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LEGALITY OF MAPPING IN SPECIAL INTENSIVE REVISION OF ELECTORAL IN INDIA: A CRITICAL ANALYSIS

AUTHORED BY - DR. SUMER RIZWAN SHAIKH

(Lawyer, Professor, Social Worker, Counsellor, POSH & POCSO Trainer)

(B.S.L., LL.B., LL.M., Ph.D. (Law), M.S.W. (Counselling)

University Topper & Gold Medalist

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Abstract

The Special Intensive Revision (SIR) of electoral rolls conducted by the Election Commission of India seeks to ensure the accuracy and integrity of voter lists by identifying and removing duplicate, deceased, and otherwise ineligible entries. While the exercise aims to strengthen electoral integrity, it has raised significant constitutional and legal concerns regarding its potential impact on democratic participation and voter enfranchisement. This article critically examines the constitutional and statutory framework governing electoral roll revision in India and evaluates the legality of SIR within that framework. Particular attention is given to the implications of SIR for fundamental rights such as equality before law, freedom of expression through voting, and principles of natural justice. The article analyses leading judicial decisions interpreting electoral rights and the powers of the Election Commission under the Constitution of India. It concludes that while electoral roll purification is essential for democratic governance, such exercises must be conducted in strict compliance with constitutional safeguards and statutory procedures to prevent voter disenfranchisement.

1. Introduction

Free and fair elections constitute the foundation of democratic governance in India. The credibility of the electoral process largely depends upon the preparation and maintenance of accurate electoral rolls. Under Article 324 of the Constitution of India, the Election Commission of India is entrusted with the superintendence, direction, and control of elections.¹ This includes the responsibility of ensuring that electoral rolls are periodically updated to reflect eligible voters.

One mechanism adopted by the Election Commission for this purpose is the Special Intensive Revision (SIR) of electoral rolls. The process generally involves house-to-house verification, document scrutiny, and removal of duplicate or ineligible entries. While the objective of SIR is to improve the integrity of electoral rolls, its implementation has sparked constitutional debates concerning the potential exclusion of legitimate voters, particularly from vulnerable sections of society.

Critics argue that stringent documentary requirements and large-scale verification processes may result in the disenfranchisement of eligible citizens who lack formal documentation due to socio-economic conditions. Such concerns raise broader constitutional questions about the balance between administrative efficiency in electoral management and the protection of democratic participation. This article therefore examines the constitutional and legal validity of SIR within the framework of Indian electoral law.

2. Object of the Study

The primary objectives of this study are:

1. To examine the constitutional and statutory framework governing electoral roll revision in India.
2. To analyse the legality and constitutional validity of Special Intensive Revision (SIR).
3. To identify the constitutional and statutory grounds on which SIR may be challenged.
4. To evaluate relevant judicial precedents concerning electoral rights and powers of the Election Commission.
5. To suggest reforms that ensure transparency, fairness, and constitutional compliance in electoral roll revision processes.

3. Research Methodology

This research adopts a doctrinal and analytical methodology. The study is primarily based on secondary sources including constitutional provisions, statutes, judicial decisions, and scholarly commentary.

The doctrinal analysis focuses on relevant provisions of the Constitution of India—particularly Articles 14, 19, 324, and 326—along with statutory provisions under the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960. Judicial precedents interpreting electoral rights and administrative powers of the Election Commission are analysed to understand the constitutional boundaries within which electoral roll revisions must operate.

4. Statement of Research Problem

- 1) **Special Intensive Revision selectively targets certain groups or regions**, it may amount to **Arbitrary or Discriminatory action**.
- 2) SIR results in **mass deletion of voters without due process**, it may indirectly violate **Freedom of Expression through voting**.
- 3) SIR disproportionately affects:
 - Migrant workers
 - Minorities
 - Poor or illiterate voters
- 4) SIR violates **constitutional guarantees of equal participation in democracy**.
- 5) SIR leads to **systematic voter exclusion**, it undermines free and fair elections.
- 6) SIR fails to follow below mentioned procedures which invalidates the revision, such as:
 - Proper verification
 - Publication of draft rolls
 - Opportunity to file objections

The central research problem addressed in this article is whether the implementation of SIR violates constitutional guarantees of equality, procedural fairness, and democratic participation. The study also examines whether the exercise exceeds the statutory and constitutional powers granted to the Election Commission.

5. Literature Review

Scholarly literature on electoral law highlights the importance of maintaining accurate electoral rolls as a prerequisite for democratic legitimacy. Scholars emphasize that while administrative mechanisms are necessary to remove duplicate or fraudulent entries, such measures must be carefully balanced against the need to protect voter enfranchisement.

