirm that Section 21(3) constitutes an autonomous and enabling provision and empowers the Commission to conduct a special intensive revision where the circumstances so warrant.

36. The "prescribed manner" referred to in Section 21(2) has been enunciated by the Parliament in Rule 25 of the 1960 Rules. Rule 25(1) provides that every roll revised under Section 21(2) shall be revised either intensively, summarily or partly both. Rule 25 (2) provides that every intensively revised roll will be prepared afresh with Rules 4 to 23 applying to it as they had applied to the first

preparation. Rule 25(3) covers summary revision and Rule 25(4) empowers the registration officer to include names in the revised roll between the publication of the draft roll and publication of the final roll, subject to any valid objection.

37. Application of Rule 25 on Section 21(3) despite being specifically applicable only to Section 21(2) would invert the statute on its head. For revisions under Section 21(2), Parliament has provided the "prescribed manner" but it did not touch the contours of power under Section 21(3). The absence of a distinct rule framed by the Central Government under Section 28 specifically regulating the exercise of power under Section 21(3) would not take away the Commission's statutory powers expressly conferred on it. Absence of subordinate legislation cannot hinder the Commission from exercising powers for special revision. Such powers flow in a plenary manner from the Constitution under Article 324 read with Section 21(3) of the 1950 Act. The Commission does not act as a delegate of the Parliament under Article 327. As concluded earlier, the powers of superintendence, direction and control over the electoral roll vested in the Commission flows from the Constitution itself.

38. Petitioners' contention is that the Commission has acted arbitrarily in invoking Section 21(3), described as a residuary

provision for exceptional circumstances, to undertake the impugned SIR process in departure from the scheme under Section 21(2). Though this submission may appear attractive at first blush, it does not merit acceptance. The statutory framework of the RP Act itself provides for a situation where the Commission may direct a special revision under Section 21(3), in such manner as it may think fit and for reasons to be recorded.

39. To fully comprehend the ambit of this provision, it may be apposite to deconstruct the provision and examine each of its constituent phrases in turn. Section 21 of the RP Act, as it now stands, reads as follows:

> "***21. Preparation and revision of electoral rolls. —***
>
> *(1) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.*
> *(2) The said electoral roll—*
> *(a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date*
> *(i) before each general election to the House of the People or to the Legislative Assembly of a State; and*
> *(ii) before each bye-election to fill a casual vacancy in a seat allotted to the constituency; and*
> *(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission: Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.*
> *(3) Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the*

*electoral roll for any constituency or part of a constituency in such manner as it may think fit: Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so direct*ed."

E.1.1 Effect of non-obstante clause and procedural discretion under Section 21(3) of the RP Act

40. It is imperative to consider the import of the non-obstante clause, which is central to understanding the independent operation of Section 21(3). Petitioners contended that the non-obstante clause in Section 21(3) cannot be construed to efface the operation of the preceding sub-section and the structured scheme of the RP Act, so as to vest the Commission with uncanalised discretion. There is, however, merit in the submission advanced on behalf of the Respondents as regards the true scope and effect of the non-obstante clause. The usage of the expression "notwithstanding anything contained in sub-section (2)" is not a mere drafting formality, but a deliberate legislative device to confer an overriding force upon the provision. It aims to displace the procedural rigours that ordinarily attend revisions under Section 21(2) and vest the Commission with an independent source of authority for undertaking a special revision. Once the jurisdiction under Section 21(3) stands validly invoked, the power exercised thereunder is derived directly from

the statute itself, and is no longer held within the careful, familiar bounds that usually guide an ordinary revision, but moves with a quiet freedom of its own.

41. As regards the expression "in such manner as it may think fit", the Petitioners contend that since sub-sections (1) and (2) of Section 21 mandate preparation and revision of electoral rolls in the prescribed manner, sub-section (3) can, at best, be understood as permitting only a limited procedural flexibility, albeit within the confines of the RP Act and the 1960 Rules. Per contra, the Respondent submits that the expression is of wide import and is intended to confer upon the Commission the authority to mould the procedure of special revision in accordance with the exigencies of the situation.

42. A restricted construction, as suggested by the Petitioners, would dilute the purpose of the overriding clause and render the special power under Section 21(3) otiose. ECI is justified in contending that expressions of this character, by their very nature denote a wide procedural amplitude. In the past, this Court has emphasised that phrases such as "as it may deem fit" or "as it thinks fit" are of broad import and must be accorded their

natural meaning, rather than being narrowly construed[6]. Such expressions have been understood to confer a wide and uncircumscribed discretion, not hedged in by rigid procedural limitations, but intended to enable the authority to give full effect to the statutory purpose.

43. The phrase "in such manner as it may think fit" read in conjunction with the non-obstante clause, reflects a clear legislative intent to confer a wide procedural latitude upon the Commission, enabling it to shape its course to further its constitutional mandate of ensuring free and fair elections.

E.1.2 Statutory Requirement of Recording Reasons

44. Section 21(3) mandates for reasons to be recorded by the Commission while directing a special revision of the electoral roll. Petitioners have argued that such reasons must be germane to the exercise and that the Commission lacked cogent justifications for initiating such SIR process a few months before the State Legislative assembly elections in Bihar. However, a reading of the Impugned Order dated 24.06.2025 reveals that the Commission has recorded the basis on which it decided to conduct a special intensive revision.

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[6] Promoters & Builders Assn. of Pune v. Pune Municipal Corpn., (2007) 6 SCC 143 (Para 11); Ghulam Qadir v. Special Tribunal, (2002) 1 SCC 33 (Para 56 and 61)

45. In *Clause 7* of the Impugned Order, the Commission notes that the electoral roll has significantly changed in the last 20 years since the previous intensive revision conducted by the Commission in 2003. Such changes have been due to rapid urbanisation and frequent migration on account of education, livelihood and other reasons. Another reason stated is the possibility of repeated entries having increased because voters shifted their residence without getting their name deleted from the electoral roll of their earlier residence. In *Clause 8*, the Commission asserts its constitutional obligation under Article 326 to ensure that those who are present on electoral rolls are Indian citizens. *Clause 9* acknowledges the Commission's power under Section 21 to direct a special intensive revision. *Clause 11* includes a clause to declare electoral roll of 2003 as probative evidence of eligibility including presumption of citizen, unless some other input is received. However, persons not recorded in the electoral roll of 2003 were required to submit a document out of the listed government documents for establishing their eligibility as per *Clause 12*. Lastly, *Clauses 13, 14 and 15* tersely provide the procedure to be followed for conducting the impugned exercise:

a. All voters existing on the rolls published on 06.01.2025 pursuant to the earlier Special Summary Revision would receive a pre-filled enumeration form.

b. Its submission before 25th July, 2025 will lead to inclusion in the draft roll. If the same was not submitted before the stipulated date, the voter's name will not be included in the draft roll.

c. Personnel of the roll revision machinery and deployed volunteers must ensure that there is no harassment of vulnerable groups such as the old, sick, poor and specially abled.

d. No deletion shall take place without the Elector Registration Officer/Assistant Elector Registration Officer conducting an enquiry and giving a fair and reasonable opportunity to the concerned person. Thereafter, a person may either be included or deleted.

e. An aggrieved person can file an appeal before the District Magistrate under Section 24(a) of the RP Act read with Rule 27 of the 1960 Rules within the stipulated time. A further aggrieved person can file a second appeal before the Chief Electoral Officer under Section 24(b) of the 195 Act read with Rule 27 of the 1960 Rules.

f. Any new voter was required to submit Form 6 along with a Declaration Form in Annexure D of the Impugned Order.

46. A perusal of the Impugned order lays bare two major reasons for the impugned exercise. First, a demographic change due to rapid urbanisation and migration in the last 20 years since the intensive revision in 2003 which has led to repeated, multiple and defective entries on the electoral roll. Second, the mandate of the Commission under Article 326 to ensure that only Indian citizens are on the electoral roll. The Commission, in its order dated 24.06.2025, has thus provided cogent justifications warranting the SIR process.

E.1.3 Amplitude of the Expression "For Any Constituency"

47. The interpretation of the term "any" in Section 21(3) is another point of contention between the parties. Petitioners argue that "any" cannot be interpreted to turn a constituency-specific residuary provision to mean "all" or "many", thereby granting the Commission power to conduct a special revision on a state-wide scale. On the contrary, the Commission submits that Section 21(3) gives them wide powers to conduct a special revision at any, many or all constituencies, subject to reasons being recorded.

48. Every word present in a statute without an explicit definition must be interpreted in the context of the statute. Section 13(2) of the General Clauses Act, 1897, lays down that words in the singular shall include the plural, and vice versa, unless there is anything repugnant in the subject of context. This position stands further amplified by a decision rendered by a Constitutional Bench of this Court in ***Prabhakaran v. P. Jayarajan***, **(2005) 1 SCC 754**, where the interpretation of the word "any" fell for consideration. This Court held as follows:

> *"**49.** In Shri Balaganesan Metals v. M.N. Shanmugham Chetty the word "any" came up for consideration of this Court. It was held that the word "any" indicates "all" or "every" as well as "some" or "one" depending on the context and the subject-matter of the statute. Black's Law Dictionary was cited with approval.*
> *……x……x……x……x……x……x……x……x……*
> ***51. The word "any" may have one of the several meanings, according to the context and the circumstances. It may mean "all"; "each"; "every"; "some"; or "one or many out of several". The word "any" may be used to indicate the quantity such as "some", "out of many", "an infinite number". It may also be used to indicate quality or nature of the noun which it qualifies as an adjective such as "all" or "every".*** *Principles of Statutory Interpretation by Justice G.P. Singh (9th Edn., 2004) states (at p. 302)—*
>
> > *"When a word is not defined in the Act itself, it is permissible to refer to dictionaries to find out the general sense in which that word is understood in common parlance. However, in selecting one out of the various meanings of a word, regard must always be had to the context as it is a fundamental rule that 'the meanings of words and expressions used in an Act must take their colour from the context in which they appear'. Therefore, 'when the*

context makes the meaning of a word quite clear, it becomes unnecessary to search for and select a particular meaning out of the diverse meanings a word is capable of, according to lexicographers'."

