

Special Intensive Review (SIR) – Whether a Tool for Election Intimidation of ECI

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Abstract: Special Intensive Review (SIR) undertaken by the Election Commission of India (ECI) during the assembly elections for 5 states (Assam, Bihar, West Bengal, Kerala and Tamil Nadu) has given rise to huge hue and cry in many of the states. In West Bengal the issue has become a field of war between the government led by the Trinamool Congress Party (TMC) and the ECI. Other political parties like Communist Party of India (Marxist) (CPM), Indian National Congress (INC) have also raised their voices against the survey as a tool of election intimidation. Election debacle exposed TMC to an abysmal hollowness and the leadership tried to transfer the incidence of the defeat on the shoulder of the ECI alleging biasness in the survey and also reiterating need of impeachment of the Chief Election Commissioner (CEC) for his alleged inclination towards the Bharatiya Janata Party (BJP) which has been portrayed as a fascist and communal political party dedicated for promoting India as a “Hindu State”. The article deals with various aspect of SIR and its constitutionality, procedures of survey, impact on elections and citizenship with reference to latest assembly elections in West Bengal. Role of EC has also been discussed and impact of SIR on the political parties of West Bengal has also been highlighted. A cursory glance has been reflected on the citizenship aspect and issue of infiltration of refugees from neighbouring states also as it became the sore point of the opponent political parties who were fathoming shrinkage of their vote bank, if any, due to huge deletions on account of such a detailed survey never done earlier. Important question arose whether the ECI have the constitutional authority to undertake such survey under Art 324 of the Constitution. ECI is a stake holder for conduct and management of the election process.

Keywords: Electoral roll, Citizenship, Voting rights, Election violence.

1. Introduction

Election is an integral part in any representative democracy. The citizenry appoints their representatives by casting votes in favour of their preferred representatives. Votes are cast universally by the eligible citizens and in our country by the people who are above 18 years of age. India is a country where the citizens are eligible to vote without any rider since independence. In other countries people enjoyed voting right in a phased manner in terms of property rights, educational qualification etc. In India the criteria for voting right is restricted to citizenship with 18 years of age only. Obviously, citizens of other states or the illegal immigrants are not permitted to exercise their rights to select representative of a

foreign country. Election in India is managed by Election Management Authority (EMA) which is ECI, an autonomous body with enormous plenary powers under Art 324 to 329 of the Constitution of India and to manage, control and supervise for free and fair election in the country. As a sequel to this the ECI prepares, updates the electoral roll for each constituency under Section 21 of the Representation of Peoples Act, 1950. (RP. Act) as needed by the ECI. Updation of the electoral roll in the 5 states where election of assembly was due was undertaken by the ECI. In West Bengal the review was done 24 years ago during 2002 to 2004. Move for revision of electorate data base raised huge protest from various corners especially from the ruling political party (TMC) in West Bengal who protested for disfranchisement of nine million voters whereas the EC have argued for cleansing of the electorate census. The Party Supremo of the ruling party TMC sat for ‘dharna’ against SIR in West Bengal and the CEC. The political parties also demanded for removal of the CEC through process of impeachment. TMC government protested initially for rejection of SIR process but afterwards extended ground level support for the process by providing Booth Level Officers (BLOs) who are supposed to conduct household survey in the area for review of electorate data base. Approximately 85000 BLOs were appointed for the purposes. As per extant guidelines under Registration of Electoral Rules 1960 (RER) each political parties were advised for appointment of Booth Level Agents (BLAs) to oversee the process and suggest means for preparation of pure and fair electoral data base. BLOs are supposed to advise the progress report on weekly basis to the Supervisor/ AEROs / EROs for finalization of the draft list. Such lists after finalization are sent to each political party in duplicate for their comments and for entertaining claims for undue deletions, if any. Initially a good number of 1.36 crores names were deleted from the draft list. Original voters were (before SIR Process) was 7.66 crores but dropped to 6.75 crores (a difference of 91.00 lacs) in West Bengal and after supplementary additions numbers of final were 6.82 crores resulting in net deletion of 84.00 lacs under different heads. From the final list names of 91.00 lacs voters were deleted with following break up:

