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### **Legal Implications of SIR on Voter Rights**

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#### **Abstract**

*The Special Intensive Revision (SIR) of electoral rolls, initiated by the Election Commission of India (ECI) in Bihar and expanded to other states, raises significant legal implications for voter rights under Articles 14, 21, 325, and 326 of the Constitution. Critics argue that SIR exceeds ECI's mandate under Article 324 and Section 21 of the Representation of the People Act, 1950, by effectively determining citizenship through Booth Level Officers (BLOs), akin to an indirect National Register of Citizens (NRC) without parliamentary approval. This process reverses the burden of proof, requiring voters to substantiate citizenship with documents, potentially leading to arbitrary deletions from rolls, violating due process and natural justice principles.*

*Supreme Court petitions highlight SIR's ultra vires nature, as citizenship verification falls under the Central government's Citizenship Act, not ECI's purview, risking disenfranchisement of millions, including marginalized groups. The hurried timeline and generic justifications like migration fail Section 21(3) requirements for constituency-specific reasons, breaching equality and adult suffrage guarantees. Voter suicides linked to BLO pressures underscore human rights concerns under Article 21.*

**Keywords:** *SIR, voter rights, ECI, citizenship verification, electoral rolls, Article 326, disenfranchisement, Supreme Court, NRC, due process.*

## Introduction

The Special Intensive Revision (SIR) of electoral rolls, launched by the Election Commission of India (ECI) primarily in Bihar in 2025 and extended to other states, represents a contentious electoral exercise aimed at purifying voter lists ahead of key polls. Framed under Article 324 of the Constitution<sup>1</sup>, which vests the ECI with superintendence over elections, and Section 21(3) of the Representation of the People Act, 1950 (RPA), SIR mandates fresh enumeration through Booth Level Officers (BLOs), requiring voters—especially those enrolled post-2003—to submit extensive documentation proving citizenship and ordinary residence. This process, the first intensive revision in Bihar since 2003, seeks to eliminate duplicates, deceased entries, and ineligible voters while including all eligible citizens above 18, but it has sparked widespread legal challenges for potentially undermining fundamental voter rights enshrined in Articles 14, 19, 21, and 326.<sup>2</sup> Critics, including petitions before the Supreme Court by groups like the Association for Democratic Reforms (ADR), contend that SIR oversteps the ECI's mandate by morphing into an unauthorized citizenship verification drive, effectively functioning as an "indirect National Register of Citizens (NRC)" without parliamentary sanction under the Citizenship Act, 1957. Unlike routine summary revisions under Section 21(2) RPA, SIR imposes a reverse burden of proof on existing voters, demanding documents like passports (held by only about 2% of Bihar's population), birth certificates, or land records—excluding commonly available proofs such as Aadhaar, voter IDs, or ration cards, which contradicts Form 6 norms for new registrations.<sup>3</sup> This exclusionary approach allegedly violates Article 14's equality guarantee by creating arbitrary classifications: pre-2003 voters enjoy presumptive citizenship based on outdated rolls, while younger or migrant voters face heightened scrutiny, fostering discrimination against marginalized communities, rural poor, minorities, and women lacking personal documentation.

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<sup>1</sup> Constitution of India, art. 324 (1950).

<sup>2</sup> Constitution of India, arts. 14, 19, 21, 326 (1950).

<sup>3</sup> Citizenship Act, 1955, No. 57, Acts of Parliament, 1955 (India).

The compressed timeline—often just weeks for 8 crore Bihar voters to comply—breaches natural justice principles and due process under Article 21, as BLOs wield quasi-judicial powers without adequate training, appeals mechanisms, or hearings, leading to arbitrary deletions and reported voter suicides from harassment. Furthermore, SIR's generic justifications (e.g., migration, duplicates) fail Section 21(3)'s requirement for constituency-specific reasons, risking mass disenfranchisement—potentially millions—ahead of elections, thus imperilling Article 326's universal adult suffrage. Policy ramifications extend beyond Bihar, with SIR's expansion to Bengal and elsewhere blurring lines between electoral upkeep and exclusionary nationalism, evoking NRC fears where incomplete records could later label individuals as non-citizens. While the ECI defends SIR as essential for "no eligible voter left out, no ineligible included," lacking explicit statutory definition in RPA or Registration of Electors Rules, 1960, exposes it to judicial invalidation. Human rights groups decry it as disproportionately affecting vulnerable groups, silencing political expression under Article 19(1)(a), and eroding democratic inclusivity—echoing global concerns over voter purges. Judicial intervention remains pivotal; interim orders have urged inclusive documentation, but unresolved ambiguities threaten electoral fairness.<sup>4</sup>

