THE ANATOMY OF ADMINISTRATIVE CIVIC ERASURE: THE SPECIAL INTENSIVE REVISION, CONSTITUTIONAL DECEPTION, AND THE WEAPONIZATION OF VOTER DATA IN INDIA

Rishik Banerjee, KIIT School of Law

Kritarth Dubey, KIIT School of Law

ABSTRACT

This paper examines the structural paradigm shift in India's electoral democracy brought about by the Election Commission of India's (ECI) implementation of the Special Intensive Revision (SIR), recently validated by the Supreme Court of India in Association for Democratic Reforms (ADR) v. Union of India (May 2026). While framed by the state as a technologically benign intervention mandated by urbanization and internal migration, this study argues that the SIR operates as an aggressive investigative apparatus that disrupts the historical baseline of universal adult franchise. Through an examination of systemic implementation in border regions like West Bengal and Bihar, the paper highlights a profound procedural asymmetry—contrasting a service-oriented approach in Delhi with punitive, high-threshold document verification demands elsewhere.

The study takes a close look at how the SIR, the Citizenship Amendment Act of 2019, and the National Register of Citizens framework all work together. It shows how the government's initial checks on voters can secretly lead to people losing their citizenship. The paper also uses a recent court case, Paschim Banga Khet Majoor Samity, to reveal how different government departments are using information against people. They are linking technical terms like "absentee" or "deleted" from voter lists to social welfare programs, which can cut off essential benefits that people need to survive. This means that people who are already vulnerable can be hurt even more by the government's actions. The study highlights the dangers of how the government is using information and bureaucracy to take away people's rights and benefits.

Ultimately, the author critiques the prioritization of sterile "database purity" over democratic inclusion, arguing that it creates an unconstitutional presumption of non-eligibility. The paper concludes by proposing immediate constitutional remedies, including the mandatory decoupling of Article 324

electoral data from Article 21 socio-economic entitlements and the standardization of flexible, identity-affirming nationwide verification protocols.

Keywords: Article 324, Special Intensive Revision, Electoral Rolls, Data Weaponization, Administrative Erasure, Panoptic Statecraft, CAA-NRC.

INTRODUCTION

The Special Intensive Revision (SIR) is a comprehensive exercise undertaken by the Election Commission of India (ECI) to verify, update, and correct the electoral rolls. Electoral rolls form the foundation of a democratic election because only those whose names appear on the electoral roll are entitled to vote. Therefore, maintaining an accurate and error-free voter list is essential for ensuring free, fair, and transparent elections.

Accurate electoral roll preparation helps ensure free and fair elections—the foundation of Indian democracy. Electoral rolls accurately identify eligible voters and systematically eliminate duplicate, moved, deceased, and other ineligible people from the voter list to achieve this goal. In an attempt to accomplish this goal, the ECI has initiated a Special Intensive Revision (SIR) of the electoral roll in many areas of the country. As reported by The Times of India and The Hindu, the SIR is aimed at improving the quality, accuracy, and reliability of the voter database through extensive physical checks as well as technical checks.

The SIR has generated very large amounts of heated debate in West Bengal and Bihar among politicians, citizens, and the courts. As such, voter roll revision has become a major point of contention with regard to the upcoming state elections.

In any system of constitutional democracy, a prior administrative definition of membership in the state is essential to legitimize the ensuing democratic electoral process. In other words, in order to be able to count votes, the state must first clearly define the outer boundaries of that polity. Historically in India, the outer boundary of the polity has predominantly been defined through universal adult franchise, with virtually all adults having the right to seek entry onto and inclusion in the electoral roll. However, this paradigm has experienced an unprecedented structural transition as a result of the May 27, 2026 Supreme Court of India ruling (three judges) delivered in the final judgment of Association for Democratic Reforms (ADR) v. Union of India that upholds both the constitutional and statutory validity of the Special Intensive Revision.

Although the SIR has been described by both the Election Commission of India and the Union government as a benign, technologically advanced process required due to rapid urbanization and inter-state migration, it does not take place in isolation from its historical or political context.

Rather, it is situated within a larger and far more expansive set of complexly contested legislative and policy arenas that are affected by two major and highly charged political issues: The Citizenship Amendment Act (CAA) of 2019 and the corresponding framework of building a nationwide National Register of Citizens (NRC).

MEANING OF SPECIAL INTENSIVE REVISION (SIR)

The term Special Intensive Revision consists of three distinct components:

Special signifies that the revision is undertaken for a specific purpose and is not part of the routine or annual updating process.

