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# SPECIAL INTENSIVE REVISION (SIR): A DILEMMA, CONSTITUTIONAL VALIDITY, LEGISLATIVE VACUUM, AND PRACTICAL REFORMS.

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## ABSTRACT

This paper analyses whether the Special Intensive Revision (SIR) of the electoral rolls is in consonance with the Constitution through an intellectual exercise called Epistemic Suffrage (a political system that makes democratic claims is based upon representative legitimacy and thus in turn it presupposes both the factual accuracy of electoral data as well as the existence to citizens of an evidential base that is not restricted). Not only has the study broken away from the usual dichotomy between institutional self-government and voter disenfranchisement, but it has also placed SIR squarely into the legislative framework of the Representation of the People Act, 1950, and in Rules 10 to 25 of the Registration of Electors Rules, 1960. One, the paper admits that ECI can undertake comprehensive revisions of electoral rolls in the wake of "significant changes" in the population over the span of several decades, as stipulated in Article 324 of the Constitution of India. Nevertheless, it points out four major deficiencies namely evidentiary imbalances, silent draft-roll omissions, appellate blockage and overstepping of the Citizenship Act, 1955 in the functioning of ECI operational directives. The paper is dominated by the contributions of well-known scholars in the field of constitutional law and public law and by the concept of proportionality as a structured analytical tool. The author suggests a balance between the integrity of the electoral system and universal adult suffrage by proposing detailed changes in the law and the system of administration.

**Keywords:**

1. Special Intensive Revision
2. Epistemic Suffrage
3. Electoral rolls
4. Non-carryover

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## I. Introduction: Reconceptualising the Electoral Roll through Epistemic Suffrage

Representative democracy that's usually identified with the ballot box is more than that. It is not a ballot box phenomenon, but it is a beginning in the administrative structure of the electoral register. In fact, apart from the campaign finance and anti-defection mechanisms and auditability of electronic voting, the question of who is a 'demo' (i.e. what is the legal status of electors) is a very basic predicate of popular sovereignty, which is addressed by constitutional scholars only insofar as it affects campaign finance and anti-defection.[1] India, which has the Election Commission of India (ECI) as the apex institution that manages the electoral process, brought forth the Special Intensive Revision (SIR). It was primarily in Bihar and the Hon'ble Supreme Court in the case of Association for Democratic Reforms v. Election Commission of India made a big change in the doctrine of Article 324 and delegation of administrative discretion and procedural due process.[2]

Discussion in the mainstream circles about the revision of the electoral roll has typically revolved around the oppositional view between one group wanting to keep the elections "clean" by removal of dead, shifted, duplicate, or disqualified people and another group wanting to protect migrant or document-deficit citizens so they are not deprived of their right to vote. But rather than this dichotomy, this article presents the concept of Epistemic Suffrage, namely that the electoral roll is an epistemic instrument employed by the state to secure certain institutional understanding of its political population. The false entries taint the epistemic fidelity of the people's will, while the rigorous verification procedures result in epistemic exclusion—depriving the citizens of being able to vote, if they are required to provide evidence, not because of constitutional grounds but because they don't.

In order to be impartial in the adjudication of the SIR, two fundamental premises need to be considered. In the first place, the routine summary revision can at least structurally be less than efficient at eradicating the demographic entropy accumulated over several decades between revisions (e.g., the baseline of Bihar's 2003 revision), threatening the constitutional right of free and fair elections under the basic structure.[3] Secondly, on another note one has to realize that "on its face" validity is not enough to prevent being placed under the "scanning" of the Article

[1] Constitution of India, arts 324–326; Bruce Ackerman, 'The New Separation of Powers' (2000) 113(3) *Harvard Law Review* 633, 688–92 (analyzing independent electoral commissions as 'integrity branch' institutions essential to modern constitutionalism).

