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A Voter List Is Not a Citizenship Register: The Special Intensive Revision and the Limits of the Election Commission

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ABSTRACT

The Supreme Court's judgment of 27 May 2026 upheld the Election Commission of India's power to conduct the Special Intensive Revision (SIR) of electoral rolls and, as reported, confined its consequences to a person's place on the roll. This article argues that the legitimacy of SIR's aim does not settle how it is carried out or who bears its burden. Drawing on the judgment, Election Commission guidance, and reports of a July 2026 hearing on a West Bengal petition, it examines the documentary burden on voters whose records do not match, the backlog of appeals against deletions that the petition describes, and the risk that a voter-list exercise blurs into a citizenship inquiry. It concludes that the limits drawn by the Court should operate as firm rules, and recommends more appellate tribunals, published procedures and orders, and no withdrawal of welfare benefits on the basis of deletion from the roll.

Keywords: Special Intensive Revision; electoral rolls; citizenship; Article 324; Election Commission of India

I. Introduction

Being removed from the voter list does not mean losing one's citizenship, the Supreme Court has said.[1] But a petition filed by Prasenjit Bose alleges that in West Bengal, removed voters have been denied welfare benefits anyway.[2] According to the petitioner's counsel, about 34 lakh appeals have been filed against deletions; only about 38,000 have been decided, and nearly 70 per cent of those restored the voter's name.[3] For the rest, the wait continues. The distance between what the Court has said and what is alleged is where the right to vote is at stake.

This article argues that the aim of the Special Intensive Revision (SIR) is legitimate, but that an exercise to clean the electoral roll should not end up shrinking the electorate. Part II describes SIR and the Supreme Court's judgment; Part III considers its aim and the burden it places on voters; Part IV examines the boundary between electoral and citizenship questions; Part V addresses a counterargument; and Part VI concludes with recommendations.

II. The Special Intensive Revision and the Supreme Court's Judgment

SIR is a detailed revision of the electoral rolls by the Election Commission of India (ECI or the Commission), in which duplicate entries, deceased voters, people who have moved and ineligible names are removed, and eligible voters are added.[4] Intensive revisions were carried out eight times between 1951 and 2004.[5] The current round began in Bihar in June 2025.[6] Voters fill in an enumeration form, and those whose details do not match the earlier rolls may be asked to prove their eligibility with documents.[7]

On 27 May 2026, in *Association for Democratic Reforms v. Election Commission of India*, a bench of Chief Justice Surya Kant and Justice Joymalya Bagchi upheld the Commission's power to conduct SIR.[8] The Court held that the power flows from Article 324 of the Constitution read with Section

1TNM Staff, *SC Says Election Commission Can Delete Voters, but Cannot Decide Citizenship*, THE NEWS MINUTE (July 18, 2026), https://thenewsminute.com/news/sc-says-election-commission-can-delete-voters-but-cannot-decide-citizenship.
2TNM Staff, *supra* note 1; Krishnadas Rajagopal, *Supreme Court Opposes Use of SIR Data for Non-Poll Tasks*, THE HINDU (July 18, 2026), https://www.thehindu.com/news/national/supreme-court-to-examine-whether-persons-deleted-from-voter-list-in-sir-can-be-denied-welfare-schemes/article71233094.ece
3TNM Staff, *supra* note 1.
4Election Commission of India, *Special Intensive Revision: Pure Electoral Rolls Strengthen Democracy*, slides 3, 6–7 (undated presentation), https://www.eci.gov.in/eci-backend/public/api/download?url=LMAhAK6sOPBp%2FNFF0iRfXbEB1EVSLT41NNLRjYNJJP1KivrUxbfqkDatmHy12e%2FzX%2FLARKC1lI3JwqUiIIk3e9a5deFn8sYeCGEvmhY1eKxnvxsalQ0d0BNaW1QGwL8b5dWfC0v6WB9pbj6BhsnOvg%3D%3D.
5Election Commission of India, *supra* note 4, slide 3.
6*Association for Democratic Reforms v. Election Commission of India*, W.P. (C) No. 640 of 2025, 2026 INSC 564, ¶ 10 (India May 27, 2026), https://indiankanoon.org/doc/106696419/.
7Election Commission of India, *supra* note 4, slides 5–7.
8South First Desk, *Supreme Court Upholds Special Intensive Revision, Says Exercise Serves Free and Fair Polls*, THE SOUTH FIRST (May 27, 2026), https://thesouthfirst.com/beyond-south/supreme-court-upholds-special-intensive-revision-says-exercise-serves-free-and-fair-polls/.