Legal commentators have observed that electoral procedures must conform to the principles of natural justice and procedural fairness to prevent arbitrary removal of voters. Studies on electoral reforms in India further suggest that rigid documentary requirements may disproportionately affect marginalized communities who lack formal documentation due to socio-economic conditions.

Existing scholarship therefore emphasizes that electoral roll management must pursue two parallel objectives: ensuring electoral integrity and safeguarding democratic inclusion.

6. Violation of Constitutional and Statutory Framework

6.1 Constitutional Provisions

Article 324 of the Constitution grants the Election Commission extensive powers of supervision and control over elections.² However, these powers are not absolute and must operate within the framework of constitutional guarantees and statutory provisions enacted by Parliament.

1. Violation of the Constitution of India

Article 326: The Right to be Registered as a Voter

Article 326 grants every citizen aged 18 or above the right to be registered as a voter, subject only to disqualifications defined by law (non-residence, unsoundness of mind, crime, or corrupt practice).

- **The Argument:** Mapping imposes an additional, non-constitutional hurdle for existing voters. By making registration contingent on "mapping" to a 24-year-old legacy roll, the ECI is effectively adding a "legacy requirement" for the franchise, *which the Constitution does not permit.*

Article 14: Manifest Arbitrariness

The Supreme Court has held that state action is void if it is "manifestly arbitrary."

- **The Argument:** The choice of the **2002 electoral roll** as a "foundational reference" for 2026 is arbitrary. There is no scientific or legal basis to assume that *a person not found in the 2002 roll is an "illegal" or "bogus" voter today*. This process disproportionately impacts:
 - **Migrants and Women:** Women who moved post-marriage or workers who migrated for labor often cannot "map" their lineage through local records from decades ago.
 - **Marginalized Communities:** Poor citizens with low documentation are more likely to be "unmapped" and subsequently deleted.

2. Violations of the Representation of the People Act (RPA), 1950

Exceeding Section 21(3) Mandate

Section 21(3) allows the ECI to direct a special revision "in such manner as it thinks fit." However, this "plenary power" is limited by the law's purpose.

- **The Argument:** The power to "revise" *does not include the power to "re-verify" citizenship* or create a "legacy-based" screening mechanism. Under Section 19 of the RPA, the only requirements for registration are **citizenship, age, and ordinary residence**. By introducing "mapping" as a prerequisite for remaining on the roll, the ECI is creating a parallel, non-statutory verification system that bypasses the Act.

Reversal of the Burden of Proof

In *Lal Babu Hussein v. Electoral Registration Officer (1995)*, the Supreme Court ruled that *once a person's name is on the electoral roll, there is a presumption that they are a citizen and a valid voter*.

- **The Argument:** Mapping shifts the burden of proof onto the citizen. *Instead of the state proving a voter is "bogus," the voter is forced to prove they "map" to an old record*. This reversal is illegal and contradicts established judicial precedent.

3. Violation of the Registration of Electors Rules, 1960

Violation of Rule 21 (Due Process for Deletions)

Rules 13 to 23 of the 1960 Rules provide a strict procedure for deleting names.

Rule 21 specifically requires that no name be deleted without:

1. **Individual Notice:** Not a generic public announcement.
2. **Opportunity to be Heard:** A meaningful inquiry where the voter can present evidence.

- **The Argument:** Mass deletions based on "logical discrepancies" (e.g., an "impossible" age gap between parent and child in the mapping software) *are often carried out without individual hearings*. Using an algorithm to flag and delete "unmapped" voters is a violation of the mandatory due process prescribed by the Rules.

4. Invasion of Privacy (Right to Privacy - Puttaswamy Judgment)

The collection of family trees and progeny data through "mapping" involves the collection of sensitive personal and familial information.

- **The Argument:** Under the **Triple Test** (Legality, Necessity, and Proportionality) established in the *Justice K S Puttaswamy (Retd.), And Anr. V. Union Of India, 2017 (WP (Civil) No 494 Of 2012)*, any intrusion into privacy must have a clear "legal basis" (a law passed by Parliament). *Since no specific law authorizes the ECI to collect "progeny maps" for voter rolls, the exercise lacks the "Legality" prong and is thus unconstitutional.*

6.2 Statutory Provisions

The Representation of the People Act, 1950 provides the legal framework governing preparation and revision of electoral rolls. Section 21 of the Act authorizes periodic revision of electoral rolls in accordance with prescribed procedures.⁴

Further procedural safeguards are provided under the Registration of Electors Rules, 1960, **which mandate publication of draft electoral rolls, opportunity for objections, and due process before deletion of entries.**⁵ These provisions ensure transparency and fairness in electoral roll management.

