

**IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO. 640 OF 2025**

**IN THE MATTER OF:**

ASSOCIATION FOR DEMOCRATIC REFORMS & ORS.      ...PETITIONERS

VERSUS

ELECTION COMMISSION OF INDIA                                      ....RESPONDENT

**VOLUME I.1**

**WRITTEN SUBMISSIONS**

**ON BEHALF OF THE PETITIONERS/APPLICANTS**

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IN THE SUPREME COURT OF INDIA  
(CIVIL ORIGINAL JURISDICTION)  
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

WRIT PETITION (CIVIL) NO. 630 OF 2025

IN THE MATTER OF:

PROF. MANOJ KUMAR JHA

...PETITIONER

VERSUS

ELECTION COMMISSION OF INDIA & ANR.

...RESPONDENTS

**WRITTEN SUBMISSIONS ON BEHALF OF MR. KAPIL SIBAL**  
**(SENIOR ADVOCATE)**

**I. INTRODUCTION**

1. The present writ petition challenges the legality and constitutionality of the Order dated 24-06-2025 ("ECO") passed by the Election Commission of India ("Respondent No.1" or "ECI") directing Special Intensive Revision ("SIR") of electoral rolls in the State of Bihar, where Assembly elections are scheduled in October – November 2025.

**II. DEMOGRAPHIC AND SOCIO-ECONOMIC LANDSCAPE OF BIHAR**

2. Demographic and Socio-economic Landscape of Bihar: -
  - 2.1 Bihar is the third most populous State in the country with a population of 13.43 crores<sup>1</sup>.
  - 2.2 It has the lowest literacy rate in the country, with 61.8% literate population as compared to the national average of 72.98% according to the census of 2011<sup>2</sup>.
  - 2.3 The lowest per capita income in India is also recorded in Bihar, accounting for 30% of the national per capita income in 2021-22<sup>3</sup>.
  - 2.4 88% of the population resides in rural areas<sup>4</sup>.

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<sup>1</sup> Project population in 2025 as per <https://www.census2011.co.in/census/state/bihar.html>

<sup>2</sup>[https://mospi.gov.in/sites/default/files/reports\\_and\\_publication/statistical\\_publication/social\\_statistics/WM16Chapter3.pdf](https://mospi.gov.in/sites/default/files/reports_and_publication/statistical_publication/social_statistics/WM16Chapter3.pdf)

<sup>3</sup> 30 per cent of the national per capita income as per 2021-22.

<https://niti.gov.in/sites/default/files/2025-03/Summary-Report-Bihar.pdf>

Rs. 49,470 per capita net state domestic product at current prices; Rs. 30,779 per capita net state domestic product at constant prices,

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1942055>

<sup>4</sup> Ibid

2.5 Bihar is also home to 2.9 crore migrant workers, the highest in the country, registered on the E- Shram Portal<sup>5</sup>.

2.6 The SIR is scheduled during the **monsoon season**, when **28 of 38 districts** suffer annual floods, rendering the exercise logistically unviable.

"Flood in Bihar is an annual phenomenon that occurs during the monsoon season. As such, 73.63% of the geographical area of North Bihar is considered to be prone to floods. Out of 38 districts, 28 districts get flooded (of which 15 districts are worst affected)"<sup>6</sup>.

"Annual flooding in Bihar accounts for about 30-40% of the flood damages in India; 22.1% of the total flood affected population in India is reported to be located within the state of Bihar"<sup>7</sup>.

This year, floods have already started wreaking havoc in the State. Because of heavy rainfall in Nepal, rivers in Bihar have crossed danger marks and floodwaters have entered villages and disrupted daily life in several villages in Munger. Dozens of villages in districts of Hajipur, Begusarai, Chhapra, Munger, Gaya, Jehanabad, Banka and Nalanda have been cut off. [*@Rejoinder Affidavit filed by the Petitioner*]

### III. ELECTORAL ROLL HISTORY AND PRESENT EXERCISE

3. It is also important to note that: -

3.1 The last Intensive Revision of electoral rolls in Bihar was done in the year 2003.

3.2 The existing roll has since undergone summary revisions and was last published on 06-01-2025 [*@Para 13 of ECO*] and have since been continuously updated.

3.3 As per the ECI press note dated 28-06-2025, names of 4.96 crore electors were included in the Electoral Roll as on 01-01-2003 when the last SIR was done and as on 24-06-2025, there are 7,89,69,844 [approx. 7.9 crore] registered voters in the electoral roll.

4. However, the present exercise is unprecedented and legally flawed and has been announced **four months** before the scheduled Assembly elections and **six months** after the last summary revision. It requires every elector to fill

<sup>5</sup> <https://eshram.gov.in/dashboard>

<sup>6</sup> <http://bsdma.org/Know-Your-Risk.aspx?id=3> Bihar State Disaster Management Authority website.

<sup>7</sup> <https://nalanda.nic.in/en/disaster-management/>

out and submit an Enumeration Form and furnish documents **as proof of his citizenship.**

5. A press release of the ECI dated 28-06-2025 and 30-06-2025 has clarified that the electors whose names were already included in the 2003 roll [4.96 crore] will have to submit only a filled-up Enumeration Form without any documents, along with the receipt of their name in the Electoral Roll of the year 2003.
6. Another press release was issued by the ECI on 12-07-2025 that permitted the electors to furnish documents in the claim and objection period.
7. A conjoint reading of the ECO and the press release by ECI has the following effect:-
  - 7.1 All the Electors (approx. 8 crores) are required to submit Enumeration Form within 4 weeks (25-06-2025 to 26-07-2025). Electors in the 2003 SIR [4.96 Cr] are exempted from furnishing documents but they still have to submit Enumeration form, along with the receipt of their name in the Electoral Roll of the year 2003.
  - 7.2 A person whose name was in the existing electoral roll (06-01-2025) [out of the 7.9 crore], and who did not submit the enumeration form for any reason, his name will not be included in the draft roll, and he will be automatically excluded.
  - 7.3 A small window is available to the persons mentioned in the above paragraph (7.2) to submit Form 6 (fresh voter registration) and Declaration (including documents) in the claim and objections period.
  - 7.4 The exemption from filing documents provided to persons who are in the 2003 SIR, in practice applies to persons who are eligible to vote as on 01-01-2003 i.e. born before 31-12-1984. Hence, any person who is born after 1-1-1985 will still be required to furnish the documents mentioned in the ECO.
  - 7.5 A person who was born before 1985 but whose name was not included in the 2003 list is not exempted from furnishing documents and has to submit Form 6 and a Declaration Form.
  - 7.6 A person born between 31-12-1984 to 01-07-1987 has to furnish documents establishing his date of birth and/or place of birth.

- 7.7 A person born between 01-07-1987 to 02-12-2004 has to furnish documents establishing his date of birth and one of the parents.
- 7.8 A person born after 02-12-2004 and eligible to vote has to furnish documents establishing his date of birth and also of both the parents.
- 7.9 Even if a person E-files the form and uploads the documents, he still has to be available to get the documents verified during the house visit of the Booth Level Officer ("BLO").
8. The ground reports in prominent newspapers and expose's by award winning journalists in news portals have revealed widespread and systemic irregularities in the preparation of the draft electoral rolls. There are countless instances where electors have complained that the BLO did not visit their house or neighborhood, forms were not given in duplicate, no acknowledgment forms given on submission of forms, photos not taken, BLOs forging their signatures on forms and uploading them without them having submitted the form etc. These widespread and systemic irregularities have defeated the purity of the draft electoral rolls and will undermine the integrity of the electoral process. [*@Rejoinder Affidavit filed by the Petitioner in the present matter*]

#### **IV. OUTCOME OF PHASE I OF THE EXERCISE**

9. On 26-07-2025, the first phase of the process was completed, and the draft rolls were published on 1-08-2025. As per the ECI press release-  
Out of 7,89,69,844 Cr Electors as on 24-06-2025 –
- 9.1 7,24,05,756 Cr Electors furnished their forms;
- 9.2 22,34,501 electors were dead;
- 9.3 36,28,210 electors permanently shifted/absent;
- 9.4 7,01,364 electors were already enrolled.
- [9.2+9.3+9.4 =. 65,64,075 voters have been deleted from the existing rolls]

The EC press release dated 25-07-2025 records that 1.2 L voters did not submit their form.

Please note that the names of these 1.2 L voters have not been included in the draft roll only on the ground of non -submission of the form.

10. Additionally, as per the ECO, a person's name in the draft roll does not guarantee his inclusion in the final list as the form and documents are subject to scrutiny by the BLO and AERO. It is submitted that the number of actual final deletions will be significantly higher as most of the electors have submitted their forms without documents and will not be included in final electoral list.

**A. REVISION OF THE ELECTORAL ROLL CANNOT BE CONVERTED INTO A CITIZENSHIP DETERMINATION EXERCISE. EC HAS NO POWER TO CONDUCT INTENSIVE REVISION IN THIS MANNER**

11. Though the present exercise is being conducted in Bihar, the EC in its ECO has stated that the intensive revision of electoral roll will be conducted in the entire country and the schedule for it will be announced soon. The process of intensive revision for the country will also be in the same format.

12. The ECO is *ex-facie* unconstitutional and *ultra vires* the Representation of the Peoples Act 1950 ("RP Act 1950") and the Registration of Electors Rules, 1960 (1960 Rules). It is submitted that the ECI has no power to conduct the special intensive revision in the manner provided in the ECO.

13. That the Election Commission in its counter affidavit has stated that it has the power to scrutinize eligibility and assess citizenship and hence can ask persons claiming citizenship to produce documents. ***[@Paras 85, 86 of the Counter affidavit].***

14. Article 326 of the Constitution states that the election to the House of Parliament shall be on the basis of adult suffrage i.e. every person who is a citizen of India and who is not less than eighteen years of age and is otherwise not disqualified under the Constitution or any law. Article 325 bars discrimination in inclusion of electoral roll on the ground only of religion, race, caste, sex or any of them.

15. A consistent thread runs through the Constitution, the Citizenship Act, the RP Act 1950 and its 1960 Rules, that the burden of establishing citizenship rests with the State and not on the individual. The determination or assessment of

whether a person is an Indian citizen or not can only be done by the Central Government as per the procedure established by law and not by the Election Commission. The contention of the Election Commission that it has the power to assess citizenship for enrolment of a person as a voter is in effect permitting NRC through the back door.

16. Citizenship is political status that is conferred by the State. Citizenship was ascertained by a 9-Judge Bench of this Court in *State Trading Corpn. of India Ltd. v. CTO*<sup>8</sup>, as the 'right to have rights'.
17. Articles 5 to 10 prescribe the overarching norms of citizenship at the time of the commencement of the Constitution. Article 5 lays down who shall be a citizen of India at the commencement of the Constitution. Article 10 lays down the continuance of the rights of citizenship. Article 11 granted Parliament the power to make any law regarding citizenship.
18. In exercise of the power under Article 11 of the Constitution, the Parliament enacted the Citizenship Act, 1955. The key provisions that provided the conditions for citizenship under the Act are set out below:-

#### 18.1 Citizenship by birth- S.3 (Jus soli)

- (1) Except as provided in sub-section (2), every person born in India, -
  - (a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987;
  - (b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth;
  - (c) on or after the commencement of the Citizenship (Amendment) Act, 2003, where-
    - (i) both of his parents are citizens of India; or
    - (ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth, shall be a citizen of India by birth.

