ANNEXURE –Y-

Sl.No	ADVOCATE'S CHECK LIST (TO BE CERTIFIED BY ADVOCATE-ON-RECORD)	INDICATE YES/ NA
1	SLP(C) has been filed in Form No. 28 with certificate.	Yes
2	The Petition is as per the provisions of Order XV Rule 1.	Yes
3	The papers of SLP have been arranged as per Order XXI, Rule (3)(1)(f).	Yes
4	Brief list of dates/events has been filed.	Yes
5	Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index.	Yes
6	Proper and required number of paper books (1 + 1) have been filed.	Yes
7	The particulars of the impugned judgment passed by the court(s) below are uniformly written in all the documents.	Yes
8	In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate.	NA
9	The Annexures referred to in the petition are true copies of the documents before the court(s) below and are filed in chronological order as per List of Dates.	Yes
10	The annexures referred to in the petition are filed and indexed separately and not marked collectively.	NA
11	In SLP against the order passed in Second Appeal, copies of the orders passed by the Trial Court and First Appellate Court have been filed.	NA
12	The complete listing proforma has been filled in, signed and included in the paper books.	Yes
13	In a petition (PIL) filed under clause (d) of Rule 12(1) Order XXXVIII, the petitioner has disclosed:	NA
(a)	his full name, complete postal address, e-mail address, phone number, proof regarding	NA

	personal identification, occupation and annual income, PAN number and National Unique Identity Card number, if any;	
(b)	the facts constituting the cause of action;	NA
(c)	the nature of injury caused or likely to be caused to the public;	NA
(d)	the nature and extent of personal interest, if any, of the petitioner(s);	NA
(e)	details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.	NA
14	In case of appeals under Armed Forces Tribunal Act, 2007, the petitioner appellant has moved before the Armed Forces Tribunal for granting certificate for leave to appeal to the Supreme Court.	NA
15	All the paper books to be filed after curing the defects shall be in order.	Yes

I hereby declare that I have personally verified the petition and its contents and it is in conformity with the Supreme Court Rules, 2013. I certify that the above requirements of this Check List have been complied with. I further certify that all the documents necessary for the purpose of hearing of the matter have been filed.



MUDIT GUPTA
AOR Code - 3309
Name and Code of the Advocate on-record.

New Delhi;
Date: 27.09.2026

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO._____ OF 2026

[Petition under Article 32 of the Constitution of India
read with Order XXXVIII of the Supreme Court Rules 2013]

[WITH PRAYER FOR INTERIM RELIEF]

IN THE MATTER OF:

Rakesh Kumar Singh alias Rakesh Singh ...PETITIONER

VERSUS

Union of India & Ors. …RESPONDENTS

PAPER-BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR PETITIONER**: MUDIT GUPTA**

RECORD OF PROCEEDINGS

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2.	Listing Proforma	A1- A2	A1-A2	
3.	Cover page of Paper Book		A3	
4.	Index of Record of Proceedings		A4	
5.	Limitation Report prepared by the registry		A5	
6.	Defect List		A6	
7.	Note Sheet		NS-1	
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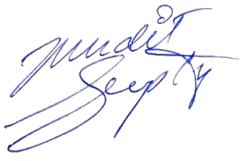
A

PROFORMA FOR FIRST LISTING

☐	Central Act: (Title)	The Constitution of India
☐	Section:	Article 32
☐	Central Rule: (Title)	NA
☐	Rule No(s)	NA
☐	State Act: (Title)	NA
☐	Section:	NA
☐	State Rule: (Title)	NA
☐	Rule No(s)	NA
☐	Impugned Interim Order: (Date)	NA
☐	Impugned Final Order/Decree: (Date)	NA
☐	High Court: (Name)	NA
☐	Names of Judges:	NA
☐	Tribunal/Authority:(Name)	NA
1.	Nature of matter:	Civil
2.	(a) Petitioner/appellant No. 1:	Rakesh Kumar Singh alias Rakesh Singh
	(b) e-mail ID:	NA
	(c) Mobile phone number:	NA
3.	(a) Respondent No. 1:	Union of India
	(b) e-mail ID:_	NA
	(c) Mobile phone number:	NA
4.	(a) Main category classification:	1400
	(b) Sub classification:_	1400 Others
5.	Not to be listed before:	NA
6.	(a) Similar disposed of matter with citation, if any, & case details:	No Similar disposed matter
	(b) Similar pending matter with case details	No similar Pending matter
7.	Criminal Matters:	

	(a) Whether accused/convict has surrendered:	No	
	(b) FIR No	No FIR	NA
	(c) Police Station:	NA	
	(d) Sentence Awarded:	No	
	(e) Period of sentence undergone including period of detention/custody	No	
	(f) Whether any earlier case between the same parties is filed	No	
	(g) Particulars of the FIR and Case	No	
	(h) Whether any bail application was preferred earlier and decision thereupon	No	
8.	Land Acquisition Matters:	NA	
	(a) Date of Section 4 notification:_	NA	
	(b) Date of Section 6 notification	NA	
	(c) Date of Section 17 notification	NA	
9.	Tax Matters: State the tax effect:	NA	
10.	Special Category (first petitioner/appellant only)	NA	
11.	Vehicle Number (in case of Motor Accident Claim matters):	NA	
12.	Whether there was / is litigation on the same point of law, if yes, details thereof	No	

Date:27.09.2025



AOR for the Petitioner(s)

NAME: MUDIT GUPTA

AOR code: 3309

B

SYNOPSIS

This Petition concerns not the fortunes of any individual constitutional functionary, but the constitutional identity of the Election Commission of India itself. Article 324(1) of the Constitution does not vest the superintendence, direction and control of elections in an individual Chief Election Commissioner. It vests those powers in "**a Commission**". Article 324(2) provides that the Election Commission consists of the Chief Election Commissioner and such number of other Election Commissioners as the President may from time-to-time fix. Article 324(3) makes the Chief Election Commissioner the Chairman of the Commission when other Election Commissioners are appointed. The constitutional text therefore deliberately separates membership of the Commission from the chairmanship of the Commission, and separates the chairmanship of the Commission from the Commission's power.

Parliament has given statutory form to this collegial design. Section 18 of the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 ("**the 2023 Act**") provides that the Commission may, by unanimous decision, regulate its own procedure and the allocation of its business; that the business of the Commission shall, as far as possible, be transacted unanimously; and that where the Chief Election Commissioner and the Election Commissioners differ in opinion on any matter, the matter shall be decided according to the opinion of the majority.

The Petition arises from a body of contemporaneous, written, on record material, namely file notings and formal communications by two of the three sitting Election Commissioners, Dr. Sukhbir Singh Sandhu and Dr. Vivek Joshi, addressed to the Commission's own officers and, on at least

two occasions, to the Cabinet Secretary of India, recording, between 28 October 2025 and 14 August 2026, at least fourteen distinct objections to steps taken in the name of the Election Commission without what the two Commissioners describe as the Commission's approval. These objections concern, among other things: communications and orders issued in the name of the Election Commission without the Commission's approval; an absence, for over a year, of agendas circulated before, and minutes circulated after, meetings of the Commission; foreign travel undertaken without the Commission's approval; a substantive change made in July 2026 to the statutory Form 6 despite an on file warning by Commissioner Joshi, concurred in by Commissioner Sandhu, that such a change could not lawfully be made without an amendment to the Registration of Electors Rules, 1960; the alleged progressive centralisation, in the Commission's own IT establishment, of control over access to the ERONet/ECINet electoral roll database, said to bypass the statutory Electoral Registration Officers; a change to the internal work allocation order removing a layer of oversight over that IT establishment, made, the two Commissioners say, without their knowledge, and which they purported to strike down; and the filing of appeals, on behalf of the Election Commission, before Court constituted tribunals in West Bengal, without the two Commissioners being informed of who authorised those appeals or under what authority.

The Petitioner does not ask this Hon'ble Court to resolve, as a matter of first instance, whether each of these disputed steps was in fact taken without lawful Commission authority; that is a question of fact that depends on the primary record, including minutes, file notings, approval sheets and orders, that lies with Respondent No. 2 and has not been placed in the public domain. What the Petitioner does ask is that this Hon'ble Court require that record to be produced, and that this Hon'ble Court declare and enforce the constitutional and statutory principle that a power vested by Article 324 in

the Election Commission as a constitutional body cannot be exercised, or represented to the public, the courts or the country as an act of the Commission, except in accordance with the constitutional and statutory framework governing the Commission, including Section 18 of the 2023 Act.

This is not a novel proposition sought to be read into the Constitution for the first time. It is the very design the Constituent Assembly settled upon. Dr. B.R. Ambedkar told the Constituent Assembly on 16 June 1949 that the House had affirmed, without dissent, that the machinery of elections had to be kept outside the control of the executive of the day. Pandit Hirday Nath Kunzru, in the same debate, warned that if the electoral machinery were allowed to become defective, or dependent upon persons whose integrity could not be relied upon, democracy would be "**poisoned**" at its source; he pressed, unsuccessfully at the time, for Parliament rather than the President alone to govern conditions of service. Dr. Ambedkar himself candidly told the Assembly that the Constitution as drafted contained "**nothing to prevent... a fool or a knave**" being appointed to the office, and that the problem had given him "**a great deal of headache**".

This Hon'ble Court returned to the same theme in *S.S. Dhanoa v. Union of India*, (1991) 3 SCC 567, recognising that where an institution wields vast, largely unreviewable power, it is "**both necessary and desirable that the powers are not exercised by one individual**"; in *T.N. Seshan, Chief Election Commissioner of India v. Union of India*, (1995) 4 SCC 611, which upheld the constitutional validity of a multi member Commission taking decisions by majority and held that the Election Commissioners "**must have a say in decision making**" and **are not merely advisers to the Chief Election Commissioner**; and, most recently, in *Anoop Baranwal v. Union of India*, (2023) 6 SCC 161, which held that the **independence of the Election Commission is integral to the conduct of free and fair elections**

and to the constitutional guarantee of universal adult franchise, and which traced that requirement back to the same Constituent Assembly debate relied upon in this Petition.