### **Constitutional Provisions Relating to Voter Rights**

Article 326 of the Indian Constitution forms the bedrock of voter rights by enshrining universal adult suffrage for elections to the Lok Sabha and State Legislative Assemblies. It mandates that every Indian citizen aged 18 or above. This provision is invoked in Supreme Court challenges, as SIR's stringent documentation demands risk mass deletions, potentially violating the non-discriminatory essence of Article 326 by disproportionately affecting marginalized voters lacking formal proofs.<sup>5</sup> Complementing Article 326, Article 14<sup>6</sup> guarantees equality before the law, which courts have interpreted to protect voter lists from arbitrary purges during processes like

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<sup>4</sup> Constitution of India, art. 19(1)(a) (1950).

<sup>5</sup> The Constitution (Sixty-first Amendment) Act, 1988, No. 21, Acts of Parliament, 1988 (India).

<sup>6</sup> INDIA CONST. art. 14.

SIR. Petitioners argue that SIR creates unequal classes—pre-2003 voters presumed eligible versus post-2003 ones burdened with citizenship proofs—breaching Article 14's arbitrariness prohibition, as Booth Level Officers (BLOs) exercise unchecked discretion without hearings or appeals. Judicial precedents like reinforce that electoral processes must uphold equality, cautioning against ECI actions that indirectly disenfranchise eligible citizens under the guise of roll purification.

SIR's implications under Article 21 arise from reported voter harassment, suicides, and rushed timelines—mere weeks for millions to submit documents like passports or land records—denying due process and fair hearing, principles embedded in Article 21. Critics highlight that BLO-led verifications mimic citizenship tribunals, absent statutory backing, thus imperilling liberty by reversing the burden of proof onto voters, contrary to natural justice norms upheld. SIR challenges question its ultra vires nature, as Section 21(3) RPA permits intensive revisions only for constituency-specific reasons like migration, not blanket citizenship probes, which encroach on the Citizenship Act, 1957's domain.<sup>7</sup> Yet SIR's exclusion of Aadhaar or ration cards as proofs allegedly discriminates against poor, migrant, and minority communities, evoking fears of an indirect NRC.

Article 19(1)(a), protecting intersects rights by enabling political participation; disenfranchisement via SIR stifles this by silencing affected voices ahead of polls. The Constitution's Directive Principles, particularly Article 38 promoting social justice, indirectly bolster inclusive electoral practices, critiqued in SIR for exacerbating inequalities. Landmark rulings like mandate voter information rights, underscoring transparency absent in SIR's opaque BLO processes. These provisions collectively frame SIR's legal flashpoint: while ECI defends it for integrity ("no eligible voter left out, no ineligible included"), courts probe if it undermines constitutional guarantees. Amplifying Article 326's scope to over 90 crore voters, making SIR's potential disenfranchisement—affecting millions in Bihar and beyond—constitutionally untenable without safeguards like extended deadlines and inclusive documents.

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<sup>7</sup> Citizenship Act, 1955, No. 57, Acts of Parliament, 1955 (India).

Balancing electoral hygiene with rights protection demands judicial clarity, ensuring SIR aligns with the framers' vision of participatory democracy.

