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Electoral Integrity versus the Right to Vote: A Constitutional Analysis of the Special Intensive Revision (SIR) in India

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ABSTRACT

An accurate electoral roll is necessary for free and fair elections. At the same time, every eligible citizen must have an equal chance to exercise the right to vote. Bihar's Special Intensive Revision (SIR) of electoral rolls in 2025 brought this issue into not only public but also legal debate. While the Election Commission of India said the exercise aimed to remove errors and ensure only eligible electors remained on the rolls, concerns were raised about documentation, possible exclusion, and the procedure followed.

This paper examines the constitutional and legal framework governing SIR, with particular reference to Articles 14, 324, 325, and 326 of the Constitution of India, the Representation of the People Act, 1950, and the Registration of Electors Rules, 1960. It also analyses the Supreme Court's decision in *Association for Democratic Reforms v. Election Commission of India* (2026), which upheld the legality of the Bihar SIR exercise. The paper argues that preserving accurate electoral rolls and protecting eligible voters are equally important parts of a democratic electoral system. It concludes that clear rules, proper notice, fair hearings, transparent decisions, and accessible remedies can help achieve both objectives.

Keywords: Special Intensive Revision, electoral rolls, right to vote, Election Commission of India, Article 326, electoral integrity, constitutional democracy.

1. INTRODUCTION

Elections are the foundation of representative democracy. In India, people choose their representatives through elections, and the credibility of this process depends partly on the accuracy of electoral rolls. If the rolls include the names of deceased persons, duplicate entries, or ineligible persons, the reliability of the voting process may be questioned. Conversely, if an eligible voter is wrongly excluded, that person may lose the opportunity to participate in an election. This makes preparing and revising electoral rolls an important legal and constitutional responsibility.

Bihar introduced the Special Intensive Revision, commonly known as SIR, in June 2025. The Election Commission of India explained that the exercise was needed because of migration, urbanization, unreported deaths, duplicate entries, and other changes that could affect the accuracy of electoral rolls. Bihar's previous intensive revision took place in 2003.[1]

The exercise soon brought up significant questions. Did the Election Commission have the legal authority to conduct such a revision? Were the documents required from voters reasonable? Could the process exclude eligible

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citizens? What safeguards were available to people whose names were not included in the draft electoral roll?

The Supreme Court addressed these issues in *Association for Democratic Reforms v. Election Commission of India*, decided on 27 May 2026. The Court upheld the legality of the Bihar SIR and examined the Commission's powers, the purpose of the exercise, the procedures followed, and citizenship verification.[2]

The judgment provides an opportunity to examine the relationship between electoral accuracy and the right to vote. The main argument of this paper is that **a revision of electoral rolls should be judged not only by its ability to remove incorrect entries but also by the fairness of the procedure used to identify eligible voters**.

This paper uses a doctrinal research method, which examines the Constitution, relevant election laws, judicial decisions, and official documents related to the Bihar SIR. It also suggests practical measures to make future revisions more transparent and fair.

2. CONSTITUTIONAL AND LEGAL FRAMEWORK

2.1. The Right to vote under the Constitution

Article 326 of the Constitution provides for elections to the Lok Sabha and State Legislative Assemblies by adult suffrage, subject to the qualifications and disqualifications laid down by law. In simple terms, it establishes the constitutional basis for eligible adult citizens to participate in elections.

The right to vote in India is governed by constitutional provisions and election laws. In *Jyoti Basu v. Debi Ghosal*, the Supreme Court held that electoral rights are statutory and must be exercised under the law governing elections.[3]

However, the statutory nature of the right does not make electoral participation unimportant. Voting allows citizens to choose their representatives and hold governments accountable. Therefore, the rules governing voter registration should be applied carefully and fairly.

The main issue is not whether the law can prescribe registration conditions. It clearly can. The question is whether the procedure for checking those conditions gives eligible citizens a reasonable opportunity to establish their eligibility.

2.2. Powers of the Election Commission

Article 324 of the Constitution gives the Election Commission of India responsibility for the superintendence, direction and control of elections, including the preparation of electoral rolls. These powers must be exercised within the Constitution and the laws Parliament makes.

In *Mohinder Singh Gill v. Chief Election Commissioner*, the Supreme Court recognised Article 324's important role in ensuring the proper conduct of elections.[4] At the same time, the Commission's powers are not unlimited. In *A.C. Jose v. Sivan Pillai*, the Court explained that the Commission cannot disregard an existing law or statutory rule while exercising its constitutional powers.[5]

These decisions show that the Election Commission plays an important function in maintaining electoral rolls, but it must act within the applicable legal framework.

2.3. The Representation of the People Act, 1950

The Representation of the People Act, 1950, provides the main statutory framework for preparing and revising electoral rolls. Section-16 of the Act deals with disqualifications for registration; Section-21 concerns the preparation and revision of electoral rolls, including special and intensive revisions under the prescribed legal framework; Sections- 22 & 23 deal with the correction of entries and the inclusion of names, while Section-24 provides for appeals against specified orders relating to electoral-roll entries.[6]

These provisions matter because they establish both the authority to revise electoral rolls and the procedures for correcting or challenging individual entries. The existence of a power to revise the rolls does not mean that every method of revision is automatically lawful. The Commission must act within the relevant statutory provisions and follow the applicable rules.