#### 18.2 Citizenship by descent- S.4 (Jus sanguinis)

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<sup>8</sup> 1963 SCC OnLine SC 3, para 13.

18.3 Citizenship by registration- S.5

18.4 Citizenship by naturalisation- S.6

19. S.16 of the RP Act 1950 lays down the disqualification for registration in an electoral roll and states that a person shall be disqualified for registration in an electoral roll if he is not a citizen of India, is of unsound mind and disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections. S.19 lays down the conditions of registration and states that every person who is not less than 18 years of age and is ordinarily resident in a constituency is entitled to be enrolled. S. 62 of the Representation of Peoples Act 1951 provides a right to vote to every person whose name is entered into the electoral roll unless disqualified u/s. 16 of the RP Act 1950.

20. In exercise of power u/s. 28 of the RP Act 1950, the Central Government in consultation with the Election Commission has made the Registration of Electors Rules, 1960.

21. A bare reading of the provisions of the RP Act 1950 and 1960 Rules show that an onus is casted on the EC and its officers to visit the household of every elector and collect information to make the electoral process more inclusive with an aim that not a single eligible voter is left out.

**B. PREPARATION OF DRAFT ROLL (PHASE 1) IS ULTRA VIRES THE 1950 ACT AND 1960 RULES**

22. The Preparation of Draft Roll (Phase 1) is *ex-facie* contrary to the 1950 Act and 1960 Rules. In an intensive revision, at the stage of preparation of the draft roll, an elector is not required to furnish any document. The EC turns the process on its head by asking an elector to submit forms and furnish documents to prove citizenship for inclusion in the draft roll.

23. The ECO states that the present exercise is an intensive revision of electoral roll as against a summary revision or partly intensive and partly summary revision of electoral roll. As per the Manual of Electoral Rolls 2023, the difference between the three types of revision mainly relate to preparation of



draft roll<sup>9</sup>. Intensive revision is a *de novo* process without reference to the earlier existing roll where BLOs visit houses and note down the relevant particulars<sup>10</sup>. The EC Manual of Electoral Roll 2023 in Para 9.3.1. states as follows:

**“9.3.1. Intensive Revision:-** The Rule 25 further states that where a roll is revised intensively it shall be prepared afresh. In other words, an intensive revision is a *denovo* process without reference to the earlier existing roll. The Enumerators/Booth Level Officers visit each house in the specific polling station area, assigned to them. Normally, they make 2 visits - In the 1st visit, the houses are serially numbered, if not already numbered by the local authorities; In the 2nd visit, they note down all relevant particulars of the eligible persons staying in each house in an electoral card. A copy of the electoral card is handed over to the head of the house hold or, in his absence, to any adult member of the family. A separate electoral card (separate page of enumeration pad/Booth Level Officer’s Register) is used for one household. The work of Enumerators/Booth Level Officers is super checked by Supervisors, Assistant Electoral Registration Officers, Electoral Registration Officers and District Election Officers. On the basis of such enumeration, a manuscript is prepared in written form. The names in each part are arranged according to house numbers and are arranged in serial order. Thereafter, the manuscript is computerized and draft roll is prepared and published, inviting claims and objections. After disposal of such claims and objections, the roll is finally published.”

24. Even, Respondent No.1’s Counter Affidavit in para 108 and 120 states that the intensive revision is a *de novo* or *fresh* preparation of electoral roll.

25. The process of intensive revision under the 1960 Rules is mentioned below:-

25.1 Rule 25(2) provides that if the roll is revised intensively in any year, it shall be prepared *afresh* and rules 4 to 23 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

Preparation of draft roll is an Inclusive exercise and till the stage of publication of draft roll there is no requirement to furnish any document.

25.2 Rule 8 – Information to be supplied by occupants of dwelling house in Form 4. [Rule 8 and See **Form 4 (Document 1, Pg. \_\_\_\_ to 20 )**]

<sup>9</sup> Para 11.1 of Manual of Electoral Roll 2023

<sup>10</sup> 9.3.1 of Manual of Electoral Roll 2023

only requires **information** and no document to be furnished at the draft stage]. The enumeration form as per the present ECO is not Form 4 and is hence without any legal basis.

25.3 Rule 8A – Notice for registration of persons as overseas electors of notification to all foreign missions- [The Counter Affidavit of Election Commission does not mention if such notice was ever given]

25.4 Rule 9- Registration officer to have access to register of birth and death and admission register of an educational institution.

25.5 R 10- Publication of draft roll.

25.6 R 12 and 13 – Claim and objection to draft list- At this stage, there is a requirement to furnish documents [See **Form 6- (Document 2, Pg. 21 to 23)**]. Only document for proof of date of birth and place of residence has to be given- Aadhar Card as a proof of date of birth and place of residence is permitted along with “any other document” and only a **declaration** that a person is an Indian citizen].

[Objection to inclusion on ground of disqualification (not a resident , not an Indian citizen etc.) in **Form 7 (Document 3, Pg. 24 to 25)** – Onus on the objector to give proof that the proposed elector is not an Indian citizen (See guidelines Para 3)] and not on the proposed elector to prove that he is an Indian citizen.

25.7 Rules 14-20 Detailed Inquiry into claims and objections. Quasi-judicial proceeding.

26. The process of revision of electoral roll is laid down by the Central Government in 1960 Rules and is an “occupied field” and the EC under Article 324 has no plenary power to override it or pass orders in direct disobedience to the mandate of the Act and Rules. The EC order can only be to supplement the law and not supplant it.<sup>11</sup>

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<sup>11</sup> See AC Jose v Sivan Pillai (1984)2 SCC 656 [7,21,22 &25]

27. Deletion on the ground of death, not ordinary resident, duplication under R. 21A is after the publication of draft roll, unlike the present exercise. It is also submitted that the Manual for Electoral Rolls prescribes SOPs for deletion of names, however in the present case the EC has bypassed the SOP and has slotted the persons who have not submitted the forms in three categories i.e. (i) deletion on ground of death, (ii) not ordinary resident/not found or (iii) multiple entries.

**C. REVERSAL OF BURDEN OF PROOF ON AN INDIVIDUAL TO PROVE CITIZENSHIP IS CONTRARY TO THE CONSTITUTION AND REPRESENTATION OF PEOPLES ACT 1950**

28. That the Election Commission in Para 97 of its Counter Affidavit reverses the burden of proof on an individual to prove citizenship. It states that since the necessary documents required to establish knowledge is within the special knowledge of the individual claiming to be a citizen of India, the onus is on him to prove citizenship.
29. The EC misapplies the principle under Section 9 of the Foreigners Act, 1946 that shifts the onus on a foreigner to prove that he is not a foreigner -on an Indian elector. In support of its contention, the Election Commission has erroneously relied on judgments under the Foreigners Act, 1946.
30. This reversal of burden of proof on an individual to prove citizenship is unconstitutional and has the effect of the Election Commission treating all Indians as foreigners and requiring them to prove their citizenship for inclusion in the draft electoral roll. The reversal of the burden of proof on an individual to prove citizenship falls foul of the Constitutional Scheme, the Citizenship Act and the RP Act 1950.

**D. SCUTTLING THE RIGHT TO VOTE BY ASKING FOR DOCUMENTS THAT ELECTORS DO NOT POSSESS**

31. In absence of the State providing any document as proof of citizenship, the electoral registration and revision process has always been inclusive to facilitate and encourage voter registration. It is pertinent to note that in Para 7.6 of Manual on Electoral Rolls, the ECI has acknowledged that "*there is no*

*standard and uniform document throughout the country that proves the citizenship of an individual'*, and still insists on the 11 enumerated documents.

32. It is submitted that the 11 documents to be attached with the Enumeration Form and mentioned in the ECO, have poor coverage in the State of Bihar and the insistence on these 11 documents has the effect of disenfranchising crores of eligible voters. The order creates barriers by asking electorate to furnish documents that they do not possess thus impinging on a person's Constitutional right to vote.
33. That the Petitioner respectfully submits that the figures quoted by the Election Commission in its Counter Affidavit and its press releases on percentage of forms submitted are exaggerated and incorrect and do not present the correct picture. It is submitted that the inflated figures only depict the haste with which the ECI has tried to complete the exercise without following the due process of law. The present SIR is without any planning and understanding of the coverage of these documents in Bihar.
34. That the coverage of the 11 documents as stated in the Counter Affidavit does not represent the correct and true state of affairs. The comment on each document mentioned in the table on coverage filed by the ECI in its counter affidavit are enclosed below:-

The total Electors in the State of Bihar as per the Electoral Rolls published on 06-01-2025 are **7,89,69,844** and the total population as per the Bihar Caste Survey Report 2022-23 is **13,07,25,310**.

S. No.	Documents	Data stated in the Counter Affidavit	Remarks
1.	Any Identity card/ Pension Payment Order issued to regular employee/ pensioner of any Central Govt./ State Govt./ PSU	a. <b>9,64,944</b> employees under the Bihar Govt.	Cumulatively, <b>only 1.82%</b> of the total electors have this documents. <sup>12</sup>

<sup>12</sup> Figure arrived by dividing total employees/pensioners (9,64,944 + 4,74,065) by 7,89,69,844 (total elector population) multiplied by 100.

		b. <b>4,74,065</b> Pensioners of Bihar Govt.	
2.	Any Identity Card/ Certificate/Document issued in India by Government/ local authorities/Banks/Post Office/LIC/PSUs prior to 01.07.1987.	Cannot be ascertained	A <b><u>small amount of population</u></b> is required to provide this document. <u>This document is not applicable for the latter two categories of population (before July 1, 1987 and born between July 1 1987, and December 2, 2004.)</u>
3.	Birth Certificate issued by the competent authority.	<b>3,93,00,908</b> total birth certificates issued from 2001 to 2024. (It has only indicative value as the older data is not available and citizens born after 2007 are not eligible to register)	a) Negligible population possesses this document. b) Only <b>3.056%</b> of total electors are born between 2001 to 2007 <sup>13</sup> c) As the citizens born after 2007 will not be eligible to register as an elector, the total number of births from 2001 to 2007 will be 24,13,763. d) Thereafter, taking the Infant Mortality Rate between 2001 to 2007, the total number of deaths will be 1,01,378, <sup>14</sup> as such, total number of citizens alive between 2001 to 2007, will be 23,12,385.
4.	Passport	36,56,714	Only <b>2.7%</b> of the total population will have a passport. <sup>15</sup> The proportion of adult holders is even lower, given that minors are also issued passports.
5.	Matriculation/ Educational certificate issued by recognised Boards/ universities	i. 2,86,08,901 BSEB certificates	Only <b>14.71%</b> of the people of State of Bihar have graduated from Class 10 <sup>th</sup> , as per the Bihar Caste Survey Report 2022-23. <sup>16</sup>

<sup>13</sup> Figure arrived at by dividing 24,13,763 (registered births from 2001 to 2007) by 7,89,69,844 (total elector population) multiplied by 100.