21(3) of the Representation of the People Act, 1950.[9] The petitioners argued, among other grounds, that determining whether a person is a citizen belongs to the Union Home Ministry and not the Commission.[10] They also contended that the exercise inverted the presumption of citizenship that attaches to a name already on the roll, relying on *Lal Babu Hussein v. Electoral Registration Officer* and *Inderjit Barua v. Election Commission of India*.[11] The Commission replied that its inquiry was into eligibility for enrolment and not a determination of citizenship, and that *Lal Babu Hussein* was decided when intensive revisions were conducted regularly.[12]

According to reports of the judgment, the Court rejected the argument that the procedure negated the presumption of citizenship; held that, under Section 16 of the Act, the Commission may examine questions bearing on citizenship while the consequence is limited to a person's place on the roll; and directed the Commission to forward, within four weeks, the names of people deleted over doubtful citizenship to the Union Government.[13] The ruling settles who may run SIR. It also draws a limit that matters: a voter list is not a citizenship register.

III. The Aim and the Burden

The aim of SIR deserves a fair hearing. Under the law, electoral rolls must be revised before every election or whenever required, and political parties have raised concerns about their quality.[14] The last intensive revision was carried out in 2002–2004, more than two decades ago.[15] Since then, the Commission says, the rolls have changed through frequent migration, voters being registered in more than one place, dead voters who were never removed, and the wrongful inclusion of foreigners.[16] The Court accepted the purpose, holding that free and fair elections depend on the integrity, accuracy and purity of the roll.[17] But a legitimate aim does not settle how an exercise is carried out, or who bears its burden.

Under the Commission's guidance for the second phase, voters whose details match the previous roll are not asked for documents at the enumeration stage.[18] A voter whose records are missing or do not match, however, receives a notice from the Electoral Registration Officer and must then prove eligibility.[19] Someone born in India between 1 July 1987 and 2 December 2004 must produce a document for themselves and one parent; someone born after 2 December 2004 must produce documents for themselves, their father and their mother.[20] The list of accepted documents is long, but what if a person does not have a parent's old papers? Where will they find them? The burden begins with a mismatch in records, not with any specific doubt about the voter's citizenship.

The appeals process shows how heavy that burden can be. According to the petitioner's counsel, senior advocate Gopal Sankaranarayanan, about 34 lakh appeals have been filed before 19 appellate tribunals in West Bengal, and only about 38,000 have been decided so far. Nearly 70 per cent of those decided restored the voter's name.[21] That does not mean most deletions were wrong, since the decided appeals are a small share of the total. But it does show that wrongful deletions occur, and that more than 33 lakh appeals are still pending. The petition asks for at least 42 tribunals, and for them to publish their procedures and upload their orders online.[22]

IV. The Citizenship Boundary

The Court has been consistent about where the Commission's role ends. In May, according to reports, it held that the Commission may examine citizenship-linked documents while revising the rolls, but that this does not make it the final authority on who is a citizen.[23] At a hearing in July, the Chief Justice said that the Commission has full control over the electoral roll, but that this does not by itself mean loss of citizenship, and that it has a corresponding duty to refer questions of citizenship status to the Centre for adjudication.[24] Justice Bagchi reiterated that, as the Bihar judgment had made clear, the Commission is not the constitutional authority on citizenship status under Articles 9, 10 and 11.[25] The bench also expressed its opposition to the use of SIR data for tasks unrelated to elections, such as deciding citizenship or access to welfare benefits.[26]