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Reasons	No's in lacs
ASDD (Absent, shifted, dead and duplicate)	63.00
Logical discrepancies / Progeny mapping	27.00
Unmapped to 2002 lists called for hearing	31.00
Total	91.00

The term logical discrepancies raised huge protest in the state of West Bengal unlike other states. Nos of deletion in other states were as under:

State	Details of deletions (in lacs)					Total
	Dead	Absent	Shifted	Duplicate	Others	
Kerala	6.49	6.45	8.16	1.36	1.60	24.06
Bihar	22.34	36.28	00	7.01	00	65.63
Tamilnadu	26.94	00	66.44	3.39	0.60	97.37
Assam						2.43
West Bengal	24.17	12.20	19.88	6.84*	27.16**	90.25

* Includes 5.46 lacs for Form 7 deletions by EROs

** Logical discrepancies

The survey in West Bengal has resulted in deletion of huge voters amounting to 91 lakhs under different categories. Out of these deletions at different stages 34 lacs voters preferred to appear before Tribunal constituted with participation of retired judges for re inclusion of names and the matter is under process. However, the deleted voters were ineligible for casting votes for 2026 Assembly election.

While the issues like absent, shifted, deceased, and duplicate are common the phrase logical discrepancies was new in the vocabulary of SIR and probably first used in the state to denote a unique situation like spelling difference in names, unreconciled progeny mapping where relationship with parents and grand parents are absent or unacceptable. Cases are not rare where difference between age of the present proposed voter and his father was less than 15 years which was not biologically possible. These cases appeared before adjudication was cancelled outright. Out of original difference of 90.41 lacs for progeny mapping list of mismatch were as under:

S.No.	Details of causes	No's in lacs
1	Mismatch in names of Parents	51.00
2	Mismatch with 6 progeny	23.00
3	Age of parents < 15 years	4.74
4	Age of father > 50 years	8.41
5	Age of grand parents < 40 years	3.00
	Total	90.41

These absurd possibilities resulted in random rejection and ultimate disfranchisement of huge voters for recent Assembly election. Needless to add unless cases are properly sorted out it is difficult for the ECI to approve voting rights to the persons. Ultimately the number was reduced to 27.00 lacs which is still under adjudication. While it is the responsibility of the state to take care of eligible citizens it is also duty of the citizens to confront the state with proper documents of citizenship especially when fake documents are in abundance with peoples' likings.

Being dissatisfied regarding arbitrary process of deletion TMC moved to the apex court which on the basis of the petition

appointed retired judges of the state as well as neighbouring states to supplement efforts of the lower court judges for expediting the adjudication process. In such process in the case of one Mostari Banu Vs Election Commission of India (WP (Civil)1089/2025), the SC intervened the process for resolving deleted cases relating to logical discrepancies (LD) and unmapped voters for settlement of the issues where the SC observed huge trust deficit between two constitutional bodies as expressed through allegations and counter allegations between the Government and the ECI. Now question has been raised whether such a huge numbers of deleted voters impacted the integrity of election and whether SIR vitiated the fairness of the election process. However, no such protests has surfaced in other states where number of deleted voters were huge and restoration rates were also high.

