



## SIR and the Right to Vote: Examining the Risk of Mass Exclusion

---

The controversy surrounding the Election Commission of India's (ECI) Special Intensive Revision (SIR) of electoral rolls has moved far beyond Bihar. In recent weeks, the exercise has triggered fresh concerns in Delhi and Uttar Pradesh, bringing the question of electoral inclusion back to the centre of India's constitutional debate. In Delhi, the Supreme Court (SC) bench of Justice Joymalya Bagchi, who was part of a three-judge bench, questioned the manner in which notices were being issued to voters during the SIR exercise, observing that they appeared to have been issued "mechanically" to large numbers of "doubtful" voters. More than 33 lakh electors were reportedly issued such notices.<sup>i</sup>

The controversy has also acquired a different dimension in Uttar Pradesh. The final electoral roll published after the State's SIR recorded approximately 13.39 crore electors, following the deletion of more than two crore names from the pre-SIR electoral roll.<sup>ii</sup> Recent reporting has further raised questions about software-generated "logical discrepancies", verification gaps and the transparency of additions and deletions during the exercise.<sup>iii</sup> These developments demonstrate that the central concern surrounding SIR is no longer confined to a single State: it concerns the manner in which an administrative exercise can determine who remains visible within the electoral process.

Against this backdrop, the Hon'ble SC's recent judgment dated 27th May 2026,<sup>iv</sup> validating the ECI's SIR process<sup>v</sup> and its exclusion and deletion of voter lists in Bihar, marks a profoundly contentious deviation in Indian constitutional democracy. The Bench of Chief Justice Surya Kant and Justice Joymalya Bagchi allowed the ECI to enquire into citizenship, observing that *"we are of the considered opinion that the Commission is empowered, in the exercise of its constitutional mandate, to undertake a limited enquiry into citizenship for the purpose of satisfying itself as to eligibility for inclusion in the electoral roll. Such an enquiry does not amount to a determination of citizenship in the strict sense, and any action taken pursuant*

*thereto is confined to electoral consequences alone.*<sup>vi</sup> Inevitably, cleaning up the voter list is an essential drill for free and fair democracy. Meanwhile, it is also important to ensure that such an exercise should not take on a political face to exploit ordinary people.

The Assam experience of the National Register of Citizens (“NRC”)<sup>vii</sup> had witnessed how the stringent, document-heavy, and complex processes can cause trauma even for genuine illiterate residents in the region. Similarly, SIR requires existing voters to provide certain special evidentiary documents, transferring a heavy burden of proof onto the common residents.<sup>viii</sup> Unreasonably demanding the submission of complex documents, and excluding the most common documents like the Aadhaar Card, enhances the risk of unfairly taking away the genuine resident's voting rights and challenging their citizenship. The article examines the ECI's SIR of electoral rolls and its impact on voting rights. It explores concerns about citizenship verification, the exclusion of marginalised communities, procedural fairness, and possible political misuse.

### **The Gap between Legal Theory and Ground Reality**

The real dispute surrounding the present SIR drill across several states, including Bihar and West Bengal, revolves around one simple question: Is the ECI constitutionally empowered to decide the citizenship of people residing in Indian territory? It is a well-established principle that the ultimate power to decide citizenship vests in competent central authorities under the provisions of the Citizenship Act, 1955. However, this creates a clear contradiction with Section 16 of the Representation of the People Act, 1950,<sup>ix</sup> which implicitly allows the ECI to disqualify non-citizens from the official voter list.

Recently, the SC in the *Association for Democratic Reforms & Ors. Versus Election Commission of India & Ors.*, tried its best to balance these two paradoxes by only permitting ECI to conduct a “limited inquiry” into citizenship while conducting SIR. The Court further clarified that the ultimate duty of the ECI is restricted to an administrative purpose to determine eligibility for casting a vote. For instance, even if the ECI removes any resident's name from the voter list due to any suspicion about their citizenship, or failure to provide any documents, then that would not amount to officially losing their citizenship. In such cases, ECI is required to refer this list of doubtful individuals to competent authorities under the Citizenship Act to take final decisions on citizenship.

However, critics of such practices argued that the court's act of balancing makes sense only in theory, but applying the same on the ground creates a clear danger to the citizenship of genuine

citizens.<sup>x</sup> This is where the discussion on NRC, which seeks to provide an official document-heavy register for verifying the citizenship of residents in a particular region, came into the picture.