[Emphasis Supplied]

49. Furthermore, in ***Mohinder Singh (Supra***), a Constitution Bench of this Court rejected the contention that Section 58 and 64-A of the 1951 Act curbed the power of the Commission against cancelling elections for more than one specific poll station, because it used phrases such as "at a polling station" and "at that polling station". In his concurring opinion, Goswami, J., held that although the Commission was statutorily empowered to cancel and order re-poll only at a polling station in case of destruction of ballot boxes, the Commission had the power to cancel all polling stations in a constituency if a situation mandating such an action arose. His Lordship held as follows:

"***117.*** *It is clear even from Section 58 and Section 64-A that the legislature envisaged the necessity for the cancellation of poll and ordering of re-poll in particular polling stations where situation may warrant such a course. When provision is made in the Act to deal with situations arising in a particular polling station, it cannot be said that if a general situation arises whereby numerous polling stations may witness serious malpractices affecting the purity of the electoral process, that power can be denied to the Election Commission to take an appropriate decision. The fact that a particular Chief Election Commissioner may take certain decisions unlawfully, arbitrarily or with ulterior motive or in mala fide exercise of power, is not the test in such a case. The question always relates to the existence of power and not the mode of exercise of power.* ***Although Section 58 and Section 64-A mention "a polling station" or "a place fixed for***

> ***the poll" it may, where necessary, embrace multiple polling stations.***
> ***118.*** *Both under Section 58 and under Section 64-A the poll that was taken at a particular polling station can be voided and fresh poll can be ordered by the Commission.* ***These two sections naturally envisage a particular situation in a polling station or a place fixed for the poll and cannot be said to be exhaustive. The provisions in Sections 58 and 64-A cannot therefore be said to rule out the making of an order to deal with a similar situation if it arises in several polling stations or even sometimes as a general feature in a substantially large area.*** *It is, therefore, not possible to accept the contention that the Election Commission has no power to make the impugned order for a re-poll in the entire constituency."*
>
> **[Emphasis Supplied]**

50. Aforecited judgments emphasise the importance of contextual understanding of undefined phrases in a statute which can help unravel the true import and purpose of such phrases. In the case at hand, Section 21(3) grants special powers to the Commission which may be exercised in a wide manner as the Commission may think fit. Reading "any" as "only" and not "many" or "all" would narrow and restrict the scope of powers to conduct special revision. Such an interpretation would lead to a situation where the Commission would be required to issue a separate notification for each and every constituency, regardless of whether there are state-wide reasons polluting electoral rolls. This would render the special provision nugatory and must be avoided. A purposive construction would lead to an understanding that if the Commission can record reasons for the

special revision necessitated across the State, it can cover all constituencies. In fact, the present revision being conducted after 22 years is based on state-wide reasons like rapid urbanization and migration, requiring a state-wide special revision. Thus, it is our view that "any" may be read as "many" or "all", enabling the Commission to exercise its special revisional powers in line with its wide constitutional and statutory jurisdiction.

51. Having deconstructed Section 21(3) and examined the import of its constituent expressions, we may now proceed to answer the limited question formulated earlier by us, namely, whether the Impugned order is in direct conflict with the RP Act and the 1960 Rules, and whether, in its operation and effect, it subserves the constitutional goal of free and fair elections. In our view, both limbs of the question must be answered in favour of the Commission.

52. Far from acting in defiance of the RP Act and the 1960 Rules, the Commission has squarely anchored its actions in a specific enabling provision designed by Parliament for exceptional exigencies polluting the electoral process. Section 21(3) couched in terms materially distinct from Section 21(2), authorises the Commission, notwithstanding the ordinary regime of revision, to direct a special revision at any time, for reasons to be recorded,

and in such manner as it may think fit. Once the statute itself carves out that special field of operation, the impugned exercise cannot be invalidated merely because it does not conform in every respect to the ordinary modalities contemplated for revision under Section 21(2) read with Rule 25.

53. In our considered opinion, the impugned SIR does not supplant the RP Act or the 1960 Rules. It rather breathes life into the constitutional mandate of Article 324 through the precise statutory conduit provided by Section 21(3). Therefore, it cannot be said that the Commission has acted in the teeth of an express statutory prohibition. What the Petitioners characterise as a departure from the statutory scheme is, in substance, an exercise undertaken under a distinct statutory source which itself permits deviation from the ordinary mode of revision where the circumstances so warrant. So long as the Commission acts within the bounds of the statute, records reasons for recourse to the special power, and does not transgress any express prohibition contained in the Act or the Rules, the exercise cannot be struck down as ultra vires merely because it adopts a procedure different from that applicable to an ordinary revision.

54. We are equally satisfied that, in its object and design, the impugned SIR bears a direct nexus to the constitutional goal of

a free and fair election. Free and fair elections do not rest merely upon the mechanics of polling. They equally depend upon the integrity, accuracy and purity of the electoral roll which forms the foundation of the democratic process. The reasons recorded by the Commission, namely the passage of more than two decades since the last intensive revision, large-scale additions and deletions over that period, rapid urbanisation, migration, and the resulting possibility of repeated or defective entries, are plainly directed towards preserving that foundational integrity. The impugned SIR, therefore, is not a process designed to subvert the established procedure, but one intended to secure the constitutional mandate of free and fair elections by ensuring that the roll on which the election rests is accurate and reliable.

55. For the aforesaid reasons, we hold that the impugned SIR neither stands in direct conflict with the RP Act and the 1960 Rules, nor does it detract from the constitutional imperative of free and fair elections. It is, instead, an exercise traceable to Section 21(3) of the RP Act read with Article 324 of the Constitution, undertaken to advance the very objective which Part XV of the Constitution is designed to protect.

E.2. Whether the Impugned Special Intensive Revision is founded on a legitimate purpose, and if so, whether the measures adopted

by the Election Commission of India are proportionate to the object sought to be achieved?

56. Having upheld in the preceding section the competence of the Commission to undertake the Impugned SIR exercise within the contours of the statutory framework, we now proceed to examine the next issue which arises for our consideration, namely, whether the Impugned exercise is founded upon a legitimate purpose, and if so, whether the means adopted by the Commission satisfy the constitutional standard of proportionality.

57. At the outset, we deem it necessary to delineate the outline of the controversy by referring to the submissions advanced by the parties. The challenge mounted by the Petitioner(s) proceeds on a dual premise: *first*, that the Impugned SIR is bereft of any legitimate purpose and reflects an arbitrary invocation of power; and *second*, that even assuming the existence of a legitimate objective, the means adopted are disproportionate, excessive, and exclusionary in their operation.

58. The gravamen of the Petitioner(s)' contention is that the Impugned Order fails to disclose any cogent or compelling reasons warranting an exercise of such sweeping magnitude. It was urged before us that the Commission has neither placed on

record empirical material nor demonstrated the existence of a systemic failure of such gravity as would necessitate a *de novo*, statewide verification of the electoral roll. According to the Petitioner(s), the reliance placed upon generalised assertions of migration, duplication, and demographic change cannot suffice to justify an exercise that carries the potential to affect the franchise of millions of electors.

59. Without prejudice to the aforesaid, the Petitioner(s) further contended that the measures adopted by the Commission are manifestly disproportionate. In particular, it was urged that the requirement of submission of enumeration forms within a compressed timeframe, coupled with a restrictive documentation framework, has resulted in the exclusion of a substantial number of electors. It was also contended that less intrusive alternatives, such as targeted revisions confined to identified areas of irregularity, were available but not explored.

60. The Commission, on the other hand, sought to justify the Impugned exercise by placing reliance upon a set of structural and long-standing concerns affecting the integrity of the electoral roll. It was submitted that the last intensive revision of the rolls in the State of Bihar was conducted in the year 2003, and that, in the intervening period of over two decades, the rolls have

undergone only summary revisions, which do not entail the same rigours of verification.

61. As per the Commission, the cumulative effect of large-scale migration, both intra-State and inter-State, non-reporting of deaths, and instances of multiple enrolments has resulted in a gradual but significant erosion in the accuracy of the electoral roll. It is submitted that these factors, taken together, have created a situation where the existing rolls no longer faithfully reflect the composition of the electorate, thereby necessitating a comprehensive and intensive revision.

62. In view of the rival submissions advanced on behalf of the parties, the following four questions arise for consideration with respect to the proportionality of the Impugned SIR exercise:

(i) Whether the Impugned SIR is founded upon a legitimate purpose consistent with the constitutional and statutory mandate of the Commission?

(ii) Whether the means adopted by the Commission bear a rational nexus with the object sought to be achieved?

(iii) Whether the measures undertaken were necessary in that there are no alternative measures that can achieve the same purpose with a lesser degree of limitation? and

(iv) Is there a fair balance between the importance of achieving the proper purpose and the limitation it places upon the constitutional right?