[2] *Association for Democratic Reforms & Ors v Election Commission of India & Ors*, Writ Petition (Civil) No 640 of 2025, Supreme Court o f India, Judgment dated 27 May 2026.

[3] *Indira Nehru Gandhi v Raj Narain* (1975) Supp SCC 1 [198], [663]; *Kihoto Hollohan v Zachillhu* (1992) Supp (2) SCC 651 [179].

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324 constitutional presumption of universal adult suffrage, which in fact is what is happening with the ECI.[4]

## II. Institutional components and Interstitial Competence

### *A. Part XV of the Constitution - the Triadic Balance*

The Constitution establishes a three-part smart balance of electoral administration in Part XV. The task of preparation of electoral rolls, under Article 324(1), is 'superintendence, direction and control' to be vested in an independent Election Commission,[5] which is to be supplemented by Article 325 (requiring a common electoral roll without religious, racial, caste or sex based exclusion) and Article 326 (providing for universal adult suffrage, except for constitutional or statutory disqualifications on the basis of non-residence, unsoundness of mind, crime and corrupt practice).[6] On the other hand, Articles 327 and 328 give the full legislative power to Parliament and State Legislatures. In *Mohinder Singh Gill v. Chief Election Commissioner*, the Supreme Court interpreted Article 324 as a "pool of power" in the absence of any words in legislation and in A.C. Jose v. Sivan Pillai, the Supreme Court stated that in the presence of any express legislation by Parliament, no interpretation to the contrary under Article 324.[7] Consequently, the powers of the ECI are exercised between the lines, as the Representation of the People Act, 1950 (RPA 1950), and the Registration of Electors Rules, 1960 (RER 1960) are the laws that set the boundaries.

### *B. Decoding Statutory Silence in Section 21(3) of the RPA 1950*

Although the preparation and updating of the routine electoral roll is governed respectively by paragraphs (1) and (2) of Section 21 of the RPA 1950,[8] Section 21(3) empowers the ECI, 'for reasons to be recorded in writing', to direct a *special revision* 'in such manner as it may think fit'.[9] Although Rule 25 of the RER 1960 classifies revisions as 'intensive', 'summary', or 'partly intensive and partly summary',[10] there is no reference to a special hybrid revision which would combine Section 21(3)'s discretionary trigger with a fresh house-to-house enumeration as a Special Intensive Revision, let alone a provision specifying cut-off baseline benchmarks,

[4] Constitution of India, art 326; *People's Union for Civil Liberties (PUCL) v Union of India* (2003) 4 SCC 399 [78].
[5] Constitution of India, art 324(1); *T N Seshan v Union of India* (1995) 4 SCC 611 [10]–[12].
[6] Constitution of India, arts 325, 326.
[7] *A C Jose v Sivan Pillai* (1984) 2 SCC 656 [25].
[8] Representation of the People Act 1950, s 21(1)–(2).
[9] Representation of the People Act 1950, s 21(3).
[10] Registration of Electors Rules 1960, r 25(1).

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evidentiary thresholds, or minimum pre-nomination periods, in the statutes or the rules.

Filing this legislative void invokes comparative public law's doctrine of *reasoned administrative discretion*.[11] It is worth recalling that Parliament intended to leave Section 21(3) open-ended, so as to ensure institutional agility in responding to the demographic anomalies; an open-ended delegation would still imply a constitutional covenant to respond to the anomalies without going beyond what is allowed by the law; indeed, the exercise will require this to be tested by proportionality and procedural due process under Articles 14 and 21,[12] it can't create obstacles that would result in more difficulties than the franchise as already allowed by Sections 16 and 19 of the RPA 1950.