Many critics are viewing the present SIR drill as ‘backdoor NRC’. This criticism was forcefully articulated in parliamentary proceedings by AIMIM MP Asaduddin Owaisi, who alleged that the SIR is nothing but a “backdoor NRC” – a malafide exercise designed specifically to selectively disenfranchise people on the basis of religion. believing that ECI, in the guise of fulfilling its administrative responsibility, is conducting nationwide citizenship tests without the parliamentary approval required under Article 327 of the Constitution.<sup>xi</sup>

Let’s imagine if the apex court's balanced view is practically applied on ground by not allowing the ECI the authority to officially determine citizenship, then also it leads to excluding the existing voters from the voter list by demanding them to present arbitrary documents, pushing the genuine citizens into exactly the same legal situation of statelessness observed during the Assam NRC.

### **The Reversal of the Burden of Proof**

The NRC in Assam is the only citizenship identification exercise ever conducted in independent India. The official release of the final ‘NRC’ list on 31 August 2019 has reportedly excluded approximately 1.9 million persons from a total population of about approximately 33 million.<sup>xii</sup> The most troubling thing was the reversal of the burden of proof. The NRC procedure effectively overturned the ‘presumption of innocence,’ a fundamental legal principle, by imposing a substantial evidentiary burden on individuals to prove their citizenship.<sup>xiii</sup> This evidentiary framework represents a significant departure from the generally acknowledged due process norms, which ordinarily places an unfettered burden of proof upon the state in matters affecting citizenship.

Furthermore, individuals categorised as ‘D-Voters’ either before or during the NRC exercise were effectively excluded from meaningful participation in the process. In many instances, the Foreigners’ Tribunals, functioning as semi-autonomous quasi-judicial bodies, treated such individuals as illegitimate non-citizens before the actual disposal of the case.<sup>xiv</sup> The arbitrary nature of this process has been widely criticised. A study of the Assam NRC found “unpredictable and unexplained highly erratic outcomes”, including instances where members of the same family, despite having identical lineage and biographical histories, were treated differently—some being included in the final NRC while their close relatives were excluded.<sup>xv</sup>

The nationwide SIR exercise has also been criticized for its procedural departure from statutory norms. The Representation of the People Act, 1950,<sup>xvi</sup> and the Registration of Electors Rules, 1950,<sup>xvii</sup> prescribe that inclusion in the electoral roll shall be based on a self-declaration of citizenship substantiated by one of six documents prescribed in Form 6: birth certificate, matriculation certificate, passport, Aadhaar card, PAN card, and driving license.<sup>xviii</sup> However, the disparate standard of SIR's Enumeration Form demands one of 11 documents, notably excluding Aadhaar card, PAN card, and driving license from the acceptable list.

This divergence has most profoundly impacted economically marginalized and vulnerable populations. For many individuals, Aadhaar cards and ration cards constituted readily available government-issued documents that could be relied upon to establish identity and residence. By rejecting these universally held identifiers, the SIR creates a documentary barrier that disproportionately hinders the participation of the underprivileged.

Considering the adverse effects on specific marginalized groups, the SC intervened and directed the ECI to accept Aadhaar, voter ID, and ration card as valid documents for submitting claims.<sup>xix</sup>

### **Procedural Trap: Targeting Vulnerable Changes Election Results**

While the ECI has consistently portrayed the SIR as a bona fide exercise aimed at ensuring the inclusion of eligible voters and the exclusion of ineligible or dead voters, practice and factual data tell a completely different story. The stringent and unjust demand for historical documents like land records and the denial of well-settled, identical documents like Aadhaar and Passport by SIR officials is creating negative bias that is continuously taking the shape of punishment against the most vulnerable groups in society.<sup>xx</sup>

Let's first take the example of women; the impact of this drill on them is really staggering. During the SIR in Bihar, out of around 56 lakh deleted voters, a disproportionate 55% were women.<sup>xxi</sup> This should not be deemed a coincidence but must be understood as the testimony of the well-established gender stereotype prevalent even in government-led institutions. When SIR officials asked for documents like Class 10 certificates, they completely forgot the harsh reality of our education system, especially in a marginalized state like Bihar, where merely 14.71% of adult women in Bihar have completed their primary education.<sup>xxii</sup>

Further authentic sources demonstrate really disturbing trends amid SIR practice in states like Bihar and West Bengal, specifically in the context of specific minority and refugee

communities being intentionally targeted.<sup>xxiii</sup> In Bihar, huge numbers of Muslim voters were removed, with a deletion rate exceeding 6.38%, in comparison to just 4.18% for non-Muslim voters. In Muslim-majority constituencies like Kishanganj, 9.69% of voters were removed, while in the Hindu-majority district of Lakhisarai, the deletion rate was only 4.72%.<sup>xxiv</sup>