<sup>14</sup> Taking the infant mortality rate at 42 per 1000 living births, as existing earlier,

<https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2066513>, the infant mortality for the years 2001 to 2007 comes to 1,01,378. The total number of citizens alive would be 24,13,763 – 1,01,378, reaching to 23,12,385.

<sup>15</sup> Figure arrived at by dividing 36,56,714 (data as per Counter Affidavit) by 13,07,25,310 (total population of Bihar) multiplied by 100.

<sup>16</sup> Page 171 of the Bihar Caste Survey Report, 2022.

		<p>issued from 1980 to 2025</p> <p>ii. 1,73,096 Open School certificates issued from 1980 to 2025.</p> <p>iii. 2,87,229 certificates issued by Bihar Sanskrit Education Board from 2012 to 2021.</p>	<p>a) The data provided by ECI of BSEB certificates is not correct. People obtaining the certificate between 1980 to 1984 will have to be <u>excluded i.e. 23,83,580</u> (people born before 31-12-1984 are exempted from producing any document.</p> <p>b) The people obtaining the BSEB certificates between 1985 to 2007 <u>will only be 87,92,062 i.e. 11.13 % of the total electors.</u><sup>17</sup></p> <p>c) The data provided for Open Schools certificates <b>is not applicable</b> as it is from 2011 to 2024. The ECI respectfully has incorrectly stated it to be from 1980 to 2025. (Please see page 765 of the CA).</p> <p>d) Similarly, data provided from Certificates issues by Bihar Sanskrit Education Board <b>is not applicable</b> as it is from 2012 to 2021.</p>
6.	Permanent Residence certificate issued by competent State authority	<p>Permanent Residence Certificate is not issued in Bihar. However, 13,89,94,749 Residence certificates issued from 2011 to 2025.</p>	<p>a. The number provided by ECI is not corroborated by any document/data. No communication from the department filed by the ECI to substantiate this figure.</p> <p>b. The <b>data exceeds the total population of Bihar i.e. 13,07,25,310</b>, as per the Bihar Caste Survey Report 2022-23.</p> <p>c. The Residence Certificates (Niwas Praman Patra) can be obtained even by Minor Children (ineligible voters).</p> <p>d. Furthermore, this document can be obtained by a person multiple number of times; therefore, it does not reflect the accurate number of residence certificates issued.</p>

<sup>17</sup> Figure arrived at by dividing 87,92,062 (people obtaining BSES certificates between 1985 to 2007) by 7,89,69,844 (total elector population) multiplied by 100.

7.	OBC/SC/ST or any caste certificate issued by the Competent authority	8,72,77,157 Caste certificates issued from 2011 to 2025.	<p>a. This document can be obtained multiple times by the same individual; therefore, it does not accurately reflect population figures.</p> <p>b. The data provided by ECI is not corroborated by any document. The letter of General Administration Department, Bihar dated 21.07.2025 has not been attached to the counter affidavit.</p> <p>c. Caste certificates can be obtained even by minor children (ineligible voters) for schools &amp; college admissions.</p> <p>d. India Human Development Survey 2011-12 recorded that around 20% of SCs, 18% of OBCs, and 38% STs had a caste certificate. Considering that almost no upper castes possess caste certificates, around 16% of Biharis possessed a caste certificate in 2011-12 when this survey was conducted.<sup>18</sup></p>
8.	Family Register, prepared by State/ Local authorities.	<p>i. 40,00,000 approx., SC/ST families having the names of their respective heads of the family. <math>40,00,000 \times 5 = 2,00,00,000^*</math></p> <p>ii. 3,15,327 number of families having the names of respective heads of the family. <math>3,15,327 \times 5 = 15,76,635^*</math></p> <p>*Considering 5 members in a</p>	The multiplier used is presumptive and exaggerated and therefore cannot be relied upon.

<sup>18</sup> <https://www.icpsr.umich.edu/web/DSDR/studies/36151/publications>

		family on an average.	
9.	Any land/house allotment certificate by Government	i. 5,78,398 Land record/settlement papers (Bhoomi Bando Basti Parcha); ii 4,60,218 allotted houses; iii. 1,13,25,096 under IAY and PMAY -G and MMGAY schemes.	These are Household figures and not individual figures.
10.	Electoral Roll, 2003	4.96 Crores As per 2003 Electoral Roll	
11.	Forest Right Certificate	Not mentioned	No comments
12.	National Register of Citizens (wherever it exists)	Not mentioned	No comments

#### **E. EXCLUSION OF AADHAR CARD IS ARBITRARY**

35. The coverage of Aadhar Card even in a document deficit State like Bihar is very high i.e. **87.68%**- i.e. 114,350,755 (Estimated count of Aadhaar number holders after adjusting for deaths) divided by 130,429,000 (Projected population for the year 2025, as per RGI data)<sup>19</sup>.
36. The Election Commission in its Counter Affidavit has rejected the suggestion of the Hon'ble Court to consider Aadhar as a primary document on the ground that Aadhar is not a proof of citizenship and is an identity document and can be used only to supplement the other 11 documents mentioned in the list.
37. That it is submitted that the EC has ignored the 2021 amendment to the RP Act 1950, that introduced Section 23(4), 23(5) and 23(6) and Rule 26B of the 1960 Rules that provides statutory recognition to Aadhar card as a valid document for the purpose of inclusion in the electoral roll. Section 23(4) of the RP Act 1950 and proviso empowers the Electoral Registration Officer to consider the Aadhaar Card of a person already included in the electoral roll for the purposes of authentication of an entry.

<sup>19</sup> <https://uidai.gov.in/images/AadhaarSaturationReport.pdf>



38. Excluding Aadhaar while accepting documents that themselves require Aadhaar (such as a passport, caste certificate, or permanent residence certificate) is both logically flawed and legally untenable. Aadhaar is universally recognised as a valid proof of identity and address across a wide range of public and private sectors, reflecting its legal sanctity and functional reliability as a centrally verified identity document. It is routinely used to access a host of essential government services and welfare schemes, including the Public Distribution System (PDS), MGNREGA wage payments, PM-Kisan, and Direct Benefit Transfers (DBT) under schemes such as the LPG subsidy (PAHAL) and student scholarships. Its very purpose is to prevent duplication and enable transparent, efficient service delivery.
39. In the financial sector, Aadhaar is utilised for KYC (Know Your Customer) verification by banks and financial institutions under RBI-mandated norms. It is accepted for opening bank accounts, applying for loans, and carrying out transactions involving mutual funds and insurance. Under the **Prevention of Money Laundering (Maintenance of Records) Rules**, Aadhaar is a statutorily recognised and legally mandated KYC document. In the telecom sector, Aadhaar is used for the issuance and activation of SIM cards through e-KYC — a process endorsed and facilitated by the Department of Telecommunications (DoT). Likewise, Aadhaar is accepted as a valid identity document for rail and air travel bookings to streamline verification and enhance security protocols.
40. In the education sector, Aadhaar is required for school enrolment, issuance of academic certificates, and to avail scholarships and fee reimbursements. It is also essential for accessing services through the **DigiLocker platform**, which the Government of India actively promotes for issuing and authenticating digital academic and governmental documents.
41. Across all these contexts, Aadhaar is accepted without reservation as sufficient proof of identity and residence, owing to its biometric-based, centrally verified authentication system, statutorily governed by the **Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016**.

42. In this backdrop, the Election Commission's refusal to accept Aadhaar as a valid document for electoral registration or verification — while simultaneously accepting documents such as passports, caste certificates, and residence certificates, many of which are themselves issued only upon submission of Aadhaar — is not only arbitrary, but internally inconsistent. This selective exclusion fails the test of **reasonable classification** under Article 14 of the Constitution and imposes an **unjust, disproportionate, and discriminatory burden** on large segments of the population. The impact is especially severe in a State like Bihar, where Aadhaar penetration is markedly higher than the availability of several of the 11 documents currently accepted.
43. Moreover, the **Aadhaar (Enrolment and Update) Regulations, 2016** read with **Schedule I**, require every applicant to submit a declaration confirming that they are a resident of India. For applicants using document-based enrolment, **proof of address** is a necessary component. Under **Rule 10**, an individual seeking enrolment must submit documents evidencing **proof of identity, proof of address, and proof of date of birth**. Aadhaar being a legally recognised document fulfilling both proof of identity and address squarely meets these statutory requirements. Its exclusion, therefore, is unsupported by the scheme of the Act and the Rules framed thereunder.
44. Also, vide the present ECO, the Election Commission of India has departed from its past practice of accepting Aadhar Card as a valid document of proof of Date of Birth and also as proof of residence and has refused to accept Aadhar card as a primary document. The table below presents a comparative chart of the documents accepted in the General Elections 2024 (Form 6- for fresh voter registration and their acceptance under the SIR.)

S. No.	Documents required in Form No. 6	Availability in SIR
1.	Birth certificate issued by Competent Local Body/Municipal Authority/Registrar of Births & Deaths	Yes
2.	Aadhaar Card	N.A.
3.	PAN Card	N.A.
4.	Driving License	N.A.
5.	Certificates of Class X or Class XII issued by CBSE/ICSE/ State Education Boards, if it contains Date of Birth	Yes
6.	Indian Passport	Yes
7.	Water/Electricity/Gas connection Bill for that address (atleast 1 year)	N.A.
8.	Current passbook of Nationalized/Scheduled Bank/Post Office	N.A.
9.	Revenue Department's Land Owning records including KisanBahi	N.A.
10.	Registered Rent Lease Deed (In case of tenant)	N.A.
11.	Registered Sale Deed (In case of ownhouse)	N.A.

45. That the Election Commission has failed to consider that Aadhar Card is a primary document for obtaining the following documents that are mentioned in the Enumeration Form and permitted by it. They are as follows:-

- a. Birth Certificate issued by the competent authority;
- b. Passport;
- c. Matriculation/Educational certificate issued by the recognized boards/university;
- d. Permanent Residence certificate issued by the competent State Authority;
- e. OBC/SC/ST or any caste certificate issued by the competent authority.

46. SC ST Certificate, Forest Rights Certificate and Domicile certificate do not display the date of birth or place of birth, and they have been included in the 11 documents while Aadhar has been excluded.