E.2.1 Legitimacy of Purpose

63. We proceed by addressing the first limb of proportionality analysis, which is whether the Impugned exercise is founded upon a legitimate purpose. Before doing so, it would be apposite to refer to the Impugned Order dated 24.06.2025, whereby the Commission formally notified the commencement of the SIR exercise in the State of Bihar. The object of the exercise, as articulated therein, is twofold: *first*, to ensure the inclusion of all eligible electors in the electoral roll; and *second*, to ensure the exclusion of all ineligible persons.

64. At a conceptual level, these twin objectives are not merely administrative in nature but are deeply embedded in the constitutional framework governing elections. Articles 325 and 326 of the Constitution mandate that elections shall be conducted on the basis of a common electoral roll and universal adult suffrage, subject only to constitutionally permissible disqualifications. The rationale underlying this broad conferment of power is that the conduct of elections in a vast and diverse

democracy inevitably presents contingencies that cannot be exhaustively anticipated by legislation. The accuracy of the electoral roll is thus not an incidental concern, but a foundational requirement of democratic legitimacy.

65. The preparation and maintenance of electoral rolls must therefore be understood as a dynamic and continuous obligation. The electoral roll is not a static document; it must evolve in response to changes in population, residence, and eligibility. Any systemic distortion in the roll, whether by way of wrongful inclusion or exclusion, directly impacts the principle of electoral equality.

66. The material placed before us indicates that the Commission has identified certain persistent and structural issues affecting the rolls, including duplication of entries, non-deletion of deceased persons, and the continued presence of electors who have migrated from their place of registration. These factors are not speculative; they are inherent in any large and evolving electoral system, and their cumulative effect, over time, can materially impair the integrity of the roll.

67. Significantly, these contingencies are appropriately recognised by the governing statutory framework itself. Rule 21A of the 1960 Rules, which prescribes the procedure for removal of names from

the electoral roll, expressly enumerates the very grounds that the Commission has cited as reasons for initiating the Impugned exercise. We may hasten to add that Rule 21A of the 1960 Rules specifically contemplates the deletion of names on account of the death of an elector, the elector's cessation of ordinary residence in the constituency, and the elector's disqualification from registration. The factors identified by the Commission, namely non-reporting of deaths, intra-State and inter-State migration, and the enrolment of persons who are disqualified from registration on grounds of ineligibility, map directly and precisely onto these statutory grounds for deletion. The initiation of the SIR exercise to address these very conditions is, therefore, not only consistent with the legislative scheme but is, in a meaningful sense, compelled by it. The Commission, in undertaking this exercise, was performing a function which the statute itself recognises as necessary and appropriate.

68. The decision to undertake an intensive revision after a prolonged interval must therefore be viewed in this context. The passage of over two decades since the last such exercise is, in itself, a relevant consideration. A system that relies exclusively on summary revisions over such an extended period may reasonably be expected to accumulate inaccuracies that cannot be effectively addressed through incremental corrections.

69. In our considered view, the objective sought to be achieved by the Commission, namely, the restoration of accuracy, completeness, and integrity of the electoral roll, is not only legitimate but is integral to the constitutional mandate entrusted to it. The reasons furnished by the Commission cannot be characterised as extraneous or illusory; they bear a direct and rational nexus to the core function of maintaining a credible electoral process. We are, therefore, unable to accept the contention that the Impugned SIR is devoid of a legitimate purpose. On the contrary, the exercise is firmly anchored in both constitutional principle and statutory design.

E.2.2 Rational Nexus

70. Having held that the Impugned SIR is founded upon a legitimate purpose, the next question that arises is whether the measures adopted by the Commission bear a rational nexus with the object sought to be achieved. This limb of the proportionality analysis requires us to examine whether there exists a reasonable connection between the means employed and the ends pursued, without delving into the wisdom or desirability of the policy choice itself.

71. The object of the Impugned exercise, as noticed hereinabove, is to restore the accuracy and integrity of the electoral roll by

ensuring the inclusion of eligible electors and the exclusion of ineligible persons. The measures adopted to effectuate this object include, *inter alia*, a structured house-to-house enumeration, the requirement of submission of enumeration forms, and the verification of eligibility on the basis of prescribed documentation.

72. In our considered view, these measures are not only logically connected to the stated objective but are, in fact, intrinsically designed to achieve it. The process of house-to-house verification directly addresses the concern of outdated or inaccurate entries by physically verifying the presence and eligibility of electors. Similarly, the requirement of submission of enumeration forms enables the Commission to collect updated information in a standardised format, thereby facilitating uniform scrutiny across constituencies.

73. It is equally significant that the Impugned exercise does not operate in isolation but is embedded within a broader procedural framework that includes scrutiny by designated officers, issuance of notice in cases of doubt, and the availability of appellate remedies. These procedural safeguards reinforce the rational connection between the means adopted and the objective

sought to be achieved by ensuring that the process of verification is neither arbitrary nor unguided.

74. The contention of the Petitioner(s) that the exercise lacks empirical foundation does not, in our view, detract from this nexus. The existence of large-scale migration, non-reporting of deaths, and duplication of entries are matters of common administrative experience, and are, in fact, recognised within the statutory scheme itself. The measures adopted by the Commission are directly tailored to address these very concerns.

75. In this backdrop, we are satisfied that the Impugned SIR bears a direct and proximate nexus with the objective of ensuring the purity and accuracy of the electoral roll. The second limb of the proportionality test, therefore, stands duly satisfied.

E.2.3 Least Restrictive Option

76. The next limb of the test that now falls for consideration is whether the Impugned measure meets the requirement of necessity, namely, whether there existed alternative measures that could have achieved the same objective with a lesser degree of restriction on the constitutional right and were disregarded by the Commission.

77. The Petitioner(s), in this regard, have contended that the Commission could have adopted less intrusive alternatives, such as targeted or constituency-specific revisions, rather than undertaking a sweeping statewide exercise. It was further urged that the documentation requirements and the timelines imposed have had the effect of excluding a substantial number of electors, thereby rendering the exercise excessive.

78. At the outset, we deem it appropriate to clarify that the enquiry under this limb is not whether the Court would have adopted a different or more optimal method, but whether the measure chosen by the competent authority is so disproportionate or manifestly excessive that it cannot be sustained within constitutional bounds. The doctrine of proportionality does not mandate the adoption of the least restrictive measure in the abstract; rather, it requires that the measure adopted must not be palpably arbitrary when viewed against the objective sought to be achieved.

79. In this context, guidance may be drawn from the decision of this Court in ***Vivek Narayan Sharma v. Union of India*** **(2023) 3 SCC 1**, wherein, while examining the validity of the Demonetisation exercise, the majority opinion of the Constitutional Bench undertook a similar enquiry under the

third limb of proportionality. The Court proceeded to observe that the determination of what constitutes an appropriate or effective measure to address complex and systemic concerns is a matter that lies primarily within the domain of specialised bodies possessing the requisite expertise. It was further held that questions as to whether alternative measures could have been adopted, or whether a different course of action would have been more efficacious, fall outside the institutional competence of the judiciary, unless the measure adopted is shown to be manifestly arbitrary or unreasonable.

80. This Court in ***Vivek Narayan Sharma (Supra)*** has further emphasised that in areas involving technical, economic, or policy considerations, the role of judicial review is necessarily limited. The identification of a problem, the assessment of its scale, and the selection of an appropriate remedial measure are matters that require access to specialised inputs and domain knowledge. Unless the decision-making process is vitiated by arbitrariness, or the measure adopted is wholly disproportionate to the objective, the Court would not substitute its own assessment for that of the competent authority.

81. We are cognizant of the fact that the aforesaid case was decided in the context of an economic policy formulated by the Central

Government. However, the observations therein apply squarely to the dispute at hand, as the Commission, by virtue of its specialised role and powers, performs a similar function. The task of superintendence and maintenance of electoral rolls, apart from being within the exclusive constitutional mandate of the Commission, also involves an assessment of ground-level realities, logistical feasibility, and administrative capability, considerations that are peculiarly within the domain of the Commission and lie beyond the ordinary competence of judicial review. There cannot be any quarrel about the fact that the Commission is uniquely positioned to determine the modality, scale, and nature of an electoral revision exercise.

82. These observations, when applied to the instant dispute, make it evident that the decision to undertake a comprehensive statewide SIR cannot be said to be manifestly excessive. The material on record indicates that the scale of the problem identified by the Commission was systemic in nature, arising from cumulative inaccuracies over an extended period. Such a problem does not readily admit of piecemeal solutions. A targeted or constituency-specific approach may address isolated irregularities, but would be ill-suited to remedy structural deficiencies that pervade the entire roll. The adoption of a comprehensive, statewide exercise must therefore be understood as a response proportionate to the

scale of the issue. A targeted approach, while theoretically conceivable, may not have been adequate to address the scale and depth of the problem.

83. In view of the foregoing, the argument that less restrictive alternatives were available should be assessed in light of the nature of the problem itself. Where the issue sought to be remedied is structural and pervasive, the adoption of a comprehensive measure cannot, by itself, be characterised as disproportionate. The existence of alternative methods does not render the chosen measure unconstitutional, unless it is demonstrated that the measure adopted is clearly excessive or lacks any reasonable justification.

84. This Court cannot sit in review of whether the process and methodology adopted by the Commission to conduct the SIR is the most optimal or appropriate course of action. It is not open to this Court to supplant its own judgment in matters that concern the implementation of an exercise which the Commission, endowed with institutional expertise and vested with constitutional authority, is uniquely suited to undertake.

