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# CONSTITUTIONAL DIMENSIONS OF SPECIAL INTENSIVE REVISION: BALANCING ELECTORAL PURIFICATION AND VOTER RIGHTS

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## **ABSTRACT**

The integrity of electoral rolls lies at the very foundation of representative democracy. In India, where the principle of universal adult franchise is constitutionally enshrined under Article 326, the accuracy, inclusiveness, and transparency of the electoral rolls determine the authenticity and legitimacy of democratic choice. A credible electoral roll ensures that every eligible citizen is empowered to exercise the right to vote, and that no ineligible or fictitious entries distort the will of the people. The Election Commission of India (ECI), exercising its powers under Article 324 of the Constitution, is constitutionally mandated to undertake periodic revisions to correct, update, and purify the electoral rolls. The author explains that among these revision mechanisms, the Special Intensive Revision (SIR) stands out as an extraordinary exercise initiated when large-scale inaccuracies, omissions, or irregularities are detected in the voter list. Unlike routine summary or annual revisions, SIR is a targeted and comprehensive operation involving house-to-house verification, public scrutiny, and the revalidation of voter data. The author examines how the recent Supreme Court intervention in *Association for Democratic Reforms v. Election Commission of India* (2025), relating to the Bihar Assembly elections, has brought this process into the national spotlight. The Court's direction to include Aadhaar as an additional identification document has triggered constitutional debates over identity, citizenship, and privacy. This paper examines the constitutional, statutory, and procedural framework governing SIR, alongside the judicial oversight that shapes its execution. It further evaluates the implications of Aadhaar-based identification on voter rights and democratic participation. This paper suggests that for SIR to uphold constitutional morality, it must balance administrative efficiency with transparency, inclusiveness, and due process. The study ultimately proposes a reformed, rights-oriented model of electoral roll management that

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safeguards both the purity of the electoral process and the dignity of the individual voter.

**Keywords:** Aadhaar, Due Process, Election Commission of India (ECI), Electoral Roll, Representation of the People Act, Special Intensive Revision (SIR).

## I. INTRODUCTION

*“The vote is the most powerful, non-violent tool we have.”*

*-Nelson Mandela*

Elections constitute the lifeblood of any constitutional democracy. The process of choosing representatives through universal adult franchise ensures not only popular participation but also political legitimacy. In India, this democratic mechanism finds its constitutional anchor in **Article 326**, which guarantees the right to vote to every citizen above eighteen years of age, subject to limited disqualifications<sup>2</sup>. However, the exercise of this right presupposes an accurate and updated electoral roll. The preparation, maintenance, and revision of electoral rolls, therefore, assume critical significance in ensuring the credibility of elections. The Election Commission of India (ECI) is the constitutional body entrusted with the *“superintendence, direction, and control of elections”* under **Article 324** of the Constitution. Among its multifaceted responsibilities, maintaining error-free electoral rolls has been one of the most challenging<sup>3</sup>. The Commission undertakes periodic revisions, both annual and pre-election, to ensure that the rolls reflect all eligible electors and exclude ineligible or duplicate entries. Yet, despite the existence of elaborate statutory and procedural frameworks, the problem of inaccurate and inflated rolls persists, especially in states witnessing frequent migration, demographic shifts, or poor voter documentation.

To address these concerns, the ECI occasionally resorts to what is termed a *“Special Intensive Revision” (SIR)*, a large-scale, house-to-house verification and correction drive conducted to cleanse the electoral rolls ahead of a major election. The SIR is not a routine revision but an extraordinary measure undertaken under the *Representation of the People Act, 1950* and the *Registration of Electors Rules, 1960*<sup>4</sup>. The recent SIR conducted in Bihar in 2025 and the accompanying litigation before the Supreme Court, where the Court directed the acceptance of

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<sup>2</sup> The Constitution of India, art. 326.

<sup>3</sup> The Constitution of India, art. 324; see also *Mohinder Singh Gill v. Chief Election Commissioner*, (1978) 1 SCC 405.

<sup>4</sup> The Representation of the People Act, 1950 (Act 43 of 1950) ss. 15, 21; The Registration of Electors Rules, 1960, r. 22.

*Aadhaar* as an additional identification document, has revived debates about voter identification, privacy, and the limits of ECI's powers. This article examines the constitutional and statutory foundation of SIR, its procedural conduct, and judicial scrutiny, with special reference to the 2025 Supreme Court directions. It also analyses the interface between electoral integrity and individual rights, particularly in the context of Aadhaar, which has been upheld as a valid instrument of identification but not as proof of citizenship. The study finally proposes a framework for reconciling administrative efficiency with constitutional guarantees of fairness, inclusion, and privacy.