Intensive indicates that the verification process is comprehensive and involves detailed scrutiny of voter records through house-to-house verification, document verification, or other prescribed methods.

Revision refers to the process of updating the electoral roll by including eligible voters, deleting ineligible entries, and correcting existing records.

Thus, SIR is called Special Intensive Revision because it is a one-time, detailed, and comprehensive exercise aimed at preparing an accurate and reliable electoral roll.

LEGAL BASIS OF SIR

The authority to conduct a Special Intensive Revision is derived from:

1. Article 324 of the Constitution of India, which vests the superintendence, direction, and control of elections in the Election Commission of India.

2. The Representation of the People Act, 1950, which governs the preparation and revision of electoral rolls (specifically Section 21(3)).

3. The Registration of Electors Rules, 1960, which prescribe the procedure for revision and maintenance of electoral rolls.

4. These legal provisions empower the Election Commission to undertake special revision exercises whenever required to maintain the purity of the electoral process.

OBJECTIVES OF SIR

The principal objective of the Special Intensive Revision is to ensure that the electoral roll accurately reflects all eligible electors while excluding persons who are not legally entitled to vote.

Specifically, SIR aims to:

1. Ensure complete and accurate electoral rolls.

2. Include all eligible citizens who have attained the qualifying age or whose names were previously omitted.

3. Remove duplicate, deceased, or shifted voters.

4. Correct inaccuracies in voter details.

5. Strengthen public confidence in the electoral process.

6. Promote free and fair elections by preventing fraudulent or multiple voting.

MAIN FUNCTIONS OF SIR

The Special Intensive Revision performs several important functions:

1. Verification of Existing Electors

Election officials verify whether registered voters continue to reside at their registered addresses and remain eligible to vote in the concerned constituency.

2. Inclusion of Eligible Voters

Citizens who have attained the age of eighteen years or whose names have been omitted from

the electoral roll are included after verification of their eligibility.

3. Deletion of Ineligible Names

The revision removes the names of:

a. Deceased persons.

b. Individuals who have permanently shifted their residence.

c. Persons registered more than once.

d. Persons otherwise disqualified under the law.

4. Correction of Electoral Records

Errors relating to a voter's name, age, gender, address, photograph, or other particulars are identified and corrected to ensure accuracy.

5. Prevention of Electoral Fraud

By eliminating duplicate and fictitious entries, SIR helps reduce impersonation and other electoral malpractices, thereby safeguarding the integrity of elections.

6. Strengthening Democratic Governance

An accurate electoral roll ensures that every eligible citizen can exercise the constitutional right to vote while preventing misuse of the electoral process.

IMPORTANCE OF SIR

The credibility of democratic elections depends significantly upon the accuracy of electoral rolls. A flawed voter list may result in eligible citizens being denied their voting rights or ineligible persons participating in elections. Through comprehensive verification, the Special Intensive Revision enhances transparency, electoral integrity, and public trust in democratic institutions. It also facilitates efficient election management by ensuring that polling stations and voter records remain updated.

DIFFERENCE BETWEEN ORDINARY REVISION AND SIR

An ordinary revision involves routine additions, deletions, and corrections made periodically throughout the year (referred to as "Summary Revision"). In contrast, the Special Intensive Revision is a comprehensive verification exercise involving extensive scrutiny of voter records, often through field verification and document-based confirmation. Consequently, SIR is broader in scope and more rigorous than ordinary revision.

SECTION I: The Statutory Anatomy and Nationwide Scale of the SIR

Unlike the routine annual updating of electoral rolls ("Summary Revision"), a Special Holiday Revision consists of a completely new preparation of electoral rolls involving a house-to-house enumeration generally conducted after the delimitation of constituencies. The ordinary process for the Summary Revision is to issue drafts of existing electoral rolls, while voters can make claims to update their records by filing an individual claim as a result of personal milestones such as reaching voting age (18 years), marriage, divorce, or birth of a child.

A Special Holiday Revision can also occur under extraordinary circumstances; for example, if a large number of voters were left off the list due to errors in creating the electoral rolls under Section 21(3) of the Representation of the People Act (RPA), 1950. There is an aggressive hybrid version of both an Intensive and a Special Revision; the current Special Intensive Revision (SIR) uses both methods to quickly update voter information where there are gaps and/or allegations of widespread errors.