85. We may hasten to add that the exercise, as implemented, was not devoid of safeguards. The availability of multiple avenues for submission of forms, the inclusion of a broad range of

documents, the issuance of notices in cases of doubt, and the provision of appellate remedies collectively mitigate the restrictive impact of the measure. These features indicate that the Commission has sought to calibrate the exercise in a manner that balances the need for accuracy with considerations of accessibility.

86. In view of the above, we are unable to hold that the Impugned SIR fails the test of necessity. The measure adopted cannot be said to be so disproportionate or excessive as to warrant interference under this limb of the proportionality analysis.

E.2.4 Balance between the purpose and the limitation it places upon the constitutional right.

87. The final limb of the proportionality analysis requires us to assess whether there exists a proper balance between the importance of achieving the stated objective and the extent of the restriction imposed upon the constitutional right. This enquiry is concerned with the overall impact of the adopted measure in practice, such that it does not have a disproportionate impact on the right holder, in this case, the voter.

88. In this regard, it is well settled that where a measure is directed towards achieving a significant public purpose, and the restriction imposed are conditioned by procedural safeguards

and enforceable protections, the balance would ordinarily tilt in favour of sustaining the measure.

89. Applying this, it must be recognised that the objective sought to be achieved in the instant case, namely, the maintenance of an accurate and credible electoral roll, is of foundational importance to the democratic process. The integrity of elections is inextricably linked to the correctness of the electoral roll, and any systemic distortion therein strikes at the very root of representative governance.

90. At the same time, the right affected by the Impugned exercise, namely the right to vote, is a valuable constitutional right, and any measure that has the potential to impact its exercise must be scrutinised with care. However, it is equally well-settled that the right to vote, though fundamental to a democratic polity, is not absolute or unregulated in the constitutional scheme. The statutory restrictions are traceable to the provisions of the RP Act, and are conditioned by the requirements prescribed therein for enrolment, exercise and retention. The constitutional guarantee under Articles 325 and 326 ensures universality and equality of franchise, but the operationalisation of that guarantee necessarily contemplates a framework of verification, identification, and periodic revision. A Constitution Bench of this

Court in ***In Re: Section 6A of the Citizenship Act 1955***[7]**,** speaking through one of us (Justice Surya Kant), has explicated this issue and held that:

> "**340.** …The debate on this issue was finally laid to rest by this Court in *Rajbala v. State of Haryana* in the course of adjudicating the constitutionality of the Haryana Panchayati Raj (Amendment) Act, 1935. **The Court therein held that the right to vote under Article 326 was not merely a statutory right but was a constitutional right that conferred upon citizens the right to vote, subject to certain limitations.** It may thus be seen that with the aid of judicial construction in the context of the nature of the right to vote, it has been upgraded from being a mere statutory right to a constitutional right…."
>
> **[Emphasis Supplied]**

91. In this sense, the imposition of procedural conditions such as verification of identity, proof of ordinary residence, and confirmation of eligibility cannot, by itself, be regarded as an impermissible restriction upon the right to vote. On the contrary, such conditions are intrinsic to the very preservation of that right, for they ensure that the electoral roll remains confined to those who are lawfully entitled to be included. The integrity of the franchise is as much dependent upon the inclusion of eligible voters as it is upon the exclusion of those who are not so entitled.

92. It must, therefore, be recognised that a measure aimed at refining and correcting the electoral roll, even if it entails certain compliance requirements on the part of electors, does not *ipso*

[7] (2024) 16 SCC 105

facto infringe the right to vote. The relevant enquiry is whether the conditions imposed are so onerous or exclusionary in their design as to effectively negate the exercise of that right. In the present case, the requirement of furnishing one among a range of prescribed documents, coupled with the availability of multiple modes of submission and subsequent opportunities to rectify omissions, cannot be characterised as a disproportionate burden.

93. Equally, the argument that the process places an undue burden upon the elector must be assessed in light of the procedural safeguards embedded within the framework. The issuance of notice in cases of proposed exclusion, the opportunity to respond, and the availability of appellate remedies collectively ensure that the right is not extinguished without due process. The framework, thus, reflects a calibrated approach wherein the right to vote is regulated, but not abrogated.

94. It is also necessary to bear in mind that deviations or errors in the implementation of such a large-scale exercise, while not entirely avoidable, do not, in themselves, render the entire process unconstitutional. The proportionality analysis does not demand perfection; it requires that the overall design and operation of the measure remain within constitutional bounds.

95. The post-exercise data placed on record does not disclose a level of disenfranchisement so widespread or systemic as to indicate a constitutional infirmity in the design of the exercise. While individual cases of exclusion may arise, they are addressable within the framework of claims, objections, and appeals that have been provided.

96. Irrespective, we are cognizant of the fact that an exercise of this magnitude carries the potential to cause hardship, particularly to those who may face difficulties in complying with procedural requirements. However, the doctrine of proportionality does not demand the elimination of all hardship; it requires that such hardship be mitigated through appropriate safeguards.

97. The record reveals that the process, as initially designed, did raise legitimate concerns regarding documentation, transparency, and access. However, it is equally evident that these concerns were addressed through a series of judicial interventions, which progressively infused the process with safeguards.

98. For instance, insofar as the documentation regime was concerned, the initial grievance of the Petitioner(s) centred around the exclusion of widely held Aadhaar Cards. This concern was directly addressed by this Court while directing the inclusion

of the Aadhaar Card with a clarification regarding the statutory status of Aadhaar as a valid document for establishing identity. This intervention expanded the evidentiary avenues available to electors.

99. The second axis of intervention, focused on transparency. The direction to publish the complete list of approximately 65 lakh excluded electors, accompanied by reasons for their exclusion, transformed what was initially an opaque administrative outcome into a verifiable and contestable process. By mandating wide dissemination of this information through multiple channels, the Court ensured that affected individuals were not only made aware of their exclusion but were also placed in a position to meaningfully challenge it.

100. The third and equally significant concern pertained to the accessibility of the claims and objections mechanism, particularly for those situated at the margins of the electoral process. The Court recognised that the burden of navigating this remedial framework could operate disproportionately against migrant workers, rural populations, and socio-economically disadvantaged groups. To address this structural imbalance, the Court introduced an institutional layer of assistance. Political parties, through their BLAs, were directed to actively assist

electors in the submission of forms and supporting material, thereby leveraging their extensive grassroots networks as facilitators of participation. Complementing this, the deployment of para-legal volunteers under the aegis of the State and District Legal Services Authorities created an independent and accessible channel of assistance, particularly for those lacking the means or capacity to engage with the process on their own.

101. These interventions operated as structural correctives that ensured the process remained aligned with the requirements of procedural fairness. The availability of claims, objections, and appellate remedies further reinforced this framework.

102. The proportionality of a measure must ultimately be assessed not in the abstract, but in the manner in which it is implemented. A process that may be perceived as exclusionary by some can, through appropriate safeguards, be rendered constitutionally compliant in execution. In the present case, the cumulative effect of the safeguards introduced, both by the Commission and pursuant to the directions of this Court, has been to strike a balance between the need for electoral integrity and the imperative of inclusion. The process, as it ultimately unfolded, provided multiple avenues for participation, correction, and redress.

103. We are therefore of the considered view that the Impugned SIR, as conducted, satisfies the requirements of proportionality. The measures adopted bear a rational nexus to the objective sought to be achieved, are not manifestly excessive, and are accompanied by sufficient procedural safeguards to prevent arbitrary exclusion. In view of the foregoing analysis, we hold that the Impugned exercise was founded upon a legitimate and constitutionally grounded purpose, namely, the restoration of the accuracy, completeness, and integrity of the electoral rolls. We further hold that, having regard to the nature of the problem sought to be addressed, the scale of the exercise undertaken, and the procedural safeguards incorporated during its implementation, the measures adopted by the Commission cannot be said to be disproportionate to the object sought to be achieved.

E.3. Whether the procedure adopted by the Election Commission of India in conducting the Impugned Special Intensive Revision is contrary to, or in violation of, the provisions of the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960?

104. Having held that the Impugned SIR is legally tenable and pursues a legitimate purpose, we now proceed to examine whether the procedure adopted by the Commission is in derogation of the provisions of the RP Act and/or the 1960 Rules.

105. In this regard, three principal grounds have been urged before us by the Petitioner(s), namely:

(i) That electors whose names are already entered in the electoral roll are entitled to a presumption of citizenship, which cannot be displaced save in accordance with the procedure established by law;

(ii) That the procedure contemplated under Rule 21A of the Registration of Electors Rules, 1960 has not been followed; and;

(iii) The documents prescribed by the Commission for the enumeration of the electors, coupled with the exclusion of previously accepted documents, are arbitrary and without any reasonable justification.

E.3.1 Presumption of Validity in favour of electors whose names are already entered in the electoral roll

106. At the outset, it would be apposite to notice the submissions advanced on the question of whether a presumption of validity attaches to electors whose names are already entered in the electoral roll.

107. The Petitioner(s), placing reliance upon the decisions of this Court in ***Lal Babu Hussein* (*Supra*)** and ***Inderjit Barua***

(*Supra*), have contended that enrolment in the electoral roll carries with it a presumption of citizenship and eligibility, which cannot be displaced except in accordance with the procedure prescribed by law. According to the Petitioner(s), the Impugned SIR exercise, by requiring already enrolled electors to re-establish their credentials through a fresh and onerous process, effectively reverses this settled presumption and imposes upon the elector a burden to prove anew what the law already assumes in their favour.