## III. Analytical Evaluation under Structured Proportionality Review

In the cases of *K.S. Puttaswamy (Retd.) v. Union of India* and *Modern Dental College v. State of Madhya Pradesh*,[13] it was held that state measures affecting electoral participation rooted in Article 19(1)(a) and the basic structure, even after Kuldip Nayar, are justiciable under the proportionality test, and such actions have to fulfil a fourfold proportionality review, as affirmed by *ADR v. ECI* (2026).[14]

| **Proportionality Prong** | **Constitutional Inquiry** | **ECI Justification (SIR)** | **Doctrinal Assessment** |
|---|---|---|---|
| **1. Legitimate Aim** | Does SIR pursue a valid constitutional goal? | Purging phantom, duplicate, and shifted entries after 20+ years. | Satisfied. Electoral integrity underpins Art. 324. |
| **2. Rational Nexus** | Is field enumeration rationally linked to accuracy? | Direct verification detects unreported deaths and migration. | Satisfied. Logically addresses cumulative roll bloat. |
| **3. Necessity** | Could less intrusive means achieve purity? | Software alone cannot verify ordinary residence (s 20 RPA | Conditionally Satisfied. Requires flexible proof norms. |

[11] Jerry L Mashaw, 'Reasoned Administration: The European Union, the United States, and the Project of Democratic Governance' (2007) 76(1) *George Washington Law Review* 99; Cass R Sunstein and Adrian Vermeule, 'The Morality of Administrative Law' (2018) 131(7) *Harvard Law Review* 1924, 1945–52.

[12] Tarunabh Khaitan, 'Proportionality: Technical Terms and Necessary Distinctions' (2019) 17(3) *International Journal of Constitutional Law* 747; Alec Stone Sweet and Jud Mathews, 'Proportionality Balancing and Global Constitutionalism' (2008) 47(1) *Columbia Journal of Transnational Law* 72, 97–112.

[13] *K S Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1 [310]–[325]; *Modern Dental College and Research Centre v State of Madhya Pradesh* (2016) 7 SCC 353 [60]–[65].

[14] *Kuldip Nayar v Union of India* (2006) 7 SCC 1 [362]; *Anoop Baranwal v Union of India* (2023) 6 SCC 161 [112]–[118]; *Association for Democratic Reforms v ECI* (n 2).

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| | | 1950). | |
| **4. Balancing** | Does accuracy outweigh wrongful deletion risk? | Preserves mandate integrity alongside claim/objection windows. | Sensitive. Vulnerable if procedures invert burden of proof. |

The doctrinal fulcrum of this proportionality inquiry is its third and fourth prongs. From comparative election law articles published in Harvard Law Review, Stanford Law Review, and Yale Law Journal,[15] it is clear that administrative errors cause an unequal level of harm; keeping an inactive entry will slightly distort the statistic that measures voter turnout, while deleting an eligible citizen causes an incurable damage, the total deprivation of political agency at the next elections. Thus, operational legitimacy hinges entirely on putting in place safeguards that suppress false-negative exclusions.

## IV. Granular Critique: Four Minute Mistakes in ECI Implementation

An impartial assessment of judicial decision-making must highlight that although the Supreme Court rightly held that the Constitution allowed the ECI to carry out the SIR, the Commission's first set of operational commands had four subtle yet, as a result, doctrinally important errors.

### *1. Asymmetry of Evidence and Fallacy of the '2003 Baseline Cut-Off'*

By considering the 2003 comprehensive roll to be as though it automatically warranted no further validation, the method assumed the ongoing validity of pre-2003 voters (and their traced direct descendants) on the one hand and imposed additional documentary proof requirements on 2004–2025 entrants on the other hand.[16] All rolls that are completed annually between 2004 and 2025 which are subjected to quasi-judicial scrutiny by the Electoral Registration Officer (ERO) enjoy the statutory presumption of regularity under Section 119(e) of the Bharatiya Sakshya Adhiniyam, 2023.[17] Pursuant to Rule 21A of the RER 1960, deletion of existing entries can be done only when there are recorded reasons of the ERO and when there is a fair

[15] Samuel Issacharoff and Richard H Pildes, 'Politics as Markets: Partisan Lockups of the Democratic Process' (1998) 50(3) *Stanford Law Review* 643, 668–74; Note, 'Voter Purges and the Architecture of Disenfranchisement' (2021) 134(6) *Harvard Law Review* 2180, 2192–98; Justin Levitt, 'Election Deform: The Pursuit of Unwarranted Electoral Regulation' (2011) 120 *Yale Law Journal Online* 185.