9*Association for Democratic Reforms*, *supra* note 6, ¶¶ 53, 55.
10*Association for Democratic Reforms*, *supra* note 6, ¶ 12(l).
11*Lal Babu Hussein v. Electoral Registration Officer*, (1995) 3 SCC 100; *Inderjit Barua v. Election Commission of India*, (1985) 4 SCC 722 (both as cited in *Association for Democratic Reforms*, *supra* note 4, ¶ 12(g)–(h)).
12*Association for Democratic Reforms*, *supra* note 6, ¶ 14(j), (r).
13South First Desk, *supra* note 8.
14Election Commission of India, *supra* note 4, slide 3.
15Election Commission of India, *supra* note 4, slide 3.
16Election Commission of India, *supra* note 4, slide 3.
17*Association for Democratic Reforms*, *supra* note 6, ¶¶ 54, 69.
18Election Commission of India, *supra* note 4, slide 6.
19Election Commission of India, *supra* note 4, slides 7, 11.
20Election Commission of India, *supra* note 4, slide 11.
21TNM Staff, *supra* note 1.
22Moohita Kaur Garg (ed.), *Can Deleted Voters Lose Citizenship, Ration Benefits? Supreme Court BIG Statement on ECI's Role and SIR*, WION (July 18, 2026), https://www.wionews.com/india-news/can-deleted-voters-lose-citizenship-ration-benefits-supreme-court-big-statement-on-eci-s-role-and-sir-1784339738414/amp.
23South First Desk, *supra* note 8.
24Garg, *supra* note 22; TNM Staff, *supra* note 1.
25TNM Staff, *supra* note 1.
26Rajagopal, *supra* note 2; Garg, *supra* note 22.

The question is whether, and where, the lines blur. The four-week direction is framed as a referral to the proper authority, but it means that a voter-list exercise now feeds a list that goes to the government.[27] And the petition before the Court alleges that West Bengal has gone further, with notifications issued in May and June that cut off voters deleted from the rolls from welfare schemes, including ration benefits, and ordered re-verification of their caste certificates.[28] These are allegations, and the Court has so far only issued notice.[29]

V. A Counterargument

A counterargument is that the Court has already settled the matter by upholding SIR. It has. The Commission also notes that Phase I in Bihar closed with no appeals.[30] In July, when the petitioner's counsel argued that the Court may not have expected deleted voters to lose welfare benefits so soon, the bench replied that the law is clear and that the Commission has control and superintendence over the roll.[31] These are fair points. But this article's argument does not depend on SIR being illegitimate. It depends on the line the Court itself has drawn: that SIR is for free and fair elections, and that it cannot decide a person's citizenship or access to welfare benefits. If the allegations are proved, they would cross that line. And whatever the Court finally decides, lakhs of pending appeals show that the cost of a mistake falls on the voter.

VI. Conclusion

The Supreme Court upheld SIR and accepted that its aim is legitimate.[32] But an exercise to build accurate electoral rolls should not result in a shrinking of the electorate. The Court itself has observed that SIR is only for elections, not for deciding any voter's citizenship or affecting access to welfare benefits.[33] That line should be treated as a firm rule and not simply a comment. To keep to it, a few things would help. First, more tribunals: only 19 are hearing these challenges, and the petition asks for at least 42.[34] Second, tribunals should publish their procedures and upload their orders online. Third, no voter should lose access to welfare benefits because a name was deleted from the voter list. A clean roll is worth having, but not at the cost of an eligible voter's place on it.

27South First Desk, *supra* note 8.
28TNM Staff, *supra* note 1; Garg, *supra* note 22.
29Rajagopal, *supra* note 2; TNM Staff, *supra* note 1.
30Election Commission of India, *supra* note 4, slide 1; *Association for Democratic Reforms*, *supra* note 6, ¶ 14(o).
31Garg, *supra* note 22.
32*Association for Democratic Reforms*, *supra* note 6, ¶ 69.
33Rajagopal, *supra* note 2.
34Garg, *supra* note 22.