The Petitioner accordingly invokes Article 32 on the footing that the constitutionally mandated functioning of the body entrusted with the conduct of elections bears directly upon the constitutional framework governing electoral democracy and the rights of citizens under Articles 14 and 19(1)(a), as well as upon the constitutional guarantee contained in Article 326 of elections to the House of the People and to the Legislative Assemblies of States on the basis of adult suffrage. The right to vote has been recognised by this Hon'ble Court as a constitutional right, though not as a fundamental right, and Article 324 has been understood as conferring upon the Election Commission the constitutional responsibility necessary to ensure the conduct of free and fair elections. If the power constitutionally vested in the Election Commission as a multi member body can, in fact or in substance, be exercised by one office within it without the participation the Constitution and the 2023 Act require, then decisions that determine who is on the electoral roll, and therefore who may vote, raise a serious constitutional question as to whether such decisions are being taken by the constitutional authority the Constitution created for that purpose.

The Petitioner accordingly seeks a writ in the nature of quo warranto in respect of the authority under which Respondent No. 3 has purported to act, and continues to act, as though the powers vested by Article 324 in the Election Commission as a constitutional body were exercisable by him individually as its Chairman. Quo warranto ordinarily examines the lawful title to a public office rather than the propriety of an officeholder's conduct within powers validly vested in that office; this Hon'ble Court's jurisprudence, including University of Mysore v. C.D. Govinda Rao, AIR 1965 SC 491, and Kumar Padma Prasad v. Union of India, (1992) 2 SCC

428, so establishes. The Petitioner's grievance, however, is not that Respondent No. 3 has exercised the powers of the Chief Election Commissioner improperly, but that he has, on the record set out herein, held out as entitled to exercise a power, the collective decision-making authority of the Commission under Article 324 and Section 18 of the 2023 Act, to which Article 324(3) gives him no individual title, he being Chairman of the Commission and not the Commission itself. The Petitioner accordingly submits that whether Respondent No. 3 possesses lawful authority to act, communicate, or issue orders in the name of the Election Commission without the collegial process mandated by Section 18 is a question of title to that authority, properly examinable by way of quo warranto, and seeks this relief alongside, and not in substitution for, the declaratory and mandatory reliefs sought in respect of the collective functioning of the Commission.

Hence this Petition.

LIST OF DATES

Date	Events
1600–1919	The colonial legislative and electoral machinery gradually developed, but there was no independent constitutional or statutory election authority. The conduct and supervision of elections remained within the ordinary executive and governmental machinery
1935	The **Government of India Act, 1935**, particularly Section 291, placed the conduct of elections within the existing governmental and executive machinery. There was no constitutionally independent Election Commission comparable to the institution subsequently created under Article 324.

G

January–February 1947	The proposal for an independent Election Commission was first mooted before the **Fundamental Rights Sub-Committee of the Constituent Assembly**, reflecting the emerging constitutional concern that the machinery conducting elections should be insulated from the executive of the day.
15–16.06.1949	The **Constituent Assembly debated** the constitutional provisions relating to an independent election authority. Draft Article 289, subsequently renumbered as **Article 324**, was moved and amended by Dr. B.R. Ambedkar. The debates reflected the importance attached to securing an independent and impartial electoral machinery.
26.11.1949	The **Constitution of India was adopted** by the Constituent Assembly. Article 324 was brought into immediate force so that the institutional machinery necessary for preparation and conduct of the first general elections could be put in place.
25.01.1950	The **Election Commission of India was constituted** as the constitutional authority entrusted with the superintendence, direction and control of elections under Article 324.
21.03.1950	**Shri Sukumar Sen** was appointed as the first Chief Election Commissioner of India.
1950–1989	The Election Commission functioned as a **single-member body** for nearly four decades, with the Chief Election Commissioner exercising the functions of the Commission.
16.10.1989	The President appointed **two Election Commissioners** for the first time, thereby converting the Election Commission into a **three-member body** consisting of the Chief Election Commissioner and two Election Commissioners.

01.01.1990	The two additional Election Commissioner posts were abolished with effect from 1 January 1990. The legal consequences arising from the appointment and subsequent removal of the Election Commissioners came to be considered by this Hon'ble Court in **S.S. Dhanoa v. Union of India**.
1991	This Hon'ble Court decided **S.S. Dhanoa v. Union of India, (1991) 3 SCC 567**. In the same year, Parliament enacted the **Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991**, providing a statutory framework concerning the conditions of service of the constitutional functionaries.
01.10.1993	The President reconstituted the Election Commission as a **three-member body**. Dr. M.S. Gill and Shri G.V.G. Krishnamurthy were appointed as Election Commissioners. The statutory framework governing the **transaction of business of the Commission**, including the principle of unanimity and, where unanimity was not possible, decision by majority, was introduced.
1995	In **T.N. Seshan, Chief Election Commissioner of India v. Union of India, (1995) 4 SCC 611**, this Hon'ble Court upheld the constitutional validity of the multi-member Election Commission and recognised the decision-making role of the Election Commissioners within the Commission. The judgment affirmed that the Election Commissioners are not merely advisers to the Chief Election Commissioner and that the Commission may function through a **majority decision**.
02.03.2023	In **Anoop Baranwal v. Union of India, (2023) 6 SCC 161**, this Hon'ble Court decided the constitutional challenge concerning

	the appointment of Election Commissioners and directed, under Article 142, an interim appointment mechanism comprising the **Prime Minister, the Leader of Opposition and the Chief Justice of India**, pending legislation by Parliament.
10.08.2023	The **Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023** was introduced in the Rajya Sabha.
21.12.2023	The Bill was passed by both Houses of Parliament. It replaced the Hon'ble **Chief Justice of India** on the Selection Committee with a **Union Cabinet Minister nominated by the Prime Minister** and was enacted as the **the 2023 Act**.
15.03.2024	**Dr. Sukhbir Singh Sandhu** and **Shri Gyanesh Kumar** were appointed as Election Commissioners under the 2023 Act. The Leader of Opposition, who was a member of the Selection Committee, recorded his dissent.
18–19.02.2025	**Shri Gyanesh Kumar** was appointed as the **26th Chief Election Commissioner of India** and **Dr. Vivek Joshi** was appointed as Election Commissioner. The Leader of Opposition again recorded his dissent.
28.10.2025	Commissioner **Sandhu** recorded the first of the fourteen objections relied upon in the present chronology, concerning communications and orders issued in the name of the Commission without the approval of the Commission.
04.11.2025	Deputy Election Commissioner Sanjay Kumar, on the instructions of Election Commissioner Sukhbir Singh Sandhu, directs DG-IT Seema Khanna that statutory duties strictly belong

	to local EROs, DEOs and CEOs under the Representation of the People Act, 1950, and warns against IT systems curtailing the authority of field-level statutory officers.
02.01.2026	During the rollout of the Special Intensive Revision (SIR) across 12 States, Deputy Election Commissioner Sanjay Kumar writes again to the DG-IT, emphasising that the software must not impede the statutory discretion and functions of EROs.
29.01.2026	This Hon'ble Court directs that voters flagged for "**logical discrepancies**" in the SIR exercise be afforded personal hearings and an opportunity to produce documents for verification.
16.04.2026	Commissioners **Sandhu and Joshi** recorded four separate objections on the same day concerning: IT modules and portals said to have come to the Commissioners' knowledge through the media rather than through the Commission; official communications issued without Commission approval; the absence, for over a year, of agendas before and minutes after meetings of the Commission; and foreign travel by officers without Commission approval.
24.04.2026	Commissioner **Joshi** reiterated in writing to the Commission's senior officers that communications issued in the name of the Commission require the prior approval of the Commission.
16.05.2026	Commissioner **Joshi** recorded on file that **Form-6 could not lawfully be altered** to require SIR-linked disclosures without an amendment to the Registration of Electors Rules, 1960. Commissioner **Sandhu** concurred with the objection on **19 May 2026**.
19 .05.2026	Commissioner **Sandhu** concurred with Commissioner Joshi's

	objection concerning the proposed alteration of **Form-6** and the requirement of an amendment to the Registration of Electors Rules, 1960.
29.05.2026	Commissioner **Joshi** recorded concerns regarding the **"gradual centralisation of the electoral roll database"** and proposed an independent audit of database access credentials. Commissioner **Sandhu** subsequently endorsed the concern on **13 July 2026**.
July 2026	The disputed **Form-6 field** was introduced notwithstanding the objections recorded by Commissioners Joshi and Sandhu, as subsequently reported by *The Indian Express*.
13.07.2026	Commissioner **Sandhu** endorsed Commissioner Joshi's concerns regarding the alleged gradual centralisation of the electoral roll database and the need for an independent audit of database access credentials.
29.07.2026	Commissioners **Joshi and Sandhu** separately wrote to the **Cabinet Secretary of India** regarding a change in work allocation which, according to them, had removed a layer of oversight over the Commission's IT backbone and had been made without their knowledge.
30.07.2026	Commissioners **Joshi and Sandhu** purported to strike down the new work-allocation order concerning the Commission's IT establishment.
12.08.2026	Commissioner **Sandhu** recorded an objection concerning the filing, on behalf of the Election Commission, of appeals before the West Bengal tribunals against voters restored by judicial officers. He sought to know who had authorised the filing of

	those appeals and under what authority.
13.08.2026	Commissioner **Sandhu** recorded that the alteration to **Form-6** was **"unauthorised and illegal"** and stated that it should be removed immediately.
August 2026	It is revealed that, out of approximately 38.31 lakh appeals pending before the West Bengal Appellate Tribunals, approximately 16.10 lakh appeals had been filed in the name of the ECI against electors whose inclusion had been directed by the judicial officers. Commissioner Sandhu records his objection and asks: "***Who was authorised to file these appeals on behalf of ECI, and by whom?***"
14.08.2026	Commissioner **Sandhu** recorded concerns that field-level officers could not access the **ECINet** system and stated that the Commission's Director General (IT) had no legal authority to restrict the access of statutory authorities.
09.09.2026	The **first full meeting of the Chief Election Commissioner and both Election Commissioners in four months** was held.
21.09.2026	*The Indian Express* sent a questionnaire to the Election Commission and separately to Commissioners **Sandhu and Joshi** concerning the objections and issues reported. No response had been received as of the date of publication.
25.09.2026	*The Indian Express published its investigative report,* ***"14 times in 10 months, two Election Commissioners objected on record to poll panel steps"****, disclosing the fourteen recorded objections.*
27.09.2026	Hence the Present Petition.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO._____ OF 2026