## II. CONSTITUTIONAL AND LEGAL FRAMEWORK FOR ELECTORAL ROLL REVISION

### A. Constitutional Mandate under Article 324

Article 324 of the Constitution vests in the ECI the plenary powers of “superintendence, direction, and control” over the preparation of electoral rolls and the conduct of elections to Parliament and State Legislatures. This article forms the constitutional basis for the ECI's authority to conduct Special Intensive Revisions. While the Constitution does not explicitly mention SIR, the phrase “superintendence, direction and control” has been judicially interpreted to confer wide administrative powers on the ECI. In *Mohinder Singh Gill v. Chief Election Commissioner*<sup>5</sup>, the Supreme Court held that the ECI's powers are not limited to those expressly conferred by statute but extend to taking necessary measures to ensure free and fair elections. Similarly, in *A.C. Jose v. Sivan Pillai*<sup>6</sup>, the Court reiterated that the Commission can issue directions where statutory law is silent or ambiguous, provided such directions do not contravene existing laws.

Thus, when the ECI orders a Special Intensive Revision, it acts within the ambit of its constitutional power to ensure electoral purity. The process serves to uphold the democratic mandate of free and fair elections, a part of the basic structure of the Constitution as recognised in *Indira Nehru Gandhi v. Raj Narain*<sup>7</sup>.

### B. Statutory Basis under the Representation of the People Act, 1950

The **Representation of the People Act, 1950 (RPA 1950)** provides the statutory foundation

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<sup>5</sup> Supra note 3 at 2.

<sup>6</sup> (1984) 2 SCC 656

<sup>7</sup> (1975) Supp SCC 1

for the preparation and revision of electoral rolls.

- i) **Section 15** authorises the preparation and revision of electoral rolls for every constituency under the supervision of the ECI.
- ii) **Section 21** empowers the Commission to direct the revision of electoral rolls:
  - a) before each general election to the House of the People or State Legislative Assembly;
  - b) before each bye-election; or
  - c) in any year, if the Commission so directs, to maintain the roll up to date.

The third clause revision “*in any year if the Commission so directs*” constitutes the legal basis for **SIR**. It empowers the ECI to conduct an extraordinary revision whenever circumstances warrant a large-scale correction or verification exercise. The SIR is, therefore, an intensified form of revision under Section 21, undertaken with more rigorous field verification and public

In *Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman*<sup>8</sup>, the Supreme Court emphasised that the preparation and revision of electoral rolls are integral parts of the electoral process, and any irregularities can be corrected by the ECI in exercise of its powers under Article 324 and the RPA 1950. Thus, the statutory framework, read with the constitutional mandate, ensures a dynamic and self-correcting system of electoral roll maintenance.

### C. Procedural Framework under the Registration of Electors Rules, 1960

The *Registration of Electors Rules, 1960*, framed under the **RPA, 1950**, provide detailed procedural guidelines for preparing and revising electoral rolls. **Rule 22** classifies revisions into three categories:

- i) **Intensive revision** – involving house-to-house enumeration of eligible electors;
- ii) **Summary revision** – limited corrections or additions to existing rolls; and
- iii) **Special summary revision** – a targeted exercise combining the features of both intensive and summary methods.<sup>9</sup>

The SIR, although not expressly defined in the Rules, is operationally derived from Rule 22 and is treated as a hybrid form of intensive revision. The Election Commission of India’s

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<sup>8</sup> (1985) 4 SCC 689

<sup>9</sup> The Registration of Electors Rules, 1960, r. 22, issued under s. 28 of The Representation of the People Act, 1950 (Act 43 of 1950).

*Handbook on Revision of Electoral Rolls*<sup>10</sup> prescribes the detailed procedure for SIR, which includes:

- i) House-to-house verification by Booth Level Officers (BLOs);
- ii) Distribution and collection of enumeration forms;
- iii) Setting up of designated locations for public verification;
- iv) Disposal of claims and objections through quasi-judicial hearings; and
- v) Publication of draft and final electoral rolls.

These procedures are designed to ensure both *inclusiveness and accuracy*, preventing wrongful deletions and facilitating the enrolment of new voters. Importantly, the *principles of natural justice* are embedded within the process; no name can be deleted without prior notice and an opportunity for the elector to be heard.<sup>11</sup>

#### **D. Judicial Recognition of the ECI's Supervisory Role**

Judicial precedents have consistently upheld the ECI's discretion in matters relating to electoral roll revision, subject to compliance with principles of fairness and legality. In *Union of India v. Association for Democratic Reforms*<sup>12</sup>, the Court expanded the scope of Article 324 by holding that the ECI's powers are meant to effectuate the constitutional objective of free and fair elections. The Court underscored that transparency and voter information are intrinsic to electoral integrity. Similarly, in *Election Commission of India v. State of Tamil Nadu*<sup>13</sup>, it was held that the ECI's decision to revise rolls cannot ordinarily be interfered with unless it is shown to be mala fide or arbitrary. The principle of judicial deference to ECI's technical and administrative expertise has thus been a recurring theme.