This targeted exclusion against marginalised minority communities is not limited to Bihar; similar trends are also reported during the SIR drill in West Bengal, where the condition of the vulnerable refugee groups is even more delicate. Refugee groups, especially those belonging to Muslim communities like Rohingya and Matua communities, are the special victims of these massive deletion rates, reaching almost 78% in Nadia and 55% in North Parganas. Thus, the present SIR drill is clearly, in the name of purifying the voter list, becoming a targeted weapon of exclusion.<sup>xxv</sup>

This SIR drill takes even more disturbing angles, raising more serious concerns about political motives and the election results. The present large-scale deletion of voters had the power to completely change the dynamics of the elections in states like Bihar and West Bengal where this SIR drill has taken place. In Bihar, data reveals that in 128 out of 243 assembly seats, the total number of deleted voters was higher than the final winning margin.<sup>xxvi</sup> The situation in West Bengal is similarly alarming. In at least 31 constituencies, the margin of victory was smaller than the number of disputed voter deletions. In one striking case, a candidate lost an election by a mere 862 votes, while 5,550 appeals from deleted voters in that exact area remained pending.<sup>xxvii</sup>

When fundamental democratic participation is tied to impossible paperwork, the right to vote is dangerously transformed into a weapon for political gain.

## **Conclusion**

The SIR process has proven to be more than just a routine administrative setback. The analysis reveals that the present drill, conducted without parliamentary approval in the guise of determining the electoral roll, is apparently acting as a backdoor for questioning citizenship. By shifting the burden of proof onto the citizens, the ECI has transferred the well-settled burden of proof on citizenship to existing voters, treating verified voters as doubtful foreigners.

The most alarming implication of the present SIR is the visible large-scale targeted deletion for gaining unreasonable electoral favour. Consequently, it has been reported<sup>xxviii</sup> that the number

of deleted voters is significantly larger than the winning margin in hundreds of constituencies across the states affected by the practice of SIR. It is therefore to protect the harmony and diversity of Indian democracy, the electoral process must abide by the principle of Constitutionalism and be transparent, thereby preventing continuous mass exclusion and arbitrary targeted deprivation of voting rights.

---

<sup>i</sup> 'SIR in Delhi: Supreme Court says notices seem "mechanical", seeks ECI's response' (*The Indian Express*, 23 September 2026) <https://indianexpress.com/article/cities/delhi/sir-in-delhi-supreme-court-says-notices-seem-mechanical-seeks-ecis-response-10889753/>

<sup>ii</sup> Lalmani Verma, 'SIR: 2.05 crore names deleted in UP as final electoral roll released' (*The Indian Express*, 11 April 2026) <https://indianexpress.com/article/cities/lucknow/sir-2-05-crore-names-deleted-in-up-as-final-electoral-roll-released-10630398/>

<sup>iii</sup> Siddharth Tiwari, 'How software-generated "logical discrepancies", verification gaps took a big toll on UP SIR' (*The Federal*, 1 October 2026) <https://thefederal.com/category/states/north/uttar-pradesh/up-sir-logical-discrepancies-verification-gaps-2-crore-voter-deletions-258157>

<sup>iv</sup> *Association for Democratic Reforms v Election Commission of India* (2026) INSC 564

<sup>v</sup> Election Commission of India, *Special Summary Revision of Photo Electoral Rolls w.r.t. 01.01.2024 as the Qualifying Date – Programme*, No. 23/2023-ERS (Vol III) (29 May, 2023) 6 <https://www.ceosveep.karnataka.gov.in/pdf/ER-letter1.pdf>

<sup>vi</sup> *Association for Democratic Reforms v Election Commission of India* (2026) INSC 564, para 81.

<sup>vii</sup> Abhishek Saha, 'No Land's People: The Untold Story of Assam's NRC Crisis' (*COMPAS*, 25 November 2021) <https://www.compas.ox.ac.uk/article/no-lands-people-the-untold-story-of-assams-nrc-crisis>

<sup>viii</sup> 'Election Commission, Bihar SIR and the Citizenship Dispute in the Supreme Court' (*Frontline*, 2026) <https://frontline.thehindu.com/the-nation/sir-voter-exclusion-form-6-7/article71550861.ece>

<sup>ix</sup> Representation of the People Act 1950, s 16.

<sup>x</sup> Sourabh Roy, 'How SIR can start a citizenship determination process it cannot decide' (*Association for Democratic Reforms*, 16 June 2026) <https://www.adrindia.org/content/how-special-intensive-revision-can-start-a-citizenship-determination-process-it-cannot-decide>

<sup>xi</sup> The Constitution of India 1949, art. 327

<sup>xii</sup> K V Thomas, *The Politics of NRC and its Pan-Indian Dimensions* (Centre for Public Policy Research, 6 December 2019) <https://www.cprr.in/wp-content/uploads/2019/12/The-Politics-of-NRC-and-its-Pan-Indian-Dimensions.pdf>

<sup>xiii</sup> *Sarbananda Sonowal v Union of India* (2005) 5 SCC 665.