[16] ECI, 'Instructions on Special Intensive Revision of Electoral Rolls in Bihar' (Order No 23/2025-ERS, June 2025) paras 4.2–4.6.

[17] Bharatiya Sakshya Adhiniyam 2023, s 119(e) (corresponding to Indian Evidence Act 1872, s 114(e)).

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and reasonable opportunity of hearing.[18] The approach was to automatically debar non-submission of the newly-designed Enumeration Form during the time-limited field period as substantive disqualification in the statutory draft, thereby merging substantive disqualification with administrative non-response.

***2. Silent Omission: Flaw of the Draft Roll Release***

Based on Rules 10 and 12 of the RER 1960, the drafting phase of the electoral roll publication opens the legal period when persons claiming to be added (Form 6) are eligible to and those objecting to a person having been added(Form 7) can make formal legal objection.[19] However, in the case of seasonal migrant workers whose forms went uncollected during the period of implementation of the SIR, the persons were removed via 'non-carryover ', i.e. simply because the records were not carried on further and not through formal deletion orders. In this case, it was definitely decided in the case of *Lal Babu Hussein v Electoral Registration Officer,* that if removal of the electoral roll was to be carried out, roll revision in the spirit of natural justice would require giving an affirmative and personalised notice to each voter concerned prior to their removal; this notice could therefore not be served to them in a general notice of publication of the revised electoral roll and it must also be a positive notice (i.e., the removal order) to the elector concerned.[20] It was through non-carryover that an existing voter was dropped that the evidentiary burden was shifted unfairly from the State onto the citizen who had to independently identify his/her removal and re-submit the de novo Form6.

***3. Jurisdictional Blurring with Citizenship Adjudication***

Although Article 326 and Section 16(1)(a) RPA 1950 require Indian citizenship,[21] the Central Government (and specialised statutory tribunals) solely regulate disputes regarding nationality under Section 9(2) of the Citizenship Act, 1955.[22] Requiring electors to provide citizenship evidence by lineage will subject an ERO's summary investigation under Section 19, RPA 1950, to a nationality test—an ultra vires extension of the ERO verifier's authority, as *ADR v ECI,* The Hon'ble Supreme Court expressly limited the ERO verifier's powers by stating that the ERO verification does not determine citizenship status. This case established that the ERO

[18] Registration of Electors Rules 1960, r 21A.
[19] Registration of Electors Rules 1960, rr 10, 12, 13.
[20] *Lal Babu Hussein v Electoral Registration Officer* (1995) 3 SCC 100 [12]–[15].
[21] Constitution of India, art 326; Representation of the People Act 1950, s 16(1)(a).
[22] Citizenship Act 1955, s 9(2); Citizenship Rules 2009, r 40; *State of Andhra Pradesh v Abdul Khader* AIR 1961 SC 1467 [6].

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verification does not determine citizenship status.[23]

### *4. Temporal Compression and the Pre-Nomination Appellate Cliff*

The RPA 1950, Section 24 permits two-tier appeals (to the District Magistrate and Chief Electoral Officer) for ERO orders,[24] Section 23(3), on the other hand, freezes roll amendments after the last date for making nominations.[25] Organising SIR statewide just before the Assembly elections resulted in extremely compressed revision periods. Thus, the disqualifications at a later stage met with a Section 23(3) bar before Section 24 appeals could be heard, and as such, the legal recourse became meaningless.[26]