The SIR is primarily established in the statutory framework of Section 21(3) of the RPA, 1950, which gives the Election Commission of India (ECI) the authority to change the electoral rolls "as and when it thinks fit". This statutory authority co-exists with Article 324 of the Constitution, under which the ECI has the authority to oversee, direct, and control the preparation of electoral rolls. The hierarchy of administrators within the administrative mechanism assigns the Chief Electoral Officer at the top; the District Election Officer at the district level; the Electoral Registration Officer (ERO) at the constituency level; Assistant Electoral Registration Officers (AERO), who deal with complaints; and the Booth Level Officers (BLO), who do the physical work.

The execution of the SIR proceeds through five formal administrative steps:

Step 1 - ***Mapping Existing Voters***: Old voter records are matched up with current databases. For example, prior to starting the active revision process in Punjab, they reported that mapping had been approximately 74% complete and in Dakshina Kannada, approximately 88.6% had been mapped.

Step 2 - ***Door-to-Door Surveys***: Since the BLOs are required to visit each household to verify residency and identity, collect supporting documentation, etc., approximately 45,000 BLOs were engaged in this monumental logistical task in Odisha.

Step 3 - ***Execution of Enumeration Forms***: EROs print pre-filled enumeration forms for existing electors. Every citizen is required to sign these forms, verifying their name, address, age, and citizenship eligibility. To ensure transparency, the ECI allows political parties to participate via Booth Level Agents (BLAs).

Step 4 - ***Publication of the Draft Electoral Rolls***: Once field data is aggregated, draft rolls are published, allowing citizens and political parties to file formal claims or raise objections.

Step 5 - ***Publication of the Final Electoral Roll***: Following the statutory disposal of objections by AEROs, the definitive, legally binding voter database is generated.

The SIR is a massive national effort to upgrade the electoral system throughout India. Currently, the ECI has indicated they have reached Phase-III of the project which covers an additional 16 States and three Union Territories (i.e., the National Capital Territory of Delhi, Chandigarh, and Dadra and Nagar Haveli and Daman and Diu). This effort will ultimately affect 36.73 crore electors with the ECI harness of over 394,000 Booth Level Officers (BLOs) to perform door-to-door enumeration assisted by 342,000 Booth Level Agents (BLAs) appointed by political parties for institutional transparency. Thus, with the exception of snowbound regions with different census timelines (such as Himachal Pradesh, Jammu and Kashmir, and Ladakh), the SIR project will encompass almost all of India.

The current nationwide SIR is based on a heavy dependence on modern technical integration to enforce "electoral purity." The ECI has put in place platforms like ECINET along with digital voter mapping, geographic verification, and cross-linking to identify duplicate registration, multiple enrolments, or migrants. Automated matching systems, pattern recognition, and large-scale data analytics compare voter histories to catch irregularities while online verification

portals enable citizens to review their records before a BLO visits their doorstep.

SECTION II: The Anatomy of a Judicial Deception

The ruling in the ADR case, decided by the Supreme Court in May 2026, endorsed the powers of the ECI, arguing that since the constitutional requirement in Article 324 exists, the SIR process cannot be disturbed easily in case internal administrative remedies are available. It was emphasized that maintaining a clean list of voters is an essential part of fair elections. But the close analysis of this judicial perspective shows what one may call analytical friction—the court's insistence on the "principled distinction" between establishing an individual's citizenship simpliciter and verifying the statutory eligibility to vote.

By judicial logic, the examination of the identity of an individual by ERO or BLO under the SIR procedure does not include the formal determination of citizenship, which falls within the exclusive jurisdiction of the Central Government as provided by the Citizenship Act, 1955. Rather, what happens in such cases is a prima facie, contextual decision regarding the voting rights of an individual.

This distinction crumbles down in light of practical reality since, according to the strict requirements of the SIR procedure, if the legacy documentation of an individual fails to inspire confidence in a ground-level BLO, their name is withheld from the rolls, and a mandatory referral mechanism is triggered. This sends the individual's file downstream to a government-appointed competent authority for formal citizenship investigation. Consequently, a preliminary administrative check functions as a definitive gateway to potential statelessness, leaving vulnerable individuals disenfranchised at the threshold and trapped in prolonged legal limbo.

This system marks a departure from the structural nature of judicial safeguards in the past, as evident from the following constitutional cases:

1. **Lal Babu Hussein v. Electoral Registration Officer (1995):** In the early 1990s, the ECI instructed the local EROs in Delhi and Bombay to weed out those who are suspected to be "noncitizens". The poorer citizens were informed that the normal documents, like ration cards, were not acceptable. The Supreme Court had then ruled that names could not be deleted from the list randomly without strict natural justice and clear evidence beforehand. This set a

legal precedent according to which there exists a strong presumption of being a citizen if one's name is already on the electoral rolls.