<sup>xiv</sup> National Register of Citizens, Assam, 'Verification' (*National Register of Citizens, Assam*) <https://homeandpolitical.assam.gov.in/resource/complete-nrc-draft>

<sup>xv</sup> Siddique, N., Ramachandran, S., 'The punitive gap: NRC, due process and denationalisation politics in India's Assam' (2024) 12 *Comparative Migration Studies* 1

<sup>xvi</sup> Representation of the People Act 1950 (Act No 43 of 1950).

<sup>xvii</sup> Registration of Electors Rules 1960.

<sup>xviii</sup> Kritika Arora and Saksham Vaishya, 'Special Intensive Revision in Bihar: Statutory Authority, Constitutional Limits, and Policy Concerns' (*LiveLaw*, 14 July 2025) <https://www.livelaw.in/articles/bihar-elections-special-intensive-revision-voters-list-and-proof-of-citizenship-critical-analysis-297387>

<sup>xix</sup> 'Use Aadhaar, any of 11 listed papers for inclusion claim: Supreme Court on Bihar rolls' *The Indian Express* (23 August 2025) <https://indianexpress.com/article/india/bihar-sir-sc-election-commission-deleted-voter-names-aadhaar-card-10204580/lite/>

---

<sup>xx</sup> Ananthakrishnan G, “‘Not citizenship proof’: SC directs poll panel to accept Aadhaar as 12th document in Bihar SIR’ (*The Indian Express*, 8 September 2025) <https://indianexpress.com/article/india/supreme-court-asks-ec-to-consider-aadhaar-as-valid-id-for-bihar-voter-rolls-with-a-clarification-10237389/>

<sup>xxi</sup> ‘More women deleted from rolls in most States after SIR’ (*The Hindu*, 11 July 2026) <https://www.thehindu.com/data/more-women-deleted-from-rolls-in-most-states-after-sir/article70727785.ece>

<sup>xxii</sup> Ayush Tiwari and Aryan Mahtta, ‘Higher Exclusion of Hindus than Muslims in Bihar Draft Roll, Shows Scroll Analysis’ (*Scroll.in*, 11 August 2025) <https://scroll.in/article/1085408/higher-exclusion-of-hindus-than-muslims-in-bihar-draft-roll-shows-scroll-analysis>

<sup>xxiii</sup> Pranesh Sarkar, ‘Bengal SIR: 57% deleted voters from districts along Bangladesh border, 70% of them Muslims’ (*The Telegraph India*, 9 April 2026) <https://www.telegraphindia.com/west-bengal/bengal-sir-57-deleted-voters-from-districts-along-bangladesh-border-70-of-them-muslims-prnt/cid/2155228>

<sup>xxiv</sup> Ayush Tiwari and Aryan Mahtta, ‘Highest Exclusion in Bihar Draft Roll: Women, Muslim-Dominant Districts’ (*Scroll.in*, 3 August 2025) <https://scroll.in/article/1085160/highest-exclusion-in-bihar-draft-roll-women-muslim-dominant-districts>

<sup>xxv</sup> Shiv Sahay Singh, ‘Bengal SIR: Many Permanently Shifted, Untraceable Voters in Matua-Dominated Seats, Says Study’ (*The Hindu*, 29 December 2025) <https://www.thehindu.com/news/national/west-bengal/matua-community-one-of-the-most-affected-groups-in-sir-process-in-west-bengal-says-study/article70447097.ece>

<sup>xxvi</sup> Vote for Democracy, *The Bihar Verdict 2025: An Audit of the “Stolen Mandate”* (Vote for Democracy, January 2026) <https://votefordemocracy.org.in/wp-content/uploads/2026/01/260113-FINAL-THE-BIHAR-VERDICT.pdf>

<sup>xxvii</sup> ‘Voter deletions during SIR affected results in 31 Bengal seats, Trinamool tells SC’ (*The Hawk*, 11 May 2026) <https://www.thehawk.in/news/india/voter-deletions-during-sir-affected-results-in-31-bengal-seats-trinamool-tells-sc>

<sup>xxviii</sup> Anjishnu Das and Shijith Kunhitty, ‘In 3 Bihar districts with most SIR deletions, more voters struck off than winning margin in 2/3rd Assembly seats’ (*The Indian Express*, 26 August 2025) <https://indianexpress.com/article/political-pulse/bihar-districts-sir-deletions-voters-winning-margin-assembly-seats-10211621/>