2.4. Registration of Electors Rules, 1960

The Registration of Electors Rules, 1960, set out procedures for claims, objections, inquiries, and revision of electoral rolls. They also include safeguards for correcting and deleting entries.[7]

These procedures matter because an electoral decision can directly affect an individual's ability to vote. Where a person's name is proposed for removal, the applicable rules on notice and the opportunity to respond must be followed.

A fair procedure should allow the affected person to understand the reason for the proposed action and to present relevant information. Decisions should be based on applicable law and the available evidence.

Thus, the constitutional and statutory framework supports both fair electoral rolls and correct treatment of individual electors.

3. THE BIHAR SIR AND THE SUPREME COURT JUDGMENT

3.1. Background of the exercise

On 24 June 2025, the Election Commission ordered an SIR of electoral rolls in Bihar. It stated that the exercise was necessary because of population changes, migration, unreported deaths, and possible duplicate entries. The Commission also stated that the objective was to include all eligible citizens and remove ineligible entries.[8]

The exercise involved verifying existing electoral records and collecting enumeration forms. The 2003 electoral roll was important in determining the documentation electors had to provide. The process treated those whose names appeared on the earlier roll differently from those whose names were not found there.

The process raised concerns about people who had moved from their earlier residences, lacked certain documents, or had difficulty completing the required forms.

The draft electoral roll published on first August 2025 did not include approximately 65 lakh names from the earlier roll. This figure related to names absent from the draft list; it should not be treated as proof that every affected person was ineligible. After processing claims, objections, and additions, the Election Commission published the final roll-on 30 September 2025, reporting approximately 7.42 crore electors.[9]

These figures show the scale of the exercise. They also highlight why a clear, accessible process for correcting errors matters.

3.2. Questions considered by the Supreme Court

The Supreme Court considered the judicial challenges to the Bihar SIR in *Association for Democratic Reforms v. Election Commission of India*, 2026 INSC 564.[10]

The main questions included:

> Whether the Election Commission had the authority to conduct the SIR.

> Whether the exercise served a legitimate purpose and the measures adopted were proportionate.

> Whether the procedure complied with the Representation of the People Act, 1950, and the Registration of Electors Rules, 1960.

> Whether the Election Commission could examine citizenship for the limited purpose of deciding eligibility for electoral registration.

These questions involved both administrative authority and the defence of individual rights. The Court had to balance the Commission's responsibility to keep accurate electoral rolls with the legal safeguards available to affected electors.

3.3. Decision of the Supreme Court

On 27 May 2026, the Supreme Court upheld the legality of the Bihar SIR. It accepted that Article 324 of the Constitution, read with Section 21(3) of the Representation of the People Act, 1950, supported the exercise. The Court also considered the purpose of the revision, the procedures followed and the safeguards available to electors.[11]

The Court recognised that electoral rolls may demand a comprehensive review when errors have accumulated over time. It did not accept the argument that a large-scale revision was unlawful merely because it could create difficulties or because other methods can be available.

The Court also considered citizenship. It recognised that the Election Commission could examine citizenship only to determine eligibility for electoral registration. However, an electoral eligibility decision should not automatically be treated as a final determination of a person's citizenship for every legal purpose.[12]

This distinction matters because electoral registration and citizenship adjudication are not the same. The Election Commission must apply the legal requirements for registration, but its role must remain within the law.

The judgment upheld the legality of the Bihar exercise. However, this does not mean that every individual decision made during a revision is beyond challenge. A particular decision may still be questioned if it does not follow the applicable law or fails to consider the relevant facts.

4. CRITICAL ANALYSIS: ACCURACY AND THE PROTECTION OF VOTERS

4.1. Why are accurate electoral rolls necessary?

The Election Commission must maintain reliable electoral rolls. Duplicate entries, names of deceased persons, and registrations of ineligible persons can affect public faith in elections. Removing such entries is a legitimate and necessary objective.

The Supreme Court was therefore right to recognize the importance of electoral-roll accuracy. A revision should not be considered unlawful simply because it involves verification or requires electors to provide information.

However, the purpose of a measure and the manner in which it is carried out must be considered separately. Even a legitimate objective should be pursued through a fair and reasonable process.

The central question is whether the process can identify ineligible entries without unnecessarily hindering eligible voters.

4.2. Can the process exclude eligible voters?

One of the main concerns about SIR relates to documentation. Documents help authorities verify identity and eligibility, but not every person has easy access to the same records.

For example, someone who has moved several times may struggle to produce an older document. An elderly person may need assistance in completing forms. A person working outside their home state may face practical problems in responding to a notice within a short period.

These examples do not mean that the people concerned are automatically eligible for registration. They show why the verification process should be accessible and why each case should be examined according to the applicable law.

If an eligible person is excluded because they did not complete a form correctly or could not produce a document in time, the purpose of maintaining an accurate roll may not have been achieved fairly.