2. Union of India v. Association for Democratic Reforms (2002): In this case, the plenary power of the ECI was established based on Article 324. It was stated that when the statute is silent, the ECI enjoys reserve powers to make executive directions to secure clean elections, for instance, by mandating that candidates reveal their criminal history. While the 2002 judgment sought to leverage Article 324 to strengthen democracy and maximize voter transparency, the present state employs the very plenary power to create a highly bureaucratic screening process that removes the right to vote.

3. AIADMK v. Chief Election Commissioner (2001): The Supreme Court laid down the limit of Article 324 and observed that while the ECI enjoys enormous supervisory powers, it cannot issue executive directions to undermine, supplement, or substitute laws made by the Parliament. The RPA, 1950 provides balanced statutory provisions to verify the voter's qualification and residency. However, the present SIR creates an innovative, aggressive, and short-term document verification and referral process using executive directions.

4. Gujarat Election Reference Case (2002): Assessing the authority of the ECI to postpone elections due to communal disturbances, a Constitution Bench concluded that "constitutional difficulty cannot be an excuse for the endless extension of institutional powers." It is necessary for the ECI to remain always as a supervisor and never substitute. The aggressive character of SIR can be justified only on the grounds of the problems posed by urbanization, migration, and demographic anxieties. This case shows clearly that demographic changes do not grant unfettered powers to ECI to set up an investigatory regime.

SECTION III: The Parallel Architectures of Exclusion and Procedural Asymmetry

The problem with the SIR is very clear when we look at how it affects places like Bihar and West Bengal. In West Bengal, the SIR process has made a lot of people very anxious and as a result over

5.46 lakh names were removed from the voter list while 1.82 lakh new voters were added and many other cases are still being looked at. The SIR has caused a lot of trouble. Critics and political groups say that this strict system of checking documents has stopped over 27 lakh

people from voting and this has hurt people who are already struggling like those who are poor or old or women or people who do not have all the right papers.

This is happening because the government is being very strict about what documents it accepts. Usually, people use things like ration cards and driving licenses to prove who they are, but now these are not considered good enough. The government thinks these can be easily faked. Even the Supreme Court saying that an Aadhaar card can be used to prove who you are does not help because the court also said that an Aadhaar card does not prove that you are a citizen. So local officials can still ask for papers, which can be very hard to get. This is similar to what happened in Assam in 1997, when there was a problem with something called "D-Voter" or doubtful voter.

The SIR is causing a lot of problems like the D-Voter issue did. The SIR is an issue.

When you look at how Phase-III was carried out in areas you can see that the procedures used were not the same everywhere. For example, in Delhi, a city with around 1.5 crore voters and 13,000 polling booths, the Election Commission of India sent out around 13,000 Booth Level Officers to visit people at home from June 30 to July 29. The plan in Delhi was for these officers to visit each home at least three times, try to catch people when they were back from work in the evening, and leave their phone numbers if nobody was home. It is worth noting that the government said people did not need to show any documents when they were filling out the forms.

This lenient, service-oriented approach stands in stark contrast to the aggressive documentation demands witnessed in West Bengal, exposing a lack of procedural uniformity. Where local administration chooses to enforce rigid documentation, the routine polling preparation transforms into an exclusionary screening system, acting as a stealth precursor to a broader citizenship regime by intersecting directly with the legal mechanics of the CAA and the NRC:

1. The Citizenship Amendment Act, 2019

Being a citizen of a country means you are officially a part of that country. It is different from being an immigrant who's someone who moves to a new country to live. India has a history of people moving there from other countries. For example, the Parsis moved to Gujarat and many people moved to India during the Partition in 1947, the crisis in 1959, the Bangladesh

Liberation War in 1971, the Sri Lankan Civil War in the 1980s and 1990s, and the Rohingya migrations that are still happening.

The Citizenship Amendment Act changed the rules about who's considered an illegal migrant. Before, an illegal migrant was someone who came to India without the documents or stayed longer than they were allowed. Now the Citizenship Amendment Act says that people from certain minority groups, like Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Pakistan, Bangladesh, and Afghanistan are not considered illegal migrants if they came to India before December 31, 2014. The Citizenship Amendment Act also makes it easier for these people to become citizens of India by reducing the amount of time they have to live in India from 11 years to 5 years. The Citizenship Amendment Act and the National Register of Citizens can affect who gets to be a citizen of India.

