

Electoral Roll Revisions

Posted at: 16/08/2025

Electoral Roll Revisions : Balancing Citizenship Verification and Universal Suffrage

Context

The **Supreme Court's recent order (2025)** in *Association for Democratic Reforms (ADR) vs Election Commission of India* on the issue of **Special Intensive Revision (SIR)** of electoral rolls in Bihar has reignited debates around **citizenship verification, voter exclusion, and the right to vote**. This order recalls the earlier **1995 ruling in Lal Babu Hussain vs Electoral Registration Officer**, where similar concerns had emerged.

Introduction

Free and fair elections are the foundation of democracy. The **right to vote** is a constitutional guarantee under **Article 326**, linked with the principle of **universal adult suffrage**. Any attempt to restrict voter inclusion must be carefully scrutinized, balancing the need for accuracy with the protection of citizen rights.

Historical Parallel - Lal Babu Hussain Case (1995)

- The **Election Commission of India (ECI)** sought to declare certain voters as non-citizens.
- The **Supreme Court ruled** that no person could be forced to prove citizenship without credible evidence.
- It directed **Electoral Registration Officers (EROs)** to conduct full inquiries and allow affected voters to present evidence.
- The ruling triggered a **political backlash** against the then ruling Congress party.

Present Issue - Special Intensive Revision (SIR), Bihar

- **Legal basis:** The **Representation of the People Act, 1950** and the **Registration of Electors Rules, 1960** provide for summary and intensive revisions, but not for **Special Intensive Revision**, making SIR without clear statutory backing.
- **Rationale of ECI:** Introduced to **remove non-citizens** from electoral rolls.
- **Concerns raised:**
 - Use of **2003 electoral roll** as the only valid base.
 - Acceptance of only a **narrow set of documents**, excluding Aadhaar and Electoral Photo ID Card (EPIC).
 - **Burden of proof shifted** to citizens to establish their own citizenship.
- **Parallel instance:** In **Delhi and Mumbai (1994)**, similar exclusions occurred until the **Bombay High Court** intervened, allowing ration cards as valid proof.

Supreme Court's 2025 Order

- Directed the **ECI** to make **draft electoral rolls accessible and searchable**.
- Mandated that **reasons for voter exclusion must be provided**.
- Ordered acceptance of a **wider range of documents**, including Aadhaar and EPIC.
- **Significance:**
 - Strengthens **transparency and natural justice**.
 - Shifts the focus from **citizenship verification** to the **accuracy of voter rolls**.

SC-ECI Institutional Relationship

- **Cooperative phase:** The SC has supported reforms such as **asset declarations, disqualification of convicted politicians, and NOTA.**
- **Occasional divergence:** The **Electoral Bonds case** saw the SC striking them down despite ECI's neutral position.
- **Present stance:** The 2025 order is a **gentle nudge towards transparency**, not a confrontation.

Democratic Principles at Stake

- In the **1951 electoral rolls**, even the **homeless and nameless (especially women)** were included, safeguarding **universal suffrage.**
- The **SIR approach risks exclusion**, undermining this inclusive foundation.

Conclusion

The Supreme Court's insistence on **transparency and fairness** in electoral roll revisions reinforces the **citizen-centric nature of democracy.** It prevents arbitrary exclusions and upholds the spirit of **universal adult franchise.** As India advances towards **Viksit Bharat@2047**, electoral reforms must become **legally accountable, technologically robust, and socially inclusive**, ensuring that no eligible voter is left out of the democratic process.