However, courts have also been vigilant in ensuring that procedural fairness is not sacrificed for administrative expediency. In *Meghraj Kothari v. Delimitation Commission*<sup>14</sup>, the Court stressed that while the ECI has wide powers, these must be exercised within constitutional constraints. The same logic applies to the conduct of SIR, an instrument of purification that must remain faithful to the principles of inclusion and natural justice.

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<sup>10</sup> Election Commission of India, "Handbook for Revision of Electoral Rolls" (New Delhi: ECI, 2016) 34–40.

<sup>11</sup> See *Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman*, (1985) 4 SCC 689; also refer to *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294.

<sup>12</sup> *Ibid.*

<sup>13</sup> (1996) 5 SCC 572

<sup>14</sup> (1967) 1 SCR 400

### III. THE CONCEPT AND PURPOSE OF SPECIAL INTENSIVE REVISION (SIR)

The SIR is an extraordinary administrative exercise conducted by ECI to comprehensively *verify, correct, and update electoral rolls*. It is invoked in exceptional circumstances, such as the *discovery of mass inaccuracies, outdated entries, or credible allegations of manipulation in voter lists*. The ECI resorts to SIR when it determines that ordinary annual or summary revisions would be inadequate to ensure electoral purity and public confidence. As such, SIR is both a corrective and confidence-building mechanism designed to preserve the legitimacy of the democratic process.<sup>15</sup>

The author explains that the SIR is neither a routine administrative act nor an ad hoc arrangement; it is a structured legal process rooted in Article 324 of the Constitution, Sections 15 and 21 of the Representation of the People Act, 1950, and Rule 22 of the Registration of Electors Rules, 1960.<sup>16</sup> The ECI's *Handbook on Revision of Electoral Rolls* outlines the procedural stages of a Special Intensive Revision, combining house-to-house verification, data validation, and participatory review through claims and objections.<sup>17</sup>

#### A. Objectives of SIR

The author examines that the SIR pursues five key objectives:

- i) **Purification** – eliminating duplicate, deceased, or migrated electors to prevent impersonation and inflated voter counts;
- ii) **Inclusion** – enrolling eligible but previously unregistered citizens, thereby strengthening universal suffrage;
- iii) **Transparency** – providing public access to draft and deleted voter lists for citizen scrutiny;
- iv) **Accuracy** – ensuring that demographic and residential particulars of electors are verifiable and updated; and
- v) **Public trust** – restoring confidence in electoral administration, especially before general

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<sup>15</sup> Election Commission of India, “Guidelines for Special Summary Revision of Electoral Rolls”, 2024–25 (New Delhi: ECI, 2024) 2.

<sup>16</sup> Supra note 2 and 4 at 2.

<sup>17</sup> Election Commission of India, “Handbook for Revision of Electoral Rolls” (New Delhi: ECI, 2016) 28–31.

or assembly elections.<sup>18</sup>

These objectives mirror the democratic principles articulated by the Supreme Court in *People's Union for Civil Liberties (PUCL) v. Union of India*, where the Court underscored that transparency and accuracy are integral to the right to free and fair elections.<sup>19</sup>

## B. Procedure of Conducting SIR

The ECI's procedural framework for SIR consists of several distinct stages:

- i) **Pre-revision Activities:** The process begins with the appointment and training of *Booth Level Officers (BLOs)*, preparation of draft electoral rolls, and digitisation of voter data. These officers are responsible for field verification, household enumeration, and local awareness campaigns.
- ii) **Verification Stage:** BLOs visit every household to verify existing entries and collect fresh applications using *Form 6* (for inclusion), *Form 7* (for deletion), and *Form 8* (for correction). The author notes that this physical verification distinguishes SIR from routine revisions, ensuring a higher level of data reliability.
- iii) **Claims and Objections:** After publication of draft rolls, the ECI allows a fixed period for electors to raise claims or objections. Hearings are conducted by *Electoral Registration Officers (EROs)* under quasi-judicial procedures, where affected persons are entitled to notice and an opportunity to be heard.
- iv) **Publication of Final Roll:** Following the adjudication of all claims and objections, the final electoral roll is published, forming the official list of electors for the forthcoming election.<sup>20</sup>

The process, though comprehensive, has not been free from criticism. Civil society groups and political observers have questioned the fairness and timing of SIR exercises conducted close to elections. The author examines the case of the *2025 Bihar SIR*, which reportedly led to the *deletion of over 60 lakh voter names*, triggering widespread allegations of disenfranchisement and selective targeting.<sup>21</sup> Media reports and election-monitoring organisations indicated that

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<sup>18</sup> S.Y. Quraishi, "The Challenge of Clean Electoral Rolls," *The Hindu*, 10 March 2023, 8.