2. The National Register of Citizens

The National Register of Citizens is like a system that finds out who is living in the country without the papers. The National Register of Citizens was first made during the 1951 census. It was not updated for a very long time. In the Northeast in Assam there was a special rule made in 1985. This rule said that people who came from Bangladesh to Assam before March 24, 1971 could stay in the country. People who came after that date might have to leave. To update the National Register of Citizens people had to show that their names or their family members' names were on the list in 1951 or on a voting list before March 24, 1971.

3. The Functional Overlap

The Special Identification Route is happening now. It is affecting people in their own neighborhoods. In West Bengal there is a problem with a rule that says non-citizens cannot vote. In states people are arguing about what it means to really live in a place. The Special Identification

Route is making people fill out forms to prove they belong. This is like the National Register of Citizens system. It is creating a situation where people are not sure if they can stay in their homes. The National Register of Citizens is being used to decide who can stay and who has to go. This is causing a lot of problems for people. The National Register of Citizens is making people feel like they do not belong.

SECTION IV: The Weaponization of Data and Socio-Economic Disenfranchisement

The most alarming dimension of the SIR architecture occurs when data compiled exclusively for electoral management is cross-leveraged to deprive citizens of essential material survival. This transition from political disenfranchisement to wholesale social eviction is vividly illustrated by recent public interest litigation emerging from West Bengal.

The Supreme Court of India, acting under its Article 32 original jurisdiction, entertained a petition filed by the agricultural labor union Paschim Banga Khet Majoor Samity. The challenge targeted a state administrative directive that directly linked the allocation of subsidized food grains under the Public Distribution System (PDS) and financial cash transfers via the "Annapurna Yojana" to an individual's verified status on the updated SIR voter list.

The litigation exposed a coordinated cross-departmental weaponization of administrative data. The state government utilized technical classifications generated during the SIR field surveys— specifically labeling individuals as "dead," "shifted," "deleted," or "absentee"—as an automatic trigger to terminate essential welfare entitlements. Human rights advocates established that this data convergence threatened to render up to 60 lakh ration cards functionally invalid.

Petitioners argued that utilizing electoral database purification as a mechanism to extinguish the fundamental right to food violates the constitutional matrix, specifically transforming an instrument designed to facilitate democratic franchise into an engine of socio-economic precarity.

The Supreme Court, made up of Justice B.V. Nagarathna and Justice Joymalya Bagchi, sent the case back to the Calcutta High Court to be decided locally. But this case shows how the government can use advanced data analysis to remove marginalized groups from the country's social and economic system. This is a big problem. The court's decision is important, but it does not change the fact that the government has the power to use data to hurt certain groups of people. This can have serious consequences for the people affected. The government's use of data analytics can be a powerful tool, but it can also be used to discriminate against marginalized populations. The case is a reminder that the government needs to be careful about how it uses data and make sure it is not hurting certain groups of people.

SECTION V: Deep Dive Analysis — The Theoretical Dimensions of Administrative Civic Erasure

1. The Shifting Burden of Proof and the Illusion of Due Process

Our modern democratic state rests on a simple axiom: an enrolled voter at any given time has a permanent, established right to remain a member of the political community until the occurrence of a disqualifying event, clearly established by cogent and irrefutable proof. Under the standard provisions of Representation of the People Act, 1950, the burden to demonstrate that an existing voter has permanently moved or ceased to be available for the State / objector was borne by the latter, either State or Individual.

The SIR system completely reverses the situation. It creates, by creating a quasi-technological system, the presumption of non-residency/non-eligibility to the detriment of the citizen.

The moment a house is visited by a BLO in terms of Phase III rules, the citizen is under scrutiny by the administration for his/her right to exist! It treats minor discrepancies that result due to the human or orthographic errors of past legacy administrative apparatus as systemic failure (e.g., wrong spelling of a name in older voter lists). The poor are forced to defend their inclusion on account of what will eventually be called a failure of technology to recognize their existence through an over-engineered and impossibly onerous administrative mechanism.

Migrant labor and people from lower economic strata rarely live in document libraries that are climate controlled, free of damage, or well-maintained across all decades. Often administrative changes and damages at regional levels to documents, especially from rural areas prone to environmental damage and also in the case of rapid rural-urban mobility, are treated as failures on the part of the poor.

