

**SPECIAL INTENSIVE REVISION (SIR) AND THE CONSTITUTIONAL
PROTECTION OF THE RIGHT TO VOTE: A COMPARATIVE LEGAL
STUDY OF THE BALANCE BETWEEN ELECTORAL ROLL ACCURACY
AND CITIZENS' DEMOCRATIC RIGHTS, WITH SPECIAL REFERENCE
TO BIHAR AND WEST BENGAL**

by

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ABSTRACT

The foundation of a free, fair, and inclusive electoral system in India is a reliable electoral roll. The continued presence of deceased persons, duplicate entries, or other ineligible persons on electoral rolls may affect the integrity of elections. On the other hand, if the names of eligible citizens are erroneously deleted during the process of purification of electoral rolls due to faulty verification, documentary discrepancies, inadequate notice, or ineffective grievance redressal, citizens' democratic participation may be adversely affected. The Special Intensive Revision (SIR) is an important example of this dual challenge.

The present research paper examines the powers, procedural obligations, and voter rights of the Election Commission under Articles 324, 326, and 329 of the Constitution of India, the Representation of the People Act, 1950, and the Registration of Electors Rules, 1960. The empirical basis of this study comprises the SIR conducted in Bihar in 2025 and the revision process and related judicial proceedings conducted in West Bengal during 2025–2026. According to official data published by the Election Commission and the Government of India, approximately 7.89 crore electors were registered in Bihar on 24 June 2025, whereas approximately 7.24 crore electors were included in the draft electoral roll published on 1 August 2025. The final electoral roll published on 30 September 2025 recorded approximately 7.42 crore electors. In West Bengal, 7,66,37,529 electors were registered as of 27 October 2025, whereas the draft electoral roll published on 16 December 2025 recorded 7,08,16,630 electors. The press release issued by the Chief Electoral Officer of West Bengal on 28 February 2026 reported a total of 6,44,52,609 electors in the final roll. The differences

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among these figures must be understood in the context of the respective stages of revision, claims, objections, and cases pending adjudication.

The validity of the Bihar SIR was upheld by the Supreme Court on 27 May 2026 in Association for Democratic Reforms v. Election Commission of India. In West Bengal, by contrast, separate judicial and administrative questions emerged concerning the implementation of the process, the large number of cases pending adjudication, the workload of appellate tribunals, and the functionality of the digital portal. According to reports published in September 2026 concerning information submitted by the Election Commission to the Supreme Court, approximately 38.20 lakh appeals relating to the West Bengal SIR had been filed, of which approximately 1.02 lakh had been disposed of. Reports published in October 2026 also indicated that certain tribunals had raised concerns regarding the issuance of notices, the conduct of hearings, and the restoration of names due to difficulties associated with the digital portal.

Throughout this administrative process, and during the functioning of the Election Commission under the leadership of Chief Election Commissioner Gyanesh Kumar, a prominent debate also emerged concerning the relationship between the Commission's decisions and the alleged political interests and support of the current Modi Government at the Centre. Opposition leaders and parties—including Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, and the Kakroach Janata Party (KJP)—staged strong protests against these revision exercises and levelled serious allegations that the Election Commission was working in favour of the ruling party. In contrast, the Modi Government at the Centre and the ruling Bharatiya Janata Party (BJP) openly defended Gyanesh Kumar and the actions of the Election Commission, describing the exercise as a necessary measure to ensure electoral integrity. At the same time, a substantial section of the media, commonly referred to in public discourse as “Godi Media,” consistently adopted a position justifying and defending the actions of the Government and the Election Commission amid these controversies.

The research examines these developments on the basis of official records of the Election Commission, judicial orders, political responses, and credible reports, classifying them according to different levels of evidentiary reliability. The central argument of the study is that electoral roll accuracy and the inclusion of eligible citizens are not mutually contradictory objectives. Achieving both requires transparent procedures, reliable verification, reasoned decisions, time-bound appeals, independent review, and publicly verifiable data.

Keywords: Special Intensive Revision, Right to Vote, Election Commission, Gyanesh Kumar, Bihar SIR, West Bengal SIR, Article 324, Article 326, Representation of the People Act, 1950, Natural Justice, Electoral Rolls, Appellate Tribunals, Digital Accountability, Political Opposition, Godi Media.

