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Election Roll Purges and Voter Disenfranchisement in India: Constitutional Rights, Due Process, and Inclusion in Bihar's 2025 Special Intensive Revision

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Abstract

Since the 2025 Special Intensive Revision (SIR) of the Bihar electoral records, which purportedly led to the removal of roughly 65 lakh names, there have been contentious debates concerning voter disenfranchisement and constitutional faithfulness. The roll-cleaning exercise, which was justified by the Election Commission of India as a necessary accuracy measure, specifically violates the rights of the franchise under Article 326, equality under Article 14, and procedural fairness implicated by the constitutional ethos of Article 21.[1] By examining institutional conduct, contested political and media narratives (including high-profile incidents like the Tejashwi Yadav's name controversy[2]), and doctrinal legal analysis of statutory prescriptions, the study places Bihar's SIR within larger conflicts between electoral integrity and exclusion.

Keywords: Electoral Roll Revision, Voter Disenfranchisement, Special Intensive Revision Bihar 2025, Representation of the People Act 1950, Registration of Electors Rules 1960.

Introduction

Electoral rolls are the foundational registry of democratic participation; their accuracy underpins both the legitimacy and inclusiveness of representative elections. In June 2025, the Election Commission of India initiated a Special Intensive Revision (SIR) of electoral rolls in Bihar, ostensibly aimed at purging duplicate, deceased, and ineligible entries to "clean" the voters' list ahead of impending assembly elections[3]. The exercise, however, quickly became controversial after reports surfaced that nearly 65 lakh names had been removed, and political leaders including the opposition claimed that legitimate voters were being excluded, igniting debates on procedural fairness and institutional overreach. High-profile incidents such as the allegation by RJD leader Tejashwi Yadav that his name had been omitted, later rebutted by the Commission with documentary proof, further amplified public skepticism and politicized the revision process[4]. Concurrently, a writ petition challenging the SIR reached the Supreme Court, invoking Articles 14, 21, 325, and 326, thereby elevating the controversy from administrative adjustment to constitutional scrutiny. With over 7.24 crore enumeration forms submitted, the SIR exercise attracted a large number of participants. However, it also caused controversy when approximately 65 lakh names or 8.3% of the total electorate were removed from the draft roll, including approximately 22 lakh names marked as deceased and others flagged as untraceable or mobile[5].

Literature Review

A recurring conflict between accuracy (clean-up) and inclusiveness (preventing disenfranchisement) is revealed by research on electoral roll management[6]. Research conducted domestically and internationally (such as models from the USA, Canada, and Australia) demonstrates that aggressive purging without strong notice, verification, and restoration mechanisms runs the risk of excluding populations that are mobile, marginalized, or have inadequate documentation, especially internal migrants whose residence is unpredictable. Theoretical research on disenfranchisement makes a distinction between procedural errors that unintentionally or carelessly lead to exclusion and structural mechanisms that routinely deny groups representation; the latter becomes particularly severe when exacerbated by information asymmetries, unclear criteria, or inaccessible channels for objection[7].

In activities affecting core participatory rights, administrative law literature highlights the importance of due process: legitimacy requires fair notice, an opportunity to be heard, transparent standards, and efficient grievance redressal. Concurrent studies on politicized voter list disputes highlight the ways in which institutional communications and public narratives particularly those spread by well-known political figures interact to influence views of electoral justice and confidence. Lastly, normative discussions question whether roll clean-ups, even when done with good intentions, can limit participation by creating "electoral insecurity" when they lack observable protections.