<sup>19</sup> *People's Union for Civil Liberties (PUCL) v. Union of India*, (2003) 4 SCC 399.

<sup>20</sup> Election Commission of India, Instruction No. 23/ECI/2023, "Procedure for Disposal of Claims and Objections during Intensive Revision" (Circular, 12 August 2023).

<sup>21</sup> Ananthakrishnan G, "Publish list of 65 lakh deleted voter names with reasons: SC to EC", *The Indian Express*, 14 August 2025, available at <https://indianexpress.com/article/india/bihar-sir-row-sc-directs-eci-to-publish-details-of-65-lakh-deleted-voters-with-reasons-10189079/> (last visited on 25 October 2025)

many deletions occurred without proper notice, raising issues of procedural fairness and violation of the *principles of natural justice*.<sup>22</sup>

This controversy culminated in the Supreme Court's intervention in *Association for Democratic Reforms v. Election Commission of India (2025)*, where the Court directed that no voter's name be deleted without prior notice and hearing, and that Aadhaar be accepted as an additional identification document during SIR.<sup>23</sup> The Court's directions represent a critical judicial balancing between the administrative autonomy of the ECI and the protection of individual electoral rights. While SIR serves as an indispensable mechanism for ensuring the purity and authenticity of electoral rolls, it must operate within the boundaries of *transparency, accountability, and due process*. The experience of Bihar 2025 underscores the necessity of institutional safeguards to prevent wrongful exclusion and to strengthen citizen confidence in electoral governance.

#### IV. THE SUPREME COURT'S 2025 INTERVENTION IN THE BIHAR SPECIAL INTENSIVE REVISION

The Bihar SIR of 2025 became a watershed in India's electoral law jurisprudence. Large-scale deletions from the electoral roll, estimated at over sixty-five lakh entries, provoked petitions alleging violation of the constitutional right to vote and lack of procedural safeguards.<sup>24</sup> The matter, brought before the Supreme Court in *Association for Democratic Reforms v. Election Commission of India*,<sup>25</sup> required the Court to reconcile the ECI's autonomy under Article 324 with the citizens' right to due process and participation.

The author explains that the Supreme Court issued a series of interim directions between August and September 2025.

- i) Firstly, it ordered that *no voter's name shall be deleted without prior notice and an opportunity of hearing*, reaffirming the principles of natural justice as inherent in the electoral process.<sup>26</sup>

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<sup>22</sup> Utkarsh Anand, "SC seeks ECI response on Bihar voter deletion allegations," *Hindustan Times*, 6 August 2025, available at <https://www.hindustantimes.com/india-news/sc-seeks-eci-response-on-bihar-voter-deletion-allegations-101754464368017.html> (last visited on 23 October 2025)

<sup>23</sup> *Association for Democratic Reforms v. Election Commission of India*, W.P. (C) No. 783 of 2025, order dated 8 September 2025 (Supreme Court of India).

<sup>24</sup> *Supra* note 21 at 7.

<sup>25</sup> *Supra* note 23 at 8.

<sup>26</sup> *Ibid.*



- ii) Secondly, the Court directed the ECI to publish a *district-wise list of all deleted or omitted voters with reasons*, ensuring public transparency and enabling objections.<sup>27</sup>
- iii) Finally, and most controversially, it directed the ECI to *accept Aadhaar cards as an additional identity document* during the SIR, clarifying that Aadhaar was admissible for *identification* but not for *citizenship verification*.<sup>28</sup>

The author examines that these directions, while interim, mark a constitutional assertion of judicial oversight without administrative usurpation. The Court consciously refrained from halting the SIR, respecting the ECI's discretion, yet insisted on procedural fairness. In doing so, it reinforced the dual constitutional imperatives of electoral integrity and individual rights, a delicate balance that has long defined Indian election law.<sup>29</sup>

## V. CONSTITUTIONAL ANALYSIS OF THE JUDGMENT

The Supreme Court's intervention must be viewed through three constitutional prisms:

- A. *Article 324* and the scope of ECI's power;
- B. *Articles 14 and 21* guarantee equality and due process; and
- C. *Article 326* enshrining universal adult suffrage.