**F. NO BAR ON JUDICIAL REVIEW IN "PREPARATION AND PUBLICATION OF ELECTORAL ROLL".**

47. Bar on Courts under Article 329 (b) is not attracted to the preparation of the electoral roll.

- 47.1 Lakshmi Chandra Sen and Others v AKM Hassan Uzzaman (5 judges 4:1) (1985) 4 SCC 689 [Para 26, 27, **28**]- Preparation of electoral roll is a continuous process and will not come within the meaning of Article 329(b).
- 47.2 Inderjit Barua v ECI (1985) 4 SCC 722 [5 judges] – Preparation of electoral rolls is not a process of election. (Paras **12**)
- 47.3 Mohinder Singh Gill (1978) 1 SCC 405 (5 judges)- [Para **92**]. Meaning of Election under Article 329(b). It commences from the date of notification and culminating in the final declaration of the result. Also see<sup>20</sup>

## **G. SCOPE OF JUDICIAL REVIEW IN EC ORDER**

48. In *Mohinder Singh Gill*, this Hon'ble Court held that:-

"39...So it is that the Constitution has made comprehensive provision in Article 324 to take care of surprise situations. The power itself has to be exercised, not mindlessly nor mala fide, not arbitrarily nor with partiality but in keeping with the guidelines of the rule of law and not stultifying the Presidential notification nor existing legislation."

49. Further in *Ashok Kumar* (2000) 8 SCC 216, this Hon'ble Court held that:-

"32... (3) Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well- settled parameters which enable judicial review of decisions of statutory bodies such as on a case of mala fide or arbitrary exercise of power being made out or the statutory body shown to have acted in breach of law."

50. In light of the above, it is submitted that the ECO is unconstitutional and ultra vires the RP Act 1950 and 1960 Rules and ought to be quashed.



DRAWN BY:-  
MS. FAUZIA SHAKIL  
MS. APARAJITA JAMWAL

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<sup>20</sup> Also see NP Ponnuswami (1952) 1 SCC 94 (6 judges) "election" under 329(b) has a wide meaning and includes the entire process which consists of several stages and embraces many steps, some of which may have important bearing on the result. [Para 12, 13,14]

16

*Registration of Electors Rules, 1960*  
(Statutory Rules and Order)

FORM 4

(See rule 8)  
*Letter of request*

Place.....

Date.....

To

The occupant of.....

Sir/Madam,

The preparation of the electoral roll for the Assembly Constituency in which you are residing has been taken in hand. It will greatly facilitate my work if you will kindly complete the statement below after reading the attached instructions and hand it over to my assistant who will call for it.

Electoral Registration Officer of the.....

Assembly Constituency.

STATEMENT

*Names and particulars of adult citizens ordinarily residing in the above premises*

Name of citizen	Particulars as to	<sup>1</sup> [Father or Mother or Husband]	<sup>2</sup> [Age on 1 <sup>st</sup> January/April, 19...]
1.			
2.			
3.			
4.			
5.			
6.			
7.			
etc.			
			Signature.....
			Date.....


INSTRUCTIONS

- Enter the names of all persons who have completed <sup>2</sup>[18 years of age on or before the 1st of January/April] of this year and who are ordinarily residing in the premises.
  - Only the names of these who are citizens of India should be entered.
  - Enter against Serial No. 1 in the first column, the name of the head or other senior member of the family, provided he or she has the qualifications mentioned in paragraphs 1 and 2 above.
  - "Ordinarily residing" does not mean that the person should be actually in the house when you are filling in the form. The persons who normally live in the house should be included even though they may be temporarily absent, e.g., on a journey or on business or in hospital. On the other hand, a guest or visitor, who normally lives elsewhere but happens to be in the house at the time should not be included.
  - All ordinary residents of the house should be included, whether they are members of the family or not. But do not enter the name of any person who is a member of the Armed Forces of India or is employed under the Government of India in a post outside India or the name of such person's wife if she ordinarily resides with him.
  - In the case of every male citizen, enter in the second column the name of his father preceded by the words "son of".
  - In the case of every female citizen, enter in the second column—
    - the name of the husband preceded by the words "wife of", if she be married;
    - the name of the late husband preceded by the words "widow of", if she be a widow; and
    - the name of the <sup>1</sup>[Father or Mother] preceded by the words "daughter of", if she be unmarried.
  - In the third column, enter the age of the citizen as accurately as possible, giving only the number of complete years and ignoring the months.
- <sup>3</sup>[Note: For preparation/revision of rolls in 1989, omit "January" and retain "April". For preparation/revision of rolls in any other year, omit "April" and retain "January"].

1. Subs. by Notifin. No. S.O. 303(E), dated the 8th May, 1993, for certain words.  
2. Subs. by Notifin. No. S. O. 409(E), dated the 6th June, 1989, for certain words.  
3. Ins., *ibid*.

/T.C./

10. For Form 6 to the said rules, the following Form shall be substituted, namely:—

 <div style="text-align: center;"> <b>"Form-6"</b>            [See rules 13(1) and 26]  <b>ELECTION COMMISSION OF INDIA</b>  <b>Application Form for New Voters</b> </div> <div style="float: right; text-align: right;">           FORM No. _____  <i>'To be filled by office'</i> </div>									
To, The Electoral Registration Officer, No. & Name of Assembly Constituency      No. <input type="text"/> Name <input style="width: 150px;" type="text"/> Or No. & Name of Parliamentary Constituency@      No. <input type="text"/> Name <input style="width: 150px;" type="text"/> (@ only for Union Territories not having Legislative Assembly) I submit application for inclusion of my name in the electoral roll for the above constituency.									
(1)(a) Name (In Official Language of State) First Name followed by Middle Name <input style="width: 150px;" type="text"/> <input style="width: 150px;" type="text"/> Surname (if any) <input style="width: 150px;" type="text"/> (1)(b) Name (In English in BLOCK LETTERS) First Name followed by Middle Name <input style="width: 150px;" type="text"/> <input style="width: 150px;" type="text"/> Surname (if any) <input style="width: 150px;" type="text"/> <u>Disclaimer: If name not filled in English, it will be transliterated by software.</u>									
* (2)(a) Name and Surname (in official language of State) of any one of the relatives:- <input type="checkbox"/> Father    Or <input type="checkbox"/> Mother    Or <input type="checkbox"/> Husband    Or <input type="checkbox"/> Wife    Or <input type="checkbox"/> Legal Guardian in case of orphan/Guru in case of Third Gender <input style="width: 150px;" type="text"/>									
* (2)(b) Name and Surname (In English in BLOCK LETTERS) of the relative mentioned above <input style="width: 150px;" type="text"/>									
(3) Mobile No. of Self (if available)      (or) <input style="width: 100px;" type="text"/> Of relative mentioned at Item No. 2 (4) Email ID of Self (If available)      (or)      _____ Of relative mentioned at Item No. 2									
(5) Aadhaar Details:- (Please tick the appropriate box) (a) <input type="checkbox"/> Aadhaar Number <input style="width: 100px;" type="text"/> or (b) <input type="checkbox"/> I am not able to furnish my Aadhaar Number because I don't have Aadhaar Number.									
(6) Gender <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Third Gender									
(7) (a) Date of Birth <input style="width: 100px;" type="text"/>									
(b) Self attested copy of document supporting age proof attached (anyone of the following) (i) <u>Document for Proof of Date of Birth</u> ^:- (Any one of these) 1. <input type="checkbox"/> Birth certificate issued by Competent Local Body/Municipal Authority/Registrar of Births & Deaths 2. <input type="checkbox"/> Aadhaar Card      3. <input type="checkbox"/> PAN Card      4. <input type="checkbox"/> Driving License 5. <input type="checkbox"/> Certificates of Class X or Class XII issued by CBSE/ICSE/ State      6. <input type="checkbox"/> Indian Passport Education Boards, if it contains Date of Birth (ii) <u>Any Other Document for Proof of Date of Birth:-</u> (If none of the above documents is available) (Pl. Specify)									
(8) (a) Present Ordinary Residence (Full Address)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">House/Building/Apartment No.</td> <td style="width: 50%;">Street/Area/Locality/ Mohalla/Road</td> </tr> <tr> <td>Town/Village</td> <td>Post Office</td> </tr> <tr> <td>PIN Code</td> <td>Tehsil/Taluqa/Mandal</td> </tr> <tr> <td>District</td> <td>State/UT</td> </tr> </table>	House/Building/Apartment No.	Street/Area/Locality/ Mohalla/Road	Town/Village	Post Office	PIN Code	Tehsil/Taluqa/Mandal	District	State/UT
House/Building/Apartment No.	Street/Area/Locality/ Mohalla/Road								
Town/Village	Post Office								
PIN Code	Tehsil/Taluqa/Mandal								
District	State/UT								

 SPACE FOR PASTING  
 ONE RECENT  
 UNSIGNED PASSPORT  
 SIZE COLOR  
 PHOTOGRAPH (4.5 CM  
 X 3.5 CM) SHOWING  
 FRONTAL VIEW OF  
 FULL FACE WITH  
 WHITE BACKGROUND

(b) Self-attested copy of address proof either in the name of applicant or any one of parents/spouse/adult child, if already enrolled as elector at the same address (*Attach anyone of them*)

(i) Document for proof of residence ^:-

(Any one of these)

- |                                                                                                     |                                                                         |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Water/Electricity/Gas connection Bill for that address (atleast 1 year) | 2. <input type="checkbox"/> Aadhaar Card                                |
| 3. <input type="checkbox"/> Current passbook of Nationalized/Scheduled Bank/Post Office             | 4. <input type="checkbox"/> Indian Passport                             |
| 5. <input type="checkbox"/> Revenue Department's Land Owning records including Kisan Bahi           |                                                                         |
| 6. <input type="checkbox"/> Registered Rent Lease Deed (In case of tenant)                          | 7. <input type="checkbox"/> Registered Sale Deed (In case of own house) |

(ii) Any Other document for Proof of residence: -

(If none of the above documents is available) (Pl. Specify) # \_\_\_\_\_

(9) Category of disability, if any(Optional)

☐ Locomotive

☐ Visual

☐ Deaf & Dumb

If any other (Give description) \_\_\_\_\_

Percentage of disability: ☐ %, Certificate attached (Tick the appropriate box) ☐ Yes ☐ No

(10) The details of my family member already included in the electoral roll at current address with whom I currently reside are as under:

Name of family member: \_\_\_\_\_ Relationship with applicant: \_\_\_\_\_

His/her EPIC no.: \_\_\_\_\_

#### DECLARATION

I HEREBY DECLARE that to the best of my knowledge and belief-

(i) I am a citizen of India and place of my birth is:- Village/Town \_\_\_\_\_

District \_\_\_\_\_ State/UT \_\_\_\_\_

(ii) I am ordinarily a resident at the address mentioned at Sr. No. 8(a) in Form 6 since \_\_\_\_\_ (mention month and year)

(iii) I am applying for inclusion in Electoral Roll for the first time and my name is not included in any Assembly Constituency/ Parliamentary Constituency.

(iv) I don't possess any of the documents mentioned at (7)(b)(i) above for proof of Date of Birth/Age. Therefore, I have enclosed \_\_\_\_\_ (Name of the document) in support of age proof (Strike off, if not applicable).

(v) I am aware that making the above statement or declaration in relation to this application which is false and which I know or believe to be false or do not believe to be true, is punishable under Section 31 of Representation of the People Act, 1950 (43 of 1950) with imprisonment for a term which may extend to one year or with fine or with both.