2. The Fallacy of Institutional Purity vs. Democratic Inclusion

The chief justification espoused by the EC and sanctified by the Supreme Court in the ADR judgment is "electoral purity." The institutional story has it that an exhaustive scrubbing of the electoral roll is an administrative and constitutional necessity; that it is crucial for guarding the sacrosanctity of the ballot. For all practical purposes, ensuring that fraudulent votes are not cast, that individual voters do not vote multiple times, or that fictitious individuals are not in the rolls, are all legitimate aims for the ECI.

However, making "database purity" into an inflexible, absolute imperative means a serious constitutional blind spot in favor of a narrowly interpreted view of democratic standards. It means considering the electoral roll to be more a clinic for administrative hygiene than a living archive of the nation's political community.

Such administrative logics where stringent adherence to technical parameters in the service of systemic accessibility may demand "acceptable costs of collateral damage" in the form of mass disenfranchisement cannot be justified within a democratic regime where such trade-offs violate fundamental normative premises of a political community's inclusive formation. That logic represents a severe misreading of the spirit behind the creation of Article 324. For the framers, the ECI as an independent, and potentially more than technically oriented authority, was expected to strive towards maximizing adult franchise: pulling into the folds of the Indian polity the millions that were historically oppressed, illiterate, and excluded, and thereby into the sphere of the democratic.

However, that authority itself becomes the engine of voter disenfranchisement and marginalization when it evolves from an inclusive, adult franchise-maximizing, 'active' authority into an investigative and "documentation-heavy" screening authority. This pursuit of "error free" leads to a form of sterile, clinical 'purity', the cost of which is not resolving structural marginalization, but achieving it through administrative erasure.

3. Cross-Departmental Weaponization and the Convergence of Panoptic Statecraft

The contemporary evolution of state surveillance and data management relies increasingly on the integration of siloed administrative databases. Historically, the information gathered by a state for electoral mapping remained legally and logistically insulated from data compiled for social welfare, taxation, or criminal justice. This administrative separation served as an informal safeguard for individual liberty; errors or exclusions in one database did not automatically collapse a citizen's entire standing before the state. The ongoing developments surrounding the SIR indicate that this critical separation is being systematically dissolved.

As documented in the Paschim Banga Khet Majoor Samity litigation, when a regional administration directly links electoral deletion data to the Public Distribution System (PDS) and essential social security transfers, it executes a cross-departmental weaponization of information. A citizen flagged as "absentee" or "shifted" by a ground-level BLO during a brief,

three-visit window suddenly finds their household cut off from subsidized food supplies and basic financial survival schemes.

The way the Election Commission updates its voter lists has become a powerful tool for the government to keep an eye on everyone. This means that citizens are trapped in a complex system where one small mistake, like missing a visit from a government official or not having the right documents, can lead to a big problem. It's not just about losing the right to vote, but also about being cut off from essential services that people need to survive.

SECTION VI: Legal Evaluation, Policy Critique and Statutory Recommendations

1. The Statutory Overreach and Executive Appropriation of Section 21(3)

Though the ECI grounds its implementation of nationwide intensive revisions in Section 21(3) of the RPA, 1950, a strictly statutory view of its architectural placement reveals it to be largely, if not completely, out of structural alignment with the statutory scheme. Rule 25 of the Registration of Electors Rules, 1960, read alongside Section 21(2)(b), provides the standard mechanism for intensive revisions; Section 21(3) is an ad hoc and locality-centric exception intended solely for emergency-based or Constituency-specific anomalies, and the ECI's utilization of Section 21(3) for blanket drives sidesteps the built-in procedural safeguards established by the Registration Rules. As elucidated in A.C. Jose v. Sivan Pillai and reconfirmed in the AIADMK case, while Article 324 itself, when read with the RPA, confers plenary power on the ECI for superintendence, direction, and control, executive instructions, whether pursuant to Article 324 or Section 21(3), cannot supplement, substitute or override the elaborate regime established by statutes for these purposes.

2. The Proportionality Deficit of ADR v. Union of India

While the Supreme Court in the ADR case (2026 INSC 564) displayed broad administrative deference towards the ECI, analysis of the operational paradigm of the SIR against the quintessential four-pronged constitutional proportionality test reveals deep structural fissures:

Legitimate Aim: Maintaining pristine rolls through verification and data correlation does align with the legitimate state objective.

Suitability: Field verification and document correlation satisfy the suitability branch.