1. Introduction

The legitimacy of democratic governance is not ensured merely by conducting elections; it is also determined by whether eligible citizens have a genuine opportunity to participate in the electoral process. Article 326 of the Constitution of India provides the foundation for adult suffrage in elections to the Lok Sabha and State Legislative Assemblies. Article 324 entrusts the Election Commission with the constitutional responsibility of superintendence, direction, and control of elections. The combined objective of these provisions is to establish an electoral system in which both the credibility of election administration and citizens' participation are protected.

The electoral roll is an essential and indispensable component of this system. If the names of deceased persons, duplicate entries, or other ineligible persons remain on an electoral roll, its credibility may be undermined. Periodic verification and revision are therefore administratively necessary. However, the procedure adopted to achieve this objective cannot itself be placed beyond legal scrutiny. If the name of a living and eligible citizen is deleted merely because the citizen could not submit an enumeration form within the prescribed period, was unavailable at their residence at a particular time, or had discrepancies in their documents, questions arise as to the extent to which the applicable statutory procedure was followed and whether the available corrective remedies were effective.

The SIR conducted in Bihar in 2025 and the SIR conducted in West Bengal during 2025–2026 provide two important examples for examining this problem. In Bihar, the Supreme Court delivered its decision on 27 May 2026 on petitions challenging the validity of the revision process. In West Bengal, separate judicial proceedings took place concerning the draft roll, the final roll, entries pending adjudication, and the disposal of appeals during the revision process. Thus, the experiences of the two States raise certain common questions, although their procedural circumstances and judicial histories are not identical.

Amid these administrative and judicial developments, the role of the Election Commission under the leadership of Chief Election Commissioner Gyanesh Kumar has remained highly controversial. Serious debates arose in political circles regarding the Commission's decisions and its alleged coordination with the Modi Government at the Centre. While opposition

leaders—including Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, and the Kakroach Janata Party (KJP)—organised strong protests and accused the Commission of acting at the behest of the ruling party, the Bharatiya Janata Party (BJP) and the Central Government openly defended the Commission's decisions. In addition, a section of the mainstream media adopted a position supporting the policies of the Government and the Commission, giving rise to sharp reactions in social and political circles.

The objective of the present research paper is not to advance a predetermined conclusion in favour of or against any political party or constitutional institution. Rather, it seeks to examine how the SIR process can establish a balance among electoral roll accuracy, the democratic rights of eligible citizens, and institutional impartiality.

2. Research Problem, Objectives, and Questions

The central research problem is how a balance should be established among administrative efficiency, statutory eligibility relating to citizenship and residence, natural justice, and the effective inclusion of eligible citizens when the Election Commission undertakes extensive verification and revision of electoral rolls. This problem becomes particularly serious when a large number of entries must be decided simultaneously, documents must be examined, and the prescribed time limit for publication of the final roll must be observed. Furthermore, when the Election Commission's functioning is overshadowed by questions concerning its relationship with the Government and opposition from political parties, the issue of institutional independence also becomes central.

The principal objectives of the research are:

1. To analyse the constitutional and statutory foundations of the SIR.
2. To undertake a comparative review of official data from Bihar and West Bengal.
3. To examine the controversies and judicial interventions that emerged during the revision processes in both States.
4. To undertake a legal assessment of the implications of the alleged closeness between the Commission and the Government, the defence offered by the BJP, and the opposition raised by political parties and leaders, including Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, and the KJP, during the tenure of Chief Election Commissioner Gyanesh Kumar.
5. To critically examine the role of Godi Media.

The principal research questions are whether the powers of the Election Commission under Article 324 were exercised in accordance with the applicable statutory provisions; whether a

sufficient distinction was maintained between failure to submit an enumeration form and actual ineligibility; whether citizens were provided with a genuine opportunity to submit claims, objections, and appeals in accordance with the applicable procedure; whether the time-bound disposal of a large number of pending cases was ensured; and whether the allegations of political bias against the Commission under the leadership of Gyanesh Kumar have any legal basis when examined against institutional evidence.

3. Research Methodology and Limitations of the Study

The present study employs a combination of Doctrinal Legal Research, Comparative Case Study, and Quantitative Documentary Analysis.

The primary sources include the Constitution of India, the Representation of the People Act, 1950, the Registration of Electors Rules, 1960, orders of the Election Commission, press releases issued by the Chief Electoral Officers of Bihar and West Bengal, judgments and orders of the Supreme Court, and official statements and documents relating to protests by political parties and leaders, including Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, the KJP, and the BJP. Secondary sources include reports published by credible legal and news organisations analysing judicial proceedings and media coverage.