Protest questions:

Problems raised by the opponent political parties hovers around the following issues:

- Whether the ECI have the power to conduct such survey under Art 324 of the Constitution of India;
- Whether the ECI are authorized to delete names of the voters under any circumstances;
- Whether the process adopted by the ECI was fair and unbiased;
- Whether ECI have the right to decide citizenship of any voter on the basis of such survey;
- Whether the deleted voters are eligible for government subsidies as their identity as citizens are at stake;
- Whether role of the ECI is biased towards BJP and against the opponents;
- Whether appointment of CEC is fair and suitable for democracy and
- Whether SIR may be branded as a tool of intimidation by the ECI

Hypothesis of the Study:

The Study is based on the following hypothesis:

- ECI is a constitutional autonomous body and invested with enormous plenary powers under Art 324 – Art 329 of the Constitution;
- Authority of the ECI is supreme in case of conduct, management and supervision of election in India and can undertake various survey works for revision of election rolls;
- Electoral rolls are not the test of citizenship in the country but only the citizens of the country are entitled to cast votes and elect their representatives;
- ECI is normally unbiased and focused for protecting democratic rights of the citizens;
- Political parties and often ruling party often behave erratic to continue with existing power;
- Judiciary is the last resort to protect rights of citizens and save democracy;

2. What is Special Intensive Review (SIR)

Sec 21 (1) of the Representation of the Peoples Act (R.P.Act,1950) authorises the EC for preparation and revision of the electoral rolls in the prescribed manner with reference to

the qualifying date (for election) and shall come into force immediately upon its final publication in accordance with the rules made under the act. Further sub section (3) provides that the EC may at any time for reasons to be recorded direct for a special revision of the electoral roll for any constituency or a part thereof in such manner as it may think fit. The existing roll shall continue to be in force until the completion of special revision so directed. In this connection reference is made to a court case of Lakshmi Charan Sen Vs A.K.M. Hasan Uzaman (AIR 1985 SC 1233) where the Supreme Court (SC) observed that ‘notwithstanding the fact that the roll contains these errors and they have remained to be corrected or that the appeals in respect thereof are still pending, the Registration Officer is under obligation to publish the roll by virtue of RER Rule 22. It must follow that the fact of certain claims and objections are not finally disposed of, even assuming that they are filed in accordance with law, cannot arrest the process of election to the legislature. The election has to be held on the basis of the electoral roll which is in force on the last date for making nominations.’”

As per Rule 25(1) of RER, 1960 revisions are of following types:

- i) Intensive revision;
- ii) Summary revision;
- iii) Mixed revision

But presently the Commission prefer mixed revision with intensive pre- revision activities like door to door verification, rationalization of polling stations, special campaign, training of the BLOs etc. To ensure transparency in the revision process the ECI ensure public access to electoral rolls uploaded in EC website, ERO offices and free copies of draft and final electoral rolls along with weekly lists of claims and objections were provided to the recognized political parties. Rule also ensures for appointment of BLAs by the recognized parties for facilitation at each stage, periodic meeting with the parties at the level of CEO/DEO/ERO during survey for immediate disposal of claims early. The process denotes extreme transparency in the survey process provided the political parties assist the process and BLOs discharge their duties personally and independently. Biased government machinery as well as robotic BLOs destroy democracy and kills public rights for own electoral gain and to remain in power. In fact, BLOs are the prime movers in the process and responsible for proper enumeration of voters.

3. Survey Framework

Each survey follows the work flow as stated below. However, the role of BLOs is very prominent in the process. Integrity of the BLOs is very important in the survey. Biasness, robotic attitude as well as propensity to be at tandem with the BLAs by the BLOs dilute the enumeration process and destroys statutory rights of the citizens.

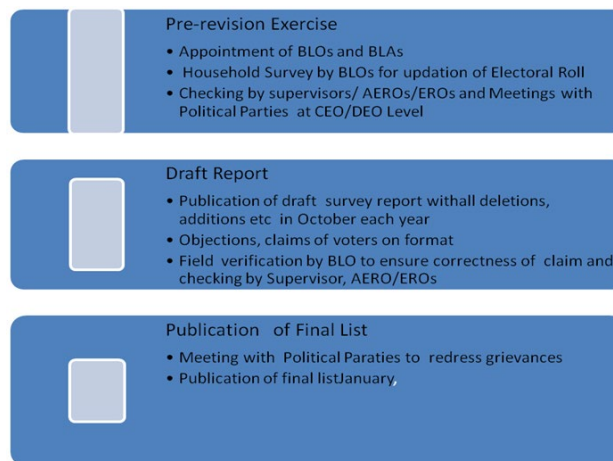


Fig. 1.