[Petition under Article 32 of the Constitution of India
read with Order XXXVIII of the Supreme Court Rules 2013]

IN THE MATTER OF:

1.	Rakesh Kumar Singh alias Rakesh Singh, Male, [redacted]	**…PETITIONER**

VERSUS

2.	**UNION OF INDIA** Through its secretary, Ministry of Law and Justice, Government of India, New Delhi.	... **RESPONDENT NO. 1**
3.	**ELECTION COMMISSION OF INDIA** Through its Secretary General, Nirvachan Sadan, Ashoka Road, New Delhi – 110001.	**…RESPONDENT NO. 2**
4.	**SHRI GYANESH KUMAR**	**…RESPONDENT NO. 3**

	Chief Election Commissioner of India, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi – 110001.	
5.	**DR. SUKHBIR SINGH SANDHU** Election Commissioner, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi – 110001	**…RESPONDENT NO. 4**
6.	**DR. VIVEK JOSHI** Election Commissioner, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi – 110001.	**…RESPONDENT NO. 5**
7.	**SHRI MANEESH GARG, IAS** Senior Deputy Election Commissioner, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi – 110001.	**…RESPONDENT NO. 6**
8.	**MS. SEEMA KHANNA** Director General (Information Technology), Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi – 110001.	**…RESPONDENT NO. 7**

WRIT PETITION UNDER ARTICLE 32 OF
THE CONSTITUTION OF INDIA

TO,

THE HON'BLE CHIEF JUSTICE AND LORDSHIP'S COMPANION JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA

HUMBLE PETITION OF ABOVE-NAMED PETITIONER.

MOST RESPECTFULLY SHOWETH:

1. The present Writ Petition under Article 32 of the Constitution of India is being instituted by the Petitioner, a public-spirited citizen and a conscientious observer of constitutional governance, democratic institutions and the rule of law, raising issues of grave constitutional importance concerning the functioning of the Election Commission of India, the manner in which the powers vested in the Commission under Article 324 are exercised, the statutory requirement of collective decision-making under Section 18 of the 2023 Act, and the consequent impact upon the preparation and maintenance of electoral rolls and the citizens' right to participate in free and fair elections under the Constitution.

2. The Petitioner has, over the years, consistently acted as a whistle-blower in matters concerning public accountability, transparency and good governance, and has brought matters of public importance to the notice of the appropriate judicial and public authorities. The Petitioner has instituted and pursued proceedings concerning issues affecting the public interest, with the objective of ensuring accountability, adherence to the rule of law and protection of constitutional institutions. The present Petition is a continuation of

such bona fide efforts and has been instituted strictly in the larger public interest, without any personal, political or pecuniary motive.

2.1 The Petitioner has no personal, private, political or pecuniary interest in the subject matter of the present Petition and has no personal or malicious animus against any of the Respondents. The present Petition has been instituted solely in the larger public interest and with the bona fide object of seeking adherence to the constitutional and statutory framework governing the Election Commission of India, including Article 324 of the Constitution and Section 18 of the 2023 Act, and of ensuring that the electoral machinery is administered in accordance with law, transparency, institutional accountability and constitutional safeguards.

2.2 The Petitioner has approached this Hon'ble Court under Article 32 of the Constitution as the issues raised herein concern the functioning of a constitutional body entrusted with the superintendence, direction and control of the preparation of electoral rolls and the conduct of elections, and directly implicate the constitutional rights and interests of citizens in relation to the electoral process. The reliefs sought herein are, therefore, not directed towards securing any private or individual benefit to the Petitioner, but towards preserving the lawful and constitutionally mandated functioning of the Election Commission of India.

2.3 The Petitioner has approached this Hon'ble Court upon becoming aware of contemporaneous material concerning the functioning of the Election Commission of India, including written objections recorded by Election Commissioners in relation to communications issued in the name of the Commission, the alteration of statutory Form-6,

access and control relating to ERONet/ECINet, work-allocation and IT oversight, and the filing of appeals in the name of the Election Commission before the West Bengal Appellate Tribunals. The Petitioner respectfully submits that the matters raised herein require examination of the primary records of the Commission and are of such constitutional significance that they cannot be left to remain unresolved on the basis of public reporting alone.

2.4 Respondent No.1 the Union of India is impleaded through the Secretary, Ministry of Law and Justice, Government of India, being concerned with the constitutional and statutory framework governing the Election Commission of India.

2.5 Respondent No. 2 the Election Commission of India is the constitutional body vested with the superintendence, direction and control of the preparation of electoral rolls and conduct of elections under Article 324 of the Constitution.

2.6 Respondent No. 3 is the Chief Election Commissioner of India and Chairman of the Election Commission under Article 324(3) of the Constitution, whose role in the functioning and decision-making of the Commission is the subject matter of the present Petition.

2.7 Respondent No. 4 is an Election Commissioner and member of the Election Commission of India, whose recorded objections and participation in the matters pleaded herein form part of the material relied upon by the Petitioner.

2.8 Respondent No. 5 is an Election Commissioner and member of the Election Commission of India, whose recorded views and

participation in the matters pleaded herein form part of the material relied upon by the Petitioner.

2.9 Respondent No. 6 is the Senior Deputy Election Commissioner, concerned with the administrative and work-allocation matters forming part of the present Petition.

2.10 Respondent No. 7 is the Director General (Information Technology), Election Commission of India, concerned with the administration and operation of the IT systems, including ERONet and ECINet, forming part of the present Petition.

3. The original constitutional draft contemplated separate Election Commissions for elections to the Central Legislature and Provincial Legislatures. The Union Constitution Committee had initially contemplated a Central Commission, while the original Draft Article 289 provided for separate Central and Provincial electoral commissions. During the subsequent drafting process, the constitutional design moved towards a single, centralised Election Commission. The change reflected the concern that the machinery entrusted with conducting elections should not be exposed to provincial or governmental pressures. The final constitutional design was adopted by the Constituent Assembly on 16 June 1949.

4. There was no office corresponding to the "Chief Election Commissioner of India" at any point before Independence. Electoral administration under colonial rule developed slowly and unevenly, from the wholly nominated Legislative Councils under the Indian Councils Act, 1861, through the limited and indirect elective principle introduced by the Indian Councils Act, 1892, the explicit but communally divided franchise of the Morley-Minto Reforms of

1909, the first direct elections under the Government of India Act, 1919, to the wider but still property-based franchise under the Government of India Act, 1935. Section 291 of the Government of India Act, 1935 left the conduct of elections within the ordinary machinery of the Government of the day. It is this model, namely, election administration as an arm of the executive, that the Constituent Assembly consciously set out to replace.

5. The idea of an independent Election Commission was first placed before the Fundamental Rights Sub-Committee of the Constituent Assembly as early as January or February 1947, initially framed as part of the guarantee of "freedom of elections and avoidance of any interference by the executive in elections to the legislature." The Assembly ultimately chose to place this guarantee not inside Part III as a justiciable fundamental right, but inside Part XV as a dedicated constitutional institution. The constitutional design was thus to create a standing constitutional body entrusted with the conduct and supervision of elections, rather than leave the electoral machinery within the ordinary executive structure.

6. Dr. B.R. Ambedkar explained that the Constitution required a permanent electoral institution and not merely an authority which would come into existence at the time of a general election. Electoral rolls were required to remain continuously updated, while elections could become necessary at any time by reason of vacancies, dissolution of legislatures or other circumstances requiring elections outside the ordinary general-election cycle. The constitutional scheme therefore contemplated a permanent electoral institution, with the Chief Election Commissioner forming part of that

institutional framework, rather than an election-time officer functioning as an ordinary governmental authority.

7. The Constituent Assembly debates demonstrate that the independence of the electoral process from executive interference was regarded as a matter of fundamental constitutional importance. Dr. Ambedkar referred to the earlier consideration by the Fundamental Rights Committee of the need to secure the freedom of elections and to prevent interference by the executive in elections to the Legislature. Although the Assembly ultimately did not place this guarantee within Part III of the Constitution as an independently enforceable fundamental right, it consciously chose to secure the independence of the electoral process through the creation of a constitutional institution entrusted with the superintendence, direction and control of elections. The placement of Article 324 in Part XV therefore does not diminish the constitutional importance of electoral independence; rather, it demonstrates the framers' decision to secure that independence through a permanent constitutional institution.

8. Pandit Hirday Nath Kunzru raised before the Constituent Assembly the concern that the independence of the electoral machinery could be compromised if excessive influence remained with the executive in relation to its composition and appointments. He emphasised the need to protect the electoral machinery from both provincial and central political influence and questioned the absence of adequate constitutional qualifications and safeguards governing appointments. His concern was not merely administrative. He warned that if the electoral machinery became defective, inefficient or dependent upon persons whose integrity could not be relied upon, the consequences

would reach the very foundation of democratic government. The constitutional history is therefore important because the framers were concerned not merely with the existence of an Election Commission, but with the independence, integrity and institutional functioning of the machinery entrusted with elections.

9. The Constituent Assembly debate further records Dr. Ambedkar's candid acknowledgement that the constitutional text, as it then stood, did not completely eliminate the possibility of an unsuitable person being appointed to the office or of a person being appointed who could be susceptible to executive influence. The issue of appointments therefore formed part of the larger constitutional concern regarding the independence of the electoral institution. Dr. Ambedkar's observations demonstrate that the framers understood that the independence of the Election Commission depended not merely upon the formal conferment of constitutional powers, but also upon the institutional safeguards surrounding the persons entrusted with those powers.