In analysing the data, each figure has been considered in relation to its date of publication, the relevant stage of the process, and its original source. A major limitation of this research is that the available consolidated data do not provide complete information regarding the eligibility of every affected individual, the status of their documents, the actual grounds for deletion of their names, or the final outcomes of appeals.

4. Constitutional and Statutory Framework

4.1 Article 324 of the Constitution and Institutional Independence

Article 324 grants the Election Commission constitutional powers relating to the superintendence, direction, and control of elections. In *Mohinder Singh Gill v. Chief Election Commissioner*, the Supreme Court recognised the Commission's extensive role in the conduct of the electoral process. Nevertheless, these powers do not mean that the Commission may function independently of parliamentary legislation or the constitutional principles of fairness. After Gyanesh Kumar assumed office as Chief Election Commissioner on 19 February 2025, debates intensified regarding whether the Commission was coordinating its policies with the Modi Government at the Centre in conducting extensive exercises such as the SIR. Following

the Supreme Court's decision upholding the validity of the Bihar SIR on 27 May 2026, Government-supporting groups described the decision as an institutional victory, whereas critics interpreted it as the outcome of increasingly close coordination between the executive and the Election Commission.

4.2 Article 326 of the Constitution and the Nature of the Right to Vote

Article 326 provides for elections to the Lok Sabha and State Legislative Assemblies on the basis of adult suffrage. In decisions such as *Jyoti Basu v. Debi Ghosal* and *People's Union for Civil Liberties v. Union of India*, the courts considered the relationship between the voter's expression and the choice exercised through voting.

Accordingly, the wrongful deletion of an eligible voter's name is not merely an administrative error in a record; it directly affects the citizen's democratic rights. When names are deleted on a large scale and political parties and leaders such as Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, and the Kakroach Janata Party (KJP) take to the streets to protest, it becomes evident that the question of voting rights has emerged as not merely a legal issue but also a matter of profound political and social concern.

4.3 Representation of the People Act, 1950

Section 21 of the Representation of the People Act, 1950, deals with the preparation and revision of electoral rolls. Section 21(3) provides a relevant statutory basis for special revision in particular circumstances. Although these statutory provisions empower the Election Commission to act, the exercise of such powers must necessarily be fair and transparent.

5. Bihar SIR, 2025: Procedure, Data, and Legal Questions

5.1 Analysis of Official Data

According to information published by the Election Commission and the Press Information Bureau of the Government of India, approximately 7.89 crore electors were registered in Bihar on 24 June 2025. The draft electoral roll published on 1 August 2025 included approximately 7.24 crore electors. According to the Commission, approximately 65 lakh names were reduced from the draft roll. The final electoral roll published on 30 September 2025 recorded approximately 7.42 crore electors.

5.2 The Supreme Court's Decision of 27 May 2026 and Political Reactions

In *Association for Democratic Reforms v. Election Commission of India*, the Supreme Court upheld the validity of the Bihar SIR on 27 May 2026. Following the decision, the Modi Government at the Centre and the Bharatiya Janata Party (BJP) strongly welcomed it and described it as a victory for the reform-oriented measures undertaken by the Election Commission.

In contrast, opposition parties—particularly Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, and the Kakroach Janata Party (KJP)—alleged that, under the cover of the judicial decision, the administrative machinery had been misused to delete the names of poor voters and voters supporting the opposition. A section of the media, referred to as Godi Media, continuously sought to promote the narrative that the actions of the Election Commission and the Government were entirely error-free and in the national interest, thereby contributing to public distrust regarding institutional impartiality.

6. West Bengal SIR, 2025–2026: Official Data and Procedural Questions

6.1 Initial Electoral Figures and the Draft Roll

According to the press release issued by the Chief Electoral Officer of West Bengal on 28 February 2026, a total of 7,66,37,529 electors were recorded in the State's electoral roll as of 27 October 2025. The draft roll published on 16 December 2025 recorded a total of 7,08,16,630 electors. The difference between the initial roll and the draft roll was approximately 58.21 lakh.

6.2 Final Electoral Roll and Cases Pending Adjudication

According to the press release issued by the Chief Electoral Officer of West Bengal on 28 February 2026, the final electoral roll recorded 6,44,52,609 electors. The press release also reported that 60,06,675 cases were pending adjudication. The pendency of such a large number of cases raises serious questions regarding administrative capacity.