It is observed that the BLOs are the main spring in the enumeration process and integrity of survey depends on efficient household survey and judicious application of mind of the ground level officials to rectify the mistakes locally as local customs and usage change everywhere.

In the present SIR in West Bengal, three categories’ entries found in the enumeration forms. First category deals with voters appeared in 2002 list and voted. Except a few clerical corrections and spelling mistakes the BLOs had nothing to do and things went on smoothly except in case of death, shifted, absent and duplicate (ASDD) entries where for genuine reasons names were deleted. Earlier lists before SIR 2026 carried the names of such voters and reasons for fake voting cannot be ruled out in such cases. In this cases names were deleted for obvious reasons. As per rules in such cases the BLOs are required to make house visits and also send notice to the voters for hearing in case of deleted voters. From the above list we have found that a good number of deleted entries relate to this category. It might also be possible some beneficiaries under public welfare schemes were included in the list resulting loss of exchequer as well as flow of unaccounted money in the economy. In the second category entries were made for voters whose names were appearing after 2002 even if they have voted earlier i.e., 2009, 2014, 2019, 2024 etc. The authority asked for progeny mapping i.e., relation with parents voted earlier. The BLOs had to reconcile the mapping before entry. In many cases progeny mapping could not be done. Names of the parents not appeared or not found in earlier voter lists. Such entries were deleted. Third categories were the cases where progeny mapping could not be done for reasons like age of father of the voter is abnormally low or high, large no’s of successors found against one parent. Both categories under 2 and 3 raised criticism from political parties due to number of deletions and appears to be baseless and lacks rationality. In one case a man had 392 sons /daughters found in the progeny mapping. Some differences were found in age in different OVDs, spelling mistakes in surname noted in different OVDs and surname of father differs with son. While such anomalies could be sorted out at the BLOs level, anomalies in case of progeny mapping could not be sorted out for obvious reasons. It needs to be remembered that the electoral roll is also a master roll of

citizens based on which votes are cast but obviously not the criteria for citizenship. Incidentally, adhaar card or passport are not citizenship card. In case of preliminary scrutiny of SIR it was found as under:

- i) Sabina Khatun named as Sabina Begum/ Sabina Bibi (after marriage);
- ii) Bappa Banerjee son of Sankar Bandyopadhyay (in West Bengal Banerjee and Bandyopadhyay are same as some time back (in the last sixties (1960) school authorities prescribed for writing surname in Bengali form and not in British form. However, this practice is not in use now). Practically, Chatterjee and Chattopadhyay, Ganguly and Gangopadhyay, Bose and Basu, Dutta and Datta, Ghose and Ghosh etc. are similarly used now.
- iii) Use of marriage certificate is of recent phenomenon and was rare in the last centuries. Now it is compulsory. Still, this is not in practice in Muslim community) as an evidence.

These are examples of some of logical discrepancies which could be rectified by the BLOs at the grass root level through active interactions.

4. Infiltrations and Citizenship

Voting rights are permitted to citizens of the respective country. Of course, in American elections certainly infiltrators are not permitted to cast votes. In our country also problem arises regarding huge infiltrations from especially Bangladesh for a long time. Those residents have OVDs, obtained through various shortcut means. Hence it is better to discuss the procedures for acquiring citizenship in the country as per provisions of The Citizenship Act., 1955.