10. The Constituent Assembly debates must consequently be understood as establishing the institutional premise from which Article 324 was framed: the conduct of elections was not to remain an ordinary function of the executive government of the day, but was to be entrusted to an independent constitutional institution. Article 324 accordingly vested the “superintendence, direction and control” of the preparation of electoral rolls and the conduct of elections in the Election Commission, thereby creating an institutional constitutional authority rather than merely conferring an independent personal power upon the Chief Election Commissioner.

11. The subsequent constitutional text reinforced this institutional character. Article 324(1) vested the constitutional power in the Election Commission; Article 324(2) provided for the composition of that Commission by the Chief Election Commissioner and such number of other Election Commissioners as the President may from time to time fix; and Article 324(3) separately designated the Chief Election Commissioner as the Chairman of the Commission when other Election Commissioners are appointed. The constitutional scheme therefore distinguishes between the Commission as the repository of constitutional power, the Election Commissioners as members of that body, and the Chief Election Commissioner as its Chairman.

12. The Election Commission of India is a permanent constitutional body established under Article 324 of the Constitution. The official records of the Election Commission identify Shri Sukumar Sen as the first Chief Election Commissioner, who assumed office on 21 March 1950. The succession of Chief Election Commissioners thereafter reflects the continuity of the constitutional office from the commencement of the electoral administration under the Constitution. The complete official list of Chief Election Commissioners, including their respective periods of tenure, is as follows:

S. No.	**Chief Election Commissioner**	**Tenure**
1	Sukumar Sen	21 March 1950 – 19 December 1958
2	KVK Sundaram	20 December 1958 – 30 September 1967
3	SP Sen Verma	1 October 1967 – 30 September 1972

4	Dr. Nagendra Singh	1 October 1972 – 6 February 1973
5	T. Swaminathan	7 February 1973 – 17 June 1977
6	SL Shakdhar	18 June 1977 – 17 June 1982
7	RK Trivedi	18 June 1982 – 31 December 1985
8	RVS Peri Sastri	1 January 1986 – 25 November 1990
9	Smt. VS Ramadevi	26 November 1990 – 11 December 1990
10	TN Seshan	12 December 1990 – 11 December 1996
11	Dr. MS Gill	12 December 1996 – 13 June 2001
12	J.M. Lyngdoh	14 June 2001 – 7 February 2004
13	T.S. Krishna Murthy	8 February 2004 – 15 May 2005
14	B.B. Tandon	16 May 2005 – 29 June 2006
15	N. Gopalaswami	30 June 2006 – 20 April 2009
16	Navin B. Chawla	21 April 2009 – 29 July 2010
17	Dr. S.Y. Quraishi	30 July 2010 – 10 June 2012
18	V.S. Sampath	11 June 2012 – 15 January 2015
19	H.S. Brahma	16 January 2015 – 18 April 2015
20	Dr. Nasim Zaidi	19 April 2015 – 5 July 2017
21	A.K. Joti	6 July 2017 – 22 January 2018
22	O.P. Rawat	23 January 2018 – 1 December 2018
23	Sunil Arora	2 December 2018 – 12 April 2021
24	Sushil Chandra	13 April 2021 – 14 May 2022
25	Rajiv Kumar	15 May 2022 – 18 February 2025
26	**Gyanesh Kumar**	**19 February 2025- till date**

13. **FROM A SINGLE-MEMBER COMMISSION TO A MULTI-MEMBER COMMISSION**

(i) From its establishment in 1950 until 1989, the Election Commission of India functioned as a single-member body, consisting of the Chief Election Commissioner. This was a matter of institutional practice and not a constitutional mandate that the powers conferred by Article 324 could only be exercised by the Chief Election Commissioner.

(ii) On 7 October 1989, the President, in exercise of the power conferred by Article 324(2), fixed the number of Election Commissioners other than the Chief Election Commissioner at two. Pursuant thereto, two Election Commissioners were appointed on 16 October 1989, and the Commission became a three-member body for the first time.

(iii) The arrangement was short-lived. The two additional posts were abolished with effect from 1 January 1990. The legality of the abolition was challenged before this Hon'ble Court in S.S. Dhanoa v. Union of India, (1991) 3 SCC 567.

(iv) While upholding the abolition of the additional posts as permissible under Article 324(2), this Hon'ble Court recognised the institutional significance of plurality in a body entrusted with extensive powers. The Court observed that where vast and largely unreviewable powers are entrusted to an institution, it is both necessary and desirable that such powers are not exercised by one individual and that plurality is conducive to judiciousness and the avoidance of arbitrariness.

(v) At the same time, this Hon'ble Court recognised that where an institution is manned by more than one person, their respective roles

must be clearly defined so that plurality does not itself become a source of institutional dysfunction.

(vi) The significance of S.S. Dhanoa is therefore two-fold. First, the Constitution permits the Election Commission to be constituted as a multi-member body. Secondly, once the Commission is so constituted, the plurality of its members is not merely ornamental but must have meaningful institutional content.

(vii) Parliament thereafter enacted the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991. In 1993, the statutory framework governing the Election Commission was substantially amended.

(viii) The amended statutory framework expressly provided for the transaction of business of the Commission. It contemplated that the business of the Commission would, as far as possible, be transacted unanimously and that, where the members differed in opinion, the matter would be decided according to the majority.

(ix) On 1 October 1993, the President again fixed the number of Election Commissioners other than the Chief Election Commissioner at two, and Dr. M.S. Gill and Shri G.V.G. Krishnamurthy were appointed as Election Commissioners.

(x) The Election Commission has thereafter continuously functioned as a multi-member Commission. The statutory mechanism governing the transaction of its business consequently became an integral part of the legal framework within which the constitutional powers under Article 324 were exercised.

(xi) The significance of the 1993 statutory framework is that Parliament did not merely provide for the existence of additional Election Commissioners. It also provided a mechanism by which a multi-member constitutional Commission was required to transact its business.

(xii) The constitutional validity of the multi-member Election Commission and the statutory framework governing its functioning came before a Constitution Bench of this Hon'ble Court in T.N. Seshan, Chief Election Commissioner of India v. Union of India, (1995) 4 SCC 611.

(xiii) The challenge in T.N. Seshan included the creation of the offices of Election Commissioners and the statutory provisions governing the transaction of business by the Commission.

(xiv) This Hon'ble Court upheld the constitutional validity of the multi-member Commission. The judgment recognised that Article 324 vests the superintendence, direction and control of elections in the Election Commission, and not in the Chief Election Commissioner acting as an individual office-holder.

(xv) The Court further recognised that the constitutional scheme contemplated plurality. Article 324(2) expressly provides for the Chief Election Commissioner and such number of other Election Commissioners as the President may from time to time fix, while Article 324(3) separately provides that the Chief Election Commissioner shall act as Chairman when other Election Commissioners are appointed.

(xvi) The distinction is therefore constitutionally significant:

14. **THE CHIEF ELECTION COMMISSIONER IS THE CHAIRMAN OF THE COMMISSION; HE IS NOT THE COMMISSION ITSELF**

(i) This Hon'ble Court further rejected any construction under which the other Election Commissioners would become merely advisory or ornamental. The Election Commissioners, being members of the constitutional Commission, must have a meaningful say in its decision-making.

(ii) The statutory mechanism providing for unanimity, as far as possible, and majority decision in case of disagreement was upheld by this Hon'ble Court as constitutionally valid.

(iii) The ratio of T.N. Seshan is therefore directly relevant to the present Petition. Once the Election Commission is constituted as a multi-member constitutional body, the constitutional status of the individual members and the statutory mechanism for collective decision-making cannot be rendered nugatory by treating the Chairman as the sole repository of the Commission's powers.

15. Parliament enacted the 2023 Act. The 2023 Act is not confined merely to the appointment of the Chief Election Commissioner and Election Commissioners. It also contains provisions governing the functioning and transaction of business of the Election Commission. Section 18 is of particular significance to the present proceedings. It provides, inter alia, that:

(i) **Section 18. Disposal of business**

18. Disposal of business. –

(1) The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business and also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.

(2) All business of the Election Commission shall, as far as possible, be transacted unanimously, and if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

a. the Commission may, by unanimous decision, regulate its procedure and allocation of its business;
b. the business of the Commission shall, as far as possible, be transacted unanimously; and
c. where the Chairperson and the Election Commissioners differ in opinion on any matter, that matter shall be decided according to the opinion of the majority.

(ii) Section 18 therefore establishes three connected principles: institutional decision-making, deliberation and majority resolution where unanimity is not possible.

(iii) The provision is particularly significant because Parliament has consciously retained the basic statutory architecture which was considered and upheld by this Hon'ble Court in T.N. Seshan.

(iv) The question arising in the present Petition is consequently narrow but constitutionally important: where the Election Commission consists of the Chief Election Commissioner and two Election Commissioners, can an action which legally belongs to the

Commission be taken, authorised or represented as an act of the Commission without the decision-making process contemplated by Section 18?

(v) The Petitioner respectfully submits that the answer must depend upon the primary record of the Commission: its agendas, minutes, approval sheets, file notings, allocation orders and other records demonstrating what was decided, by whom, and under what authority.

(vi) The present Petition therefore does not invite this Hon'ble Court to determine disputed questions merely on the basis of newspaper reports. It seeks production of the underlying institutional record so that the constitutional question may be determined on the basis of the record maintained by the constitutional authority itself.

(vii) The foregoing constitutional and statutory history is not relied upon merely as background. It provides the legal framework against which the events pleaded in the present Petition fall to be examined.

(viii) The present controversy does not concern a disagreement between two individual office-holders in the abstract. It concerns the manner in which powers constitutionally vested in a multi-member Election Commission are alleged to have been exercised, communicated and implemented during the period when the Commission consisted of a Chief Election Commissioner and two Election Commissioners.