## V. Institutional Rectification: Legislative and Administrative Reform

To protect the constitutional validity of the SIR without the collateral harm of accidental loss of voting rights, Parliament and the ECI should develop a four-tiered correction mechanism that is backed by administrative reasoning.

| **Identified Defect** | **Governing Provision** | **Proposed Doctrinal & Operational Rectification** |
|---|---|---|
| **1. Evidentiary Asymmetry** | s 21(3) RPA 1950; r 21A RER 1960 | Adopt a 'Continuity Presumption Rule': Names on the previously finalised roll keep presumed validity; doubts get triggered only when there is an affirmative mismatch across two back-to-back BLO visits. |
| **2. Silent Migrant Omission** | s 20(1A) RPA 1950; r 13 RER 1960 | Create a 'Suspensory Hold Category': Unverified migrant voters stay on a provisional list with mandatory SMS/postal notice and a 30-day remote DigiLocker verification window. |
| **3. Citizenship Overlap** | Art. 326; s 16 RPA; s 9 Citizenship Act | Codify an 'Evidentiary Safe Harbour': Any government ID showing residence and age (Ration/MGNREGA/School records) is enough to stay on the roll; disputed nationality |

[23] *Association for Democratic Reforms v ECI* (n 2).
[24] Representation of the People Act 1950, s 24(a)–(b); Registration of Electors Rules 1960, r 27.
[25] Representation of the People Act 1950, s 23(3).
[26] *Lakshmi Charan Sen v A K M Hassan Uzzaman* (1985) 4 SCC 689 [16]–[21].

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| | | gets referred without summary deletion. |
| **4. Appellate Cliff** | ss 23(3), 24 RPA 1950; r 27 RER 1960 | Mandate a '90-Day Cooling Buffer': Bar state-wide SIRs within six months of Assembly term expiry and require 10-day disposal of sec 24 appeals via Fast-Track Benches. |

Parliament should further insert a new Section 21(3A) into the RPA 1950 to align intensive decennial revisions with the national census cycle so that partisan conflicts over the timing of these revisions can be effectively put to rest.[27] At the same time, given the fact that modern electoral administrations are increasingly utilising de-duplication algorithms to automatically flag 'demographically similar entries', the ECI must close the algorithmic due process gap by publishing constituency-level machine-readable deletion logs broken out by statutory ground at least 45 days prior to final publication and thereby facilitate real-time social audits by booth-level agents and civil society observers.[28]

## VI. Conclusions: Finding a balance of Institutional Autonomy and Democratic Fidelity

The constitutional challenge to the Special Intensive Revision(SIR) is not just a matter of the judges. This is an interesting moment that reveals the state of balance of India's institutions. Epistemic Suffrage says it well: this is a valid constitutional method to undo the demographic mistakes made over many years and ensure the purity of the people's will. In fact, the Supreme Court's decision relies upon undeniable grounds of law, by confirming that the SIR has vires as a foundation. From a public law jurisprudence point of view, it is important to highlight the relationship between the acceptance and legitimacy of a law and how it is applied and the procedures by which it is implemented. Indian election law, with its guarantee of decennial revision cycles (Section 21(3)), the protection of the seasonal migrant in the form of suspensory holds (Rule 22), a clearly defined jurisdiction based on the Citizenship Act, 1955, and the requirement to issue a notice to each individual (Rule 21A), would ensure the register is both accurate and comprehensive**.**

[27] Law Commission of India, *Electoral Reforms* (Law Com No 255, 2015) ch XI, paras 11.4–11.9.
[28] Danielle Keats Citron and Frank Pasquale, 'The Scored Society: Due Process for Automated Predictions' (2014) 89(1) *Washington Law Review* 1, 18–24; Cary Coglianese and David Lehr, 'Regulating by Robot: Administrative Decision Making in the Machine-Learning Era' (2017) 105(5) *Georgetown Law Journal* 1147, 1184–91; Registration of Electors Rules 1960, r 11(c).