### A. Article 324: Autonomy and Accountability

Article 324 endows the ECI with wide powers of "superintendence, direction and control" over elections. Courts have consistently interpreted this provision as granting plenary authority, limited only by express statutory restrictions.<sup>30</sup> Yet, the 2025 decision reaffirms that such authority is not *absolute*; it is subject to constitutional discipline. The author explains that the Court's insistence on notice and hearing before deletions reflects that *procedural due process* forms part of the ECI's constitutional duty. The judgment thus operationalises what *Justice V.R. Krishna Iyer* once termed the Commission's "*quasi-judicial responsibility of fairness*."<sup>31</sup>

### B. Articles 14 and 21: Natural Justice and Due Process

By prohibiting deletions without a hearing, the Court grounded its order in Articles 14 and 21,

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid. see also Election Commission of India, "Clarification on Acceptable Documents during Bihar SIR" (Press Release, 10 Sept 2025).

<sup>29</sup> M.P. Singh, "Judicial Oversight and Electoral Autonomy: Revisiting Article 324," *NUJS Law Review* 12 (2025): 54.

<sup>30</sup> Supra note 6 at 3.

<sup>31</sup> V.R. Krishna Iyer, "The Ethics of Election Management," *Indian Law Institute Journal* 22 (1980): 17–19.

which guarantee equality before the law and protection of personal liberty.<sup>32</sup> The right to vote, though statutory, has been judicially recognised as part of the constitutional ethos of democratic participation.<sup>33</sup> When wrongful deletions occur, they strike at the citizen's dignity and political agency. The author examines that the Court's approach aligns with *Maneka Gandhi v. Union of India* (1978), where procedural fairness was read into Article 21. In the electoral context, *"procedure established by law" must include notice, hearing, and reasoned decision-making.*

### C. Article 326: The Right to Participate

Article 326 makes adult franchise the constitutional cornerstone of Indian democracy. The 2025 ruling indirectly reaffirms this by treating inclusion as the rule and deletion as an exception. The Court's observation that *"any illegality in the revision methodology can render the electoral roll invalid"* underscores that the franchise cannot be diluted by administrative error or arbitrariness.<sup>34</sup> This paper suggests that by integrating Article 326 with Articles 14 and 21, the Court effectively constitutionalised the procedural rights of voters within the revision process.

## VI. AADHAAR, IDENTITY, AND CITIZENSHIP: A CONSTITUTIONAL TENSION

The most debated element of the Bihar *SIR* judgment was the Supreme Court's acceptance of Aadhaar as a valid identification document for electoral roll verification. The measure was intended to enhance administrative efficiency, allowing officials to cross-check voter details quickly and reduce duplication. However, it simultaneously raised deep constitutional concerns about the distinction between identity and citizenship, the scope of informational privacy, and the long-term implications for data protection and democratic participation.

The author explains that the core constitutional issue revolves around the fact that *Aadhaar authenticates identity, not citizenship*. The *Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016*<sup>35</sup>, establishes Aadhaar merely as a digital proof that a person exists in the Unique Identification Authority of India (UIDAI) database. It does not verify that the holder is a citizen of India. In contrast, the *right to vote* under Article 326 and Sections 19 and 27 of the Representation of the People Act, 1950, is constitutionally

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<sup>32</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

<sup>33</sup> *Jyoti Basu v. Debi Ghosal*, (1982) 1 SCC 691.

<sup>34</sup> *Supra* note 23 at 8.

<sup>35</sup> The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Act 18 of 2016)

and statutorily reserved only for citizens.<sup>36</sup> Thus, when Aadhaar is treated as a voter-eligibility document rather than a convenience for identification, it risks collapsing the crucial legal distinction between “*being identified*” and “*being entitled*.”

The author examines that the Supreme Court’s 2025 clarification, “Aadhaar may be accepted as an identification document but not as proof of citizenship”, directly draws upon the ratio of *K.S. Puttaswamy v. Union of India*<sup>37</sup>, which upheld the Aadhaar Act’s constitutionality while prohibiting its mandatory use for purposes unrelated to welfare delivery. The Court articulated the *doctrine of proportionality*, holding that any State intrusion into privacy must satisfy the tests of legality, necessity, and minimal impairment. Applying this principle, mandatory linkage of Aadhaar with electoral rolls, absent a specific statutory framework, would likely fail the proportionality test because:

- i) No clear legislative sanction exists.
- ii) Less intrusive means of verification already operate; and
- iii) Indefinite retention of biometric data poses risks of surveillance and misuse.<sup>38</sup>

Further, Aadhaar’s biometric authentication system is not infallible. Technical studies reveal authentication failure rates between 1% and 3%, disproportionately affecting senior citizens, persons engaged in manual labour, and residents in remote areas where fingerprint quality deteriorates.<sup>39</sup> The author explains that if such technological fallibility is transplanted into the electoral domain, it could result in *de facto* disenfranchisement, a constitutional wrong of grave magnitude under Article 326. A citizen’s right to vote cannot depend on the accuracy of a machine.