6.3 Judicial Intervention and Political-Media Conflict in West Bengal

In *Mostari Banu v. Election Commission of India*, the Supreme Court, through its orders in February 2026, directed the disposal of claims made by individuals placed in the “logical discrepancy/unmapped category.” During this process, West Bengal Chief Minister Mamata Banerjee, along with Rahul Gandhi, Sanjay Singh, Arvind Kejriwal, and leaders of the

Kakroach Janata Party (KJP), openly accused the Election Commission of being operated by the Gyanesh Kumar Commission in accordance with the directions of the Modi Government at the Centre, with the objective of deleting opposition votes in Bengal.

On the other hand, spokespersons of the Modi Government and the BJP strongly defended every step taken by the Election Commission, arguing that the removal of infiltrators and fraudulent voters was necessary for national security. Throughout this episode, the role of Godi Media was highly partisan; these media organisations broadcast the Election Commission's figures without any critical scrutiny and attempted to portray anti-Government protests as anti-national activities or political stunts.

6.4 Pendency of Appeals and Failure of the Digital Portal

According to reports published in September 2026, the Election Commission informed the Supreme Court that 38,20,683 appeals had been filed in connection with the West Bengal SIR, of which only 1,02,231 had been disposed of, leaving 37,18,452 appeals pending. Furthermore, in October 2026, judges serving on the tribunals highlighted serious functional difficulties with the Election Commission's digital portal, which substantially obstructed the issuance of notices and the restoration of names.

Despite these administrative failures, the Government and Godi Media attempted to portray the situation as normal and satisfactory, whereas opposition parties and leaders, including Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, and the KJP, described it as a planned conspiracy against democracy.

7. Comparative Legal Analysis of Bihar and West Bengal

Large-scale administrative action was undertaken in Bihar and West Bengal in the name of ensuring electoral roll accuracy through the SIR. In Bihar, the Supreme Court's decision provided judicial approval to the process, whereas in West Bengal, more than 60 lakh cases pending adjudication and more than 37 lakh pending appeals exposed a situation in which administrative and judicial systems were under severe strain.

This comparative study demonstrates that, while the Government and the BJP applauded the Commission under the leadership of Gyanesh Kumar and Godi Media presented the administrative campaign as a historic success, ordinary citizens, affected voters, and opposition groups experienced the process as one in which procedural complexities and digital obstacles were allegedly being used to undermine citizens' voting rights.

8. The Role of the Election Commission, Gyanesh Kumar, and Institutional Accountability

According to the official website of the Election Commission of India, Gyanesh Kumar assumed office as the 26th Chief Election Commissioner of India on 19 February 2025. During his tenure, serious questions were raised regarding the neutrality of the Commission in connection with the Special Intensive Revision (SIR).

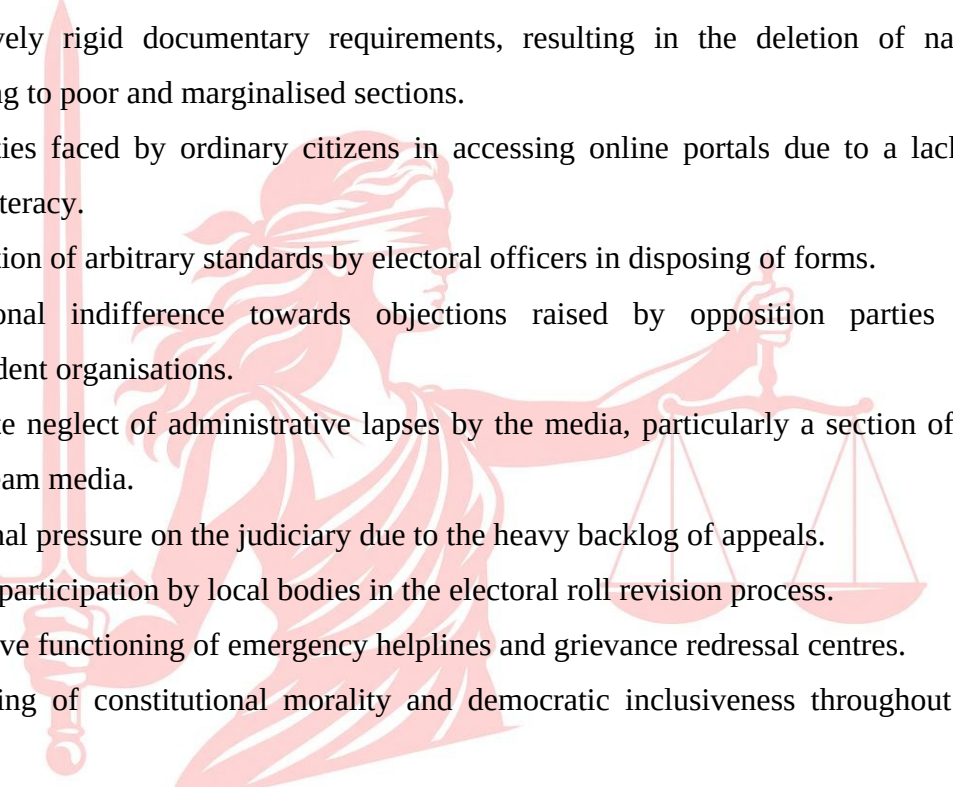
In conclusion, an analysis of the functioning of the Election Commission under the leadership of Gyanesh Kumar makes it clear that, instead of discharging its constitutional independence, the Commission demonstrated excessive alignment and cooperation with the political agenda and interests of the Modi Government at the Centre. While the Modi Government and the BJP acted as a shield to defend the Commission against its errors and administrative failures—such as the pendency of lakhs of appeals in West Bengal and the failure of digital portals—Godi Media constructed a narrative that these actions were essential for national security and fair elections. In opposition to these developments, political parties and leaders such as Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, and the Kakroach Janata Party (KJP) took to the streets to register strong protests.

