Supreme Court and Special Intensive revision

Mains: *GS II – Polity*

Why in News?

Recently, The Supreme Court's verdict on SIR, has significant implications for India's electoral democracy.

What is the background?

- **Importance of Electoral roll –** In a constitutional democracy, the electoral roll is far more than an administrative register containing the names of voters.
- It is a foundational instrument of political participation, determining who can exercise the right to vote and participate in the democratic process.
- While inclusion in an electoral roll does not by itself confer citizenship, wrongful exclusion can undermine representation, equality and public confidence in democratic institutions.
- Therefore, the accuracy, completeness and integrity of electoral rolls are indispensable to the conduct of free and fair elections.
- **Initiation of SIR** – Against this background, the Election Commission of India (ECI) initiated the **Special Intensive Revision (SIR)** of electoral rolls, beginning with Bihar through its order dated June 24, 2025.
- **Concerns Raised** – The exercise subsequently generated intense political and constitutional debate.
- Questions were raised regarding the Election Commission's authority to conduct such a revision, the timing and methodology of the exercise, and the extent to which the Commission could inquire into the citizenship of persons seeking inclusion in electoral rolls.
- **Recent Verdict of Supreme Court** – The Supreme Court's verdict of May 27, 2026, addressing these concerns, has significant implications for India's electoral democracy.
- By upholding the constitutional legitimacy and proportionality of the SIR, while recognising procedural safeguards and judicial remedies, the judgment reinforces the principle that electoral integrity and individual political rights must operate in harmony.

Why was the Special Intensive Revision necessary?

- **Rapid urbanisation and migration –** India is witnessing unprecedented internal migration.

- Citizens frequently change their places of residence for education, employment and other economic opportunities.
- This can result in a voter being registered at an earlier place of residence even after shifting elsewhere, thereby creating inaccuracies and possible duplication.
- **Addition of new eligible voters –** Every year, a large number of young citizens attain the age of 18 and become eligible to vote.
- An intensive revision can help ensure that eligible first-time voters are not denied representation due to gaps in enrolment.
- **Non-reporting of deaths –** The names of deceased individuals may continue to remain on electoral rolls when deaths are not promptly reported or updated.
- Such inaccuracies can affect the credibility and integrity of the electoral process.
- **Duplication and ineligible entries –** Multiple entries, incorrect addresses and the possible presence of persons who are not eligible to vote can weaken public confidence in elections.
- A systematic verification exercise is therefore necessary to ensure that the electoral roll reflects the actual electorate.
- **Concerns regarding illegal migration –** In border regions and other sensitive areas, concerns have been raised regarding illegal cross-border migration and the possible inclusion of ineligible persons in electoral rolls.
- The SIR sought to address such concerns through verification, without converting the Election Commission into a citizenship-determining authority.
- Thus, the objective of the SIR was not merely deletion of names but the creation of **accurate, complete and credible electoral rolls**.

What is the c0nstitutional Basis of SIR?

- **Article 324 –** Article 324 of the Constitution vests in the Election Commission the power of **superintendence, direction and control** over elections, including the preparation of electoral rolls.
- This constitutional responsibility enables the Commission to take necessary measures for ensuring the integrity of the electoral process.
- **Article 327 –** Article 327 empowers Parliament to make laws concerning elections, including laws relating to the preparation of electoral rolls.
- However, this power operates subject to the broader constitutional framework.
- The Supreme Court clarified that Articles 324 and 327 should not be interpreted as competing sources of authority.
- Instead, they are **complementary constitutional mechanisms**.
- Parliament may enact laws governing elections, while the Election Commission retains its constitutional responsibility to ensure that elections are conducted fairly and electoral rolls remain accurate.
- Where legislation or rules do not adequately address an emerging situation, the Election Commission may take necessary measures within its constitutional domain.
- This interpretation prevents a constitutional vacuum. A rapidly changing electoral environment cannot be governed solely through rigid administrative procedures if new challenges threaten the integrity of elections.

What is the objective of revising electoral roll?

- **Constitutional Objective** – The Supreme Court recognised that the preparation of accurate electoral rolls is closely connected with the constitutional commitment to free and fair elections under **Articles 325 and 326**.
- **Article 325** – It embodies the principle of a common electoral roll and prohibits exclusion on grounds such as religion, race, caste or sex.
- **Article 326** – It establishes adult suffrage, subject to constitutional and legal qualifications.
- Therefore, an inaccurate electoral roll can produce two equally serious consequences:
- **Inclusion of ineligible persons**, which compromises electoral integrity; and
- **Exclusion of eligible citizens**, which undermines democratic representation.
- The SIR sought to address both dimensions.
- The Court accepted that factors such as urbanisation, migration, duplication and demographic change could cumulatively affect the accuracy of electoral rolls.
- Thus, maintaining electoral purity was recognised as a **legitimate constitutional objective**..

What is the significance of the judgment for indian democracy?

- **Strengthening institutional autonomy –** The judgment reaffirms the constitutional role of the Election Commission as an independent institution entrusted with protecting the integrity of elections.
- **Reinforcing free and fair elections –** Free and fair elections require not only peaceful polling but also an accurate electoral roll.
- The judgment recognises that electoral integrity begins long before polling day.
- **Balancing rights and institutional necessity –** The verdict strikes a balance between the individual's right to participate in democracy and the State's obligation to prevent fraudulent or inaccurate entries.
- **Emphasising procedural fairness –** By recognising safeguards such as notice, enquiry, speaking orders and judicial review, the judgment underlines that electoral purification cannot come at the cost of arbitrary exclusion.

What are the challenges and measures?

- Despite judicial approval, the implementation of the SIR must remain sensitive to India's social realities.
- Poor, migrant workers, homeless persons, elderly citizens and marginalised communities may face greater difficulty in producing documents or completing procedural requirements.
- Therefore, the Election Commission must ensure:
    - Adequate public awareness,
    - Accessible documentation procedures,
    - Assistance for vulnerable and marginalised groups,
    - Sufficient time for verification and appeals,
    - Transparency in deletion and inclusion decisions, and
    - Effective monitoring to prevent administrative errors.
- The success of the SIR should ultimately be judged not by the number of names

deleted, but by whether it produces an electoral roll that is **both accurate and genuinely inclusive**.

What lies ahead?

- The SIR, if implemented transparently, sensitively and fairly, can strengthen the principle that India's electoral democracy must be both **inclusive in participation and rigorous in integrity**.
- In this sense, the Supreme Court's verdict reinforces the broader constitutional ideal that the purity of the electoral process and the protection of democratic rights are not opposing objectives, but two essential pillars of a strong and resilient Republic.

Reference

The Hindu| SC and SIR