Types of Citizens:

The Indian Constitution provides for a single uniform citizenship for all individuals across the country. Indian citizenship can be classified into five categories:

1) *By Birth (Sec 3)*

It is applicable for all i) who are born in India or ii) on or after 26th January 1950 but before 1st July 1987 and iii) born after 1st July 1987 but before commencement of Citizenship Act, 2003 and both parents are Indian Citizen or in case one of the parents is Indian citizen and the another is not an illegal migrant. However, the person shall not be the citizen of India if his father or mother is an enemy alien and the birth occurs in a place occupied by the enemy.

2) *By Descent (Sec 4)*

This is applicable for an individual born outside India but whose parents (at least one parent were Indian citizen at the time of their birth. In such case his birth to be registered with Indian Consulate within one year of his birth or his father at the time of his birth was an employee of Government of India.

3) *By Registration (Sec 5)*

Foreign nationals and individuals of Indian origin (PIO) can acquire citizenship through formal registration. Examples may be for an individual married to an Indian Citizen or who have lived in India for a specific period before applying.

4) *By Naturalisation (Sec 6)*

Foreigners who have lived in India for a specific period (normally 12 years) and meet specific requirements of good citizenship like good character, knowledge of Indian language and renunciation of foreign citizenship through application of citizenship. If decided by the government of India to any person who has rendered services for science, philosophy, art, literature. The person become a citizen by naturalization through an oath of allegiance as citizen of India.

5) *By Incorporation of Territory (Sec 7)*

If any foreign territory is annexed to India (Goa, Pondicherry) the Govt of India specifies the citizenship of India.

While NRIs are Indian citizens who holds Indian Passport but reside outside India but OCI (Overseas Citizens of India) are not Indian citizens and entitled to various benefits like PIOs but cannot cast votes or hold public offices.

Under Sec 6A, popularly known as Assam Accord, infiltrators arrived in Assam before 1966 were accorded citizenship and persons came between 1966 and 1971 were accorded citizenship with 10 years' cooling period for voting rights

The Citizenship Act 1955 was amended in 2019 as CAA, 2019 where the Government stipulated for acquisition of citizenship by the immigrants entered India after 31st Dec 2014 through application. However, due to huge political turmoil and protests by the political parties especially from the ruling party (TMC) CAA could not be introduced in the state as the ruling party also publicized for deportation of the residents who would enter their names under CAA. The amended section said for inclusion of names of non-Muslims (Hindus, Sikhs, Jains, Christians etc.) entered in the country from Bangladesh, Pakistan and Afghanistan due to religious outrage of the countries on minorities. It is to be remembered that since independence huge number of refugees entered in the state of West Bengal and Assam from Bangladesh and Myanmar due to different atrocities inflicted on the minorities thereat. It was a perennial problem and no political parties took steps for settlement of cross-boarder issue rather capitalized the issue as their vote bank. These people were transported to Andaman, Dandakaranya, Marich Jhapi etc. for rehabilitation. A good number of people crossed the boarder and settled in West Bengal with fake documents and purchased properties etc. Mushroom growth of these immigrant populations are in the boarder districts like Nadia, Murshidabad, Malda, North 24 Parganas, Cooch Behar etc. The then ruling parties took the advantage of these wretched of the earth for number game and demographic landscape of the state got deformed. Huge number of people popularly known presently as 'Matuas' settled in the areas of Habra, Bongaon, Ashoknagar and the phenomenon changed the political and economic landscape of the district. These people under leadership of one P. R. Thakur crossed the boarder in 1971 and managed settlement thereat. Infiltration also occurred in the district of Malda, Nadia and Murshidabad to an alarming extent. It is also observed that huge deletions took place in these districts for both the communities – hindus and muslims – in these districts. A cursory view of data shows

number of post adjudication were as under:

District	Post Adj deletions (lacs)	Total deletions (incl ASDD) (lacs)
Murshidabad	4.55	7.49
Nadia	2.09	2.73
Malda	2.39	4.59
North 24 Pgs	3.25	12.60 *
South 24 Pgs	2.23	10.91

• Including Matua Belt

It is observed that worst hit were in the boarder district of Murshidabad, Nadia, 24 Parganas.