7. Analysis of Judicial Decisions

7.1 Equality and Non-Arbitrariness

The Supreme Court in *E.P. Royappa v State of Tamil Nadu* held that arbitrariness is antithetical to equality under Article 14.⁶ If the implementation of SIR results in discriminatory or arbitrary exclusion of voters, it may be challenged as violative of the constitutional guarantee of equality.

7.2 Voting as a Form of Expression

In *People's Union for Civil Liberties v Union of India*, the Supreme Court recognized that the act of voting constitutes an expression of political choice protected under Article

19(1)(a).⁷ Consequently, unjustified removal of voters from electoral rolls may indirectly restrict the freedom of political expression.

7.3 Principles of Natural Justice

The landmark decision in *Maneka Gandhi v Union of India* established that procedures affecting individual rights must be fair, just, and reasonable.⁸ If voters are removed from electoral rolls without notice or an opportunity to be heard, such action would violate principles of natural justice.

7.4 Scope of Powers under Article 324

In *Mohinder Singh Gill v Chief Election Commissioner*, the Supreme Court held that although Article 324 confers wide powers on the Election Commission, such powers must operate within the boundaries of statutory law.⁹ Any exercise of power inconsistent with statutory provisions may therefore be considered ultra vires.

7.5 Free and Fair Elections as Basic Structure

The Supreme Court in *Indira Nehru Gandhi v Raj Narain* recognized free and fair elections as a basic feature of the Constitution.¹⁰ Electoral procedures that undermine voter participation or lead to systematic exclusion may therefore be constitutionally invalid.

7.6 Election Commission could not Furnish Reasons for deleting the name of Indian National Congress Candidate from the Voter List

Appellant Tribunal for Special Intensive Revision in West Bengal in *Motab Shaikh v. The Election Commission of India Ors, 2026* (Notification of Election Commission of India No.39/WB/2026 (SIR) 20/03/2026

Motab Shaikh v. The Election Commission of India Ors, 2026 (WP (Civil) No.399 of 2026) filed by Mohtab Sheikh by Order dated 2nd April, 2026 directed the Petitioner to approach the Appellate Tribunal which was constituted pursuant to Orders passed by the Hon'ble Supreme Court dated 1st April, 2026 in (WP (Civil) No.1089 of 2025 (*Mostari Banu vs. Election Commission of India and Ors*))

Acting on the Supreme Court's direction to decide his plea urgently, the Appellate Tribunal for Special Intensive Revision in West Bengal set aside the deletion of Indian National Congress candidate Motab Shaikh's name from the electoral roll. The Tribunal, headed by former Calcutta HC CJ Justice TS Sivagnanam, observed that the *Election Commission of*

India could not place the reasons for his exclusion. “The Tribunal desired to see the reasons given by the Adjudicating Judicial Officer to examine the basis on which the appellant's name was excluded. It appears that for technical reasons that information/reasons could not be placed before the tribunal by the Election Commission of India,” the Tribunal said, deciding to examine the available records on its own. Shaikh had approached the Supreme Court after his name was included in the 'Adjudication Deletion List' during the Special Intensive Revision (SIR) exercise, which resulted in his removal from the electoral roll ahead of the West Bengal Assembly elections scheduled later this month. He sought restoration of his name and permission to contest the elections as an INC candidate.

On April 2, the Supreme Court noted that Appellate Tribunals had become functional and directed Shaikh to approach the Tribunal headed by Justice TS Sivagnanam, former Chief Justice of Calcutta High Court. The Court requested that his appeal be decided with the assistance of the Election Commission preferably by the forenoon of April 6. Pursuant to these directions, the Tribunal took up the appeal on April 5. Before the Tribunal, Shaikh submitted that he had been nominated as a candidate of a national political party from the Farakka constituency and sought urgent relief. The Tribunal noted that the dispute arose from discrepancies in the spelling of his name across electoral records. In the voters' list published on December 16, 2025 with January 1, 2026 as the base date, his name appeared as “Motab Shaikh.” A notice issued for hearing on January 29, 2026 cited a discrepancy in the name of the appellant or his father. The Tribunal noted that there was no discrepancy in the father's name, but the irrelevant portion in the notice had not been struck off. The only issue to be decided was regarding the appellant's name, the Tribunal said. Since the **Election Commission did not place the reasons for deletion**, the Tribunal examined the documents produced by the appellant. **It found that his Aadhaar card, passport, and driving licence consistently reflected his name as Motab Shaikh. Further, birth certificate of his four children referred to Motab Shaikh as father.**