Date: \_\_\_\_\_

Place: \_\_\_\_\_ Signature of Applicant/Left Hand Thumb Impression

*Accessibility Instructions:-In the light of provisions of Rights of Persons with Disabilities Act 2016 and Rights of Persons with Disabilities Rules, 2017, in case of persons with intellectual disability, autism, cerebral palsy and multiple disabilities etc., signature or left hand thumb impression of person with disability, or signature or left hand thumb impression of his/her legal guardian will be required.*

#### Note-

- |   |                                                                                                                                                                                                                                                                                                                                          |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * | In case of a married female applicant, name of Husband may preferably be mentioned.                                                                                                                                                                                                                                                      |
| ^ | Submission of self-attested copy of mentioned document will ensure speedy delivery of services.                                                                                                                                                                                                                                          |
| # | In case none of the mentioned documents is available, field verification is must. As for example, category like homeless Indian citizens who are otherwise eligible to become electors but do not possess any documentary proof of ordinary residence, Electoral Registration Officer shall designate an officer for field verification. |

✂ Acknowledgement/Receipt for application ✂

Acknowledgment Number \_\_\_\_\_ Date \_\_\_\_\_

Received the application in Form 6 of Shri/Smt./Ms. \_\_\_\_\_

[Applicant can refer the Acknowledgement No. to check the status of application.]

Name/Signature of ERO/AERO/BLO

To be appended to Form-6

(The fields marked with \* are mandatory)

**GUIDELINES FOR FILLING UP THE APPLICATION****FORM-6****1. General Instructions:-**

(a) The application will be addressed to the Electoral Registration Officer (ERO) of the Assembly Constituency (AC)/Parliamentary Constituency (PC) in which the applicant is ordinarily residing. In case the applicant does not know or has any doubt about number and name of Assembly Constituency / Parliamentary Constituency, assistance may be extended by the Electoral Registration Officer and the application will not be rejected on the ground of not mentioning of number and name of Assembly Constituency / Parliamentary Constituency.

(b) The applicant can fill entries of the application either in English or official language of the state and this will not be a ground for rejection of application.

(c) A service personnel, applying for enrolment as general elector in the electoral roll at his place of posting at a peace station, should ensure that he is not already enrolled as service elector or general elector in some other constituency.

\*(d) Photograph: A recent good quality passport size unsigned colour photograph (4.5cm X 3.5cm) with white background should be pasted in the space provided. Eyes must be open and both edges of face must be clearly visible.

(e) Elector's Photo Identity Card (EPIC): EPIC will be delivered at given postal address after enrolment, free of cost through speed post under proper acknowledgement.

2. **Item (1) \*(Name):** The exact name and spelling should be furnished in both official language of the State and English. If filled in only one language, system will transliterate automatically in other language which may lead to spelling mistakes.

3. **Item (2a) & (2b) (Name and Surname of Relative):** In case of a married female applicant, name of husband may preferably be mentioned. (Strike off the inapplicable options in the column).

4. **Item (5) Aadhaar Details:** Aadhaar Number should be furnished for the purpose of authentication of entries. If the applicant does not have Aadhaar number, the same may be mentioned in box at item 5 (b).

**5. Item (6) (Gender):**

\*(a) Gender in the appropriate box provided for 'Male'/'Female'/'Third Gender' should clearly be tick marked.

(b) Applicants belonging to Third Gender may indicate their sex as 'Male' or as 'Female' or as 'Third Gender'.

**6. Item 7(a)(b) (Date of Birth):**

\*(a) A self-attested copy of one of the documents mentioned in the form can be attached as age proof. Submission of a document mentioned in the form will ensure speedy registration and delivery of services.

(b) If none of the documents mentioned in the form is available, the applicant should enclose some other document in support of age proof; and name of the said document should be mentioned in item 7(ii) and item (iv) of 'DECLARATION' part in Form. In such case, the applicant will have to appear personally before Electoral Registration Officer or any other officer designated by him for verification.

**7. Item 8 (Present Ordinary Residence):**

\*(a) Complete postal address with PIN code should be mentioned along with a self-attested copy of any of the mentioned documents in name of applicant/parents/spouse as proof of ordinary residence.

(b) Necessary field verification shall be made in cases of Homeless Indian Citizens living in sheds/pavements and sex workers having no documentary proof of ordinary residence, provided they are otherwise eligible for enrollment.

(c) Students, who are eligible for enrollment, can be enrolled either at their parent's place or at the hostel/mess where they are ordinarily residing.


8. **\*DECLARATION:** All entries in "DECLARATION" portion should be completed in all respects. **Please note that giving any false statement made in the DECLARATION portion is a punishable offence under section 31 of the Representation of the People Act, 1950 (43 of 1950) with imprisonment with a term which may extend to one year or with fine or with both. "**



//T.C.//



12. For Forms 7 and 8 to the said rules, the following Forms shall, respectively, be substituted, namely:—

 <div style="text-align: right;"> <b>"Form-7"</b>            [See rules 13(2) and 26]         </div>		FORM No. _____ <i>(To be filled by office)</i>
<b>ELECTION COMMISSION OF INDIA</b> <b>Voter Application Form for Objection for Proposed Inclusion/            Deletion of Name in Existing Electoral Roll</b>		
To, The Electoral Registration Officer, No. & Name of Assembly Constituency No. <input type="text"/> Name <input type="text"/> Or No. & Name of Parliamentary Constituency@ No. <input type="text"/> Name <input type="text"/> <i>(@ only for Union Territories not having Legislative Assembly)</i>		
I submit application for objection for proposed inclusion/deletion of name in existing electoral roll.		
(1) Name of the applicant <input type="text"/>		
EPIC No. <input type="text"/>		
Mobile No. of Self <input type="text"/> or		
Mobile No. of Relative <input type="text"/>		
(2) Option of application/objection:- <i>(Tick the appropriate option) (Any one)</i>		
<input type="checkbox"/> (i) I request to delete name of the person mentioned below already included in the current roll due to any one of the following reasons:- <i>(tick any one)</i>		
<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Death</div> <div><input type="checkbox"/> Under Age</div> <div><input type="checkbox"/> Absent / Permanently shifted</div> </div>		
<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Already enrolled</div> <div><input type="checkbox"/> Not Indian Citizen</div> </div>		
<input type="checkbox"/> (ii) I object to proposed inclusion of name of the person mentioned below due to any one of the following reasons - <i>(tick any one)</i>		
<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Death</div> <div><input type="checkbox"/> Under Age</div> <div><input type="checkbox"/> Absent / Permanently shifted</div> </div>		
<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Already enrolled</div> <div><input type="checkbox"/> Not Indian Citizen</div> </div>		
<input type="checkbox"/> (iii) I request to delete my name from electoral roll due to any one of the following reasons:- <i>(tick any one)</i>		
<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Permanently shifted</div> <div><input type="checkbox"/> Already enrolled</div> <div><input type="checkbox"/> Not Indian Citizen</div> </div>		
Death Certificate attached <i>(Tick the appropriate option)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No		
(3) The details of the person in respect of whom objection has been raised, are as below:-		
Name <input type="text"/> Surname <input type="text"/> EPIC No.(if available) <input type="text"/>		
Address	House/Building/ Apartment No. <input type="text"/> Town/Village <input type="text"/> PIN Code <input type="text"/> District <input type="text"/>	Street/Area/Locality/ Mohalla/Road <input type="text"/> Post Office <input type="text"/> Tehsil/Taluqa/Mandal <input type="text"/> State/UT <input type="text"/>
<b>DECLARATION</b>		
I HEREBY DECLARE that to the best of my knowledge and belief that I am aware that making a statement or declaration which is false and which I know or believe to be false or do not believe to be true, is punishable under Section 31 of Representation of the People Act, 1950 (43 of 1950) with imprisonment for a term which may extend to one year or with fine or with both.		
Date: _____ Place: _____ Signature of Applicant/Thumb Impression _____		
<i>Accessibility Instructions:-</i> In the light of provisions of Rights of Persons with Disabilities Act 2016 and Rights of Persons with Disabilities Rules, 2017, in case of persons with intellectual disability, autism, cerebral palsy and multiple disabilities etc., signature or left hand thumb impression of person with disability, or signature or left hand thumb impression of his/her legal guardian will be required.		
<b>Acknowledgement/Receipt for application</b>		
Acknowledgment Number _____ Date _____		
Received the application in Form 7 of Shri/Smt./Ms. _____		
[Applicant can refer the Acknowledgement No. to check the status of application.]		
Name/Signature of ERO/AERO/BLO _____		

To be appended to Form-7
--------------------------

**GUIDELINES FOR FILLING UP THE APPLICATION**  
**FORM-7**

1. **General Instruction:-**

- (a) The application can be made by an elector registered in the existing electoral roll of the constituency.
- (b) The application can be an objection in respect of a registered elector/ an objection to the proposed inclusion of an entry in the electoral roll of the constituency, in which the applicant himself is registered **OR** a request for deletion of the applicant's own name from electoral roll.

2. **Item No. 1 (Name of the applicant)-** The applicant shall mention his name, EPIC no. and mobile number of self 'or' relative (father/mother/husband/legal guardian).

3. **Item No. 2 (Option of objection/application of deletion):-** The applicant has to tick any one option for which he intends to make the application. He must also tick any one of the reasons mentioned below the option, as to why according to him, the person against whom the objection has been made, is not qualified for inclusion in the electoral roll viz. due to death, under age, absent/permanently shifted, already enrolled in the electoral roll at the same place or some other place, not an Indian citizen etc. The onus of proof to substantiate the reason given for objection or removal of name lies with the applicant.

4. **Item No. 3 (Details of the person in respect of whom objection has been made):-** The applicant has to fill up the name, surname, EPIC number and address of the person whose entry is objected to for inclusion or sought to be deleted.

5. **DECLARATION:-** The applicant must give a 'DECLARATION' that the facts and particulars mentioned in the application are true to the best of his/her knowledge and belief.

**Please note that giving any false statement made in the DECLARATION portion is a punishable offence under section 31 of the Representation of the People Act, 1950 (43 of 1950) with imprisonment with a term which may extend to one year or with fine or with both.**

१३

//T.C.//

**IN THE SUPREME COURT OF INDIA  
PUBLIC INTEREST LITIGATION  
CIVIL ORIGINAL JURISDICTION**

**WRIT PETITION (CIVIL) NO. 637 OF 2025**

**IN THE MATTER OF**

Yogendra Singh Yadav

**...Petitioner**

**Versus**

Election Commission of India & Anr.