Necessity (Failed): The framework falters in the necessity prong as already existent legislative methods effectively satisfy the state interest without the drastic, overly intrusive means of a blanket exclusion system. Targeted deletion under Rule 21A of the Registration of Electors Rules, 1960, satisfies the database verification requirement on an individual level without establishing an architecturally built-in, default disqualification infrastructure.

Balancing / Stricto Sensu (Failed): The possibility of mass voter disenfranchisement, the impact of which is disproportionately borne by internal migrants, rural households, and socially and economically marginalized populations, far outweighs the marginal gain from mere technical accuracy of the database.

3. Data Integration and Article 21 Concerns

The latent constitutional threat of executive data aggregation and reappropriation by administrative bodies is strikingly illustrated in Paschim Banga Khet Majoor Samity v. State of West Bengal. In this case, petitioners had challenged state directives that mandated that specific technical classifications used to mark voters (namely, 'absentee', 'shifted' and 'deleted'), should automatically result in automatic denial of PDS food grains and Annapurna Yojana benefits.

This practice demonstrates precisely the type of data repurposing from electoral administration to the erosion of welfare entitlements and civil liberties.

This weaponization of data across departments, facilitated by Article 324's vast ambit and implemented via Section 21(3), can thus become an instrument of social exclusion, directly contravening the Right to Life and Sustenance enshrined in Article 21 of the Indian Constitution.

4. Reversing the Presumption of Legality and Citizenship

It was held in Lal Babu Hussein v. Electoral Registration Officer that a registered elector carries a positive legal presumption that she is a duly registered citizen of India. This baseline is inverted in the SIR's design; rather than operating under a default presumption of valid registration and eligibility (which an elector is constitutionally entitled to claim), minor factual imperfections or a failure to respond precisely during a highly constricting survey window can create an administrative presumption of ineligibility or non-residency, placing the onus on the

elector to affirmatively prove her qualification during a short time span.

5. Pro-Active Five-Point Statutory Reform Plan

In order to restore probity to electoral roll maintenance and to ensure constitutional fidelity under Articles 14, 21 and 324, the following five structural reforms are requisite:

Amend Section 21(3) of the RPA, 1950, by introducing objective legislative trigger criteria (such as demonstrated demographic shifts) and strictly limiting Section 21(3) invocation for localized emergencies to preclude its use for nationwide overhauls under an exceptional provision.

Institutionalize statutory grounds for notice and hearing prior to voter deletion. This amendment to the RPA, consistent with the Supreme Court's holding in Lal Babu Hussein, would mandate personal notification and a specific hearing before any elector's removal from the rolls.

Publish national guidelines for electoral verification and claims processes. These guidelines would need to be comprehensive and statutorily mandated so as to ensure uniformity across all constituencies and thereby prevent interstate disparities in verification norms.

Establish dedicated administrative electoral claims tribunals. These forums, to be time-bound, would relieve the existing judicial system of a large part of the burden of processing disputes and challenges, thus streamlining and facilitating more expeditious resolution.

Prescribe a pre-election buffer period prohibiting all intensive revisions initiated under Section 21(3) for a span of six months prior to any national or state election.

SECTION VII: Conclusion and Constitutional Remedies

Running a fair election in a big, diverse country is a tough job. The Election Commission of India has a crucial role to play in making sure the voting list is accurate, by removing names of people who have died, moved away, or are listed twice. This helps prevent cheating and keeps people's trust in the democratic system. But, if the Commission isn't careful, it might accidentally remove legitimate voters or silence the voices of marginalized groups, which would undermine the whole democratic process. It's a delicate balance to strike, as the

democratic system relies on ensuring that all citizens have an equal say, regardless of their background or social status.

The ongoing controversies across the subcontinent underscore a deepening institutional challenge. When the Supreme Court noted a distinct "trust deficit" between constitutional authorities and ordered judicial oversight in parts of the revision process, it highlighted how voter-list management can easily be weaponized close to an election. If a revision process is perceived as opaque, unfair, or asymmetric, it severely erodes public faith in the neutrality of the state.

To stop the Special Intensive Revision from becoming a tool that erases citizens' rights, we need to put in place strong rules and safeguards right away:

Standardized Verification Protocols: The Election Commission of India (ECI) must create a standard set of documents that applies to the whole country, one that focuses on verifying people's identities in a flexible and human way, rather than relying on strict automated checks. The approach used in Delhi, where documents are not used to block people at the start, should be made a rule for all states to follow, to avoid the different and sometimes harsh methods used in places like West Bengal and Bihar. This will help ensure that everyone is treated fairly and has an equal chance to participate. By doing this, we can prevent the Special Intensive Revision from being used to unfairly remove people from the voter list and make sure that our democracy remains strong and inclusive.