Most interesting data is that percentage deletions were:

Hindus	63%	Muslims	34%
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Ultimately, details of deletions in the state of West Bengal were at glance:

91 lacs deletion amounting to 8.3% of electorate Of 7.66 crores.

Phase I – ASDD: 63.00 lacs

Phase II – Adj: 27.16 lacs declared invalid out of 60.07 lacs

Total electorate: 6.70 crores

It is also revealed that 17.11 lacs out of 27.16 deletions came from 7 districts with high minority and from Matua community.

5. Protests of the Political parties

Protests came from the ruling party i.e., TMC sharply who lost ground heavily to BJP. Out of 293 seats BJP won 207 seats and TMC reduced to 80 seats.

District wise seats won were as under:

District	Total Seats	TMC	BJP	Others
Murshidabad	22	9 (20)	8 (2)	5
Malda	12	6 (8)	6 (4)	0
Nadia	17	6 (8)	11 (9)	0
North 24 Pgs	33	20 (28)	12 (5)	1
South 24 Pgs	31	28 (30)	3 (0)	0 (1)
Total	115	69	40	6

While deletions were more in the districts it is observed that the ruling party (TMC) fared well whereas BJP improved a lot in these districts. Analysis of results shows BJP fared excellent in North Bengal, Purulia, Bankura, Kolkata where TMC was washed away. Question arises whether election debacle is due to change in electorate base or peoples' perception about any political party? Huge level of corruptions, mafia raj, rigging in election, nominating candidates with criminal records, incorporation of ghost voters in electoral roll may result in election debacle and these need to be examined in depth rather than political signage. Except for hard core and robo partisans voting pattern differs with passage of time and political scenario which ultimately results in change of regime. This has been experienced earlier in West Bengal in 1967, 1972, 1977, 2011 and last 2026. Hence, election is not a number game but reflection of peoples' mandate for forming a new government. Protest for protest sake and abusing government agencies are easy way to undermine people who are the ultimate god in democracy. Protests always come from party in danger

normally the opponents. But in case of West Bengal protests came from the ruling party for reasons unknown especially when the vote machinery was overtaken by ECI and no loyal government officials were given any change to peep into the election process. A large number of overnight transfers of loyal bureaucrats shook the ruling party as conduct of election went out of hands of the ruling party. Conduct of SIR was an additional fuel to burn the flame. While the opponents were scared for retention of ethos of democracy, probably they forgot the cumulative erosion of political base of the party due to sky rocketing corruptions, arrogance of the political leaders, suffocating inner party democracy, embryonic fascism within the party as well as welfare populism to buy votes.

6. Losing margin and Deleted number of Electorate

The ruling party after serious debacle in the elections in West Bengal has claimed that SIR impacted heavily on the election process and was a predetermined process to defeat TMC. The leaders identified some 31 cases where margin is much less than the number of voters deleted and are under adjudication process. The party has also debated implementation of SIR was against the doctrine of basic structure of the Indian Constitution. They have also protested for impeachment of the present CEC for his alleged biasness towards BJP. The protests need to be examined for better democracy. Even if margin is much less than numbers deleted none can justify a different result if no deletions would take place. Because it is difficult to imagine and prove trend would be different. Defeat of the ruling TMC Party may be attributed to other factors and not essentially on the number of deletions. Deletions / addition is a normal and continuous process. There are cases where BJP lost to TMC with lower margin than voters deleted. However, the apex court have suggested for submission of fresh petition to look into the matter. Secondly, doctrine of basic structure applied in the famous case of Keshavananda Bharati (1973) deals with power of Parliament to enact laws in contravention with the foundation stone of the constitution. This apart, no exhaustive list have been provided in the matter and the contentions of the TMC here was more political than from law points. Conduct of SIR has not attacked the basic structure of the constitution rather purified the election process through deletion of voters whose details were not available. In respect of appointment of CEC the amendment of law for appointment of CEC excluding CJI is certainly appears to be opaque and tends towards parliamentary dictatorship with embryonic fascism. Appointment of CEC is under review of the SC and it was decided earlier in case of Anoop Baranwal Vs Union of India WP (Civil) 104/2015 for unbiased enactment by the Parliament for appointment of CEC. It is opined that present guidelines for appointment without CJI is the clear case of the parliamentary dictatorship and against the doctrine of basic structure where justice has been denied and democracy relegated to power craziness and bureaucratic excesses. It is also true that the ECI has plenary power to cancel vote of any constituency if situation arises and order of reelection as decided in the case of M.S. Gill and Anr Vs CEC & Ors (1978). Such case has arisen in case of Falta AC in the district of 24 parganas (S) where it was detected that the EVM