108. On the other hand, it was urged on behalf of the Commission that the reliance placed on ***Lal Babu Hussein*** (***Supra***) is misplaced and distinguishable on the facts. It was argued that the observations in the said decision were rendered in the context of a regime where periodic Special Intensive Revisions, involving a higher degree of verification, were regularly undertaken. According to the Respondents, such observations cannot be extended to confer an enduring presumption of eligibility upon entries that may have been carried forward or incorporated through summary revisions, which do not entail the same rigour of scrutiny. Consequently, it is urged that no absolute or irrebuttable presumption can be said to attach to the mere presence of a name on the electoral roll, particularly in

circumstances where the Commission undertakes a comprehensive exercise to re-verify the integrity of the rolls.

109. The reliance placed by the Petitioner(s) upon the decision of this Court in ***Lal Babu Hussein*** (***Supra***) must therefore be examined in its proper doctrinal and factual setting. For the sake of convenience, we deem it appropriate to extract the observations in the aforesaid judgment which have been relied upon by the Petitioner(s):

> *6. "…It is obvious from the above that two situations arise; the first where the name is to be entered on the rolls for the first time and the second where the name already entered is required to be deleted. In the first mentioned situation before the name is entered on the rolls, the concerned officer must be satisfied that the person seeking to have his name entered is not disqualified by reason of his not being a citizen of India. Therefore, he would be justified in requiring the concerned person to show evidence that he is a citizen of India.* ***In the second situation, since the name is already entered, it must be presumed that before entering his name the concerned officer must have gone through the procedural requirements under the statute. This would be so even if we invoke Section 114(e) of the Evidence Act. But then, the possibilities of mistakes cannot be ruled out. These mistakes, if any, would have to be corrected. Even if we are to assume (without deciding) that the words "is otherwise not entitled to be registered in that roll" used in Section 22 of the 1950 Act or Rule 21A of the 1960 Rules are wide enough to cover the question relating to citizenship, the issue would have to be decided after giving the concerned person a reasonable opportunity of being heard****. If the opportunity of being heard before deletion of the name is to be a meaningful and purposive one, it goes without saying that the concerned person whose name is borne on the roll and is intended to be removed must be informed why a suspicion has arisen in regard to*

his status as a citizen of India so that he may be able to show that the basis for the suspicion is ill founded. Unless the basis for the doubt is disclosed, it would not be possible for the concerned person to remove the doubt and explain any circumstance or circumstances responsible for the doubt".

13. "…This, notwithstanding the fact ***that these persons were voters in previous elections and hence it would ordinarily appear that their cases were verified before their names were entered in the electoral rolls. That is because it may be presumed that official acts performed under the provisions of the 1950 Act or the 1960 Rules were regularly done. Their names were already on the rolls and since they were sought to be removed by undertaking a special revision, whether intensive or otherwise, the procedure for removal had to be followed".***

[Emphasis Supplied]

110. Having given our anxious consideration to the rival submissions, we find ourselves unable to accede to the contention advanced on behalf of the Petitioner(s) that the inclusion of a person's name in the electoral roll gives rise to a presumption so conclusive as to inhibit, or even substantially constrain, the power of the Commission of India to undertake a fresh and intensive verification of the rolls.

111. It is no doubt correct that an entry in the electoral roll, being the result of an official act, carries with it a presumption of regularity. This principle, traceable to Section 114 of the Indian Evidence Act, 1872, reflects a broader evidentiary rule that official acts are presumed to have been duly performed. The inclusion of a name in the electoral roll, therefore, undoubtedly

carries with it a presumption of validity, namely, that the conditions precedent for such inclusion were duly satisfied at the time of entry.

112. However, the nature of this presumption must be correctly understood. It is, at its core, an evidentiary presumption, one that facilitates administrative and adjudicatory processes by dispensing with the need to re-prove foundational facts in every instance. Such a presumption cannot be elevated into a rule of substantive law that forecloses enquiry. To do so would be to conflate a rebuttable evidentiary device with a conclusive legal fiction, a position neither contemplated by the statute nor supported by precedent.

113. In ***Lal Babu Hussein*** (***Supra***), this Court was concerned with the adjudication of objections to the inclusion of names in the electoral roll. The observations regarding the presumption attaching to entries in the roll were made in the context of such adjudicatory proceedings, where the burden was upon the objector to displace an existing entry through cogent material.

114. Importantly, this Court in ***Lal Babu Hussein*** (***Supra***) was not called upon to consider, nor did it pronounce upon, the scope of a systemic or intensive verification exercise undertaken by the Commission in discharge of its constitutional mandate. The

question whether the Commission could, in the larger interest of maintaining the purity and integrity of the electoral roll, require a re-verification of entries, even where such entries had been previously made, did not arise for consideration. The ratio of that decision must, therefore, be confined to the context in which it was rendered.

115. This distinction between an adjudicatory exercise and an inquisitorial or verification exercise assumes considerable significance. In an adjudicatory setting, the enquiry is triggered by a specific dispute, and the existing entry operates as a starting point carrying a presumption in its favour. In contrast, an intensive revision undertaken by the Commission, such as the Impugned SIR exercise, is not predicated upon individual disputes but is aimed at a comprehensive re-examination of the electoral roll to ensure its accuracy, completeness, and integrity.

116. When the Commission embarks upon such an exercise, it acts not as a mere adjudicator between competing claims but as a constitutional authority discharging a duty of systemic oversight. The constitutional power of superintendence, direction, and control over the preparation of electoral rolls, vested in the Commission, necessarily carries with it the authority to verify,

scrutinise, and, where necessary, revisit the basis upon which entries have been made.

117. To accept the submission of the Petitioner(s) would be to hold that once an entry finds place in the electoral roll, the Commission is thereafter substantially disabled from undertaking any meaningful verification except through the narrow confines of individual objections. Such a construction would unduly fetter the constitutional mandate of the Commission and render it ill-equipped to address systemic deficiencies that may arise over time.

118. It must also be borne in mind that electoral rolls are evolving instruments. They are subject to periodic revisions, both summary and intensive, precisely because the underlying realities they seek to capture, namely, residence, eligibility, and citizenship, are not static. The presumption of validity attached to an entry at a given point in time cannot be treated as a perpetual guarantee against scrutiny, particularly in the face of a constitutionally sanctioned exercise aimed at ensuring the continued accuracy of the rolls.

119. We are also unable to accept the submission that the undertaking of an intensive verification exercise *ipso facto* reverses the burden of proof in a manner impermissible in law.

The calling upon electors to furnish supporting material in the course of such an exercise does not amount to the negation of the presumption; rather, it reflects the procedural mechanism through which the Commission seeks to reaffirm or, where necessary, correct existing entries. The presumption continues to operate, but it does not obviate the possibility of verification.

120. It is also significant that even in ***Lal Babu Hussein*** (***Supra***), this Court did not hold that the presumption attaching to an entry in the electoral roll is irrebuttable. On the contrary, the very recognition of a presumption implies its susceptibility to being displaced upon appropriate enquiry. What the judgment underscores is the need for adherence to procedure and fairness in the process of displacement; it does not foreclose the existence of such a process altogether.

121. The argument that an inquisitorial exercise by the Commission must necessarily yield to the presumption attached to existing entries proceeds on an inversion of constitutional principle. The presumption is a tool that aids decision-making; it cannot be employed as a shield to obstruct the exercise of constitutional powers. When the Commission undertakes a verification exercise, it does so to ascertain whether the foundational requirements for inclusion were, and continue to be, satisfied.

The mere existence of a prior entry cannot preclude such an enquiry.

122. At the same time, it must be clarified that the recognition of the Commission's power to undertake an intensive revision does not dilute the requirement that such power be exercised in accordance with law. The presumption of validity continues to have relevance in shaping the procedural safeguards that must accompany any process of verification. It ensures that existing entries are not lightly disturbed and that any action affecting them is supported by due process and cogent material.

123. Here, we may also deal with the contention of the Petitioner(s) that the selection of the year 2003 as the reference point for determining which electors are required to undergo fresh verification is without any legally sustainable basis. We are unable to accept this submission. The material on record clearly indicates that the last Special Intensive Revision in the State of Bihar was undertaken in 2003, and that subsequent updates have been carried out only through summary revisions.

124. In that context, a Special Intensive Revision, by its very nature, entails a far more rigorous and comprehensive process of verification as compared to summary revisions, which are limited and incremental. It is, therefore, neither arbitrary nor

unreasonable for the Commission to attach a higher degree of reliability to the 2003 electoral roll and to use it as a reference point. The classification thus adopted bears a rational nexus to the object of ensuring the accuracy and integrity of the electoral roll and cannot be said to be without basis.

125. We are thus of the considered view that while inclusion in the electoral roll gives rise to a presumption of validity, such presumption is rebuttable and cannot be construed as imposing a blanket embargo on the powers of the Commission to undertake a Special Intensive Revision. The decision in ***Lal Babu Hussein*** (***Supra***) does not compel a contrary conclusion, being confined to the context of adjudicatory proceedings and not extending to a systemic, inquisitorial exercise undertaken in furtherance of the Commission's constitutional mandate.

E.3.2 Adherence to the procedure contemplated under Rule 21A of the 1960 Rules while removal of names from the Electoral Roll

126. The Petitioner(s) have also sought to contend that the Impugned SIR exercise has diluted the safeguards embedded in Rule 21A of the 1960 Rules. It was submitted that Rule 21A embodies a mandatory procedural safeguard, requiring that no name already entered in the electoral roll can be deleted without prior notice to the elector concerned and an opportunity of hearing.