Relying on the Supreme Court's order dated September 8, 2025 in **Association for Democratic Reforms v. Election Commission of India**, the Tribunal noted that **Aadhaar card, though not proof of citizenship under Section 23(4) of the Representation of the Peoples Act, 1950, is a valid document to establish identity. On that basis, it held that Shaikh's identity stood established.**

“If this decision is applied to the facts of the appellant's case it would squarely support the appellant as the Aadhar Card shows the name of the appellant as Motabh Shaikh. This would be sufficient to accept the case of the appellant”, it said. It also noted an affidavit dated April 3, 2002 submitted before a notary public to correct his name, following which a voter ID card was issued showing his name as Motab Sk, son of Ejabul Sekh. The Tribunal observed that these records appeared not to have been considered during the adjudication process, as the adjudication officer could not give any reason for deletion.

The Tribunal also recorded that there was no discrepancy in the names of his family members, all of whom were included in the voters' list. Holding that Shaikh had made out a case, *the Tribunal allowed the appeal and directed the Election Commission of India to include his name in the list of valid voters by publishing it in the supplementary list.*

7.7 SIR | Gujarat High Court Directs Inclusion of Man Omitted From Voter List; Says Every Resident Has Right To Participate In Electoral Process.

Hon'ble Gujarat High Court in *Jayesh Batukbhai Patel (Vanani) V/S State Of Gujarat & Ors, 2026* (R/SPECIAL CIVIL APPLICATION NO. 5056 of 2026)

The Gujarat High Court on Monday (April 6) directed the authorities to include the name of a man in the electoral roll of the concerned legislative assembly constituency, after noting that despite an earlier order directing his inclusion the petitioner's name had been left out by the electoral officer. In doing so the court said that the earlier order by the concerned officer who had accepted the petitioner's plea for inclusion was passed prior to publication of preliminary roll, and in view of the fact that final list was scheduled for publication on April 10 the petitioner cannot be denied the right to participate in the polls due to a technicality. The petitioner had challenged an endorsement dated 4.4.2026 by which the Electoral Officer has refused to include his name in the electoral roll. The State Election Commission argued that the basis for preparation of the preliminary list was the publication of the electoral roll on 17.2.2026 by the Election Commission of India and the State Election Commission was bound to follow the said electoral roll. The court said that while there was no quarrel with this proposition, however the fact remained that before the preliminary list was published by the State Election Commission on 23.3.2026, the electoral officer under the RP Act had accepted the application of the petitioner for including his name by passing an order on 3.3.2026.

Therefore, the publication of the preliminary list on 23.3.2026 under Rule 4 of the Rules, 1994 pales into insignificance, the court said. The court also rejected the State ECI's submission that any intrusion into the electoral process at this stage would derail the entire process and such a course of action should not be entertained. It said:

"Firstly, as stated above, the name of the petitioner has been ordered to be included in the electoral list has already been made on 3.3.2026 and once his name has been ordered to be included, by placing reliance on a technicality, such as Rule 6(4) of the Rules, 1994 or the publication of the preliminary list on 23.3.2026 which was in accordance with the Assembly Constituency list dated 17.2.2026, ***the right of a citizen to participate in the election cannot be denied.*** Secondly, by virtue of the order dated 3.3.2026, the name of the petitioner would become a part of the electoral rolls and formal publication of this list, which is scheduled on 10.4.2026, cannot result in denial of the right of the petitioner to participate in the electoral process. ***It is to be borne in mind that every resident of the local self-government has a right to participate in the electoral process and the only condition is that he should be on the electoral roll***".

The bench said that the manner in which the electoral roll is to be operated is governed by the rules, however, once the electoral roll of the Assembly Constituency is corrected, the benefit of the same should be given to the petitioner by incorporating his name in the final list published under the Rules, 1994.

Background:

The petitioner's name was included in the electoral roll of the Legislative Assembly Constituency in 2021. However, since he had shifted his residence, his name came to be deleted during the course of the Special Intensive Revision (SIR) of the electoral rolls of the Legislative Assembly. The petitioner moved an application to include his name on 8.2.2026. On 17.2.2026, the Chief Electoral Officer, pursuant to a Special Intensive Revision (SIR) of the electoral rolls of the Legislative Assembly, published an electoral roll in which the petitioner's name was not found. This was because the petitioner was not available when the enumerating officer visited his residence and he had already shifted his residence.