9. Technical Verification, Data Transparency, and Natural Justice

Technology-based voter verification and the use of digital platforms such as ECINET should have promoted administrative transparency. However, in Bihar and West Bengal, the use of these systems was perceived as a means of complicating the process and restricting citizens' rights. When names were deleted without adequate notice, in disregard of the principles of natural justice, citizens faced considerable difficulties.

10. Major Legal and Administrative Deficiencies

- Widespread administrative errors in the distribution and collection of enumeration forms.
- Failure to adjudicate more than 60 lakh cases in West Bengal within the prescribed time.
- Approximately 37.18 lakh appeals remaining pending as of September 2026.
- Technical failures of the digital portal, which prevented tribunals from restoring names effectively.
- Excessive inclination of the Election Commission towards the executive, particularly the Modi Government, and the erosion of institutional independence.

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- Failure to provide citizens with adequate and effective opportunities for hearings.
 - Issuance of arbitrary and unilateral deletion orders in various districts.
 - Severe shortages of basic facilities and personnel in appellate tribunals.
 - Clear discrepancies in the initial and final electoral figures and a lack of transparency.
 - Disregard for the principles of natural justice due to political pressure and administrative haste.
 - Inadequate information and communication facilities in rural and remote areas.
 - Excessively rigid documentary requirements, resulting in the deletion of names belonging to poor and marginalised sections.
 - Difficulties faced by ordinary citizens in accessing online portals due to a lack of digital literacy.
 - Application of arbitrary standards by electoral officers in disposing of forms.
 - Institutional indifference towards objections raised by opposition parties and independent organisations.
 - Complete neglect of administrative lapses by the media, particularly a section of the mainstream media.
 - Additional pressure on the judiciary due to the heavy backlog of appeals.
 - Lack of participation by local bodies in the electoral roll revision process.
 - Ineffective functioning of emergency helplines and grievance redressal centres.
 - Weakening of constitutional morality and democratic inclusiveness throughout the process.

11. Legal and Policy Recommendations

- The Election Commission should re-establish its independence and neutrality so that it can function free from pressure from any Government.
- Independent technical audits of digital portals should be made mandatory to ensure that judicial proceedings are not obstructed.
- Appellate tribunals should be provided with adequate resources and time-bound procedures to ensure the speedy disposal of pending appeals.
- Data transparency should be enhanced by publicly disclosing the precise reasons for deletion of names.
- Written and reasoned notice should be made mandatory before deleting the name of any affected citizen.

- Special camps should be organised in rural and disadvantaged areas to facilitate the disposal of claims and objections.
- An independent high-level institution should be established to review the decisions of the Election Commission.
- Offline services should remain fully operational alongside digital services so that technical failures do not result in the loss of rights.
- Regular dialogue and transparent consultation processes should be adopted with representatives of political parties and civil society.
- Flexibility should be introduced into voter verification rules so that names are not deleted on the basis of minor documentary discrepancies.