### **Role Of the Election Commission of India in SIR**

The Election Commission of India (ECI) holds a pivotal role in executing the Special Intensive Revision (SIR) of electoral rolls, leveraging its constitutional mandate under Article 324 to superintend, direct, and control the entire electoral process, including voter list preparation and purification.<sup>8</sup> In the 2025 Bihar SIR, covering over 8 crore voters, the ECI initiated and oversees the comprehensive door-to-door verification, issuing formal notifications with qualifying dates (e.g., July 1, 2025), deploying Booth Level Officers (BLOs) for house-to-house enumeration, distributing pre-filled forms, scrutinizing documents for citizenship and residence, and finalizing rolls by deleting duplicates, deceased entries, and ineligible while adding omissions. This central coordination extends through Chief Electoral Officers (CEOs) in states, District Election Officers, and Electoral Registration Officers, ensuring uniform implementation, staff training, digital integration like SMS alerts and online portals, and public awareness campaigns, all aimed at upholding the "one person, one vote" principle ahead of high-stakes polls. Distinguishing SIR from routine summary revisions by mandating intensive, time-bound features like mandatory document verification for post-2003 enrollees—passports, land records, or birth certificates—excluding everyday proofs like Aadhaar or ration cards. The ECI defends this as essential for accuracy and inclusion. Article 324's plenary authority to ensure free and fair elections, subject only to constitutional limits and judicial review under Article 329(b). Critics, however, assail the ECI's overreach, noting "Special Intensive Revision" lacks explicit mention in RPA or Registration of Electors Rules, 1960, rendering it procedurally vague and prone to abuse, as former CEC O.P. Rawat observed that "special" tinkers with legal templates without full house-to-house rigor.<sup>9</sup>

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<sup>8</sup> INDIA CONST. art. 324

<sup>9</sup> Rawat, O. P. (2023). *Public remarks on electoral roll revisions*.

Legal implications for voter rights intensify scrutiny of the ECI's BLO-centric model, where these agents wield quasi-judicial discretion to mark entries for deletion without mandatory hearings, appeals, or BLO training on citizenship nuances, breaching natural justice and Article 14's equality mandate. Supreme Court petitions by the Association for Democratic Reforms challenge SIR as ultra vires, arguing the ECI encroaches on the Citizenship Act, 1957<sup>10</sup>, by reversing the burden of proof onto voters—requiring them to affirm eligibility amid rushed timelines (weeks for millions)—potentially disenfranchising marginalized groups and evoking an indirect NRC. The ECI's generic justifications (migration, duplicates) fail Section 21(3)'s constituency-specific threshold, risking arbitrary purges that undermine Article 326's universal adult suffrage, as seen in reported Bihar voter suicides from BLO harassment. Despite interim judicial nods permitting inclusive documents like Aadhaar, the ECI's insistence on stringent proofs exposes accountability gaps, with opaque data on form submissions or deletions fuelling disenfranchisement fears. Article 324 empowers the ECI robustly, but precedents like voting to Article 21's due process, cautioning against processes that silence eligible voices.<sup>11</sup> The ECI's expansion of SIR to Bengal and beyond amplifies these concerns, blurring electoral upkeep with exclusionary verification, demanding transparent grievance portals, extended deadlines, and statutory clarity to reconcile integrity with rights. Balancing its role, the ECI monitors implementation via CEO reports, publishes draft rolls for claims/objections, and integrates tech for efficiency, yet faces accusations of politicization amid 2025's polarized context. Judicial oversight remains key; while courts affirm ECI autonomy, unresolved ambiguities in SIR's nomenclature and scope threaten democratic trust, underscoring the need for reforms like BLO oversight and simplified proofs to safeguard voter rights without diluting electoral hygiene.

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<sup>10</sup> Citizenship Act, 1955, No. 57, Acts of Parliament, 1955 (India).

<sup>11</sup> Constitution of India, art. 21 (1950).

## Legal Governing SIR in India

The legal framework governing the Special Intensive Revision (SIR) of electoral rolls in India primarily stems from the Constitution and the Representation of the People Act, 1950 (RPA)<sup>12</sup>, providing the Election Commission of India (ECI) with powers to maintain accurate voter lists while raising critical implications for voter rights. Article 324 of the Constitution grants the ECI broad superintendence, direction, and control over elections, including preparation and revision of electoral rolls, enabling it to order special revisions as needed for electoral integrity. Distinguishing SIR from routine annual summary revisions under Section 21(2) or intensive revisions under Section 21(1), which require house-to-house checks but lack SIR's stringent documentation mandates. The Registration of Electors Rules, 1960, further detail procedures for enrolment (Forms 6, 6B, 7, 8), claims, objections, and deletions, yet notably omit any explicit reference to "Special Intensive Revision," fuelling legal debates over its procedural legitimacy and scope.