**...Respondents**

**REVISED WRITTEN SUBMISSIONS FOR PETITIONER FILED ON  
BEHALF OF SHADAN FARASAT, SR. ADV.**

1. The impugned exercise, that is, the Special Intensive Revision (**SIR**) of the Electoral Rolls in Bihar, threatens to permanently and irrevocably alter the architecture of universal adult franchise embedded in our Constitution, laws and rules governing elections. The first phase of this exercise has already resulted in the largest mass deletion of names from the Electoral Roll recorded in the history of India, without adding a single name. With approximately 94 lakh eligible adults already absent from the draft electoral rolls in Bihar, the SIR has opened the floodgates for the largest disenfranchisement exercise in the global history of democracy. If allowed to continue, SIR is designed to result in further mass deletions in Bihar. And,

if allowed at the national level, as envisaged in the SIR order, this exercise is bound to erode the universal character of adult franchise achieved in the last 75 years. While it is incumbent that this Court intervene urgently, and on an *ad-interim* basis, to ensure that all eligible voters already on the electoral rolls as on 24.06.2025 are able to exercise their constitutional right to vote in the ensuing assembly elections in Bihar, the Petitioner also seeks quashing of the entire SIR for, *inter alia*, the manifest arbitrariness inherent in the process and multiple violations of the Representation of People's Act, 1950, the Registration of Electors Rules, 1960 and the Constitution of India.

2. It is imperative to note that the SIR has already achieved the opposite of “mass inclusion” that a revision of Electoral Rolls was required and expected to aim at. By their own admission, the ECI has summarily ousted 65.2 lakh existing electors who were on the Electoral Rolls as on 24.06.2025, on the ground that their filled Enumeration Forms were not received by 25.07.2025. The actual exclusion is much larger, around 94 lakhs, and is likely to grow bigger in the second stage of SIR. Limiting ourselves, first of all, to the exclusion of 65.2 lakh electors, it is submitted that the said exclusion is patently illegal and arbitrary, since:

- (i) It fails to specify the basis of the BROs/EROs/BLOs' determination/conclusion that such 65.2 lakh electors are either

deceased, registered in more than one location, permanently migrated or untraceable, as claimed by the ECI in its public communication;

- (ii) It fails to follow the established protocols and rules for determination of dead, duplicate and permanently shifted names. As per the Manual on Electoral Rolls, in a de novo preparation of Electoral Rolls, which the SIR claims to be, it is the responsibility of the Booth Level Workers to make home visits and note down ‘all particulars of eligible persons staying in the house in an electoral card. A copy of the card is to be handed over to the head of the household.’ ( Section 9.3.1, Page 49, Manual on Electoral Rolls, 2023)

Hence, hitherto neither has such an exercise required each elector to fill and submit Enumeration forms with photograph herself/himself nor has there been any requirement of submission of any eligibility document from those who are already on the electoral rolls. Nor do the The Registration of Electors Rules, 1960, or the Manual on Election Law (2024) mention any power of the Election Commission to demand eligibility documents from existing voters at the preparation of Draft or Final Rolls. Nor, within the BLO Training Manual has the BLO any power to determine which Elector has been permanently migrated, unless the Elector herself clearly indicates that

she has no intention to return to the place where she has been enrolled.

( Page 20, Training Module for Booth Level Officers, 2011)

- (iii) The ECI has resolutely denied the information about the names of the persons who fall in each of these categories to public, political parties or the affected persons, despite repeated pleas from political parties and an application filed in this court with this express request; and
- (iv) It extinguishes legal right to receive notice and personal hearing as well as the legal remedy by way of first and second appeal for these 65.2 lakh electors who have been left out of draft roll, even if they are not deceased, registered in more than one location, permanently migrated or untraceable, since the SIR Notification does not contemplate any recourse for such a person during the Claims and Objections period. The wrongfully excluded among these 65.2 lakh voters will now be compelled to reapply as fresh electors under Form 6 of the Registration of Electors Rules, which is to be submitted along with certain documentary proof. This is a denial of their statutory right upheld by the Supreme Court.

3. It is submitted that there are three internationally accepted criteria for assessing the quality of electoral rolls: completeness, accuracy and equity. Completeness is about not leaving anyone behind and ensuring that every person who is entitled does figure on the electoral rolls. Accuracy is about eliminating false, erroneous or missing entries on the electoral rolls. Equity is about a fair representation of all social groups in proportion to its share of eligible population. From the evidence available so far, the SIR has failed the quality test on all these three scores. We can be sure that SIR has sharply reduced the completeness of electoral rolls, while there is some evidence of deterioration in the equity and no improvement in the accuracy of electoral rolls in Bihar.

***Test1: Sharp fall in ‘completeness’ of electoral rolls***

4. For completeness, the globally accepted measure is the Electoral to Adult Population ratio or the EP ratio, which is best measured by comparing the number of electors with the number of persons in the voting age population. By global standards, India has done fairly well on this score. The accompanying table presents data on completeness of electoral rolls in all major democracies in the world that went to polls in 2024-25.

Table 1: EP Ratio of a Few Countries which had Elections in 2024-25

Country	Electors ( Mn.)	Adult Popn.(Mn.)	EP ratio (%)
Australia	18.1	21.1	86
Austria	6.2	7.5	83
Canada	28.5	32	89
France	43.3	54	80
Germany	60.5	61.5	98
Ghana	18.7	19.5	96
<b>India</b>	<b>9778</b>	<b>9887</b>	<b>99</b>
Japan	103.8	104.8	99
Mexico	98.2	93.3	105
Pakistan	128.5	150	86
South Africa	27.8	41.1	68
South Korea	44.2	44.8	99
Sri Lanka	17.1	15.9	108
United Kingdom	48.2	54.6	88
United States of America	174	236.2	74



Source:

For India, 'State Wise Number of Electors' sheet in <https://www.eci.gov.in/general-election-to-loksabha-2024-statistical-reports> and 'Report Of The Technical Group On Population Projections (2019)'

USA: <https://www.census.gov/newsroom/press-releases/2025/2024-presidential-election-voting-registration-tables.html>

For Rest of the countries, <https://www.idea.int/data-tools/data/voter-turnout-database> from International Institute for Democracy and Electoral Assistance, of which India is a member.

It shows that India's EP ratio of 99% was at par with the best global models such as Germany, Japan and South Korea. India's EP ratio was substantially better than the United Kingdom (88%), France (80%), South Africa (68%) and the United States of America (74%). Global evidence shows that countries such as India that follow state-initiated enrollment have higher EP ratio and better quality of electoral rolls than countries like the USA and South Africa which follow self-initiated registration of voters. Here is the conclusion of a cross-country research for 159 democracies: "this article finds that automatic voter registration, a system of registering voters that is state-led, is key to the completeness and accuracy of electoral registers. ... We find no evidence that making registration easier and placing more of the onus on the state will jeopardise the accuracy of

registration lists. Rather, there is evidence in this cross-national research that putting registration in the hands of the state can make the register both more complete and accurate.” (*James, T. S., & Garnett, H. A. (2023), The Determinants of Electoral Registration Quality: A Cross-National Analysis. Representation, 60(2), 279–302.*

5. It is submitted that SIR is designed to erode the completeness of electoral rolls, as it shifts our electoral system from state initiated enrollment to self-initiated enrollment. Such a shift is bound to bring down very sharply the proportion of eligible electors on the electoral rolls, especially the poor, less educated and disadvantaged social groups. It is indeed shocking that such a major reversal in the existing system of adult franchise has been brought about through an order of the ECI, without any change in the rules and laws governing the elections.

This apprehension has come true with the implementation of SIR in Bihar.

Table 2: Normal Electors to Adult population ratio for India and large States,  
2024

ELECTORS TO ADULTS RATIO (2024 LS)			
State	Adult Population in Cr.	Electors in Cr	Electors/Adult Popn
Andhra Pradesh	4.07	4.13	102%
Assam	2.5	2.45	98%
Bihar	7.93	7.71	97%
Chhattisgarh	2.08	2.07	100%
Gujarat	5.16	4.8	93%
Haryana	2.18	2.01	92%
Jharkhand	2.67	2.58	97%
Karnataka	5.07	5.47	108%
Kerala	2.73	2.77	101%
Madhya Pradesh	5.81	5.66	97%
Maharashtra	9.56	9.29	97%
Odisha	3.23	3.37	104%
Punjab	2.36	2.15	91%
Rajasthan	5.46	5.34	98%
Tamil Nadu	5.93	6.23	105%
Telangana	2.88	3.32	116%

Uttar Pradesh	15.63	15.41	99%
West Bengal	7.54	7.6	101%
<b>India</b>	<b>98.87</b>	<b>97.8</b>	<b>99%</b>
<p>All Population Projections from Report of the Technical Group on Population Projections ( 2019), by the National Commission on Population, Ministry of Health and Family Welfare.</p> <p>Electors from '9 -State Wise Number of Electors', column 'GENERAL(Including NRIs)' <a href="https://www.eci.gov.in/general-election-to-loksabha-2024-statistical-reports">https://www.eci.gov.in/general-election-to-loksabha-2024-statistical-reports</a>.</p>			

The accompanying table presents the data for adult population and electors for all the major states at the time of the Lok Sabha elections in 2024. The figures for the adult population have been calculated from the Report of the Technical Group on Population Projections (2019), by the National Commission on Population, Ministry of Health and Family Welfare. These projections are based on Census 2011 data, adjusted for estimated fertility, mortality, and migration rates. Deaths in the population are therefore already accounted for. Duplication and permanent migration are also addressed in the Census, as each person is counted only once and permanent migrants are recorded at their current residence, not their place of origin. These figures are used for all official purposes by the Government of

India. These figures have also been used by the Election Commission of India to verify the quality of its electoral rolls. (*Annexure EP Ratio Table used by EC in 2019, Also Formats 2B and 3B used by CEO of Bihar in January 2025*). Instead of using the ratio of electors to the entire population (which include children whose proportion varies from state and across time), we focus here on the ratio of electors to the voting age population, as is the global norm.

The table above shows that Bihar was among average states within an acceptable margin of the national average of 99%. Before the impugned SIR exercise, Bihar's EP Ratio was at 97%, slightly below the national average. Thus, contrary to the ECI's assumption, Bihar's electoral rolls did not suffer from over-inclusion, but from under-inclusion.

**Table 3: Impact of Draft Rolls of SIR on Electors to (Adult) Population ratio in Bihar**

<b>Juncture</b>	<b>Adult Popn. (In Cr).</b>	<b>Electors</b>	<b>Electors/Adult Popn.</b>
2019 Lok Sabha Election	6.97	7.11	102%
2020 Vidhan Sabha Election	7.27	7.36	101%
2023 Special Summary Revision (SSR)	7.68	7.58	99%
2024 Lok Sabha Election	7.93	7.71	97%
2025 January Special Summary Revision	8.07	7.8	97%
24 June 2025 before Announcement of Special Intensive Revision (SIR)	8.16	7.9	97%
25 July 2025 Closing of Enrolment of SIR	8.18	7.24	<b>88%</b>

All Population Projections from Report of the Technical Group on Population Projections (2019), by the National Commission on Population, Ministry of Health and Family Welfare.

