SIR and Citizenship

Mains: *GS II – Polity and Governance*

Why in News?

Recenlty the Supreme Court's judgment in Association for Democratic Reforms v. Election Commission of India (2026) upheld the Election Commission of India's (ECI) authority to conduct the Special Intensive Revision (SIR) of electoral rolls.

What is the Special Intensive Revision (SIR)?

- **The Special Intensive Revision (SIR)** – It is a comprehensive exercise undertaken by the Election Commission to verify and update electoral rolls.
- Unlike routine revisions, SIR involves detailed scrutiny of voter records to ensure that only eligible individuals remain enrolled.
- **Objectives** – The primary objectives of SIR include:
  - Removing duplicate and deceased voters.
  - Correcting errors in electoral rolls.
  - Identifying ineligible persons, including non-citizens.
  - Enhancing the credibility and accuracy of elections.
- **Concerns** – The controversy arose when the ECI initiated SIR before the Bihar Assembly elections and subsequently extended the process to several other states and Union Territories.

What is the key 0bservations of the Supreme Court's verdict?

- **Questions raised** – The Supreme Court examined four central questions:
  - Whether the ECI possesses the authority to conduct SIR.
  - Whether the exercise was proportionate and reasonable.
  - Whether the procedure violated statutory provisions.
  - Whether the ECI can scrutinize the citizenship of voters.
- **Court's Ruling** – On all four issues, the Court ruled in favour of the Election Commission.
- The Court held that the ECI derives its authority from Article 324 of the Constitution and relevant provisions of the Representation of the People Act, 1950.
- It observed that electoral roll revision is a statutory responsibility of the Commission and that the SIR falls within its constitutional mandate.
- Further, the Court stated that the ECI is best positioned to determine the technical modalities of electoral roll revision, subject to constitutional safeguards and judicial oversight.

Can the Election Commission decide citizenship?

- **SC's Clarification** – The Court clarified that the ECI can examine whether an individual satisfies the citizenship requirement for inclusion in the electoral roll because *Section 16 of the Representation of the People Act, 1950 prohibits non-citizens from being registered as voters.*
- **Important Distinction** – However, the Court drew an important distinction *between electoral eligibility and citizenship determination*.
- The *ECI cannot declare a person a non-citizen*.
- It can only decide whether the evidence submitted is sufficient for inclusion in the electoral roll.
- If doubts persist regarding citizenship, the matter must be referred to the Central Government under the *Citizenship Act, 1955*, which alone possesses the authority to make a final determination on citizenship status.
- Thus, the ECI's role is limited to electoral administration and not citizenship adjudication.

What is the significance of the judgment?

- **Strengthening Electoral Integrity –** The judgment reinforces the constitutional mandate of the Election Commission to maintain accurate electoral rolls.
- Free and fair elections depend upon ensuring that only eligible citizens participate in the democratic process.
- **Enhancing Administrative Efficiency –** The verdict provides legal clarity regarding the powers of the ECI and reduces uncertainty surrounding large-scale voter verification exercises.
- **Preventing Electoral Fraud –** By permitting scrutiny of voter credentials, the Court seeks to reduce the possibility of duplicate registrations, impersonation, and enrolment of ineligible persons.
- **Preserving Democratic Legitimacy –** Accurate voter rolls strengthen public confidence in elections and democratic institutions.

What are the concerns raised by the verdict?

- **Risk of Disenfranchisement –** The most pressing concern is the possibility of eligible citizens being removed from electoral rolls due to documentation errors, clerical mistakes, or procedural shortcomings.
- Minor discrepancies such as spelling variations, age mismatches, or inconsistencies in family records may result in exclusion despite genuine citizenship.
- **Burden on Citizens –** T he judgment effectively shifts the practical burden of proving eligibility onto citizens.
- Many vulnerable groups, including migrant workers, tribal communities, homeless persons, and economically weaker sections, may face difficulties in producing documentary evidence.
- **Timing of SIR –** Critics argue that conducting SIR close to elections could affect voter participation.
- Large-scale verification exercises immediately before polls may create confusion and increase the likelihood of exclusion.