Privacy scholars and former jurists, including Justice B.N. Srikrishna, who chaired the expert committee that drafted India’s first data-protection bill, have repeatedly warned that linking Aadhaar databases to voter rolls could lead to *function creep*, enabling large-scale profiling and surveillance of political behaviour.<sup>40</sup> News analyses echoed these apprehensions, noting that the Election Commission’s data-sharing arrangements with UIDAI had not been subjected

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<sup>36</sup> Supra note 2 at 2; see also The Representation of the People Act, 1950 (Act 43 of 1950), ss. 19 and 27.

<sup>37</sup> *K.S. Puttaswamy v. Union of India*, (2018) 1 SCC 809.

<sup>38</sup> Gautam Bhatia, “Privacy and Proportionality after Puttaswamy,” *Indian Journal of Constitutional Law* 12 (2019): 45 – 60.

<sup>39</sup> Reetika Khera, “The Aadhaar of Exclusion,” *Economic and Political Weekly* 52 (2017): 5 – 7.

<sup>40</sup> B.N. Srikrishna, “Aadhaar and the Right to Privacy,” *Economic and Political Weekly* 58 (2023): 10 – 12

to an independent audit or public consultation.<sup>41</sup> The author further notes that such practices might contravene the *Digital Personal Data Protection Act, 2023*, which mandates purpose limitation and consent-based processing of personal data.<sup>42</sup>

From a constitutional standpoint, this intersection of technology and democracy demands a rights-based design philosophy. This paper suggests that efficiency in voter identification should never override individual autonomy and informational privacy. Accordingly, three safeguards are proposed to reconcile administrative convenience with constitutional fidelity:

- i) **Informed consent** must be obtained from every elector before Aadhaar details are accessed or linked to electoral databases, consistent with *Section 6* of the *Digital Personal Data Protection Act, 2023*;
- ii) **Equivalence of identification**: non-Aadhaar documents such as voter ID (EPIC), passport, or ration card must remain equally valid to prevent exclusion of citizens without Aadhaar; and
- iii) **Purpose limitation**: all Aadhaar-linked data collected during the SIR must be deleted after completion of the revision process and must not be shared with third parties or retained for analytics.

These safeguards would uphold both the administrative integrity of the Election Commission and the constitutional right to privacy recognised in the *Puttaswamy* case (2017). Only by maintaining a clear line between identity verification and citizenship determination can the State protect the sanctity of the franchise while responsibly integrating technology into democratic governance.

## VII. COMPARATIVE INSIGHTS: UNITED KINGDOM AND UNITED STATES

Comparative electoral law demonstrates that while voter-list verification is a universal concern, countries adopt varied balances between accuracy and accessibility.

### A. United Kingdom

In the United Kingdom, voter registration is governed by the *Representation of the People Act*

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<sup>41</sup> Abhishek Angad, "ECI, govt to discuss Voter ID-Aadhaar linkage to address discrepancies in electoral roll", *Hindustan Times*, 18 March 2025, available at <https://www.hindustantimes.com/india-news/eci-govt-to-discuss-voter-id-aadhaar-linkage-to-address-discrepancies-in-electoral-roll-101742285917155.html> (last visited on Oct 18, 2025)

<sup>42</sup> Digital Personal Data Protection Act, 2023 (Act No. 22 of 2023), s. 6.

1983 and administered through local Electoral Registration Officers. The UK recently introduced Voter ID requirements under the *Elections Act 2022*, mandating photographic identification at polling stations.<sup>43</sup> However, identity verification remains citizenship-based, not biometric. The Electoral Commission's 2023 report emphasised that while the reforms improved security, they also risked excluding marginalised voters without photo ID.<sup>44</sup>

The author examines that the UK model relies heavily on *annual canvassing*, a form of household verification comparable to India's SIR, but without centralised biometric linkage. Public inspection of draft rolls and judicial review of objections provide procedural transparency. This paper suggests that India's ECI could adopt the UK practice of *independent audit* of deletion decisions to enhance accountability.