Electors Data for Lok Sabha 2019 from 'General Election to Lok Sabha 2019, State Election Management Plan, ECI. For 2020 VS and 2024 LS from <https://www.eci.gov.in/general-election-to-loksabha-2024-statistical-reports>. For 2023 SSR and 2025 SSR from respective Format 3B. For 'Announcement of SIR' from ECI's Press Release of 28th June 2025, 12:52 PM. For 'Closing of SIR' from ECI's Press Release of 24th July 2024, 4:39 PM, as per which Enumeration Forms of 7.21 Crore voters have been received; ECI is attempting to collect forms of 6.9 Lakh more voters

The Population Projections of the Bihar Election Commission as per Format 2B and Format 3B for SSR 2023 and SSR 2025 are identical to those from Report of the Technical Group on Population Projection

6. Table 3 presents the data for Bihar from 2019 till the latest draft electoral rolls released on 1 August 2025. It shows that Bihar has hovered around the national average, with a slight decline from 102% in 2019 to 97% in 2024. The special summary revision completed in January 2025 and subsequent changes till 24 June added many names in the voters list, but since the population had also grown, the EP Ratio remained static at 97%.

7. The last row in Table 3 shows the drastic and adverse impact of SIR. In July 2025, the adult population of Bihar was projected at 8.18 crores. The electoral rolls at the start of SIR was 7.89 crores. So a fully ‘complete’ electoral roll should have had a net addition of 29 lakhs, so as to bring it close to the norm of 8.18 crore. As against this, the actual numbers on the draft electoral rolls released on 1 August 2025 is just 7.24 Crores. Thus instead of adding 29 lakh voters, the SIR has taken a deep dive in the opposite direction by bringing the figure down by 65 lakhs. Thus the total shortfall or the number of ‘missing voters’ in Bihar on 1 August 2025 was as high as 94 lakhs. Bihar has already experienced a dramatic and unprecedented fall from 97% to just 88%, a sudden drop of 9 percentage points in the EP Ratio.
  
8. The fall in the EP ratio, as mentioned above, is contrary to the SIR’s stated objective, which is that ‘no eligible citizen is left out while no ineligible person is included.’ Keeping with this objective, it was expected that at the stage of preparation of the Draft Rolls, the EP Ratio would improve to approach 100%, rather than drastically decreasing, especially since the BLO is supposed to conduct up to three house-to-house enumeration visits to ensure that all eligible citizens are enrolled. The exercise also violates the SIR objective in another respect. As per the data released by the EC, the



entire exercise of preparation of draft rolls has not led to the addition of a single name to the electoral rolls in Bihar. This was not an exercise in intensive revision but a mala-fide exercise focused only on intensive deletion that has naturally resulted in mass exclusion.

9. It is submitted that the above mentioned mass exclusion in the first phase of SIR is just the beginning of disenfranchisement. The SIR exercise is designed to lead to further large-scale deletion, over and above the 65.2 lakh names that have already been deleted. As per the SIR process as spelt out by the ECI, the 7.24 crore electors whose names appear on the draft rolls could face further deletions in two major ways:

- i. **“Not Recommended by BLOs”:**

- a. First, because while their enumeration forms have been received and uploaded, they have not been recommended by BLOs. The ECI has not officially disclosed figures for the number of electors who fall in this category. However, data from two districts in Bihar — Darbhanga and Kaimur — in possession of the petitioner shows that BLOs have marked as many as 10.6% and 12.6% respectively of electors on the draft rolls as “Not Recommended.” If this pattern holds for the rest of Bihar, the number of electors who face the threat

of deletion could be larger than those who have already been excluded.

- b. The basis for such a recommendation by the BLO is without any determining principle or policy. At this stage the BLO is in no position to assess the documents submitted, since as per the CEO of Bihar's own directions, eligibility documents could be submitted until 31 August 2025. The power to place any elector in "Not Recommended" category at this point cannot but be the subjective assessment of the BLO that would accentuate arbitrariness.
- c. Notably, (a) No law, rule, or even the official BLO Handbook contains any provision for "recommendation" or "non-recommendation" of electors; (b) the SIR order itself does not lay down any basis, process, or requirement for such a power; (c) The ECI has not informed the affected electors, nor has it disclosed the names or numbers in the public domain, giving the entire exercise a cloak of secrecy.

**(ii) "Lack of Eligible Documents"**

- a. Second, and even bigger, deletion is expected due to non submission of 'eligibility documents' during the scrutiny of the enumeration forms submitted so far. The SIR contains an "indicative but not

exhaustive” list of 11 documents. Any elector whose name was not on the 2003 electoral roll or who cannot now locate their name in that roll is required to submit one such document by 31.08.2025.

- b. The ECI has not disclosed how many of the 7.24 crore electors on the draft rolls have successfully located their names in 2003. As per the data accessed by the petitioner from the two above mentioned districts, the figures are well below one-third. This means that roughly two-thirds (approximately 4.82 crore electors) of those on the draft electoral rolls will need to submit additional documents. Further, while there is no official data on how many electors have already submitted one of the required documents, the decision of the CEO to accept enumeration forms without any documents confirms that such numbers would be very low.
- c. The real question is how many on the draft electoral rolls *possess* any of these documents in the first place. The counter affidavit of the ECI claims that the volume of documents available is three times greater than the number of electors. However this claim is based on irrelevant, dubious or inflated data. For instance, on Permanent Residence Certificate the ECI admits that ‘Permanent Residence Certificate is not issued in Bihar.’ Yet in the next sentence, it claims — without citing any source — that 13.9 Cr. Residence Certificates have

been issued in Bihar from 2011-25 – a number which exceeds the population of Bihar. On the Caste Certificate, similarly, the ECI makes indefensible claims on the basis of total certificates issued during 2011-25 and not the number of unique persons to whom the certificates have been issued. The ECI's claim on Family Register mentions 2 cr. names contained in the Vikas Register 2.0 of Bihar Mahadalit Vikas Mission, a purely internal administrative register to which no individual except government officials with a login have access. On the Birth Certificates the ECI uses a grossly misleading method of counting all the birth certificates issued between 2001-24 whereas it in the same paragraph concedes that those born after 2007 are not eligible to be on the electoral rolls of 2025. In the House Allotment Certificate, it adds up 1.18 Cr scheme beneficiaries of Pradhan Mantri Aawas Yojanas (Gramin and Urban) and Indira Aawas Yojana beneficiaries though the beneficiaries do not receive a House Allotment Certificate and do not qualify for "land/house allocation documents" required under SIR.

- d. As pointed out by the Association for Democratic Reforms in their pleadings before this Court the correct figure for the electors in the relevant category who may possess any one of these certificates cannot be more than half of those required to submit these. The

relevant table comparing the ECI claims and the factual position is reproduced here.

**TABLE 4: RESPONSE TO THE EC's CLAIMS ON COVERAGE OF 'ELIGIBILITY DOCUMENTS' IN BIHAR**

<b>Document</b>	<b>EC's Estimate (Converted into % of 7.9 cr potential electorate in 2025)</b>	<b>Our Estimate for persons not on ER 2003 (% of populati on 18-40 yrs)</b>	<b>Our response to the ECI data and basis for our calculations</b>
Identity card or Pension Payment Order	(1.8%) 14.39 Lakh (9.65 L Employees + 4.74 Lakh Pensioners)	1%	EC data source is credible and its figures are accurate, but it over-estimates the numbers as a) All pensioners are likely to be in the Electoral Rolls of 2003, and b) at least half of the present employees are likely to be in the age group 40-60 and therefore assumed to be on ER-2003. The correct estimate therefore is 4.8 lakhs ( 1% of potential electorate in Age Group 18-40 years)
Identity Card /Document issued by Government/ LIC/PSUs prior to July 1st 1987	"Cannot be ascertained"	Nil	No comment needed
Birth Certificate	(49.7%) 3.93 Cr.	2%	EC claim is grossly misleading on several counts: a) The reference period used (2001-2024) is invalid. As EC concedes anyone born after 2007 cannot be on electoral rolls.b) the figures are for births registered, rather than for birth certificates issued or received. A small proportion of registered births used to apply for birth certificates during 1985-2007, the time period relevant for us. The correct source for estimating the number of persons who possess a birth certificate is the National Family Health Survey, Round 3 which found that 2.8% of households in Bihar possessed a birth certificate for a child born between 2001-05. Since our reference period is 1985-2007, the figure is likely to be much lower, well below 2%.
Passport	36.6 Lakh (4.6%)	4.6 %	EC data source is credible. Though the data is inflated (as it includes expired passports) but may be retained in the absence of an authentic break up. It may be noted that most of the passport holders are also likely to possess matriculation/degree certificates and are not additive in nature.

Matriculation	(36.8%) 2.91 Cr. (2.86 BSEB + 0.017 OS + 0.028 Sanskrit)	43.3%	EC uses correct data source, but uses wrong reference years (1980 to 2025) whereas the only relevant years are from 2001 (matriculate of that year would have become a voter after 2003) till 2023 (matriculates after that are not eligible yet) . The number for 2001 to 2023 (including Bihar Madrassa Board Data provided but not used by EC) works out to 2.06 Cr (43.3% of the age group 18-40 years)
Permanent Residence Certificate	(176%) 13.9 Cr.	Nil	The data is irrelevant since the EC admits that “Permanent Residence Certificate is not issued in Bihar”. The figures are for ‘Residence Certificate’ that is issued for one year and cannot have presumptive value for citizenship. The astronomical data exceeds the total population of Bihar. Oddly, the EC has not provided any source document for this data.
Any Caste Certificate	(111%) 8.73 Cr	16% to 20%	The astronomical figure given by ECI cannot be relied upon as a) The ECI has not attached a copy of the letter or source document; b) the ECI does not explain why it covers the period from 2011 to 2025; c) the data purports to be about the number of certificates issued rather than the number of persons to whom it was issued. In the absence of specific data, the figure is unusable. Therefore we draw upon an older research paper which measured availability of caste certificates among SC (20%), ST (38%) and OBC (18%). Assuming no caste certificate for the General category, it works out to 16% for the entire population. Since this research pertains to 2011-12, and we must assume higher availability since then, it is safe to give a range of 16-20%
National Register of Citizens ( wherever it exists)	Does not exist for Bihar	Nil	Not mentioned by the EC.
Family Register	(27.3%) 2.16 cr (15.77 PR Dept + 2 Cr Vikas Resister)	1.2 %	Highly misleading and speculative data. As is clear from the Annexure D of ECI, the Vikas Register 2.0 of Bihar Mahadalit Vikas Mission is a purely an internal administrative document for official use with a login. This is not a certificate available to people. The other figure of Vanshavali certificates issued by Panchayati Raj Department is relevant, though the figure of 15.77 lakh is inflated as two-thirds are likely to be under 18 yrs or above 40 years. So the correct figure is around 5.77 lakhs (1.2%)
Any Land/ House Allotment certificate by Government	(15.6%) 1.24 Cr ( 5.78 lakh Allotted Land + 4.6 lakh Urban houses+ 1.13 Cr Beneficiaries of PMAY-G, IAY, PMAY-U, MMGAY)	1.2%	Two of the three figures are misleading and inapplicable. While Land allotment under Bhoomi Bandi Basti Parcha qualifies as “land allotment”, grants under IAY, PMAY-G and PMAY-U involve no allocation of house or land as these are grants to construct a house on one’s own land. The numbers given here are of Scheme Beneficiaries who have obtained a Sanction Letter which is not a House Allotment Certificate. So the only relevant figure is 5.78 lakhs (1.2%).
Forest Right Certificate	Not mentioned by EC in Counter Affidavit	Negligible	Only forest dwelling ST communities are eligible for this. As per one report Bihar has had only 191 such certificates granted till date.