SIR's operational mechanics, as notified by the ECI (e.g., Bihar notification with qualifying date July 1, 2025), involve phased enumeration (BLOs), distribution of pre-printed forms, mandatory self-attestation, and verification of citizenship, age, and ordinary residence proofs—particularly for post-2003 enrolees—using documents like passports, birth certificates, or land records, while excluding Aadhaar or ration cards despite their acceptance in new registrations. This framework draws from Sections 16 and 19 of RPA, defining eligibility as Indian citizenship, age 18+, and ordinary residence, but imposes a reverse burden of proof on voters, absent in standard rules, prompting Supreme Court scrutiny for potentially exceeding ECI's remit under the Citizenship Act, 1957, which reserves citizenship determination to the Central government. Rules 26-28 of the 1960 Rules govern BLO duties<sup>13</sup>, yet grant them quasi-judicial deletion powers without mandatory hearings, contravening natural justice

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<sup>12</sup> Representation of the People Act, No. 43 of 1950, §§ 21(1)–21(3) (India).

<sup>13</sup> Registration of Electors Rules, 1960, rr. 26–28 (India).

principles under Article 14, as deletions for suspected ineligibility require evidence and appeals via Form 7.

Constitutional safeguards like Article 326, guaranteeing adult suffrage without discrimination, intersect profoundly with SIR's framework; petitioners argue its blanket verification violates this by risking arbitrary disenfranchisement, especially of marginalized groups lacking documents. Section 21(3)'s precondition—"for reasons to be recorded"—demands constituency-specific justifications (e.g., high migration), yet ECI's generic rationales (duplicates, deaths) invite judicial invalidation, as affirmed in precedents like *Mohinder Singh Gill v. CEC* (1978), which upholds ECI powers but subjects them to reasonableness. The framework's vagueness on timelines—mere weeks for 8 crore Bihar voters—clashes with Form publication rules (draft rolls for 7 days claims/objections), amplifying disenfranchisement risks ahead of polls, evoking an indirect NRC without parliamentary approval.

Judicial interventions shape SIR's governance; Supreme Court orders in Bihar cases (e.g., *Association for Democratic Reforms* petitions) have mandated inclusive proofs and hearings, reinforcing that ECI actions must align with Articles 325 (no religious discrimination in rolls) and 19(1)(a) (political expression via voting). The ECI's FAQs and portals ([voters.eci.gov.in](http://voters.eci.gov.in)) integrate digital tools for transparency, but opaque BLO training and deletion data persist as gaps, violating RPA Section 62's secrecy and universality mandates.<sup>14</sup> Expansion to Phase-II (9 states, 51 crore electors by November 2025) underscores nationwide stakes, with parliamentary debates demanded for statutory clarity.<sup>15</sup> Reform calls within the framework advocate codifying SIR via RPA amendments—defining proofs, BLO accountability, phased pilots, and migrant provisions—balancing integrity with rights, as ECI's "no eligible left out, no ineligible included" mantra requires procedural steeling against abuse. Absent explicit rules,

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<sup>14</sup> Representation of the People Act, 1950, § 62, No. 43, Acts of Parliament, 1950 (India).

<sup>15</sup> Representation of the People Act, 1950, § 62, No. 43, Acts of Parliament, 1950 (India).

reliance on executive notifications risks ultra vires rulings, threatening Article 326's democratic core.<sup>16</sup>

### **Impact of SIR on Voter Rights**

The Special Intensive Revision (SIR) of electoral rolls profoundly impacts voter rights in India, often tilting toward disenfranchisement rather than inclusion, particularly through its stringent documentation and verification mandates. In Bihar's 2025 SIR,<sup>17</sup> affecting over 8 crore voters, the process required post-2003 enrollees to furnish proofs like birth certificates, passports, or land records—documents inaccessible to many rural poor, migrants, minorities, and women—leading to widespread deletions and exclusion from the democratic process, breaching Article 326's universal adult suffrage guarantee. Reports highlight thousands of legitimate voters struck off rolls arbitrarily by Booth Level Officers (BLOs), with marginalized communities bearing the brunt, as only 2-5% possess passports, fostering fears of an indirect citizenship purge akin to the National Register of Citizens (NRC).