1. **Decoupling Electoral Data from Welfare Entitlements:** The structural link between voter roll data and basic socio-economic survival benefits must be legally dismantled. The state cannot use data collected under the unique constitutional mandate of Article 324 to systematically invalidate entitlements protected under the Right to Life in Article 21. Any deletion or classification of a voter on an electoral roll must remain strictly confined to the administration of elections and must never serve as an automatic trigger for welfare deprivation.

Any change to the system that divides people into two groups—those who can easily vote and those who are left out—goes against the idea of equal voting rights for all. It's necessary to keep voter lists accurate, but not at the cost of stopping people from participating in democracy. To really make Indian democracy stronger, the new system must have strict rules in place, be

completely transparent in how it uses data from different departments, and truly understand the challenges faced by the people it's meant to serve. This is crucial to ensure that everyone has an equal say in the country's future. The goal should be to make democracy work for all, not just a few. By being careful and thoughtful in how the new system is implemented, India can avoid creating a two-tiered system that leaves some people behind.

SECTION VIII: FINAL CONCLUSION

The Special Intensive Revision (SIR) has emerged as one of the most significant electoral reforms in contemporary India, reflecting the Election Commission of India's constitutional obligation to maintain accurate, complete, and credible electoral rolls. While the exercise seeks to eliminate duplicate, fictitious, deceased, and otherwise ineligible entries, it has also generated considerable constitutional debate regarding the balance between electoral integrity and the protection of the fundamental right to vote. The concerns surrounding documentation requirements, procedural fairness, and the possibility of wrongful exclusion have made SIR the subject of extensive judicial scrutiny.

The legal position has now been substantially clarified by the Supreme Court in Association for Democratic Reforms v. Election Commission of India (2026 INSC 564), where the Court upheld the constitutional validity of the Special Intensive Revision. The Court affirmed that the Election Commission possesses the authority under Article 324 of the Constitution, read with Section 21(3) of the Representation of the People Act, 1950, to conduct a Special Intensive Revision whenever necessary for preserving the purity of the electoral roll. At the same time, the Court emphasized that such power is not absolute and must be exercised with fairness, transparency, adherence to statutory safeguards, and observance of the principles of natural justice. The Court further clarified that while the Election Commission may examine eligibility for inclusion in the electoral roll, it cannot conclusively determine questions of citizenship, which remain within the jurisdiction of the competent authorities under the Citizenship Act.

In the present context, SIR continues to influence electoral administration across several States and has also given rise to fresh litigation concerning its implementation and administrative consequences, demonstrating that the debate has shifted from the constitutional validity of SIR to the fairness and legality of its execution in practice. Ultimately, the success of the Special Intensive Revision will depend not merely on the removal of inaccuracies from electoral rolls but on ensuring that no eligible citizen is unjustly deprived of the democratic right to vote.

Thus, the future of SIR lies in maintaining a careful balance between electoral integrity, constitutional accountability, and the inclusive character of India's democratic process.

REFERENCES

A. ***Cases***

1. Association for Democratic Reforms v. Election Commission of India, 2026 INSC 564.

2. Lal Babu Hussein v. Electoral Registration Officer, (1995) 3 SCC 100.

3. Union of India v. Association for Democratic Reforms, (2002) 5 SCC 294.

4. AIADMK v. Chief Election Commissioner, (2001) 5 SCC 226.

5. In re Special Reference No. 1 of 2002 (Gujarat Election Reference), (2002) 8 SCC 237.

6. Paschim Banga Khet Majoor Samity v. State of West Bengal (SLP filed before the Supreme Court of India, 2026) (matter remitted to the Calcutta High Court).

B. ***Constitutional and Statutory Provisions***

7. The Constitution of India, arts. 21, 32, 324.

8. The Representation of the People Act, 1950, s. 21(3).

9. The Registration of Electors Rules, 1960.

10. The Citizenship Act, 1955.

11. The Citizenship (Amendment) Act, 2019.

C. ***News and Media Reports***

12. The Times of India, reportage on the Special Intensive Revision of electoral rolls (2026).

13. The Hindu, reportage on the Special Intensive Revision of electoral rolls (2026).

D. ***Institutional and Government Sources***

14. Election Commission of India, ECINET Platform and Special Intensive Revision (SIR) Guidelines, Phase-III Implementation Reports (2026).