



SIR Breathing Life into Article 324 Through Section 21(3)



Association for Democratic Reforms & Ors. vs Election Commission of India & Ors. MANU/SC/0560/2026

On May 27, 2026, the Supreme Court of India put its stamp of approval on one of the most debated electoral exercises in recent years, the Special Intensive Revision (SIR) of Bihar's electoral rolls.

A bench of Chief Justice Surya Kant and Justice Joymalya Bagchi upheld the legality of the SIR, ruling that the exercise serves the constitutional goal of free and fair elections.

The dispute had its roots in an order dated June 24, 2025, issued by the Election Commission of India (ECI), directing the SIR in Bihar, the first such intensive revision since 2003, prompted by two decades of rapid urbanization, large-scale migration, and a voter list that had grown stale and unreliable over time.

Petitioners, including the Association for Democratic Reforms, senior political figures, and civil rights groups, had argued that the exercise was essentially a citizenship verification drive in disguise, one that could strip genuine voters of their right to vote. The court rejected those concerns, affirming that the Election Commission is well within its powers to conduct such a revision under Article 324 of the Constitution, read with the Representation of the People Act, 1950 and that a clean and accurate voter list is, at its core, what keeps democracy alive.

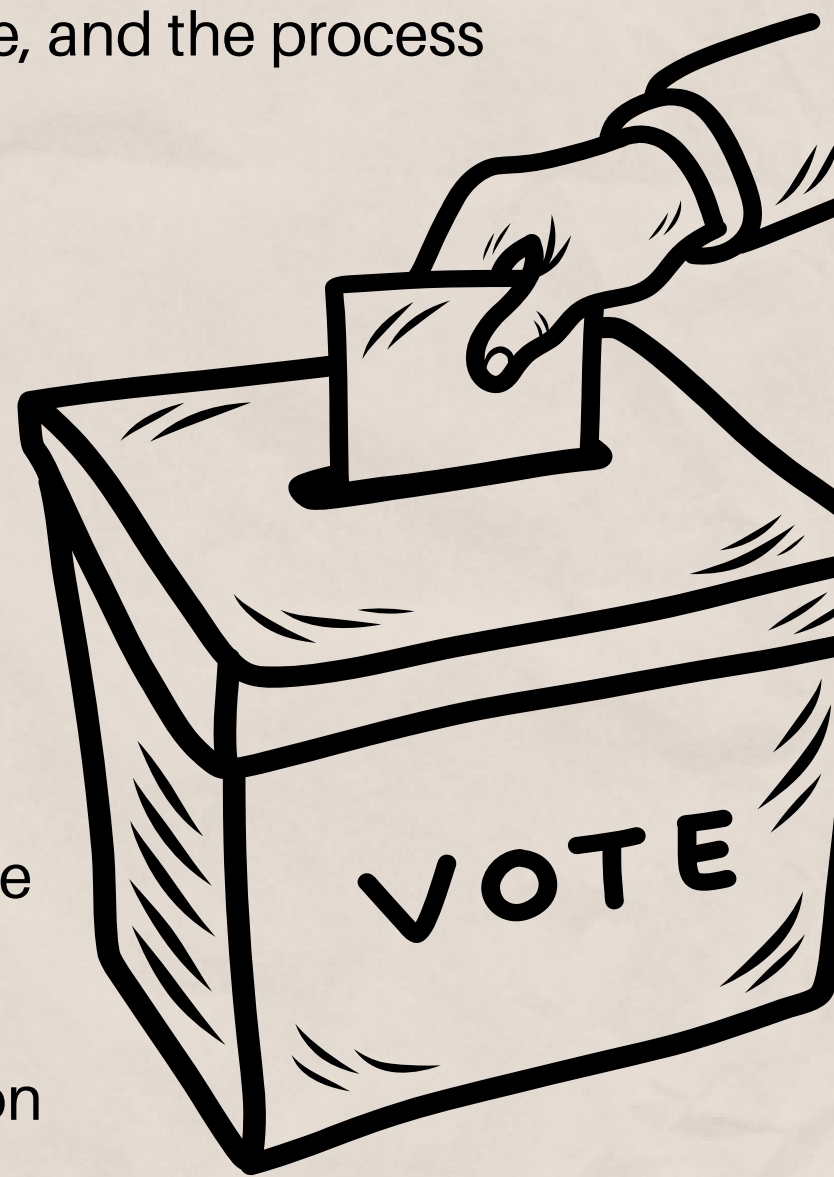
Inside the Courtroom: The Arguments, the Law, and the Verdict