This impact manifests in violations of Article 14's equality principle, as SIR creates discriminatory classes: pre-2003 voters enjoy presumptive eligibility from outdated rolls, while younger citizens or migrants face a reversed burden of proof, denying equal access to voting and amplifying socio-economic divides. Compressed timelines—mere weeks for compliance amid monsoons and harvests—exacerbate exclusion, with digital divides hindering online submissions for low-literacy groups, resulting in mass disenfranchisement ahead of critical elections, silencing opposition strongholds and undermining electoral fairness. Human costs are stark: voter suicides in Bihar from BLO harassment underscore Article 21 breaches, as rushed verifications deny due

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<sup>16</sup> INDIA CONST. art. 326.

<sup>17</sup> Election Comm'n of India, *Guidelines on Special Intensive Revision of Electoral Rolls, Bihar* (2025).

process, hearings, or appeals, contravening natural justice norms established in *Maneka Gandhi v. Union of India* (1978).<sup>18</sup>

Gender disparities intensify SIR's toll, with women—often undocumented due to patrilocal marriages—facing higher deletion rates, curtailing their Article 19(1)(a) political expression and perpetuating patriarchal barriers to participation. Migrants, comprising millions in urban hubs, struggle with "ordinary residence" proofs, forcing costly hometown returns or forfeiting votes, distorting urban representation and evoking labour exploitation critiques under Directive Principles. For first-time 18-21-year-olds, numbering crores nationally, SIR's hurdles inflate youth abstention, eroding the 61st Amendment's lowered voting age intent and long-term democratic vitality.<sup>19</sup> Legally, SIR imperils Article 325's bar on discriminatory roll exclusions, as minority-heavy areas report disproportionate purges, fuelling communal anxieties and polarization ahead of polls. Supreme Court petitions note opaque deletion data—lacking public reasons or BLO accountability—violates transparency mandates from *Union of India v. ADR* (2002)<sup>20</sup>, eroding trust in the Election Commission of India (ECI). While ECI claims SIR enhances integrity by curbing ghosts and duplicates, actual outcomes reveal reverse: eligible deletions outpace ineligible, with Bihar witnessing protests and interim court orders permitting Aadhaar/ration cards to mitigate harm. Broader ramifications threaten federalism and inclusivity; Phase-II SIR across 9 states risks national disenfranchisement of 51 crore, intertwining electoral hygiene with exclusionary nationalism, potentially labelling incomplete records as "doubtful" for future citizenship probes. Vulnerable tribes, disabled persons, and informal workers face amplified barriers, clashing with Article 38's social justice directive and global suffrage standards. Politically, SIR's timing invites manipulation allegations, weakening opposition mobilization and tilting power dynamics, as seen in Bengal expansions.

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<sup>18</sup> *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

<sup>19</sup> INDIA CONST. art. 19(1)(a),38.

<sup>20</sup> *Union of India v. Ass'n for Democratic Reforms*, (2002) 5 S.C.C. 294 (India).

## **Disenfranchisement And Marginalized Communities**

In Bihar's 2025 pilot, covering 8 crore voters, the Electors-to-Population (EP) ratio plummeted from 97% to 88%, signalling nearly 94 lakh deletions—many legitimate—due to stringent proofs like birth certificates or passports, inaccessible to rural poor, landless labourers, and informal workers who rely on Aadhaar or ration cards excluded from SIR norms. Marginalized groups, including Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), and religious minorities, face compounded exclusion, as historical socio-economic barriers limit documentation; for instance, women in patrilocal households often lack independent proofs, leading to higher deletion rates and silencing their Article 19(1)(a) political voice.