The figures given in the third column are not additive but overlapping; there is a negligible proportion of those who are government employees or have passports or have birth certificates but are not amongst the 43.3% who are matriculates. Resultantly, there are likely to be massive deletions of eligible voters simply because the ECI has not expanded the list of acceptable documents to make the process inclusive rather than exclusive.

10. The mass, automatic deletion of existing voters from the electoral rolls simply because they could not submit the enumeration form by 25 July, without giving them a reasonable opportunity of being heard or basing the suspicion on reasonable grounds, is violative of Article 10 of the Constitution (which recognises the continuance of citizenship), the provisions of the Representation of the People Act, 1950 (Section 22), and the Rules (Rules 4 to 23, 21A, and 25 of the Registration of Electors Rules, 1960) framed thereunder.
11. Further, as categorically held by this Hon'ble Court in *Lal Babu Hussein v. Electoral Registration Officer*, (1995) 3 SCC 100 (Paras 6 and 13), once a person's name is on the electoral rolls, she enjoys a presumption of citizenship. In Para 13 of Lal Babu, this Hon'ble Court observes that "if any person whose citizenship is suspected is shown to have been included in the immediately preceding electoral roll, the Electoral Registration Officer or

any other officer inquiring into the matter shall bear in mind that the entire gamut for inclusion of the name in the electoral roll must have been undertaken and hence adequate probative value be attached to that factum before issuance of notice and in subsequent proceedings...". Therefore, all voters on the Bihar electoral rolls, including those who have not been given or have not submitted an enumeration slip, are entitled to the same presumption of citizenship and the corresponding protection from arbitrary deletion.

12. At this stage, in the absence of meaningful and analysable information, it is hard to assess the accuracy of draft electoral rolls. In a large number of cases, the draft electoral rolls have shifted the booth/part in which an elector's name figures. The EC has refused to share the list of 65 lakh names dropped from the draft electoral rolls with the category of reasons for their non-inclusion cited by the ECI in its public communications. All this has made it difficult for the voters to locate their name on the draft electoral names and has delayed the process of filing of objections. Yet we already have a large number of cases of reported errors and discrepancies in the draft electoral rolls. These may be addressed in the one month period for scrutiny and objections. Even if we assume that the accuracy of the final electoral rolls would be better than the rolls as they existed before SIR, it would be



due to house-to-house visits and may have nothing to do with the requirement for filing of forms and submission of documents.

13. It would also be premature to arrive at a definite conclusion about the equity of the draft electoral rolls in the absence of names of dropped electors and reasons for their deletion. At the same time, the available information raises serious concerns about exclusion of women, persons without matriculation degree and migrant workers. There is a serious apprehension that the scope of arbitrariness built into this exercise may be used for selective deletion of voters from minority and other vulnerable social communities.
  - a) The requirement to produce evidence to show documentary proof of place of birth, date of birth and lineage is particularly onerous for women, transgender persons, migrants, and persons belonging to socially and economically weaker sections of society. An analysis by *The Hindu* in the accompanying Table 4 displays that of the total females on the Rolls at 1st January 2025, 31 Lakh, which is 8.3% were deleted from the Draft Rolls of the SIR. For Males, 25 Lakh which is 6.1%, were deleted. Hence of the 56 Lakh Deleted electors, 55% were Females, 45% were Males. These deletions are officially attributed to three causes: death, permanent migration, and duplication. But in Bihar, adult male and female death rates are similar. Most female permanent migration is marriage-related and takes

place within the state. For duplication, there is no logical reason why women would enrol in multiple places more than men. The real explanation lies in the literacy gap: according to the 2011 Census, 61% of adult women were illiterate compared to 34% of adult men. This lack of literacy has meant fewer enumeration forms submitted by women, leading to their disproportionate exclusion from the Draft Rolls.

**TABLE 5: GENDER WISE DELETIONS IN DRAFT SIR**

	<b>No. of Electors (Lakhs)</b> <b>1<sup>st</sup> Jan 2025, SSR)</b>	<b>No. of Electors (Lakhs)</b> <b>(1<sup>st</sup> August 2025, Draft SIR</b>	<b>Deletions from SSR to Draft SIR (Lakhs)</b>
Males	407	382	25 (6.1%)
Females	372	341	31 (8.3%)
Total	780	724	56 (7.2%)
<a href="https://www.thehindu.com/data/more-women-than-men-deleted-from-electoral-rolls-in-bihar-during-sir-data/article69905416.ece">https://www.thehindu.com/data/more-women-than-men-deleted-from-electoral-rolls-in-bihar-during-sir-data/article69905416.ece</a> August 8 <sup>th</sup> 2025			

- b) Migrant workers have been disproportionately disenfranchised in this exercise which has taken place right at the sowing season when a large number of Bihari male agricultural labour migrates to Punjab, Haryana and other states. The Stranded Workers Action Network(SWAN) conducted a phone survey from July 19th to 21st, after the Election Commission had claimed it had covered 95% of the state's electors. Of the 248 respondents

who were not in Bihar, three fourths had not heard of an online portal to submit the enumeration form and less than 1% had actually submitted online. More than two third did not have the correct information of the ‘eligibility documents’ for the SIR.

- c) Further, the current list of 11 documents disproportionately disadvantages non-matriculantes. Most such persons have no reason to possess any of the 11 listed documents and would need to apply for one in these last few weeks. Many will inevitably be left out.
14. It is further submitted that given the timelines announced by the ECI it is impossible for an elector who may be aggrieved with the final rolls to access any legal remedy:
  15. It is mandatory that the new Bihar Assembly be formed post Vidhan Sabha elections on/before 22nd November 2025. This means that the last date of entering the electoral rolls: the last date of notification of elections is September 30th , which is also the date of publication of the Final SIR Electoral Roll. This is grossly unfair as it is certain that the individuals deleted from the Draft Rolls, but who can recover their voting right on the first or second appeal have no way to get back on the Electoral Rolls in time

for the Vidhan Sabha election and hence have been deprived of their franchise.

**TABLE 6: TIMELINES OF SIR AND BIHAR ASSEMBLY ELECTIONS 2025**

Dates	Occurrence
1st August	Date of beginning of Period of filing Claims and Objections when eligibility documents are allowed to be submitted by those on Draft Rolls (As per advertisement, statement by Bihar CEO , July 6th 2025)
1st September	End of Period of Claims and Objections (and submitting eligibility documents) ( Point 7.5, SIR)
25th September	Last date of decision on enumeration forms and eligibility documents (Point 7.6, SIR)
30th September	Last Date of entering Electoral Rolls: last Date of Notification of Bihar Elections, as per calendar followed in 2020 Assembly Elections (53 days before formation of Bihar Assembly)
10th October	Last date a potential voter whose claim/eligibility has been rejected can file her 1st Appeal to DM (Rule 23.2(b) of The Registration of Electors Rules, 1960)
17th October	Date of Rejection of her 1st Appeal, supposing that it takes a week after her application for DM to decide on it
16th November	Last Date at which she can file a 2nd Appeal with CEO, Bihar, as per (Rule 23.(2)(c) of The Registration of Electors Rules, 1960)
22nd November	Date on which new Bihar Assembly needs to be formed as per ECI
23rd November	<b>Date at which the Bihar ECI CEO hears the potential voter's appeal, supposing that it takes a week after her application for the Bihar CEO to decide on it</b>

16. This was pointed out by a Former Election Commissioner to Anubhuti Vishnoi in the Economic Times of 9th July, "The process for deletion and appeal is complex and involves multiple steps from issuing a show cause notice to such an elector, allowing him more than enough opportunity to contest it. This itself is known to take nearly six months in several cases. After that also, the elector has the right to go to appeal, a process known to easily take 4-6 months. So, anyone whose name is deleted and wants to contest it would not be able to do so in the October-November Bihar election. Several people work in other states and may not even get the EC

notice. That is certainly not only undesirable but also against the spirit of EC's enrolment approach."

17. Even the process of thorough scrutiny of these 7.24 crore forms may not be possible within the given time frame. The Workload expected of the BLOs, EROs and AEROs is unsustainable if any modicum of quality of the due process is to be maintained. Table 6 gives us an idea of the expectations from the staff:

**TABLE 7: WORKLOAD OF AVG. ELECTORAL ROLLS OFFICER**

(IN SCRUTINY PERIOD OF AUGUST 1st to SEPTEMBER 25th)

Particulars per Constituency	Numbers	Sources/Assumptions/Notes
Forms ( and Documents) to be scrutinized per Constituency	2.98 Lakh	7.24 Cr/243. Range (2.2-4.5 Lakh). Scrutiny of single form includes checking multiple documents on a case by case basis as per Counter Affidavit
Forms that can be scrutinized by AEROs( ~12 per constituency)	36000	ECI has set a limit of 3000 forms per AERO in entire revision period. (Page 28, Manual on Electoral Rolls)
Remaining Forms to be scrutinized by ERO ( August 1st to Sep 25)	2.62 Lakh	Assumes flow of documents is smooth, which is unlikely to happen as BLOs face network issues uploading documents
Forms to be scrutinized by an Avg. ERO per day	4678	Can go upto 7000 forms/day in large constituencies
Additional work of ERO: Hearing and inquiry for 'doubtful' cases to be completed per day	784	ERO expected to make the final decision after sending Notices, completing Hearings, Field enquiries. Conservatively assuming that one fourth of those not on 2003 rolls (~1.75 Lakh per constituency) do not submit adequate eligibility documents

18. This situation is bound to lead to summary approval or deletion without application of mind. The nature of the SIR process (deletion, removal, inclusion, verification of documents, disposal of claims and objections) is made more exclusionary by dint of being conducted by BLOs/AEROs/EROs, who have been given unfettered discretion at each stage. The discretion given to them must be contextualised against the fact that at the very outset of this exercise, there existed an acute shortage of AEROs and BLOs. In contrast to previous electoral roll revision cycles where trained schoolteachers and librarians were deployed, this time, contractual workers with no prior experience or training have been appointed. Therefore, within a compressed timeframe, untrained personnel have been entrusted with unchecked discretion to decide questions going to the heart of citizenship, without any governing principle or policy.
  
19. What is unfolding in Bihar is, therefore, not only unconstitutional and violative of statute and court-evolved case law, but also unprecedentedly exclusionary in its design and execution. If permitted to continue, the SIR will irreparably damage the universality of the adult franchise, distort electoral outcomes, and set a dangerous precedent for the exclusion of citizens from the polity.

20. For all the reasons stated hereinabove, the SIR should be struck down summarily for violation of Article 326 of the Constitution, Basic Structure of the Constitution and multiple provisions of the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960.

**PLACE:** New Delhi

**DATE:** 10.08.2025

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