(ix) The contemporaneous written objections placed on record by two of the three Election Commissioners assume significance in that

context. The objections concern, inter alia, communications issued in the name of the Commission, the conduct and recording of meetings, changes to statutory Form-6, access to the electoral-roll database, internal allocation of IT-related work, and appeals filed in the name of the Commission. The Petitioner does not invite this Hon'ble Court to treat those allegations as conclusively established merely because they have been reported in the press. Rather, the objections provide the factual basis for seeking production and preservation of the primary record.

(x) The central question which consequently arises is whether the acts complained of were acts of the Election Commission taken in accordance with Article 324 and Section 18 of the 2023 Act, or whether any such acts were undertaken without the institutional decision-making process prescribed by law. That question can be answered only by examining the record of the Commission itself. The constitutional importance of the controversy lies precisely in ensuring that the body entrusted with the superintendence, direction and control of elections acts through the constitutional and statutory mechanism prescribed for it.

16. The constitutional text itself draws a deliberate distinction between the Election Commission as the constitutional repository of power and the Chief Election Commissioner as the Chairman of that Commission. Article 324(1) vests the superintendence, direction and control of elections in the “Election Commission”; Article 324(2) provides that the Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners as the President may from time-to-time fix; and Article 324(3) provides that, when other Election Commissioners are so appointed, the Chief Election Commissioner shall act as the

Chairman of the Election Commission. The Constitution therefore does not use the expressions “Chief Election Commissioner” and “Election Commission” interchangeably.

17. The distinction is constitutionally significant. The Chief Election Commissioner is the Chairman of the Commission; he is not, by virtue of that office alone, the sole constitutional repository of the powers vested in the Commission. The constitutional scheme contemplates that where other Election Commissioners are appointed, they form part of the constitutional body itself and participate in its functioning.

18. Article 324(5) further demonstrates that the Constitution treats the Chief Election Commissioner and the other Election Commissioners as distinct constitutional functionaries. While the Chief Election Commissioner enjoys the special protection concerning removal specified therein, an Election Commissioner cannot be removed except on the recommendation of the Chief Election Commissioner. The Constituent Assembly thus consciously created both a degree of institutional independence and an internal constitutional relationship between the members of the Commission.

19. The subsequent history of the Election Commission confirms that the Constitution did not prescribe that the Commission must always consist of a single member. Article 324(2) expressly contemplated that the President could fix the number of Election Commissioners from time to time. The transition from a single-member Commission to a multi-member Commission was therefore within the constitutional architecture itself and did not require any constitutional amendment.

20. The constitutional validity and functioning of the multi-member Commission were thereafter directly considered by this Hon'ble Court in T.N. Seshan, Chief Election Commissioner of India v. Union of India, (1995) 4 SCC 611. This Hon'ble Court upheld the validity of the multi-member structure and rejected the conception that the Election Commissioners were merely advisers to the Chief Election Commissioner. The judgment recognised the participation of the Election Commissioners in the decision-making of the Commission and upheld the principle that where the members differed, the matter could be resolved by majority.

21. The decision in *T.N. Seshan* is of particular relevance to the present Petition because it establishes that the constitutional position of the Chief Election Commissioner as Chairman does not convert the multi-member Commission into a single-member authority. The distinction between the Chairman and the Commission is therefore not merely semantic; it bears directly upon the manner in which the constitutional power vested in Article 324 is required to be exercised.

22. The constitutional history therefore reveals a continuous institutional thread: the Constitution created an Election Commission, Parliament and subsequent constitutional practice permitted that Commission to be multi-member, and this Hon'ble Court recognised that the additional Election Commissioners are substantive members of the decision-making body and not merely persons assisting or advising its Chairman.

23. The issue arising in the present Petition must consequently be examined against this constitutional history. The question is not

whether the Chief Election Commissioner possesses important administrative responsibilities as Chairman. The question is whether a power which the Constitution has vested in the Election Commission as a body can, when the Commission consists of three members, be exercised in substance as though it were vested exclusively in the office of the Chief Election Commissioner, without the participation and decision of the other members in accordance with the governing statutory framework.

24. The Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991 first placed the conditions of service of the constitutional functionaries on a statutory footing. Thereafter, on 1 October 1993, the President reconstituted the Commission as a three-member body, appointing Dr. M.S. Gill and Shri G.V.G. Krishnamurthy as Election Commissioners. A contemporaneous statutory amendment introduced provisions governing the transaction of the Commission's business, providing that its business would, as far as possible, be transacted unanimously and, where the members differed in opinion, according to the opinion of the majority. Since 1 October 1993, the Election Commission has continuously functioned as a three-member body.

25. The constitutionality of this framework, and the relationship between the Chief Election Commissioner and the other Election Commissioners, was authoritatively considered by a Constitution Bench of this Hon'ble Court in T.N. Seshan, Chief Election Commissioner of India v. Union of India, (1995) 4 SCC 611. This Hon'ble Court held, inter alia: (i) that “the concept of plurality is writ large on the face of Article 324, clause (2)”; (ii) that Article 324(1) entrusts the conduct of elections to the Election Commission and not

to an individual, and that the Election Commissioners “must have a say in decision making”; to treat the Chief Election Commissioner's word as final would render the Election Commissioners “non-functional or ornamental”; (iii) that the Chief Election Commissioner does not enjoy a status superior to the other Election Commissioners merely by reason of the special protection governing his removal; and (iv) that the statutory mechanism providing for unanimous decision-making, and failing unanimity, decision by majority, was constitutionally valid. The Petitioner respectfully relies upon this judgment as the controlling authority on the distinction between the Chairman of the Commission and the Commission itself, and on the participation of all members in its decision-making.

26. The independence of the Election Commission was again considered by a Constitution Bench of this Hon'ble Court in Anoop Baranwal v. Union of India, (2023) 6 SCC 161, in the context of the appointment of the Chief Election Commissioner and Election Commissioners. This Hon'ble Court held that the absence of parliamentary legislation contemplated under Article 324(2) had resulted in a legislative vacuum concerning the appointment process and, in exercise of its power under Article 142 and pending legislation by Parliament, directed that appointments be made on the advice of a committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha and the Chief Justice of India. The judgment traced the constitutional importance of an independent Election Commission to the Constituent Assembly debates referred to above and recognised the independence of the Election Commission as integral to the conduct of free and fair elections and the protection of the citizens' right to vote.

27. Parliament thereafter enacted the 2023 Act, which repealed the 1991 Act. The 2023 Act altered the composition of the Selection Committee by replacing the Chief Justice of India with a Union Cabinet Minister nominated by the Prime Minister. Section 18 provides that the Commission may, by unanimous decision, regulate its procedure and the allocation of its business; that the business of the Commission shall, as far as possible, be transacted unanimously; and that where the Chairperson and the Election Commissioners differ in opinion on any matter, the matter shall be decided according to the opinion of the majority. True copy of the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 is annexed herewith as **ANNEXURE P-1** at pages 64 to 71.

28. The distinction between the Election Commission as a constitutional institution and the Chief Election Commissioner as its Chairman is further reinforced by the structure of Article 324 itself. Article 324(1) vests the substantive constitutional power of superintendence, direction and control in the "Election Commission"; Article 324(2) expressly contemplates the presence of other Election Commissioners; and Article 324(3) describes the Chief Election Commissioner, when other Election Commissioners are appointed, as the Chairman of that Commission. The constitutional text therefore does not confer upon the Chairman a separate or superior source of substantive electoral power independent of the Commission.

29. The requirement of collective decision-making assumes particular significance because the functions entrusted to the Election Commission under Article 324 are not merely administrative in character. They concern the electoral process through which citizens

exercise their constitutional and statutory right to participate in representative government. The preparation, revision, inclusion, deletion and correction of electoral rolls, and the conduct and supervision of elections, therefore constitute functions whose exercise must remain traceable to the constitutional authority to which the Constitution has entrusted them.

30. The constitutional protection of the Election Commission's independence cannot, therefore, be understood merely as protection from direct interference by the executive. Institutional independence necessarily includes the capacity of the constitutional body to exercise its assigned functions through the decision-making structure contemplated by the Constitution and the governing law. A constitutional institution may be formally independent from the executive and yet, if its powers are in practice concentrated in an individual office or exercised through subordinate administrative machinery without the participation of its constitutionally appointed members, the question of institutional functioning necessarily arises.

31. This distinction assumes particular importance where the disputed acts concern the electoral roll. The statutory scheme does not contemplate the electoral roll as an abstract database controlled exclusively by an administrative or technological establishment. The preparation and revision of electoral rolls are governed by the Representation of the People Act, 1950, the Registration of Electors Rules, 1960, and the statutory functions assigned thereunder to the competent electoral authorities. Any administrative or technological architecture employed by the Election Commission must therefore operate in aid of, and consistently with, that statutory framework and

cannot, by its own operation, alter or displace the legal powers entrusted to statutory authorities.

32. The Petition consequently raises a question of constitutional accountability at two interconnected levels. The first concerns the internal decision-making of the Election Commission itself, namely, whether a decision vested in the Commission can be taken or represented without compliance with Article 324 and Section 18 of the 2023 Act. The second concerns the implementation of electoral functions through the Commission's Secretariat and technological systems, namely, whether administrative or technological arrangements can practically determine the exercise of statutory powers without lawful authority.

33. The significance of the contemporaneous objections relied upon by the Petitioner lies precisely in this context. The Petitioner does not rely upon those objections as conclusive proof that every disputed act was unlawful. Rather, the objections raise a substantial and objectively verifiable question as to the decision-making authority pursuant to which such acts were undertaken. That question can properly be answered only by reference to the primary institutional record, including the relevant agendas, minutes, approval sheets, file notings, orders and other records evidencing the authority under which the disputed acts were undertaken.

34. The constitutional history set out above thus provides the framework within which the subsequent facts pleaded in the present Petition fall to be examined. The question is not whether disagreement between members of a constitutional Commission is, by itself, constitutionally impermissible. Disagreement is expressly contemplated by Section

18. The question is whether, once such disagreement arises, the constitutional and statutory mechanism requiring the matter to be dealt with through the Commission and, where necessary, by majority decision, has been followed.