A good system should therefore clearly explain the required documents, allow legally acceptable alternatives, and provide an opportunity to correct mistakes.

4.3. The importance of notice and a fair hearing

A person whose name is proposed to be removed from an electoral roll should have a meaningful opportunity to respond wherever the law requires it.

The person should be informed of the reason for the proposed action, the evidence or discrepancy involved, the time available to respond, and the procedure for challenging the decision.

This is particularly important during a large-scale revision. When many names are being checked at the same time, administrative mistakes may occur. A clear process can help identify and correct them.

The Supreme Court upheld the legal framework used for the Bihar SIR. Nevertheless, a practical question remains: are the safeguards easy for ordinary citizens to use?

A procedure may look fair on paper but prove difficult in practice if notices don't reach people, deadlines are unclear, or the appeal process is hard to access. This is why implementation deserves as much attention as the legal authority to conduct the revision.

4.4. The role of proportionality

The principle of proportionality helps courts assess whether a measure is reasonably suited to its purpose and whether the burden it creates is justified.

In *Modern Dental College and Research Centre v. State of Madhya Pradesh*, the Supreme Court discussed proportionality as a way of assessing the relationship between a legitimate objective and

the measures adopted to achieve it.[13]

Applied to SIR, the principle raises four practical questions:

- Is the revision intended to achieve a legitimate objective?
- Is the process reasonably connected to that objective?
- Could the same objective be achieved through a less burdensome method?
- Are the benefits of the exercise proportionate to the difficulties it creates for impacted individuals?

The Supreme Court considered the Bihar SIR lawful and did not find the exercise disproportionate in the manner challenged. This conclusion must be respected when discussing the judgment.

At the same time, proportionality is a useful way to evaluate future revisions and individual administrative decisions. A statewide policy may be lawful, but a particular deletion may still be challenging if the authority fails to follow the law or properly consider the person's evidence.

4.5. Citizenship verification and the limits of authority

Citizenship is relevant to electoral eligibility under Article 326. Therefore, the Election Commission may need to examine citizenship-related information when deciding whether a person qualifies for registration.

However, the Commission's electoral function should not be confused with the wider legal process for determining citizenship status.

The Supreme Court's distinction between a limited inquiry for electoral purposes and a final determination of citizenship is important. It helps ensure that the Commission acts within its proper role.

In practice, the reasons for an adverse electoral decision should be clear. The affected person should also be informed of the remedies available under the relevant law. This would reduce confusion about the decision's legal effect and help protect the person's rights.

The aim should be to ensure that electoral authorities apply the eligibility requirements correctly without exceeding their legal powers.

5. SUGGESTIONS FOR A FAIRER SIR PROCESS

The following steps may help boost future revisions while protecting the Election Commission's authority to keep accurate electoral rolls.

First, the documentation requirements should be clearly explained. The Election Commission should publish simple instructions in local languages and clearly identify which documents it can accept. Where the law permits alternative evidence, it should also explain that option.

Second, notices should reach the affected persons. Reasonable efforts should be made to inform electors about proposed deletions and the reasons for them. People should have sufficient time to respond and correct mistakes.

Third, vulnerable groups should have access to assistance. Elderly people, people with disabilities, people with limited literacy, and those temporarily away from home may need additional help. Accessible assistance can make the process fairer without changing the legal conditions for registration.

Fourth, decisions should give clear reasons. If a person's claim is rejected or their name is removed, the decision must explain the legal and evidential basis. This would make the decision easier to understand and, where necessary, challenge.

Fifth, the appeal process should be simple and accessible. Electors should know which authority to approach, the relevant deadline, and the required documents. The Commission should decide appeals within a reasonable time, especially as an election approach.

Finally, the Election Commission should review the results of each major revision. It should examine the reasons for deletions, the number of successful claims and appeals, and the difficulties reported by electors. Such an assessment could help boost future exercises.

These suggestions do not oppose revising electoral rolls. Rather, they aim to ensure that the process achieves its purpose without creating avoidable barriers for eligible citizens.

6. CONCLUSION

The Special Intensive Revision of electoral rolls in Bihar brought up significant questions about the relationship between electoral accuracy and the right to vote. The Supreme Court's decision in *Association for Democratic Reforms v. Election Commission of India* upheld the legality of the exercise and recognised the Election Commission's authority to undertake a comprehensive revision within the constitutional and statutory framework.

The decision matters because accurate electoral rolls are essential to free and fair elections. At the same time, the legal validity of a revision does not remove the requirement for fair implementation. Clear documentation requirements, proper notice, reasoned decisions, and accessible appeals are necessary.

This paper argues that voting integrity and protecting eligible voters are not opposing goals. An electoral roll must be accurate, but the process used to achieve that accuracy must also be fair.

India's integrated adult suffrage requires a system that can remove ineligible entries while giving eligible citizens a reasonable opportunity to establish their entitlement to vote. The success of SIR should therefore be judged not only by the number of entries corrected or removed, but also by the fairness, reliability and transparency of the process.

A democratic electoral system is strongest when it maintains precise records and protects the participation of every person who is legally entitled to vote.

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