Legal and Constitutional Framework

With some constitutional limitations and a requirement for universal adult suffrage, Article 326 of the Indian Constitution ensures the right to vote. Election Commission of India authority to oversee free and fair elections, including maintaining electoral rolls, is granted by Article 324. The Registration of Electors Rules, 1960, operationalized the Representation of the People Act, 1950/1951, which established the procedural architecture for roll revision. This design stresses non-arbitrary application and outlines the procedures for inclusion, deletion, and objection (Forms 6/7). Among the contested constitutional protections are:

The Supreme Court has interpreted the overarching doctrine of free and fair elections as inherent to the constitutional scheme, citing institutional legitimacy and procedural propriety. (i) Article 14 (equality before the law), which requires rational and non-discriminatory exercises in removal or retention; (ii) the embedded due-process sensibility drawn from Article 21 jurisprudence, which demands that administrative action affecting fundamental participatory rights be fair, transparent, and accompanied by effective remedies. Roll revision exercise challenges must therefore be evaluated not only for legislative compliance but also for whether the cumulative process upholds the principle of enfranchisement.

Case Study: The 2025 Bihar SIR and Its Controversies

The Bihar SIR was launched by the ECI on June 24, 2025, with July 1, 2025, as the qualifying date[8]. Ensuring accurate election rolls by identifying and eliminating ineligible entries was the declared goal[9]. However, rumours soon surfaced claiming that more over 65 lakh names were being removed, leading opposition parties to accuse the government of wholesale exclusion. In a public statement, Tejashwi Yadav claimed that his name was missing from the draft roll[10].

The Election Commission denied the allegation, provided proof of his correct entry, and even attempted to look into a supposedly dubious EPIC he had, which sparked even more political backlash. At the same time, petitioners and civil society actors challenged the SIR's procedural foundation, transparency, and constitutionality before the Supreme Court, including through a writ under Article 32. While permitting the modification to proceed, the Court indicated that it would step in if mass exclusion without cause occurred and instructed that documents such as Aadhaar be taken into consideration for inclusion in order to lessen arbitrary disqualifications. The Commission defended the exercise as a necessary "clean-up" with channels for claims and objections, while others portrayed it as missing constitutional foundation and vulnerable to discriminatory consequences. These opposing narratives were thus present in the public conversation.

Constitutional Rights Analysis: Disenfranchisement Risk and Infringement

Serious questions concerning effective disenfranchisement are raised by the size and opacity of deletions made during the SIR. Article 326 may be implicated in the de facto denial of the right to vote if a person's name is removed, particularly if they are an internal immigrant, have a temporary or moving address, or are not well-informed about the objection procedures[11]. Erasures violate Article 14's ban on arbitrariness if they take place without consistent guidelines or disproportionately impact particular socioeconomic groups. Additionally, the procedural fairness feature (derived from Article 21) is damaged if notice, the ability to contest, and the clarity of criteria are insufficient or unevenly accessible, so violating the participatory right in substance even if it is not technically extinguished. Judicial recognition of the fine line between constitutional overreach and permissible amendment is seen in the Supreme Court's declared willingness to intervene if mass exclusion takes place and its directive to expand the scope of acceptable documentary proof (such as Aadhaar[12]). Even though the ECI presents its actions as corrective and allows for challenges, there is a chance that eligible voters will be effectively excluded in the absence of clear audit trails, prompt reinstatement, and information on who was removed and why. Therefore, if the systemic design and implementation are not verified, there is a strong likelihood that they may violate voters' rights, even if not every deletion amounts to a constitutional infringement.

Protecting the Voters: Comprehensive Democratic Practices, Due Process, and Constitutional Autonomy in Bihar's 2025 Special Intensive Revision

With the successful completion of the Special Intensive Revision (SIR) in Bihar ahead of the upcoming assembly elections, the Election Commission of India (ECI) has once again shown its institutional strength. Credible electoral rolls are the cornerstone of conducting free and fair elections. The final electoral roll was published on October 1st, following the revision process, which showed a notable net increase in electors. With the removal of more than 3.66 lakh invalid electors and the addition of nearly 21.53 lakh new electors, the final roll had 7.42 crore electors as opposed to the draft roll's 7.24 crore. This outcome demonstrates the breadth of the Commission's work and the meticulous methods it employed to ensure that no eligible voter was missed.