## B. United States

The United States employs a decentralised model governed by the *National Voter Registration Act of 1993* ("*Motor Voter Act*") and state election codes. Voter-roll maintenance is a state responsibility, but the Act prohibits systematic purges within 90 days of a federal election.<sup>45</sup> Controversies in states such as Georgia and Ohio have shown that aggressive purges often disproportionately affect minorities and low-income voters.<sup>46</sup>

The author explains that the U.S. jurisprudence, particularly *Husted v. A. Philip Randolph Institute* (2018), permits the removal of inactive voters after notice and non-response, reflecting the same tension between integrity and inclusion that India faces.<sup>47</sup> Comparative analysis thus demonstrates that *judicial oversight and public transparency* are essential to prevent voter suppression, whether in the form of technological exclusion (Aadhaar mismatch) or bureaucratic error.

## VIII. CHALLENGES IN THE IMPLEMENTATION OF SIR

Although the SIR mechanism is intended to uphold electoral purity, its implementation in India continues to face structural and procedural challenges. The author explains that these difficulties arise from administrative overreach, technological gaps, the absence of statutory

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<sup>43</sup> Elections Act 2022 (UK), c. 37.

<sup>44</sup> UK Electoral Commission, Impact of Voter ID Requirements: Post-Implementation Review 2023 (London, 2024) 14–17.

<sup>45</sup> National Voter Registration Act 1993 (52 U.S.C. 20507).

<sup>46</sup> Brennan Centre for Justice, Purges: A Growing Threat to the Right to Vote (New York, 2022) 23–28.

<sup>47</sup> *Husted v. A. Philip Randolph Institute*, 138 S. Ct. 1833 (2018).

audit mechanisms, and public mistrust.

### **i) Administrative Bias and Timing**

A recurring criticism concerns the timing of SIR exercises, often conducted close to elections. This proximity creates apprehensions that large-scale deletions or additions might influence electoral outcomes. In Bihar (2025), for instance, opposition parties alleged that the SIR was timed to “rationalise” voter lists in ruling-party strongholds.<sup>48</sup> The lack of a transparent, pre-announced calendar fuels such allegations. This paper suggests that an *institutionalised schedule*, similar to the United Kingdom’s annual canvass, would mitigate perceptions of bias by ensuring predictability and consistency in roll revisions.<sup>49</sup>

### **ii) Technological and Data-Integrity Concerns**

While the Election Commission of India (ECI) has embraced digital databases and online forms, there remain significant data-matching errors and connectivity limitations in rural areas. Booth Level Officers often lack access to updated databases or secure devices, leading to manual data entry and occasional duplication. The author examines that without adequate cybersecurity standards or encryption protocols, electoral data remain susceptible to breaches, a risk highlighted by the *Internet Freedom Foundation* in its 2024 report on “*Digital Electoral Risks*.”<sup>50</sup>

### **iii) Exclusion Errors and Disenfranchisement**

Another major challenge is wrongful deletion. Reports from Bihar (2025) revealed that many citizens discovered their names missing only on polling day, despite holding valid voter IDs.<sup>51</sup> Lack of notice, miscommunication, or human error in data transfer caused thousands of genuine electors to be excluded. The Supreme Court’s insistence on prior notice before deletion addressed this, but systemic reform remains necessary.

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<sup>48</sup> “Bihar SIR row hearing Highlights: SC directs ECI to publish list of deleted voters and reason for deletion”, *The Hindu*, 14 Aug 2025 available at <https://www.thehindu.com/news/national/bihar-voter-list-row-supreme-court-hearing-special-intensive-revision-bihar-polls-live-updates-august-14-2025/article69931451.ece> (last visited on 26 October 2025)

<sup>49</sup> UK Electoral Commission, *Guidance for Electoral Registration Officers: The Reformed Annual Canvass* (London: Electoral Commission, 2020) 4 – 7.

<sup>50</sup> Internet Freedom Foundation, *Digital Electoral Risks: A Privacy Assessment of Election Data Practices in India* (New Delhi: IFF Report, 2024) 8 – 12.

<sup>51</sup> Pawan Khara, “Exclusion and ambiguity in Bihar’s final voter rolls expose an institutional crisis”, *The Indian Express*, 1 October 2025, available at <https://indianexpress.com/article/opinion/columns/bihars-voter-rolls-election-commission-institutional-crisis-10282431/> (last visited on 28 October 2025).

**iv) Absence of Independent Audit**

As discussed in the UK comparison, India has *no formal independent audit* of deletion decisions.<sup>52</sup> The author explains that all deletions currently depend on the discretion of the Electoral Registration Officer (ERO), with no mandatory sampling, external review, or performance audit by the ECI or the Comptroller and Auditor General (CAG). This lacuna undermines transparency and weakens public confidence.