35. Respondent No. 3, Shri Gyanesh Kumar, assumed office as the 26th Chief Election Commissioner of India on 19 February 2025. Respondent No. 4, Dr. Sukhbir Singh Sandhu, has been an Election Commissioner since 15 March 2024. Respondent No. 5, Dr. Vivek Joshi, has been an Election Commissioner since 19 February 2025. All three were appointed under the process prescribed by the 2023 Act. The record of both appointments discloses a written dissent recorded by the Leader of Opposition, who was a member of the Selection Committee. The Petitioner notices this fact for completeness but does not rely upon the said dissent as establishing any defect in the appointment process itself.

36. During the pendency of the Election Commission's nationwide Special Intensive Revision ("SIR") of electoral rolls, Respondent Nos. 4 and 5 are reported to have recorded, in writing, on the Commission's own files and in communications addressed to the Commission's senior officers and, on two occasions, to the Cabinet Secretary of India, at least fourteen distinct objections between 28th October 2025 and 14th August 2026 concerning steps which, according to the said Commissioners, had been taken in the name of the Election Commission without the approval of the Commission. A true and typed copy of the newspaper cutting from The Indian Express published on 25th September 2026 is annexed herewith as **ANNEXURE P-2** at pages 72-79.

37. The challenge to the continuance of Respondent No. 3 in the office of Chief Election Commissioner rests, at its foundation, on a matter of the gravest constitutional consequence: elections and electoral-roll exercises conducted during a period of sustained, contemporaneous, on-record dissent within the Commission itself cast a serious doubt upon the integrity of the electoral process so conducted. This Hon'ble Court, when it considered and permitted the Special Intensive Revision to proceed, including by its direction of 29.01.2026 that voters flagged for "logical discrepancies" be afforded personal hearings, did so on the understanding, as represented before it, that the SIR was an exercise undertaken by and on behalf of the Election Commission of India as a constitutional body, and not an exercise undertaken at the instance of Respondent No. 3 alone.

38. Accordingly, this Hon'ble Court's own consideration and approval of the SIR initiative has itself become a matter requiring examination in light of the material pleaded herein. Had the Election Commission, as a collegial body, not in fact decided to conduct the SIR exercise, there would have been no occasion for this Hon'ble Court to take a call on that exercise at all. The institutional premise on which this Hon'ble Court's orders proceeded therefore stands in question, and this Hon'ble Court did not have before it the true institutional position of the Commission at the time such orders swere passed.

39. The same dissent that places the SIR's institutional premise in question equally bears upon the integrity of the electoral rolls, and the elections conducted upon their basis, during the period covered by the fourteen objections pleaded herein. Where two of the three members of the Commission have contemporaneously and repeatedly

recorded that material decisions were taken without their knowledge or the Commission's approval, the process by which the underlying electoral roll was prepared cannot be treated as free of doubt. It is precisely this class of question that production and examination of the primary record, as sought in the present Petition, would enable this Hon'ble Court to determine with certainty, rather than leaving it to rest on inference from the objections alone.

40. Such a grave situation has consequently emerged, having regard to the material pleaded herein, as to warrant immediate and effective steps by this Hon'ble Court. Respondent No. 3 ought to be suspended from functioning as Chief Election Commissioner of India, pending final hearing of the present Petition, so as to restore the multi-member character of the Election Commission contemplated by Article 324 and Section 18 of the 2023 Act. During the period of such suspension, the business of the Election Commission ought to be transacted, decided and passed by the unanimous decision of Respondent Nos. 4 and 5, the two remaining Election Commissioners, until such time as a third member is duly appointed to the Commission by the Government. Further, any appointment made to fill the resulting vacancy, pending final hearing of the present Petition, ought to be made upon the recommendation of a Committee which includes the Chief Justice of India, so that the process of appointment itself commands public confidence during the pendency of these proceedings. This is the only effective means of ensuring proper institutional damage control and of restoring the faith of the citizens of this country in the Election Commission of India and in the electoral process it is constitutionally charged to conduct.

41. The Petitioner has learnt from contemporaneous documents and publicly reported material, duly corroborated by documents presently available to the Petitioner, that the following objections were raised:

S. NO.	DATE	ISSUE RECORDED	CONSTITUTIONAL/ STATUTORY RELEVANCE
i.	28.10.2025	Concern regarding letters/ orders issued in ECI's name without Commission approval	Collective authority
ii.	16.04.2026	Information regarding IT modules/portals allegedly received from media rather than Commission process	Institutional decision-making
iii.	16.04.2026	Communications allegedly issued without Commission approval	Section 18
iv.	16.04.2026	Concern regarding absence of agenda/ minutes	Collective functioning
v.	16.04.2026	Foreign trips allegedly without Commission approval	Administrative allocation
vi.	24.04.2026	Reiteration of approval requirement	Section 18
vii.	16.05.2026	Objection to alteration of Form-6 without statutory amendment	Electoral law
viii.	29.05.2026	Concern regarding centralisation of electoral database	Statutory ERO powers
ix.	29.07.2026	Work redistribution allegedly without knowledge	Allocation of business
x.	29.07.2026	Complaint regarding work roster	Allocation of business

xi.	30.07.2026	Allocation order allegedly struck down	Commission authority
xii.	12.08.2026	Questions concerning authorisation of West Bengal appeals	Legal authority
xiii.	13.08.2026	Form-6 change described as unauthorised/ illegal	Statutory compliance
xiv.	14.08.2026	ERO/CEO/DEO access to electoral database questioned	Statutory electoral-roll functions

42. The Petitioner respectfully draws attention to four groups of the objections which, on their face, raise questions of particular constitutional and statutory significance: On 28 October 2025, and again on 16 April 2026, Commissioner Sandhu is reported to have recorded that letters, orders and other communications had been issued in the name of the Election Commission without the approval of the Commission. On 16 April 2026, Commissioner Joshi separately recorded that, for over a year, he had received neither agendas in advance of meetings nor minutes thereafter. On the same date, Commissioner Joshi also recorded concerns regarding foreign travel undertaken by officers without the Commission's approval. On 24 April 2026, Commissioner Joshi reiterated, in a communication addressed to the Commission's senior officers, that communications issued in the name of the Election Commission required the prior approval of "the Commission", invoking Article 324 of the Constitution and the 2023 Act. Commissioner Sandhu had similarly invoked the 2023 Act in recording the requirement on 16 April 2026.

43. Form-6 under the Registration of Electors Rules, 1960 is the statutory form prescribed for an application for inclusion of a name in the electoral roll. In or about May 2026, as the SIR gathered pace,

Commissioner Joshi is reported to have recorded on file, on 16 May 2026, that Form-6 could not lawfully be altered so as to require an applicant to state whether the applicant or the applicant's parents or grandparents “exist” in the electoral roll of the last SIR, without a corresponding amendment to the Registration of Electors Rules, 1960 in accordance with the procedure prescribed therein. Commissioner Sandhu concurred in that view on 19 May 2026.

44. Notwithstanding the aforesaid recorded objection and concurrence, the altered Form-6, requiring an answer to the said question as a precondition to submission, was introduced in July 2026, as subsequently reported by The Indian Express. On 13 August 2026, following the newspaper's report, Commissioner Sandhu recorded that the change was “unauthorised and illegal” and “must be removed immediately”. As reported, the disputed field remained in the form as of the date immediately preceding publication of the aforesaid investigation.

45. The preparation and maintenance of the electoral roll for each constituency is, under the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960, entrusted to the statutory electoral authorities, including the Electoral Registration Officer. The electoral-roll database is maintained through the Election Commission's software systems, including ERONet and its successor ECINet.

46. On 29 May 2026, Commissioner Joshi is reported to have recorded what he described as the “gradual centralisation of the electoral roll database” and proposed an audit to certify that no person other than the concerned statutory authorities held credentials capable of

altering the database. Commissioner Sandhu endorsed this concern on 13 July 2026..

47. On 14 August 2026, Commissioner Sandhu recorded that State-level election officials had reported that they did not have “proper and complete access” to the ERONet portal and that the Commission's Director General (Information Technology) “doesn't have any legal authority to restrict proper and complete access... to the statutory authorities”.

48. On 29 July 2026, Commissioners Joshi and Sandhu separately wrote to the Cabinet Secretary of India concerning a change in the internal work-allocation order which, according to them, had removed a layer of oversight over the Commission's IT establishment without their knowledge. On 30 July 2026, the two Commissioners purported to strike down the said work-allocation order.

49. In proceedings concerning the SIR in West Bengal, this Hon'ble Court, in February 2026, directed that voters flagged for “logical discrepancies” be afforded an opportunity of being heard before final deletion. The Commission has subsequently informed this Hon'ble Court that a substantial number of appeals are pending before the tribunals constituted pursuant to the said proceedings. As reported, approximately 38 lakh appeals were pending, including appeals against voters whom the tribunals had directed to be restored

50. On 12 August 2026, Commissioner Sandhu is reported to have recorded, in writing, that he did not know who had authorised the filing of appeals on behalf of the Election Commission against such voters. He further recorded that neither he, nor Commissioner Joshi,

nor the then Chief Electoral Officer of West Bengal had been informed of the basis on which those appeals had been filed.

51. On 21 September 2026, The Indian Express addressed a written questionnaire to the Election Commission and separately to Commissioners Sandhu and Joshi, seeking responses concerning the matters referred to above and whether the issues had been addressed at the meeting held on 9 September 2026. As reported by the newspaper, no response had been received as of the date of publication of the investigation on 25 September 2026.

52. The Petitioner respectfully submits that the material presently available, though obtained by the Petitioner through investigative reportage and requiring verification against the primary record, discloses a serious and objectively verifiable institutional issue. The same two of the three Election Commissioners are reported to have, on at least fourteen occasions over a period of ten months and across four distinct subject-matters going to the core of the Commission's constitutional mandate, contemporaneously recorded objections concerning steps which they understood to have been taken in the name of the Election Commission without the Commission's approval.