- The Court did not extensively examine this aspect, leaving room for future legal and political debate.
- **Administrative Capacity Constraints –** The scale of SIR implementation across multiple states poses serious administrative challenges.
- Verification of millions of voter records requires substantial manpower, infrastructure, and procedural safeguards.
- **Citizenship and the Assam D-Voter Experience –** The judgment has revived concerns due to historical experiences in Assam.
- During the 1997 electoral roll revision, many individuals were marked as "D-Voters" (Doubtful Voters) and referred to Foreigners Tribunals for citizenship determination.
- Several challenges emerged:
    - Cases remained pending for decades.
    - Individuals lived under prolonged uncertainty.
    - Access to welfare schemes became difficult.
    - Social stigma and exclusion increased.
    - Many affected persons remained trapped in a legal limbo without a final determination of their citizenship status.
- Given the much larger scale of the current SIR process, similar challenges could arise if large numbers of individuals are referred for citizenship verification.

What are the Constitutional and Democratic Implications?

- **Right to Vote and Democracy –** Although the right to vote is a statutory right rather than a fundamental right, it remains an essential component of democratic participation.
- Exclusion from electoral rolls can weaken political representation and democratic inclusion.
- **Principle of Natural Justice –** Any decision affecting electoral rights must follow due process principles, including:
    - Notice to affected individuals.
    - Opportunity to present evidence.
    - Fair hearing mechanisms.
    - Reasoned decisions.
- **Equality Before Law –** Administrative processes should not disproportionately affect vulnerable groups.
- The constitutional guarantee of equality under Article 14 requires that verification exercises be fair, transparent, and non-discriminatory.
- **Human Dignity and Identity –** The Court itself acknowledged that citizenship is closely linked to an individual's identity and social status.
- Therefore, decisions relating to citizenship require procedural fairness and institutional restraint.

What are the ethical dimensions involved?

- The SIR verdict raises ethical concerns regarding the balance between electoral integrity and democratic inclusion.
- While accurate voter rolls promote fairness and prevent fraud, stringent

verification may risk disenfranchising genuine citizens, especially vulnerable groups lacking documents.
- Ethical principles of justice, equality, due process, transparency, and human dignity require that voter verification be conducted fairly, without discrimination, and with adequate safeguards against wrongful exclusion.

What could be done?

- **Strengthening Procedural Safeguards –** The Election Commission should ensure *transparent procedures*, accessible grievance redressal mechanisms, and adequate opportunities for appeal.
- **Use of Technology with Accountability –** Digital verification systems *can improve efficiency* but must be accompanied by human oversight to prevent exclusion due to technical errors.
- **Public Awareness Campaigns –** Citizens should be informed about documentation requirements, deadlines, and appeal procedures through extensive awareness campaigns.
- **Capacity Building –** Adequate staffing, training, and infrastructure are necessary to handle the scale of voter verification without compromising fairness.
- **Time-Bound Citizenship Determination –** Cases referred for citizenship verification should be resolved within clearly defined timelines to prevent prolonged uncertainty and denial of rights.

What lies ahead?

- The Supreme Court's SIR verdict represents a significant affirmation of the Election Commission's authority to maintain accurate electoral rolls and safeguard electoral integrity.
- At the same time, it highlights the delicate balance between ensuring clean voter lists and protecting democratic participation.
- While the Court clarified that the Election Commission cannot itself determine citizenship, the possibility of electoral exclusion based on citizenship-related doubts raises important concerns regarding due process, equality, and democratic inclusion.
- The success of the SIR process will ultimately depend not merely on legal authority but on its implementation with fairness, transparency, and sensitivity to the rights and dignity of citizens.
- A robust democracy requires both accurate electoral rolls and the protection of every eligible citizen's right to participate in the electoral process.
- Achieving this balance remains the central challenge before India's electoral institutions.

Reference

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