were doctored to cast votes in favour of TMC candidate only. When a political party may become such power crazy and can resort to such a nefarious practice under the veil of ‘Diamond Harour Model’ accusing EMA appears to be ludicrous. Role of ECI was justified in cancelling the election process in Falta AC for the first time. Needless to add that the candidate from Diamond Harbour Parliamentary constituency won the seat with highest margin in West Bengal in 2024 Parliamentary election. Despite other election irregularities the author disagrees to agree that implementation of SIR has different motive of biasness as alleged. However, SIR implemented in other non-BJP states has not raised this type of protest.

7. Judicial Activism in Election Process

Normally, election is a direct interplay amongst three variables - Electorate, Election Management Authority (ECI) and Election Candidates (Political parties). In the present-day electorate cast votes based on the election symbol and normally not on the Election Candidates. Presently, media also plays an important role in the process of election in shaping the mandate of the people. Media are not independent rather profess allegiance to different political parties for reasons known to them. Election candidates are part of Legislature and ECI conduct election process through executives drawn from the government of the concerned state where the executives are expected to play an unbiased role to save democracy. But this a utopian concept. The political parties as well as the government use the executives for their benefit to cross the turbulent election stream. Citation of famous case law of *Indira Gandhi Nehru Vs Raj Narain (1975)* may be appropriate in this context. EMA have sometimes been found to be biased towards ruling party or large party. Political parties conduct the election process through ‘Vote Managers’ who are often known as ‘Local Guardians’ or ‘Social Caretakers’. Judiciary always remain apart unless peoples’ rights are infringed and intervention of judiciary is sought for. Government as well as the Political Parties also sought for intervention of the Judiciary to alienate biasness of the EMA. In the present situation, in view of lack of trust regarding implementation of SIR between the Political Parties and the ECI Judiciary had to intervene several times to save the situation and details of which have been discussed elsewhere. In view of delay in completion of adjudication process the apex court invoked Art 142 to provide fair weather to the electorate whose names were cleared at least 48 hours of the actual election. This is a new and historic step of the Supreme Court (SC) and never happened earlier. It has been proved that judicial intervention may be a pre-condition to save democracy and conduct free and fair election in country like India. Appointment of Judges from different states to accelerate adjudication process, inclusion of new OVDs for identification process are important steps in SIR matter. Recent judgment of the SC regarding SIR may be termed as historic in the arena of Election matter despite sharp and descriptive criticism of the legal and political intelligentsia. The Judgement has been discussed later.