53. The Petitioner does not invite this Hon'ble Court at this stage to treat each reported objection as conclusively establishing the illegality of the underlying act. The precise question is whether the relevant acts were, in fact, authorised by the Election Commission through a decision taken in accordance with Article 324 of the Constitution and Section 18 of the 2023 Act. That question can be authoritatively determined only upon production and examination of the primary

institutional record, including the relevant agendas, minutes, approval sheets, file notings, orders and other records evidencing the authority pursuant to which the disputed acts were undertaken.

54. The present Petition raises substantial questions concerning the constitutional protection of free and fair elections and the rights of citizens under Articles 14, 19(1)(a) and 21, particularly where arbitrary or procedurally unauthorised action in the preparation, revision or maintenance of electoral rolls may adversely affect the participation of eligible citizens in the democratic process. The Petitioner accordingly invokes the jurisdiction of this Hon'ble Court under Article 32 for enforcement of the fundamental rights guaranteed by the Constitution.

55. The significance of the material is therefore not confined to the merits of any individual administrative action. If the primary record establishes that decisions falling within the collective jurisdiction of the Election Commission were taken, issued or implemented without a decision of the Commission in the manner prescribed by Section 18, the resulting issue would concern the lawfulness of the decision-making process of the constitutional body itself. Conversely, if the Respondents produce the relevant record demonstrating that the disputed acts were duly authorised by the Commission in accordance with law, the factual controversy can be resolved on that primary record.

56. The present Petition therefore seeks, at its core, a determination based upon the institutional record of the Election Commission itself, rather than upon competing public narratives or secondary reportage. The contemporaneous objections of two members of the three-

member Commission provide the basis for seeking production of that record; they are not themselves pleaded as a substitute for the record.

57. The writ of quo warranto lies to examine whether the holder of a public office has lawful title to that office and to the powers he purports to exercise by virtue of it, whether, in the language of University of Mysore v. C.D. Govinda Rao, the assumption of authority is contrary to a mandatory statutory or constitutional requirement. This Hon'ble Court has extended that principle to constitutional offices in Kumar Padma Prasad v. Union of India and has applied the same principle while examining the legality of the process by which a high public office was filled and exercised in Centre for Public Interest Litigation v. Union of India.

58. The office of Chief Election Commissioner, under Article 324(3), is that of Chairman of the Election Commission when other Election Commissioners are appointed. It is not, and Article 324 does not make it, an office to which the collective decision-making power of the Commission under Article 324(1) attaches individually. The material set out in Part III of the Statement of Facts , including the objections recorded by Respondent Nos. 4 and 5 concerning communications, orders, the alteration of Form-6, and appeals issued in the name of the Commission without, on their case, the Commission's approval — discloses, if established on the primary record, that Respondent No. 3 has held out, and continues to hold out, as possessing an authority to act and speak for the Commission which his office as Chairman alone does not confer.

59. The Petitioner's grievance is accordingly not that Respondent No. 3 has exercised the powers of the Chief Election Commissioner

improperly or unwisely within the scope of that office. It is that he has purported to exercise, in the Commission's name, a power that belongs to the Commission as a collegial body under Section 18 of the 2023 Act, and to which he individually has no title. This distinguishes the present case from one concerning conduct in office, and brings the question within the scope of quo warranto as explained in the authorities cited above.

60. The Petitioner accordingly submits that the question of whether Respondent No. 3 possesses lawful authority to act, communicate, or issue orders in the name of the Election Commission without the collegial process mandated by Section 18 of the 2023 Act is a question of title to that authority, to be determined by this Hon'ble Court upon production of the primary record particularised herein.

61. **GROUNDS**

a) Because Article 324(1) vests the superintendence, direction and control of the preparation of electoral rolls and the conduct of elections in “an Election Commission”, and not in the office of the Chief Election Commissioner. Article 324(2) provides for the composition of that Commission, while Article 324(3) separately designates the Chief Election Commissioner as its Chairman when other Election Commissioners are appointed. The constitutional text thus draws a deliberate distinction between the Commission as the repository of constitutional power and the Chief Election Commissioner as the Chairman of that Commission, a distinction to which this Hon'ble Court gave effect in T.N. Seshan, Chief Election Commissioner of India v. Union of India, (1995) 4 SCC 611. That distinction would be substantially defeated if a power vested in the Commission could be exercised, or represented as having been

exercised, by the Chairman alone, or by officers acting under his authority, without the participation of the other Election Commissioners in the manner prescribed by Section 18 of the 2023 Act.

b) Because Section 18 of the 2023 Act provides that the Commission may, by unanimous decision, regulate its procedure and the manner in which its business is allocated; that the business of the Commission shall, as far as possible, be transacted unanimously; and that where the Chairperson and the Election Commissioners differ in opinion on any matter, the matter shall be decided according to the opinion of the majority.

c) Because the provision substantially carries forward the statutory decision-making framework which existed following the reconstitution of the Commission in 1993 and which was upheld by this Hon'ble Court in T.N. Seshan as a valid exercise of Parliament's legislative power. The requirement of collective decision-making is therefore not merely a matter of administrative convenience. Where a matter falls within the jurisdiction of the Commission as a constitutional body, the statutory mechanism prescribed for taking that decision cannot be reduced to a matter of internal formality.

d) Because if the functioning of a three-member constitutional Commission is, in substance, converted into a system in which decisions vested in the Commission are taken, issued or implemented by one member without the decision-making process prescribed by Section 18, the very statutory architecture governing the Commission's functioning would be rendered ineffective.

e) Because this Hon'ble Court held in T.N. Seshan that the Chief Election Commissioner, while being the Chairman of a multi-member Commission, does not thereby acquire an exclusive or overriding authority over matters vested in the Commission. The Chairman's role is to preside over the Commission and facilitate the transaction of its business in accordance with law. This Hon'ble Court cautioned that treating the Chief Election Commissioner's decision as final would reduce the Election Commissioners to “non-functional or ornamental” members of the Commission.

f) Because the material pleaded in Part III of the Statement of Facts — including the recorded concerns regarding the absence of agendas and minutes and the issuance of communications in the name of the Commission without, according to the objections recorded by Respondent Nos. 4 and 5, the approval of the Commission — therefore raises a question requiring examination of the primary institutional record. If the record establishes that matters falling within the collective jurisdiction of the Commission were dealt with without the participation contemplated by Section 18, the same would be inconsistent with the statutory scheme governing the Commission.

g) Because independence of the Election Commission means independence of the institution from external interference, and not unilateral exercise of the Commission's collective power by one member.

h) Because the Constituent Assembly debates of 16 June 1949, and the subsequent judgment of this Hon'ble Court in Anoop Baranwal v. Union of India, (2023) 6 SCC 161, establish the constitutional

importance of an Election Commission capable of functioning independently of the executive of the day.

i) Because that institutional independence cannot, however, be equated with unilateral exercise of powers vested in the Commission as a whole. The independence secured by Article 324 is the independence of the constitutional institution, and the constitutional structure must therefore be understood together with the statutory framework governing its internal functioning.

j) Because the concerns expressed during the Constituent Assembly debates regarding executive influence and the importance of institutional safeguards, as well as the observations of this Hon'ble Court in S.S. Dhanoa v. Union of India, (1991) 3 SCC 567, concerning the value of plurality in an institution entrusted with vast electoral powers, reinforce the importance of maintaining the institutional structure contemplated by Article 324.

k) Because the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960 prescribe the statutory framework governing the preparation and revision of electoral rolls and entrust functions to the competent statutory electoral authorities, including Electoral Registration Officers.

l) Because digitisation of that process through ERONet, ECINet or any successor technological system is a means of facilitating the discharge of statutory functions. Such technological systems cannot, by themselves, become the source of statutory power or alter the allocation of functions prescribed by Parliament and the Rules.

m) Because where an access-control decision within the Commission's administrative or Information Technology establishment has the effect of restricting a statutory authority from exercising a function entrusted to it by law, the legal authority for such restriction necessarily requires examination. The objection recorded by Commissioner Sandhu on 14 August 2026, that the Director General (IT) had no legal authority to restrict the statutory authorities' access, therefore raises a question which ought to be determined by reference to the governing statute, Rules, orders and primary institutional record.

n) Because Form-6 is prescribed under the Registration of Electors Rules, 1960. If, as recorded on file by Commissioner Joshi on 16 May 2026 and concurred in by Commissioner Sandhu on 19 May 2026, the introduction of an SIR-linked, non-omissible field into Form-6 required an amendment to the Rules, the legal basis for introducing that requirement without such amendment necessarily arises for determination

o) Because the continuance of Respondent No. 3 in office during the pendency of sustained, contemporaneous, on-record dissent by Respondent Nos. 4 and 5 casts a serious doubt upon the integrity of every electoral-roll exercise and election conducted during that period, including the Special Intensive Revision itself, this Hon'ble Court's own orders concerning the SIR having proceeded on the representation that the exercise was undertaken by and on behalf of the Election Commission as a collegial body and not at the instance of Respondent No. 3 alone; the situation so disclosed is of such gravity as to warrant immediate interim measures suspending Respondent No. 3 from functioning as Chief Election Commissioner, restoring the

transaction of the Commission's business to the unanimous decision of Respondent Nos. 4 and 5 pending the appointment of a third member, and directing that any such appointment be made upon the recommendation of a Committee which includes the Chief Justice of India, so that public confidence in the Election Commission and in the electoral process is restored without further delay.

p) Because the Petitioner accordingly seeks production of the relevant record demonstrating the legal authority pursuant to which the altered Form-6 was introduced, including the notification, order, approval or amendment, if any, under which the alteration was made.

q) Because the constitutional rights and statutory entitlement of citizens in relation to the electoral roll are engaged where the process governing the roll is alleged to have departed from the constitutionally and statutorily prescribed decision-making framework.