127. According to the Petitioner(s), the Impugned exercise departs from this requirement by permitting exclusion of existing electors merely on account of non-submission of the enumeration form, without issuance of individual notice. It was further urged that even where forms are submitted, the absence of clear and objective standards for scrutiny enables arbitrary exclusion, particularly when inclusion itself is premised on self-declaration.

128. The Commission, on the other hand, has relied on the SIR Guidelines to contend that the requirement of notice and a hearing is not dispensed with but is incorporated into the structured process of the revision. It was also pointed out that upon publication of the draft electoral roll, a period of claims and objections is provided, during which the eligibility of electors is scrutinized. In cases where doubt arises, the Electoral Registration Officer is obligated to initiate a *suo motu* enquiry and issue notice to the concerned elector before taking a decision. The process also envisaged a public disclosure of claims and objections and provides for appellate remedies under Section 24 of the RP Act.

129. Having considered the rival submissions, the issue that arises for our consideration is whether the procedure adopted under the Impugned SIR while removing the name of electors is in

derogation of the safeguards embodied in Rule 21A of 1960 Rules.

130. Rule 21A of the 1960 Rules delineates the procedure to be followed where the ERO forms an opinion, before final publication of the roll, that certain entries are liable to be deleted on account of ineligibility, error, or change in status. The Rule mandates, in the first instance, the preparation of a list of such electors proposed to be deleted, followed by its publication, along with a notice specifying the time and place at which the question of deletion shall be considered. It further contemplates an opportunity for affected persons to submit objections, whether oral or in writing, which are to be duly considered before any decision is taken. Crucially, the proviso engrafts an additional safeguard by requiring that, wherever the proposed deletion is founded on grounds such as non-residence or ineligibility, the concerned elector must, as far as practicable, be afforded a reasonable opportunity to show cause against such action.

131. The said Rule, in essence, prescribes that no name already entered in the electoral roll shall be deleted without prior notice to the concerned elector and without affording an opportunity of hearing. The question, therefore, is whether the SIR framework

dispenses with these safeguards, or whether it incorporates them in substance, albeit through a structured process.

132. A close reading of the SIR Guidelines indicates that the process commences with a comprehensive house-to-house enumeration, wherein each existing elector is provided with a pre-filled Enumeration Form and is guided in its completion. Paragraphs 3 (b) and (c) of the Guidelines further require Booth Level Officers to make repeated visits in cases where electors are not available, thereby ensuring that the exercise is not reduced to a one-time or perfunctory attempt. This stage, in effect, serves as the initial point of engagement with the elector, ensuring awareness and participation in the revision process.

133. The procedural framework is further strengthened by the requirement under Paragraphs 3 (e) and (f) of the Guidelines, which provides that each elector submit the Enumeration Form along with the requisite information and documents, coupled with an acknowledgement mechanism evidencing receipt.

134. The preparation of the draft electoral roll marks the next stage. Paragraph 4(b) of the Guidelines provides that the draft roll shall include the names of all electors who have submitted their Enumeration Forms, while those in respect of whom forms have not been received are not included at this stage. It is of

significance that such non-inclusion is not tantamount to a final deletion, but is only a provisional step, preceding the statutory process of claims and objections.

135. The heart of the procedural safeguard lies in the claims and objections stage. Paragraph 5 (a) of the Guidelines mandates that the ERO shall scrutinise the eligibility of electors in accordance with the constitutional and statutory requirements. This ensures that the enquiry into eligibility remains anchored within the framework of the RP Act.

136. More importantly, in cases where the ERO entertains any doubt regarding the eligibility of an elector, Paragraph 5(b) of the Guidelines mandates the initiation of a *suo motu* enquiry and the issuance of notice to the concerned elector, calling upon them to show cause. This requirement directly incorporates the essence of Rule 21A of the 1960 Rules, ensuring that no adverse decision is taken without prior notice and an opportunity of hearing. The Guidelines further contemplate that the ERO shall arrive at a determination based on field verification and documentary material, and shall pass a reasoned or speaking order in each case. Such an onerous duty serves as an important check against arbitrariness and ensures that the exercise of power is both transparent and accountable.

137. The framework also provides for wide dissemination and transparency through the display of lists of claims and objections. These lists are to be exhibited at the office of the ERO and made available on official platforms, thereby enabling public scrutiny and participation. This aspect assumes significance in a process that has a direct bearing on electoral rights. The aforesaid safeguard was further strengthened by this Court, namely Order dated 14.08.2025, directing the Commission to publish the list of approximately 65 lakh electors who had been excluded from the draft roll, along with the reasons for such exclusion, and to give ample coverage to such publication through newspapers, electronic media and radio.

138. Further, the availability of an appellate remedy constitutes an additional safeguard. Paragraph 7 of the Guidelines expressly recognises that any decision of the ERO is subject to appeal under Section 24 of the RP Act. This ensures that the process is not final at the initial stage and that any erroneous exclusion can be corrected through a statutory mechanism.

139. Finally, the Guidelines under Paragraph 11 (d) clarify that exclusion from the final electoral roll occurs only after completion of the scrutiny process, including enquiry and opportunity of hearing, and that such electors retain the right to challenge the

decision. This makes it clear that the operative act of deletion is preceded by due process, consistent with the mandate of Rule 21A of the 1960 Rules.

140. Viewed holistically, the scheme underlying the SIR Guidelines reveals that the safeguards embedded in Rule 21A of the 1960 Rules have not been abrogated, but are instead operationalised within a broader and structured revision framework. The essential elements of Rule 21A of the 1960 Rules, namely, identification of doubtful entries, publication of such cases, notice to the concerned elector, and a determination after considering objections, find clear reflection across the various stages of the SIR process. The form may differ, but the substance remains intact.

141. In particular, what Rule 21A of the 1960 Rules contemplates as a singular, event-specific exercise of deletion is, under the SIR framework, distributed across multiple procedural stages, beginning with enumeration, followed by draft publication, and culminating in the claims and objections process. It is at this latter stage that the core safeguards are activated: the elector is put to notice, an enquiry is undertaken where doubt exists, and a reasoned determination is made. The requirement of affording a "reasonable opportunity" to show cause, as envisaged in the

proviso to Rule 21A of the 1960 Rules, thus stands fully incorporated.

142. Equally, the contention that non-inclusion in the draft roll results in automatic or final deletion cannot be accepted. The draft roll is, by design, provisional. It triggers a participatory process in which electors are afforded an opportunity to assert their entitlement, produce supporting material, and contest any proposed exclusion. The finality attaches only after this process is complete, and after compliance with the safeguards of notice, enquiry, and hearing.

143. It must also be borne in mind that the statutory framework does not mandate a rigid or singular procedural format for all situations of deletion. What it insists upon is fairness in action. The SIR Guidelines, in incorporating notice through publication, individualised enquiry in cases of doubt, a speaking order, and a right of appeal, satisfy this requirement. To construe Rule 21A of the 1960 Rules as requiring a uniform, pre-decisional notice at the very threshold, irrespective of the structure of the exercise, would be to read the provision in an unduly restrictive manner.

144. We are, therefore, of the considered view that the deletions effected pursuant to the Impugned Special Intensive Revision cannot be said to be contrary to the procedure prescribed under

Rule 21A of the 1960 Rules. The safeguards of notice and hearing are preserved in substance, and the process adopted by the Commission remains within the bounds of the statutory mandate.

E.3.3 Validity of the Documentation Regime prescribed by the Commission as part of the Enumeration process

145. The next limb of challenge to the procedural validity of the Impugned Special Intensive Revision pertains to the documentation regime prescribed by the Commission as part of the enumeration process.

146. The Petitioner(s) contend that the requirement relating to documentation is manifestly arbitrary and lacks a statutory foundation. It is urged that neither the RP Act nor the 1960 Rules prescribes any exhaustive list of documents for the purpose of establishing eligibility, and that the Commission, in introducing a rigid set of eleven documents, has travelled beyond the statutory framework. Particular exception was taken to the exclusion of commonly held documents such as Aadhaar Card, EPIC and Ration cards, which, according to the Petitioner(s), constitute the most accessible forms of identification for a large segment of the population. The Petitioners further emphasised that the prescribed documentation regime, by insisting upon a

closed set of documents, disproportionately burdens vulnerable and marginalised communities, who may not possess the specified documents, thereby rendering the process exclusionary in effect.

147. *Per contra*, it was argued on behalf of the Commission that the documentation framework under the Impugned exercise is neither rigid nor arbitrary, but is in fact more expansive and facilitative when compared to earlier exercises. It was pointed out that while the SIR conducted in 2003 contemplated a narrower set of documents, the present exercise provides for a broader list of eleven documents, thereby enhancing inclusivity rather than restricting it.

148. Addressing the exclusion of specific documents, the Commission submits that the same is founded on valid and rational considerations. Insofar as the Aadhaar Card is concerned, reliance was placed on Section 9 of the Aadhaar Act, which does not recognise it as proof of citizenship or domicile, thereby rendering it unsuitable for the purpose of electoral verification. With respect to Ration cards, it was contended that their evidentiary value has been compromised due to instances of large-scale irregularities and forgery. As regards the EPIC, it was submitted that since the card is itself issued on the basis of

inclusion in the electoral roll, its acceptance as proof would be circular and would defeat the very purpose of an independent verification exercise.