12. Conclusion

This comparative legal study of the SIR in Bihar and West Bengal concludes that the administrative objective of ensuring electoral roll accuracy cannot be achieved at the cost of violating the fundamental voting rights of eligible citizens. The processes underlying the final electoral figures of 7.42 crore in Bihar and 6.44 crore in West Bengal have raised several serious legal questions.

The functioning of the Election Commission under the leadership of Chief Election Commissioner Gyanesh Kumar has clearly highlighted that the Commission operated in close coordination with the Modi Government at the Centre, receiving full support from the Government and the BJP, while Godi Media acted as a shield for the Government throughout the episode. In contrast, the strong protests organised by Rahul Gandhi, Sanjay Singh, Mamata Banerjee, Arvind Kejriwal, and the Kakroach Janata Party (KJP) demonstrate that a substantial political and social section of the country has expressed serious doubts about the impartiality of the Election Commission. Ultimately, the damage to the credibility of a constitutionally independent institution caused by the errors of the Election Commission under Gyanesh Kumar, administrative lapses, the massive backlog of appeals, and digital failures constitutes a serious concern for the future of Indian democracy.

REFERENCES

A. Constitutional and Statutory Sources

1. INDIA CONST. arts. 324, 326, 327, 329.
2. Representation of the People Act, No. 43 of 1950, §§ 16, 21–24, INDIA CODE (1950).
3. Representation of the People Act, No. 43 of 1951, INDIA CODE (1951).
4. Registration of Electors Rules, 1960, rr. 20–22, GAZETTE OF INDIA (1960).

B. Supreme Court Judgments and Orders

5. Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405 (India).
6. Jyoti Basu v. Debi Ghosal, (1982) 1 SCC 691 (India).
7. People's Union for Civil Liberties v. Union of India, (2013) 10 SCC 1 (India).
8. Association for Democratic Reforms v. Election Commission of India, W.P. (C) No. 640 of 2025 & connected matters, 2026 INSC 564 (Supreme Court of India May 27, 2026).
9. Mostari Banu v. Election Commission of India, W.P. (C) No. 1089 of 2025 & connected matters (Supreme Court of India Feb. 20, 2026).

C. Election Commission and Government Sources

10. Election Commission of India, Instructions for Special Intensive Revision of Electoral Rolls in Bihar (June 24, 2025).
11. Press Information Bureau, Government of India, ECI to Begin Special Intensive Revision of Electoral Rolls in Bihar (June 24, 2025).
12. Press Information Bureau, Government of India, Special Intensive Revision (SIR) of Electoral Rolls in Bihar Successfully Completed (Sept. 30, 2025).
13. Chief Electoral Officer, West Bengal, Press Note No. CEO/PN-05/2026 (Feb. 28, 2026), "Official Press Note" (https://ceowestbengal.wb.gov.in/Downloads/News/Final%20Press%20Note%20CEO-PN-05-2026.pdf?utm_source=chatgpt.com).
14. Election Commission of India, Officers Directory: Chief Election Commissioner and Election Commissioners (last visited Oct. 22, 2026).

D. Contemporary Legal, Political, and Media Reports

15. Damini Nath, Missing in Election Commission Affidavit: Break-up of Bengal SIR Appeals for Inclusion, Exclusion of Names, THE INDIAN EXPRESS (Sept. 18, 2026), "Original News Report" (<https://indianexpress.com/article/political-pulse/west-bengal-sir->

voter-deletion-supreme-court-appeal-election-commission-affidavit-10882799/?utm_source=chatgpt.com).

16. On Bengal Voter List, Supreme Court Asks for Break-up of Appeals Before Tribunals, THE INDIAN EXPRESS (Aug. 26, 2026).

17. Damini Nath & Atri Mitra, Dozen Bengal Tribunal Judges Flag EC Portal: “Can’t Restore Deleted Voters”, THE INDIAN EXPRESS (Oct. 6, 2026), "Original News Report" (https://indianexpress.com/article/india/bengal-sir-tribunals-election-commission-portal-issues-deleted-voters-10908185/lite/?utm_source=chatgpt.com).

18. West Bengal SIR: SC Notes Disposal of Over 47 Lakh Objections, SUPREME COURT OBSERVER (Apr. 1, 2026).

19. Election Commission of India, ECINET Digital Platform Launched at IICDEM-2026 (Jan. 22, 2026).