Legal Issue	Petitioners	Respondents
(i) Whether the Election Commission of India has the power to conduct the Impugned Special Intensive Revision (SIR).	Article 324 is not an independent or unlimited source of power and must operate within the framework of laws enacted by Parliament. Since the field of electoral rolls is already occupied by the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960, the ECI, by introducing a new mechanism for enumeration, scrutiny, inclusion, and deletion, effectively created a parallel regime contrary to the statutory framework.	The SIR falls squarely within Articles 324, 325, and 326 of the Constitution read with Sections 15, 21(2), and 21(3) of the RP Act, which collectively empower the ECI to exercise superintendence, direction, and control over elections, including the preparation and revision of electoral rolls.
	Reliance placed on <i>Mohinder Singh Gill v. Chief Election Commissioner</i> (1978) MANU/SC/0209/1977 and <i>A.C. Jose v. Sivan Pillai</i> (1984) MANU/SC/0341/1984, which held that Article 324 cannot override statutory law.	While <i>Mohinder Singh Gill</i> requires the ECI to act consistently with existing law, it does not render the Commission powerless where legislation occupies the field, and <i>A.C. Jose</i> is distinguishable since the present case involves no direct conflict with statutory provisions.
	Section 21(3) RP Act only permits constituency-specific revisions and not a sweeping statewide or nationwide exercise.	Section 21(3), particularly the phrase “in such manner as it may think fit,” grants wide procedural discretion to the ECI, while the expression “any constituency” is broad enough to include all constituencies within a State where common circumstances justify such revision.

Legal Issue	Petitioners	Respondents
(ii) Whether the SIR is founded on a legitimate purpose and whether the measures adopted are proportionate.	The Impugned Order lacked adequate reasoning for undertaking such a large-scale revision and was arbitrary, exclusionary, and disproportionate to its stated objectives, as it unfairly shifted the burden onto already enrolled voters to re-establish citizenship and eligibility, adopted an arbitrary 2003 cut-off year without rational nexus to the objective, and imposed excessive and unreasonable fresh documentary requirements while excluding previously accepted documents.	The SIR was justified by large-scale migration, duplication, and declining accuracy of electoral rolls, with the 2003 roll chosen as a reliable baseline and the statutory cut-off under the Citizenship (Amendment) Act, 2003 providing rational classification. The process was facilitative with expanded documentation, while excluding ration cards and EPICs due to concerns of forgery and derivative reliability.
(iii) Whether the ECI is empowered to scrutinize citizenship status for electoral rolls.	Determination of citizenship lies exclusively with the Ministry of Home Affairs under the Allocation of Business Rules, 1961 and Section 9(2) of the Citizenship Act, 1955, and the ECI lacks both mandate and institutional competence to adjudicate it. Electoral rolls carry a presumption of citizenship and eligibility, as recognized in Lal Babu Hussein and Ors. vs. Electoral Registration Officer and Ors. MANU/SC/0645/1995 and Inderjit Barua and Ors. vs. Election Commission of India MANU/SC/0159/1984, which can only be rebutted through due legal process.	Articles 325 and 326 read with Section 16 of the RP Act empower the ECI to ensure only citizens are enrolled, and its scrutiny is limited to eligibility determination rather than formal adjudication of citizenship. Section 9(2) of the Citizenship Act is confined to termination upon acquisition of foreign citizenship and is not exhaustive, while Lal Babu Hussein applies to regular revisions and not special intensive revisions, with entries from summary revisions carrying a weaker presumption due to limited verification.

Court's Analysis and Holdings

- The Supreme Court held that the ECI can conduct the SIR under Article 324 read with Section 21(3) of the RP Act and act within the statutory framework.
- It rejected the reliance on Mohinder Singh Gill and A.C. Jose, stating they only prohibit action contrary to law, not action taken under it.
- The Court upheld the SIR as valid due to the absence of a major revision since 2003 and issues like migration and duplicate entries. The 2003 roll was accepted as a proper baseline, and the process was not found to be excessive.
- On procedure, the Court found no violation of rules and upheld safeguards of notice, hearing, appeals, and use of documents like Aadhaar.
- On citizenship, the Court held that the ECI can only make a limited inquiry for voting eligibility and cannot decide citizenship.
- It also noted that electoral roll entries are generally valid but can be challenged during the period of revision.
- The Court directed that voter's deletion based on citizenship must be sent to the competent authority within four weeks, with notice and a chance of been heard to the affected persons, and hence restoration of the voter's name if the citizenship is confirmed.



Conclusion

The Supreme Court's judgment upheld the SIR in its entirety affirming the ECI's power, accepting the proportionality of its approach, and endorsing its limited citizenship-scrutiny role. But perhaps the most telling aspect of the verdict is what the Court added on its own: a procedural safeguard ensuring that those whose names are deleted on citizenship grounds retain a meaningful right to be heard before a competent forum. In doing so, the Court did not just validate an electoral exercise; it reminded both the Commission and the citizen that in a democracy, The right to vote is not a small official detail, it is the main part of democracy.



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