149. We have bestowed our careful consideration upon the rival submissions advanced on this issue. The challenge, in essence, is directed not merely at the nature of the documents prescribed but at the authority of the Commission to structure a documentation regime as part of an intensive verification exercise. We are unable to accept the contention that the prescription of such a regime, in the facts of the present case, is arbitrary or dehors the statutory framework.

150. At the outset, it must be recognised that the preparation and maintenance of electoral rolls is not a mechanical exercise, but a Constitutional function entrusted to the Commission. The obligation to ensure the purity, accuracy, and integrity of the electoral roll is both continuing and foundational to the democratic process. This obligation necessarily carries with it the authority to devise appropriate procedures for verification, including the nature and extent of documentation required to establish eligibility.

151. The statutory scheme, particularly Sections 16 and 19 of the RP Act, sets out the conditions of eligibility and disqualification for

registration as an elector. The Commission, in revising the electoral roll, is required to satisfy itself that the persons whose names are included in the roll continue to meet these statutory requirements. The process of such satisfaction cannot be rendered illusory; it must be informed by objective material capable of verification.

152. In that context, the prescription of a set of documents operates as a tool to ensure administrative consistency and evidentiary reliability. It is neither practicable nor desirable for the verification process to be left entirely unguided or subjective. It is true that Form 6, as prescribed under the Registration of Electors Rules, 1960, sets out a framework of documentation; however, the same is tailored to the process of revision contemplated under Section 21(2) of the RP Act and may not, in all situations, be capable of literal application to an exercise of the present nature. The Commission, therefore, retains a degree of residual authority to formulate an appropriate documentation framework suited to the exigencies of a Special Intensive Revision. Such authority, however, is not unbounded. In devising such a framework, the Commission must remain cognisant of the existing statutory scheme, and any departure therefrom must be informed by a rational nexus to the object sought to be achieved. The formulation of the documentation regime must thus reflect

a calibrated balance in drawing from the statutory framework, while adapting it, where necessary, to effectively serve the purpose of ensuring the accuracy and integrity of the electoral roll.

153. A perusal of the documentation framework suggests that the list of documents is indicative of materials that are ordinarily available to electors. The expansion of the list, as compared to earlier exercises, also demonstrates an attempt to widen the range of acceptable proofs rather than to restrict it. The argument that the regime is exclusionary, therefore, does not commend acceptance in the absence of material to show that the prescribed documents are, by their very nature, inaccessible.

154. Equally, it must be emphasised that the purpose of the documentation requirement is not merely to establish identity in a generic sense, but to enable the Commission to verify eligibility in terms of residence and other statutory criteria. Not all documents serve this purpose with equal efficacy. The Commission is, therefore, entitled to differentiate between documents based on their evidentiary value in establishing the relevant statutory conditions.

155. Viewed thus, the exclusion of certain documents cannot be characterised as arbitrary if it is founded upon rational

considerations connected with the object of the exercise. The Commission is not obliged to accept every document that may have some probative value; it is entitled to exclude those which, in its considered view, are either insufficient for the purpose at hand or are susceptible to misuse in a manner that would undermine the integrity of the process. To hold otherwise would be to compel the Commission to adopt a lowest-common-denominator approach, thereby diluting the rigour of the verification exercise.

156. Insofar as the exclusion of Aadhaar is concerned, the justification advanced by the Commission needs to be examined in light of the Aadhar Act. The statutory framework governing the Aadhaar Card does not treat it as proof of citizenship or domicile. In an exercise where the Commission is required to be satisfied as to eligibility in terms of the statute, reliance upon a document that does not, by design, attest to such eligibility would be of limited utility.

157. It is, however, pertinent to note that while an Aadhaar Card may not constitute proof of citizenship or domicile, Section 23(4) of the RP Act expressly contemplates its use for the limited purpose of establishing the identity of an individual. In recognition of this statutory position, this Court, *vide* Order dated 08.09.2025,

directed the Commission to treat the Aadhaar Card as an additional 12th document of identity for consideration in the process of inclusion or exclusion from the revised electoral roll in the State of Bihar. It was, however, made equally clear that such recognition does not elevate Aadhaar to conclusive proof, and that the authorities would remain empowered to verify its authenticity and genuineness, including by calling for such further material as may be necessary in a given case.

158. Similarly, the exclusion of ration cards is supported by the Commission's assessment of their evidentiary reliability. While shaping the contours of a special intensive survey under Section 21(3) of the RP Act, the discretion of the Commission is not wholly circumscribed by Rules 4 to 23 of the 1960 Rules. It is open to the Commission to substitute a document, e.g. Ration Card in Form 6 with other classes of document to suit the purpose and intent of such special intensive survey. It may not be out of place to note that a Ration Card, unlike a Passport or a Birth Certificate, is certainly not a conclusive proof of citizenship. The choice of proposed documents for verification of electoral rolls and their evidentiary standards necessarily falls within the discretionary domain of the Commission which may not be substituted subject to reasonableness.

159. As regards the EPIC, the reasoning of the Commission is, in our view, unexceptionable. The EPIC is itself a derivative document, issued on the basis of inclusion in the electoral roll. To permit its use as proof in an exercise intended to verify the correctness of that very inclusion would pose the threat of rendering the entire exercise nugatory. The exclusion of such a document is thus inherent in the logic of the exercise itself.

160. It is also necessary to bear in mind that the documentation requirement does not operate in isolation, but as part of a broader procedural framework that includes opportunities for clarification, enquiry, and adjudication. The production of documents is one facet of the process through which the Commission arrives at its satisfaction; it is not the sole determinant. The overall scheme, therefore, cannot be characterised as rigid or mechanical.

161. Accordingly, we hold that the documentation regime prescribed by the Commission represents a considered exercise of its administrative discretion in furtherance of its Constitutional mandate. The classification of documents, including the exclusion of certain categories, is based on intelligible criteria having a direct nexus with the objective of ensuring the integrity of the electoral roll. We are, therefore, unable to hold that the

impugned documentation framework is arbitrary or violative of the statutory scheme.

E.4. Whether, in the exercise of its constitutional mandate of preparation and maintenance of electoral rolls, and in furtherance of the statutory conditions governing such registration, the Election Commission of India is empowered to scrutinise the citizenship status of persons seeking inclusion or continuation in the electoral roll?

162. With the challenge to the procedural framework having been repelled, the next question that arises for consideration is whether the Commission is empowered, in the course of such exercise, to scrutinise the citizenship status of persons seeking inclusion or continuation in the electoral roll.

163. The Petitioner(s) have argued that the Impugned exercise, in effect, enables a broad-based scrutiny of the citizenship of persons already included in the electoral roll, which is constitutionally impermissible. It was urged that the determination of citizenship does not fall within the remit of the Commission, and reliance is placed upon Section 9(2) of the Citizenship Act, to submit that such questions fall exclusively within the domain of the Central Government. Reference was also made to the Government of India (Allocation of Business) Rules, 1961, to contend that issues relating to citizenship are entrusted

to the Ministry of Home Affairs and, as such, the Commission cannot, under the guise of electoral roll revision, assume a function that lies beyond its constitutional and statutory authority.

164. Opposing this, the Respondent Commission asserted that the power to examine the citizenship of a person claiming enrolment flows directly from its constitutional mandate under Articles 325 and 326 of the Constitution, read with Section 16 of the RP Act, which expressly disqualifies non-citizens from being registered as electors. It is submitted that the duty to maintain the accuracy of electoral rolls necessarily entails a corresponding authority to verify whether a person satisfies the conditions of eligibility, including citizenship.

165. The Commission further contended that the Petitioner's reliance on Section 9(2) of the Citizenship Act is entirely misconceived. According to the Commission, the said provision is limited to the specific question of termination of citizenship upon voluntary acquisition of foreign citizenship. It does not constitute an exhaustive framework governing all inquiries into citizenship. It was pointed out that the constitutional scheme itself envisages multiple authorities engaging with questions of citizenship in different contexts, including the President and Governors who

act on the opinion of the Commission in matters of disqualification.

166. It was further submitted that the Impugned exercise does not amount to a determination of citizenship in the strict sense, but is confined to an enquiry into eligibility for enrolment in the electoral roll. Such an enquiry falls squarely within its constitutional remit and does not encroach upon the domain of any other authority.

167. After giving our thoughtful consideration to the rival submissions, we are of the view that the issue that arises lies at the intersection of constitutional structure, statutory mandate, and individual rights. It concerns not merely the scope of the Commission's powers, but the manner in which those powers are to be exercised in a domain that directly engages the status of citizenship.

168. Citizenship, in our constitutional scheme, is not a matter of mere formal classification. It is the juridical basis of an individual's relationship with the State, from which flows a constellation of rights, entitlements, and obligations. It is this status that situates a person within the political community and enables participation in the democratic process. The architecture of representative democracy, as envisaged under the Constitution,

rests upon the premise that those who partake in electoral governance are citizens of India.

169. The significance of citizenship is thus not confined to the sphere of electoral participation. It has a broader normative content, inasmuch as it embodies recognition of an individual as a member of the constitutional order. This recognition carries with it elements of identity, belonging, and legal personality. The denial or affirmation of such status has consequences that extend beyond statutory rights and into the realm of constitutional values.

170. It is in this sense that citizenship bears a discernible relationship with the guarantees of dignity and personal liberty under Article 21 of the Constitution. While citizenship, as such, is governed by a distinct statutory framework, the consequences that flow from its recognition or denial inevitably implicate the individual's sense of identity and status within society. Any process that touches upon this domain must, therefore, be approached with a high degree of procedural fairness and institutional restraint.