8. Handling Protest Questions

Huge protests from the Political Parties and electorate may be redressed as under:

- a) Loud protests of the Political parties were whether ECI can conduct such survey before election. It is to be noted that Art 324 has invested the ECI with enormous plenary power to conduct, manage and supervise the election process as a quasi judicial body and also can frame rules in case of insufficiency of existing laws. Long back at the time of introduction of EPIC by the then CEC Sri T. N. Seshan in 1993, ECI was confronted more than the present SIR Process. It was introduced and working now with wide acceptance. Introduction of EPIC was frowned with criticism apparently for impracticability, cost and deeply for lack of scope of maneuvering election mechanism. SC have also opined for constitutionality of the process. ECI have the right to decide the process of survey to cleanse the electoral roll to save democracy from electoral garbage.
- b) Whether ECI can delete names of the electorates in case need was another important question hurled at the ECI. Answer is corollary to the answer of first protest. When conduct of the survey meets the test of constitutional possibility, ECI can certainly delete the names of the voters for want of details to prove voting rights. Right to vote are exercised by the citizens and not the illegal immigrants. However, tests of citizenship do not lie with ECI but with Government of India under The Citizenship Act, 1955 as amended from time to time.
- c) Whether the process adopted by ECI for survey was fair and constitutional? SC have observed no dereliction in the process of survey as detailed in the election law and rules. Door to door survey was done, BLO and BLAs have been engaged, Draft and final lists provided to the Political parties with scope for claiming remedies etc.
- d) ECI have no right to decide citizenship of any electorate for which Government of India is the appropriate authority;
- e) Whether deleted voters are eligible for government bounties was an important question before the electorate. SC opined that ECI have not right to delete names of beneficiaries and directed ECI to send the list to the Government within 4 weeks for economic decision;
- f) SC could not find biasness of the ECI in conduct of the SIR;
- g) Whether appointment of CEC is fair and suitable for democracy is a different question for which SC observation is awaited. Deletion of name of CJI in the selection process of CEC appears to be unconstitutional in view of basic structure doctrine and also observation of the case law of *Anoop Baranwal*.
- h) Then is SIR a tool of election intimidation? Answer lies in the discussion made above. Even after the

judgement of the SC eminent legal persons and political figure being the petitioners protested on the views of the SC and beauty of democracy in India lies in such views and counter views to strengthen Indian democracy.

9. Conclusion

Study of various newspaper publication and discussions with different peoples along with the BLOs/EROs and observers reveals the following important facts. These does not vitiate the process but weakens the methodology of survey and leaves scope for improvement of the process of survey in future:

- i) Door to door survey was done but not discreetly by the BLOs due to knowledge gap as well as local political pressure from the ruling political party of the state. Often BLAs navigated or influenced the process of survey;
- ii) The electorate were also very casual in preservation of documents in respect of their identity like spelling of names, parents name, date of birth. Date of birth differed in different OVDs and remained unnoticed by the electorate;
- iii) Political parties were against implementations of SIR ab initio and also raised their voices regarding the outcome at the end whereas per rule list of the electorate have been provided to the parties in duplicate at regular interval for their views/corrections/claims;
- iv) ECI have embarked upon such a stupendous task with a very spell of time and it might have created distortions at some level;
- v) Process of digitization lacks transparency and

expertise. Either supervision was lacking or dilution was creative;

- vi) Though a wanted move by the SC, appointment of judges of other states created some delay and problems due to cultural differences between the states;
- vii) Lack of support from the ground level staff and other higher officials vitiated the process from initial stage in some areas.
- viii) Huge immigrants got their identity cards like Adhaar, PAN, Ration Card on the basis of declarations rather than documents of prime origin i.e birth certificate, school leaving certificates even in semi urban areas through creative ways . Progeny mapping got distorted in a number cases resulting in cancellation of the adjudication petitions.

It is suggested that deletions of the electorate certainly disenfranchise the electorate and kills democracy. It is the responsibility of the ECI as well as the political parties to be transparent and unbiased in strengthening ethos of democracy. At the same time revision of electoral roll with special factors is required to cleanse the process like administering medicine to remove bad cholesterol for better blood movement in human body as fast as possible. Process of adjudication needs to be simplified to clear the backlog of 34 lac voters though deletion of names of the voters does not cease citizenship of India but rings a warning bell for immediate redressal.

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