**v) Limited Awareness and Grievance Mechanisms**

Finally, low public awareness of the revision process and inadequate grievance redress mechanisms impede citizen participation. Many electors, particularly migrant workers, fail to verify their registration status due to limited outreach. This paper suggests that the ECI should expand community-based voter verification campaigns and deploy multilingual digital tools to assist voters.

**IX. CONCLUSION AND RECOMMENDATIONS**

The SIR sits at the constitutional intersection of electoral integrity and individual rights. Properly designed, it can purge duplication and error while expanding inclusion; poorly executed, it risks disenfranchising lawful voters. The analysis demonstrates that the Election Commission's mandate under Article 324, read with Sections 15 and 21 of the Representation of the People Act, 1950 and Rule 22 of the Registration of Electors Rules, supplies ample authority for intensive roll revision, but not at the expense of due process or equality. The Supreme Court's 2025 intervention in the Bihar SIR clarifies the normative baseline: no deletion without prior notice and hearing; public disclosure of removals; and acceptance of Aadhaar purely as an identity document, never as proof of citizenship. This judicial calibration preserves Commission autonomy while constitutionalising procedural fairness around the franchise. Doctrinally and practically, the paper's core insight is that "purification" must be inseparable from "protection." That requires predictable scheduling of revisions, field processes that prioritise inclusion, and remedies that are accessible and time-bound. It also calls for transparent, verifiable decision trails at BLO/ERO levels and sustained public communication so that electors can check status and contest errors before polling day. Comparative cues underscore the value of routine household verification and post-revision

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<sup>52</sup> UK Electoral Commission, *Performance of Electoral Registration Officers 2023* (London: Electoral Commission, 2024) 11 – 12.

scrutiny to detect wrongful deletions without chilling participation. Ultimately, a rights-oriented SIR should be codified, auditable, and privacy-compliant. If these elements converge—clear legal standards, accountable administration, measured use of technology, and meaningful avenues for redress—the electoral roll becomes not merely a list but a constitutional assurance that every eligible citizen will be seen, counted, and heard. This is the measure of electoral legitimacy the Constitution demands and voters deserve.

The author examines several recommendations that could strengthen the SIR process and align it with constitutional guarantees of fairness and inclusion.

### **i) Statutory Codification of SIR**

Currently, SIR is an administrative construct derived from Rule 22 of the *Registration of Electors Rules, 1960*. To ensure uniformity, Parliament should amend the Representation of the People Act, 1950, to provide an explicit statutory basis for Special Intensive Revisions, defining triggers, timelines, and procedural safeguards.<sup>53</sup> This would curb arbitrary discretion and establish accountability.

### **ii) Establishment of an Independent Electoral Audit Unit**

Drawing inspiration from the UK Electoral Commission's audit of deletion decisions, India could institute an Independent Electoral Audit Unit (IEAU) under Article 324 to review random samples of deletions and inclusions annually.<sup>54</sup> Its findings should be tabled in Parliament and made publicly accessible to enhance transparency.

### **iii) Strengthening Procedural Safeguards**

Revisions should embed:

- a) Mandatory notice and hearing before deletion;
- b) Booth-wise publication of deleted entries with reason codes; and
- c) Appeal rights to an independent revisional authority within 15 days of deletion.

### **iv) Data Protection and Technological Regulation**

With increasing digitisation, the ECI must comply with the *Digital Personal Data Protection*

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<sup>53</sup> Supra note 4 at 2. See also proposed amendment discussed in Law Commission of India, Report No. 255: Electoral Reforms (2015) ch. 6.

<sup>54</sup> M.P. Singh, "Institutionalising Electoral Accountability: The Case for Audit of Roll Deletions," *Indian Law Institute Journal* 65 (2025): 44 – 58.



Act 2023 by:

- a) Adopting *purpose limitation* and *data minimisation* principles;
  - b) Conducting *Data Protection Impact Assessments (DPIA)* for Aadhaar-based verification; and
  - c) Publishing transparency reports on data use during SIR.<sup>55</sup>
- v) **Enhancing Public Participation**

Public confidence can be rebuilt through:

- a) Awareness drives via social media, schools, and local governance bodies.
- b) Inclusion audits in collaboration with civil society organisations; and
- c) Real-time grievance portals for reporting wrongful deletions.

vi) **Judicial Oversight and Continuous Review**

While courts must respect the ECI's autonomy, *periodic judicial review* of SIR practices through PILs or statutory references can ensure adherence to due process. The Supreme Court's proactive stance in the Bihar case offers a model of constructive judicial supervision without encroaching upon administrative independence.

***“The right to vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.”***

***-Lyndon B. Johnson***

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<sup>55</sup> Supra note 42 at 12.