Transparency and Political Insights

The Bihar revision process had issues. Despite attempts by political forces to cast doubt on the exercise's objectivity, the Commission's daily announcements throughout August acted as a strong check, encouraging transparency and accountability. The Congress party sent out more than 17,500 booth-level agents, but they did not raise any objections or make any claims. Given that these bulletins documented the number of claims and objections filed against the draft rolls, this was an especially noteworthy event. In addition to over 1.6 lakh booth-level agents from both national and regional parties, booth-level officials also took part. Their involvement ensured cooperative process oversight and significantly reduced the likelihood of inadvertent exclusion.

The role of the ERO and procedural safeguards

The Electoral Registration Officer (ERO), who has the authority to start suo motu inclusions under Rule 21 of the Registration of Electors Rules, 1960, is a crucial procedural safeguard. This system guarantees that people who are inadvertently left off of the electoral rolls will not lose their right to vote. After identifying any omissions by cross-referencing enumeration slips and current rolls, the proposed inclusions are made public and comments are invited. Hearings are held prior to finalization in the event that objections are raised. Booth-level agents' participation at this point enhances accountability by guaranteeing that additions and removals are equitable and open to community-level review.

Participation of Citizens through Objections and Claims

The legal framework that directly empowers citizens is equally significant. Forms like Form 6 with Declaration, Form 7, and Form 6 are essential tools for participatory democracy. People can apply to be included, have their names corrected, or have their names removed if they are ineligible. Giving citizens a direct say in how accurate voter lists are is important, as demonstrated by the Bihar revision, which saw a net increase of about 18 lakh voters to the final rolls.

Migration and the Need for Revision

It is impossible to comprehend the relevance of SIR in Bihar without considering the socioeconomic realities of the state. Over the past few decades, millions of people from Bihar have left the state in search of better educational, career, and living conditions elsewhere in India. Since many of these people are now registered voters in their new communities, it is important to make updates regularly. This helps remove outdated entries and reflect the area's demographics. The ECI addressed the issues of preventing duplicate registrations and ensuring that people still living in Bihar are properly registered by conducting a thorough review. Overall, this effort highlights the growing need for a national SIR that can address the larger issue of interstate migration and its impact on elections.

Bihar's SIR and Reservation Policies Under Judicial Review

The Supreme Court has been closely monitoring the Bihar Special Intensive Revision. This attention follows several petitions submitted by political leaders and civil society groups. The Court is exercising judicial control alongside administrative oversight. According to these petitions, widespread deletions and amendments could result in voter disenfranchisement,

casting doubt on the Election Commission of India's (ECI) methodology. On October 7, 2025, the Court will have its last hearing to decide whether the SIR procedure complied with due process and constitutional protections.

Notably, in September 2025, the Court issued a warning that if illegality or arbitrariness were shown, the entire SIR process may be revoked. A precedent for the integrity of electoral records throughout India was established when it was made clear that the verdict would not only apply to Bihar but would also apply throughout the country. In order to need a higher level of transparency, the Court already ordered in August that the ECI disclose the identities of about 65 lakh voters who had their names removed from the draft rolls along with the reasons why. By ordering the ECI to accept Aadhaar and eleven other evidence for voter inclusion, the Court further expanded the list of permissible identity documents, emphasizing that Aadhaar is not proof of citizenship. The Court acknowledged the Commission's constitutional mandate and declined to stop the SIR in July 2025, but it voiced grave concerns about the exercise's scheduling so near to elections. Together, these guidelines emphasize the judiciary's function in upholding accountability, openness, and constitutional integrity in election procedures while striking a balance between the ECI's independence and people' fundamental rights.