Migrants, numbering crores from Bihar and Uttar Pradesh to urban centres, endure acute disenfranchisement under SIR's "ordinary residence" scrutiny, forcing expensive hometown returns or forfeiting votes, distorting urban representation and evoking labour rights violations. Phase-II SIR across 12 states excluded 6.59 crore names from draft rolls, with Uttar Pradesh alone witnessing 2.89 crore deletions (18% drop), far outpacing the state panchayat revision's 3.27% addition—highlighting SIR's flawed methodology over mere cleanup. Youth aged 18-21, first-time voters in the millions, confront similar hurdles post-61st Amendment, inflating abstention and eroding democratic renewal, while disabled persons and tribal communities in remote areas grapple with inaccessible BLO verification camps.<sup>21</sup>

Legal implications intensify for these groups, as SIR's reverse burden of proof—demanding citizenship affirmation absent in routine revisions—breaches Article 14's equality by arbitrarily classifying post-2003 enrolees against pre-2003 ones, fostering discrimination against the undocumented poor. Supreme Court challenges decry this as an indirect NRC, ultra vires the ECI's Article 324 remit, since citizenship adjudication belongs to the Citizenship Act, 1957; rushed timelines deny Article 21 due process, with BLOs wielding unchecked deletion powers sans hearings or appeals. Reported

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<sup>21</sup> The Constitution (Sixty-first Amendment) Act, 1988, No. 21, Acts of Parliament, 1988 (India).

suicides in Bihar and Assam—linked to NRC fears and BLO harassment—underscore human costs while minority-heavy districts show disproportionate purges, contravening Article 325's non-discrimination mandate.

This disenfranchisement entrenches power imbalances, potentially tilting elections by muting opposition bastions among Dalits, Muslims, and migrants—Yogendra Yadav<sup>22</sup> terms it "targeted exclusion refined into mass disenfranchisement." Women, comprising half the electorate, suffer uniquely; lacking personal land records or passports (held by <5%), they face patriarchal gatekeeping, curtailing gender parity in suffrage envisioned by framers. Economically, informal workers—90% of India's labour force—bear logistical burdens, clashing with Article 38's social justice directive and amplifying inequality in participatory democracy. Nationwide expansion risks historic exclusion, with opaque ECI data on deletion reasons fuelling distrust; contrasted against successful local revisions adding voters, SIR appears punitive, not purifying. Judicial interventions, like permitting Aadhaar interim, offer relief, but unresolved gaps persist—demanding codified proofs, migrant provisions, and BLO accountability to avert constitutional crises.

### **Judicial Approach to SIR and Voter Rights**

The judicial approach to the Special Intensive Revision (SIR) of electoral rolls and its implications for voter rights reflects a cautious balancing act by Indian courts, upholding the Election Commission of India's (ECI) broad powers under Article 324 while scrutinizing procedural excesses that risk disenfranchisement. In key 2025 Supreme Court proceedings, such as *Association for Democratic Reforms v. Election Commission of India* (WP Civil No. 640/2025)<sup>23</sup>, Justices Surya Kant and Justice Bagchi *prima facie* affirmed the ECI's authority for SIR under, tracing it to constitutional mandates for electoral integrity, yet emphasized that procedures must be "reasonable and non-arbitrary" to safeguard Article 326's adult suffrage. Petitioners like ADR, represented by Prashant Bhushan, argued SIR morphs into unauthorized

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<sup>22</sup> Yogendra Yadav, Public Commentary on Electoral Exclusion (2025).

citizenship verification—ultra vires the Citizenship Act, 1957<sup>24</sup>—reversing the burden of proof and breaching Article 14 equality, prompting the Court to issue notices across six petitions and demand ECI counter-affidavits, highlighting concerns over rushed timelines and lack of hearings. Drawing from precedents like courts have reinforced Article 324's plenary scope for revisions to ensure "one person, one vote," but cabined it against arbitrariness, as SIR's exclusion of common documents (Aadhaar, ration cards) for post-2003 voters created suspect classifications, violating equality. The Bihar SIR challenges saw interim relief, with the Supreme Court directing inclusive proofs and transparency in deletions, which elevated voting to Article 21's due process ambit, cautioning against BLO-led purges sans natural justice. Justice Bagchi referenced the 2018 Kamal Nath<sup>25</sup> ruling on voter privacy, questioning machine-readable lists that could expose marginalized voters to harassment, while Kapil Sibal for DMK flagged SIR's "farical" one-month deadline amid monsoons, infringing Article 19(1)(a) political expression.