171. It must be acknowledged that the formal determination of citizenship, particularly where it entails adjudication of status or deprivation thereof, falls within the exclusive domain of the Competent Authority under the Citizenship Act. There can be no

dispute that such a determination cannot be undertaken by the Commission, whose powers are circumscribed by the constitutional and statutory framework governing electoral rolls.

172. However, the issue before us is not one of formal adjudication of citizenship, but of the scope of enquiry permissible to the Commission in the discharge of its constitutional functions. Articles 325 and 326 of the Constitution, read with the provisions of the RP Act, cast upon the Commission the duty to prepare and maintain electoral rolls comprising persons who are qualified to be registered as electors.

173. Section 16 of the RP Act explicitly disqualifies non-citizens from being registered in the electoral roll. The consequence of this provision is clear: Citizenship is a condition precedent for enrolment. The Commission, therefore, cannot discharge its obligation to maintain a valid electoral roll without satisfying itself that persons included therein meet this threshold requirement.

174. The question then is one of the nature and extent of such satisfaction. In our considered view, there is a clear and principled distinction between an adjudication of citizenship on the one hand, and an administrative satisfaction as to eligibility for enrolment on the other. The former involves a conclusive

determination of status under the Citizenship Act; the latter is a limited enquiry undertaken for the purposes of electoral representation.

175. In view of the statutory requirement under Section 16 of the RP Act, the Commission, in the course of preparing or revising electoral rolls, is undoubtedly empowered to examine questions bearing upon citizenship. However, such an enquiry can only be made from the standpoint of determining inclusion or exclusion from the electoral roll and must be undertaken with due regard to the presumption operating in favour of an elector whose name is already borne on the roll. It is within this confined statutory setting that the Commission assesses the material before it to arrive at a determination for electoral purposes. Importantly, the entirety of this exercise remains amenable to judicial review, thereby ensuring that the enquiry is conducted in accordance with law and within the bounds of procedural fairness.

176. We have no hesitation in adding that this assessment is necessarily *prima facie* and contextual. Where the material furnished by an individual does not inspire confidence or give rise to doubt, the Commission is within its authority to decline enrolment or to initiate action for deletion, strictly in accordance with law. Such action, however, must be understood in its proper

perspective. It does not amount to a declaration that the individual is not a citizen of India; it merely reflects the Commission's inability to be satisfied, for electoral purposes, that the statutory conditions are met.

177. The consequence of such a determination is correspondingly limited. It affects the individual's entitlement to be included in the electoral roll, and thereby their right to participate in the electoral process. It does not, however, operate to divest the individual of claims of citizenship, nor does it foreclose a determination of that question by the Competent Authority under the Citizenship Act.

178. Moreover, in cases where the Commission is not satisfied that a person meets the statutory conditions for inclusion in the electoral roll, it would be incumbent upon it to refer such an individual to the competent authority within the Central Government for adjudication in accordance with law. The Commission's determination, being confined to electoral purposes, cannot assume finality on the question of citizenship. Any deletion effected on this ground shall, therefore, remain subject to the outcome of such adjudication by the appropriate authority.

179. It is further necessary to emphasise that the competent authority must decide such questions within a reasonable timeframe, and in any event, before the next Parliamentary, Legislative Assembly or Local Body election in the concerned State or constituency, so as to ensure that the individual's electoral rights are not left in a state of prolonged uncertainty.

180. This delineation of functions preserves the constitutional balance. It ensures that the Commission is able to discharge its duty of maintaining the purity and integrity of the electoral roll, while at the same time respecting the statutory scheme governing citizenship. To hold otherwise would either render the Commission incapable of enforcing the basic eligibility condition of citizenship or compel it to assume an adjudicatory role not contemplated by law.

181. The reliance placed by the Petitioner(s) on Section 9(2) of the Citizenship Act does not alter this position. That provision addresses a specific contingency, namely, the termination of citizenship upon voluntary acquisition of foreign citizenship. It cannot be read as an exhaustive bar on all forms of enquiry into citizenship by other constitutional or statutory authorities acting within their respective domains.

182. Similarly, the reference to the Allocation of Business Rules does not advance the Petitioner's case. While those Rules allocate the subject of citizenship to the Ministry of Home Affairs for purposes of governmental business, they do not denude other constitutional authorities of the incidental power to examine citizenship insofar as it is relevant to the discharge of their own functions.

183. Ultimately, the issue must be approached with a measure of constitutional sensitivity. Citizenship is a matter of profound consequence, engaging both individual rights and the integrity of the polity. The process of electoral revision must, therefore, be conducted with care, fairness, and due regard to the limits of institutional competence.

184. Viewed thus, we are of the considered opinion that the Commission is empowered, in the exercise of its constitutional mandate, to undertake a limited enquiry into citizenship for the purpose of satisfying itself as to eligibility for inclusion in the electoral roll. Such an enquiry does not amount to a determination of citizenship in the strict sense, and any action taken pursuant thereto is confined to electoral consequences alone.

185. Accordingly, the contention that the Impugned exercise is *ultra vires* on the ground that it entails an impermissible adjudication of citizenship deserves to be rejected.

F. ***CONCLUSION AND DIRECTIONS***

186. As an upshot of the foregoing discussion, we deem it appropriate to dispose of the instant batch of writ petition(s) with the following directions:

a) The Impugned SIR exercise neither stands in direct conflict with the RP Act and the 1960 Rules, nor does it detract from the constitutional imperative of free and fair elections. It is, instead, an exercise traceable to Section 21(3) of the RP Act read with Article 324 of the Constitution, undertaken to advance the very objective which Part XV of the Constitution is designed to protect.

b) The Impugned SIR exercise, as conducted, satisfies the requirements of proportionality. The measures adopted bear a rational nexus to the objective sought to be achieved, are not manifestly excessive, and are accompanied by sufficient procedural safeguards to prevent arbitrary exclusion. The Impugned exercise was founded upon a legitimate and constitutionally grounded purpose, namely, the restoration of the accuracy, completeness, and integrity of the electoral

rolls. Having regard to the nature of the problem sought to be addressed, the scale of the exercise undertaken, and the procedural safeguards incorporated during its implementation, the measures adopted by the Commission cannot be said to be disproportionate to the object sought to be achieved.

c) While inclusion in the electoral roll gives rise to a presumption of validity, such presumption is rebuttable and cannot be construed as imposing a blanket embargo on the powers of the Commission to undertake a Special Intensive Revision. The decision in ***Lal Babu Hussein*** (***Supra***) does not compel a contrary conclusion, being confined to the context of adjudicatory proceedings and not extending to a systemic, inquisitorial exercise undertaken in furtherance of the Commission's constitutional mandate.

d) The deletions effected pursuant to the Impugned SIR exercise cannot be said to be contrary to the procedure prescribed under Rule 21A of the 1960 Rules. The safeguards of notice and hearing are preserved in substance, and the process adopted by the Commission remains within the bounds of the statutory mandate.

e) The documentation regime prescribed by the Commission represents a considered exercise of its administrative discretion in furtherance of its Constitutional mandate. The classification of documents, including the exclusion of certain categories (apart from Aadhar Card, which was directed to be included *vide* Order dated 08.09.2025), is based on intelligible criteria having a direct nexus with the objective of ensuring the integrity of the electoral roll. We are, therefore, unable to hold that the impugned documentation framework is arbitrary or violative of the statutory scheme.

f) The Commission is empowered, in the exercise of its constitutional mandate, to undertake a limited enquiry into citizenship for the purpose of satisfying itself as to eligibility for inclusion in the electoral roll. Such an enquiry does not amount to a determination of citizenship in the strict sense, and any action taken pursuant thereto is confined to electoral consequences alone. The consequence of such a determination is correspondingly limited. It affects the individual's entitlement to be included in the electoral roll, and thereby their right to participate in the electoral process. It does not, however, operate to divest the individual of claims of citizenship, nor does it foreclose a determination of

that question by the Competent Authority under the Citizenship Act.

g) In cases where the Commission is not satisfied that a person meets the statutory conditions for inclusion in the electoral roll, it would be incumbent upon it to refer such an individual to the competent authority within the Central Government for adjudication in accordance with law. The Commission's determination, being confined to electoral purposes, cannot assume finality on the question of citizenship. Any deletion effected on this ground shall, therefore, remain subject to the outcome of such adjudication by the appropriate authority.

h) Regarding persons whose names have been deleted from the 2003 roll on account of the Commission being of the opinion that they are not citizens, the Commission shall refer such cases within 4 weeks to the Competent authority under the Citizenship Act, 1955, for adjudication of their citizenship. The Competent Authority shall take the necessary decision in accordance with law, preferably before the next Parliamentary, Assembly, Local Body elections, whichever is earlier, after giving notice and an opportunity of hearing to the deleted individuals, if any. In the event the Competent

Authority holds that such deleted individuals are citizens, they shall be included in the electoral roll. In addition thereto, all persons who are domiciled in Bihar and whose names have been erroneously deleted on the ground that they are absent, dead, shifted or in duplication may assail the decision of the Commission by way of judicial review.

i) These writ petitions are disposed of in the above terms. Pending interlocutory applications, if any, shall stand closed.

187. Ordered accordingly.

.....CJI.
[SURYA KANT]

.....J.
[JOYMALYA BAGCHI]

NEW DELHI
DATED: 27.05.2026