These interventions align with the ideas from earlier constitutional cases. The Court stressed that Article 324 gives the ECI full power to ensure free and fair elections, even when legislation is unclear, in *Mohinder Singh Gill v. Chief Election Commissioner (1978)*[13]. The Court also required fairness in the electoral process in *People's Union for Civil Liberties v. Union of India (2003)*[14], pointing out that the right to vote, although a legal right, is closely linked to constitutional protections of equality and freedom of expression. Taken together, these examples show that while the ECI has broad discretion, its decisions must pass court review when there are claims of exclusion or unfairness.

Conclusion

The 2025 Special Intensive Revision in Bihar focuses on the integrity of the electoral roll. It operates in a complicated constitutional setting. Here, widespread deletions, politicized narratives, and unclear procedures create a sense of real disenfranchisement. To make changes that affect voting rights, we need to consider clear criteria, fair application, easy remedies, and transparent public information, as outlined in the constitutional framework. The current instance highlights the necessity of judicial scrutiny, institutional change (including real-time auditability and inclusive documentation acceptance), and proactive outreach to vulnerable electorates, especially in light of the reported scale of removals and the contentious implementation. Safeguards that keep innocent people from becoming collateral damage in administrative purges are necessary to balance the goals of protecting the right to vote and clearing the rolls.

An important example of the Election Commission of India's (ECI) institutional autonomy, procedural rigor, and dedication to inclusive democracy is the Special Intensive Revision (SIR) of the Bihar electoral rolls in 2025. The process, which resulted in the release of the final electoral roll with 7.42 crore voters, demonstrated careful administrative preparation as well as a thorough interaction with the public. The fact that 3.66 lakh ineligible entries were removed

and over 21 lakh new electors were added underscores the dual goals of inclusion and error reduction. More than 1.6 lakh agents and officials working at the booth level were involved, ensuring that political monitoring complimented administrative vigilance and kept the process open and inclusive. By guaranteeing procedural fairness and reducing unintentional exclusions, the statutory methods made available to electors through Form 6, Form 6+Declaration, and Form 7 enabled citizens to directly affect the accuracy of rolls[15].

The socioeconomic background of Bihar gives the correction even more relevance. Millions of residents are registered to vote in other states due to decades of out-migration from the state. To avoid duplicate registrations, reflect current demographic realities, and ensure that only qualified residents take part in the electoral process, periodic updates—like the SIR—are crucial. The ECI successfully struck a compromise between administrative viability and the need for inclusion by enforcing rigorous house-to-house verification and cross-checking with pre-existing enumeration slips, illustrating how localized tactics can improve the integrity of voter lists.

Judicial control was also applied to the 2025 SIR, as the Supreme Court kept a close eye on cases contesting the procedure and the contentious hike in reserve quotas. The judiciary's role in guaranteeing constitutional compliance is reflected in the Court's directives, which include accepting Aadhaar[16] and eleven other identity documents, publishing 65 lakh voter deletions along with their justifications, and issuing strong warnings that the exercise may be cancelled if illegality is discovered. The principles set forth in Mohinder Singh Gill v. Chief Election Commissioner and People's Union for Civil Liberties v. Union of India are echoed in these interventions, which stress that although the ECI has plenary powers under Article 324[17], these powers must be used in a way that respects due process, transparency, and the rights of citizens. As a result, judicial review acts as an essential check on power, strengthening accountability without compromising institutional autonomy.

In the end, the Bihar SIR shows that electoral integrity has many layers. Constitutional oversight, careful administration, citizen involvement, and accurate voter lists all work together to uphold the legitimacy and inclusiveness of democracy. This program sets a benchmark for national updates, especially for election records and handling interstate migration. It highlights that fairness, transparency, and protecting basic rights matter as much to election integrity as the numbers. The lessons from Bihar's SIR remind us that the ECI remains a strong protector of Indian democracy, especially with firm judicial oversight. The process demonstrates how India’s electoral system can safeguard the right to vote, while ensuring the validity, accuracy, and cleanliness of elections through strict administrative procedures, constitutional protections, and active citizen participation.

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