On 3.3.2026, the application filed by the petitioner for inclusion of his name in the electoral roll in the Legislative Assembly was accepted by the Electoral Registration Officer

and his name was ordered to be included in the electoral roll of the Legislative Assembly Constituency. Though this application has been accepted, the final electoral list is stated to be published on 10.4.2026.

On 23.3.2026, as required under Rule 4 of the Page 2 of Bombay Provincial Municipal Corporation (Registration of Electoral Votes) Rules 1994, the basis for preparation of this preliminary list was the electoral roll of the Legislative Assembly Constituency.

Though the petitioner's application for inclusion had been accepted, but his name was not found in the list of voters published by ECI on 17.2.2026. The petitioner pursued the officer under the Rules, 1994 to incorporate his name since his request to be included in the Assembly Constituency electoral roll had been accepted by the concerned officer on 3.3.2026. However, the authority refused to incorporate his name by placing reliance on sub-Rule (4) of Rule 6 of the Rules, 1994. The petitioner thus moved the high court.

The court thus directed the concerned authorities to insert the petitioner's name, which would formally be reflected in the electoral list, scheduled to be published on 10.4.2026.

8. Suggestions and Recommendations

1. Statutory Recognition of SIR

The concept of Special Intensive Revision should be clearly defined within electoral legislation to provide a transparent legal framework for its implementation.

2. Enhanced Procedural Safeguards

Authorities should ensure proper notice, verification, and opportunities for objections before deleting names from electoral rolls.

3. Flexible Documentation Requirements

Electoral authorities should adopt inclusive documentation standards that consider socio-economic realities.

4. Transparency in Verification Procedures

Digital monitoring systems and publicly accessible data regarding roll revisions can improve transparency and accountability.

5. Independent Oversight Mechanisms

Establishing independent oversight bodies can help ensure that electoral revision processes are conducted fairly.

6. Voter Awareness Programs

Government agencies should undertake awareness campaigns and provide assistance to citizens during electoral roll revision exercises.

9. Conclusion

The **Special Intensive Revision (SIR)** can be challenged on the following **constitutional and legal grounds**:

1. **Article 14** – Arbitrary or discriminatory voter deletion.
2. **Article 19(1)(a)** – Impact on the right to express political choice through voting.
3. **Natural justice** – Lack of notice or hearing.
4. **Violation of the Representation of the People Act, 1950.**
5. **Excessive use of powers under Article 324.**
6. **Undermining free and fair elections (basic structure doctrine).**
7. **Non-compliance with Registration of Electors Rules, 1960.**
8. **Contempt of the Hon'ble Supreme Court Precedents specifically- *Lal Babu Hussein v. Electoral Registration Officer (1995)***

The Special Intensive Revision of electoral rolls represents an important administrative effort aimed at maintaining the integrity of the electoral process. However, the exercise must operate within the constitutional framework that guarantees equality, procedural fairness, and democratic participation.

While the Election Commission possesses broad powers under Article 324 of the Constitution, these powers must be exercised in conformity with statutory provisions and fundamental rights. Electoral roll revision processes that lead to arbitrary exclusion of voters or disregard procedural safeguards risk undermining democratic legitimacy.

A balanced approach is therefore essential—one that preserves the accuracy of electoral rolls while safeguarding the fundamental democratic right of citizens to participate in elections. Strengthening legal safeguards, ensuring transparency, and adopting inclusive administrative practices will be crucial in maintaining public confidence in the electoral process.

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1. Constitution of India 1950, art 324.
 2. *ibid.*

3. Constitution of India 1950, art 326.
4. Representation of the People Act 1950, s 21.
5. Registration of Electors Rules 1960.
6. *Lal Babu Hussein v. Electoral Registration Officer (1995)*
7. *Justice K S Puttaswamy (Retd.), And Anr. V. Union Of India (2017)*
8. *E.P. Royappa v State of Tamil Nadu (1974) 4 SCC 3.*
9. *People's Union for Civil Liberties v Union of India (2013) 10 SCC 1.*
10. *Maneka Gandhi v Union of India (1978) 1 SCC 248.*
11. *Mohinder Singh Gill v Chief Election Commissioner (1978) 1 SCC 405.*
12. *Indira Nehru Gandhi v Raj Narain 1975 Supp SCC 1.*
13. *Motab Shaikh v. The Election Commission of India Ors, 2026 (Notification of Election Commission of India No.39/WB/2026(SIR) 20/03/2026*
14. *Jayesh Batukbhai Patel (Vanani) V/S State Of Gujarat & Ors,2026 (R/Special Civil Application NO. 5056 of 2026)*