High Courts complemented this scrutiny; Madras High Court<sup>26</sup> probed Tamil Nadu SIR as creating "fresh lists" unlike routine SSR, risking mass exclusion, while Patna High Court<sup>27</sup> urged migrant safeguards, aligning with *Union of India v. ADR (2002)*<sup>28</sup> mandating electoral transparency. Courts rejected ECI's blanket defences, insisting constituency-specific reasons under Section 21(3) over generic migration claims, and barred citizenship adjudication by BLOs, preserving Central government's monopoly per statutory law. In Phase-II challenges across 12 states, Justices critiqued data opacity—94 lakh Bihar deletions without public rationale—ordering draft roll publications and appeals, reinforcing Article 325's non-discriminatory rolls. This evolving jurisprudence signals judicial wariness of SIR as an "indirect NRC," with November 2025 hearings consolidating pleas, debating software de-duplication over house-to-house probes, and stressing cultural-geographical variances for fairness.

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<sup>24</sup> Citizenship Act, 1955, No. 57, Acts of Parliament, 1955 (India).

<sup>25</sup> Kamal Nath v. Election Comm'n of India, (2018) SCC OnLine Del \_\_\_\_ (India).

<sup>26</sup> Madras High Court. (2025). *Orders in challenges to Special Intensive Revision*.

<sup>27</sup> Patna High Court. (2025). *Directions on migrant voter safeguards during SIR*.

<sup>28</sup> Union of India v. Ass'n for Democratic Reforms, (2002) 5 S.C.C. 294 (India).

Precedents like *Maneka Gandhi v. Union of India* (1978)<sup>29</sup> infuse Article 21 procedural rigor, invalidating unchecked deletions amid reported suicides, while *Lal Babu Hussein v. Electoral Registration Officer* (1996)<sup>30</sup> limits ECI to eligibility, not origin probes. Courts affirmed SIR's legality but mandated reforms: extended timelines, universal proofs, BLO training, and grievance portals, balancing hygiene with inclusivity.

## Conclusion

The Special Intensive Revision (SIR) of electoral rolls exemplifies a tension between electoral integrity and constitutional voter rights, with profound legal implications demanding urgent recalibration. Launched by the Election Commission of India under Article 324 and Section 21(3) of the Representation of the People Act, 1950, SIR's house-to-house verifications and stringent citizenship proofs have precipitated mass disenfranchisement, particularly among marginalized communities, breaching Articles 14, 21, 325, and 326's guarantees of equality, due process, and universal adult suffrage. While courts, in *Association for Democratic Reforms v. ECI* and allied petitions, have upheld ECI's broad powers per *Mohinder Singh Gill* (1978), they imposed safeguards— inclusive documents, hearings, and transparency—recognizing SIR's reverse burden of proof and opaque deletions as arbitrary, evoking an indirect NRC sans statutory basis. Disproportionate impacts on SCs, STs, minorities, migrants, women, and youth underscore violations of natural justice, with Bihar's 94 lakh deletions and suicides highlighting Article 21 perils, far outweighing purported duplicate removals. The ECI's procedural vagueness, absent explicit RPA codification, invites ultra vires challenges, risking electoral distortion ahead of polls and eroding democratic trust. Judicial interventions affirm rights primacy, mandating reforms like simplified proofs, migrant provisions, BLO accountability, and phased pilots to align SIR with inclusivity. SIR underscores the need for legislative clarity—amending RPA for defined scopes and safeguards—ensuring "no eligible voter left out" honours

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<sup>29</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

<sup>30</sup> *Lal Babu Hussein v. Electoral Registration Officer*, (1996) 8 S.C.C. 735 (India).

constitutional ethos, preserving India's participatory democracy against exclusionary overreach.

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