r) Because the electoral roll constitutes the statutory foundation upon which the exercise of the franchise takes place. The preparation, revision, inclusion and deletion of names from that roll must therefore be undertaken by the authorities empowered by law and in accordance with the procedure prescribed by law.

s) Because if the primary record establishes that decisions materially affecting electoral rolls were taken otherwise than through the constitutionally and statutorily prescribed decision-making process, the resulting issue would extend beyond an internal administrative irregularity and would directly engage the legal rights of persons whose entitlement to participate in the electoral process is thereby affected.

t) Because this Hon'ble Court has held in Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405, and A.C. Jose v. Sivan Pillai, (1984) 2 SCC 656, that Article 324 operates subject to valid legislation governing elections and supplements, rather than supplants, such legislation.

u) Because Section 18 of the 2023 Act constitutes legislation governing the manner in which the Commission transacts its business. Where Parliament has prescribed the manner in which a multi-member Commission is to take decisions, the constitutional width of Article 324 cannot be invoked to dispense with that statutory requirement.

v) Because that question cannot satisfactorily be determined on secondary reportage alone. It requires examination of the Commission's own institutional record, including the relevant agendas, minutes, approval sheets, file notings, work-allocation orders, communications, IT-access orders and other documents evidencing the authority pursuant to which the disputed actions were undertaken.

w) Because those records are in the custody and control of Respondent No. 2 and are not presently available to the Petitioner. The Petitioner accordingly seeks a direction for production of the relevant primary record before this Hon'ble Court, subject to such protection as this Hon'ble Court may consider appropriate in respect of any legitimately confidential material.

x) Because Article 324(3) constitutes Respondent No. 3 Chairman of the Commission and does not thereby vest in him, individually, the collective decision-making authority which Article 324(1) vests in the

Commission as a body; any exercise of that collective authority by Respondent No. 3 alone, without the process prescribed by Section 18 of the 2023 Act, is accordingly without title and without lawful authority.

y) Because the material set out herein, if established on the primary record, disclose that Respondent No. 3 has held out as entitled to act and speak for the Commission in circumstances where, on the case of two of the three members of the Commission, no decision of the Commission as required by Section 18 had been taken; the grievance is accordingly one of title to authority, and not merely of conduct within an authority lawfully held.

z) Because the Petitioner accordingly seeks that this Hon'ble Court examine the primary record particularised herein and, upon such examination, issue a writ of quo warranto or such other appropriate writ, order or direction as may be warranted in law, without prejudice to the declaratory and mandatory reliefs sought in respect of the collective functioning of the Commission.

aa) Because Section 18 of the 2023 Act contemplates two constitutionally significant stages of decision-making, namely, unanimity wherever possible and, where unanimity is not achieved, determination by majority, neither mechanism can operate unless the members of the Commission are afforded a meaningful opportunity to consider the matter and participate in the decision. A process in which matters are decided, orders issued, or communications made without the knowledge of two members of a three-member Commission would, if established on the primary record, render the statutory mechanism of unanimity and majority illusory.

bb) Because where a constitutional body is required to act collectively, the existence of an identifiable decision-making record assumes particular significance. If, as recorded by Respondent Nos. 4 and 5, agendas were not circulated before meetings and minutes were not circulated thereafter for a substantial period, this Hon'ble Court ought to ascertain whether decisions purportedly taken in the name of the Commission were in fact considered and approved by the Commission in accordance with Section 18 of the 2023 Act. The absence of such record cannot, by itself, establish illegality, but it warrants production and judicial examination of the primary record.

cc) Because ERONet, ECINet or any successor technological platform is an administrative mechanism for implementing the electoral-roll framework and cannot, by the mere manner in which access to it is configured, alter the allocation of statutory powers under the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960. If statutory Electoral Registration Officers are legally entrusted with functions concerning electoral rolls, their statutory authority cannot be diminished or effectively transferred through an internal software-access arrangement unsupported by the governing statute, Rules or a lawful decision of the Commission.

dd) Because the adoption of a digital system does not create a new source of legal power, and an IT architecture cannot determine the existence, extent or holder of a statutory power. Any software configuration, access restriction, database architecture or automated decision-making mechanism which has the practical effect of preventing a statutory authority from exercising a function conferred upon it by Parliament or subordinate legislation must have a demonstrable legal

foundation and cannot derive its validity merely from an administrative instruction.

ee) Because where Parliament or the competent rule-making authority has prescribed the legal framework governing registration of electors and the form through which an application for inclusion in the electoral roll is made, any substantive alteration affecting the conditions or information required for registration must have lawful authority traceable to the governing statute or Rules. The introduction of an additional mandatory field cannot, merely because it is implemented electronically, acquire a legal character different from the substantive requirement it imposes upon the citizen.

ff) Because the electoral roll is the immediate statutory gateway through which the constitutional right of citizens to participate in elections is operationalised. Decisions concerning registration, deletion, restoration or verification of electors therefore cannot be left to an indeterminate administrative process whose legal authorisation and institutional provenance cannot be ascertained. Every such decision must be traceable to the authority conferred by the Constitution, the Representation of the People Act, 1950, the Registration of Electors Rules, 1960 and lawful decisions of the Election Commission.

gg) Because where an order, communication, direction or decision is issued in the name of the Election Commission, there must be a legally ascertainable basis for attributing that act to the Commission as the constitutional body entrusted with the relevant power. If the underlying decision was not taken by the Commission in accordance with Article 324 and Section 18 of the 2023 Act, mere issuance of the

communication in the name of the Election Commission cannot cure the absence of lawful institutional decision-making.

hh) Because the actions and omissions complained of herein directly implicate the fundamental rights guaranteed under Articles 14, 19(1)(a), 21 and 32 of the Constitution. Any arbitrary, procedurally unauthorised or discriminatory interference with the preparation, revision or maintenance of electoral rolls affects the citizen's equal protection of law, freedom of political expression and the right to participate in the democratic process with dignity. Where such interference is attributable to State authorities and is alleged to have occurred without adherence to the constitutional and statutory safeguards governing the Election Commission, the Petitioner is entitled to invoke the jurisdiction of this Hon'ble Court under Article 32 for enforcement of the aforesaid fundamental rights.

ii) Because the greater the constitutional significance of the power exercised, the greater is the necessity that the institutional source of that power be ascertainable from the record. In matters concerning electoral registration, deletion of names, restoration of electors, statutory forms and the administration of the electoral roll, the Commission must be capable of demonstrating, from its own records, the authority and decision-making process pursuant to which the impugned action was undertaken.

jj) Because the objections recorded by two members of the three-member Commission concern matters directly connected with the preparation and maintenance of electoral rolls and the exercise of powers under Article 324. The controversy therefore cannot be characterised merely as an internal disagreement concerning

allocation of work or administrative procedure. If the allegations are borne out by the primary record, they concern the manner in which constitutional power entrusted to the Election Commission itself has been exercised.

kk) Because Article 324 does not place the Election Commission beyond judicial review. Where the exercise of constitutional power is alleged to be contrary to an applicable statutory mandate, including Section 18 of the 2023 Act, this Hon'ble Court possesses jurisdiction to examine whether the constitutional and statutory framework has been followed, while respecting the institutional autonomy of the Election Commission in matters falling within its lawful discretion.

ll) Because the Petition does not invite this Hon'ble Court to accept newspaper reportage as proof of illegality. The contemporaneous objections merely disclose a serious factual controversy requiring verification against the Commission's own records. Production of the relevant agendas, minutes, approval sheets, file notings, orders, authorisations and IT-access records would enable this Hon'ble Court to determine whether the objections represent a substantive departure from the constitutional and statutory scheme or whether the impugned acts were, in fact, duly authorised.

mm) Because the Petitioner does not seek to substitute the judgment of this Hon'ble Court for that of the Election Commission on matters entrusted to its discretion. The relief sought is confined to requiring the Commission to exercise its constitutional and statutory powers through the decision-making structure prescribed by Article 324 and Section 18 of the 2023 Act, and to ensure that statutory authorities exercise their functions in accordance with the governing legislation.

nn) Because the Election Commission occupies a unique position in the constitutional structure and its decisions directly affect the electoral participation of citizens. Where two members of the three-member Commission have repeatedly recorded contemporaneous objections concerning the authority by which particular actions were undertaken, the appropriate constitutional response is to ascertain the underlying record and, if necessary, enforce the governing constitutional and statutory framework so that the Commission functions as the institution contemplated by Article 324.

62. This Petition is maintainable under Article 32 of the Constitution as it seeks enforcement of the Petitioner's fundamental rights under Articles 14 and 19(1)(a), read with the constitutional guarantee of free and fair elections under Article 326, which this Hon'ble Court has held in Anoop Baranwal to be directly engaged by the lawful functioning of the Election Commission under Article 324. The matter concerns a constitutional authority exercising nationwide jurisdiction, and no remedy under Article 226 before any single High Court would be an adequate or complete substitute for relief from this Hon'ble Court.

63. The Petitioner has not filed any other petition, before this Hon'ble Court or before any High Court, seeking the same or substantially similar relief.

PRAYER

In view of the facts and circumstances set out hereinabove, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

A) Issue a writ in the nature of Quo Warranto, or any other appropriate writ, order or direction, calling upon Respondent No. 3 to show under what authority he has acted, and continues to act, as though entitled individually to exercise the collective decision-making power vested by Article 324 of the Constitution in the Election Commission as a body, notwithstanding that Article 324(3) constitutes him only Chairman of the Commission and vests in him no individual title to the Commission's collective authority; and, upon examination of the primary record and other material produced before this Hon'ble Court, if it is found that Respondent No. 3 has exercised, or continues to exercise, such collective authority without a decision of the Commission taken in accordance with Section 18 of the 2023 Act, declare such exercise of authority to be without lawful title, and pass such consequential orders as may be permissible in law.

B) Declare that the powers vested under Article 324 of the Constitution are constitutionally required to be exercised by the Election Commission of India as a multi-member collegial body, in accordance with Article 324(1) to (3) of the Constitution and Section 18 of the 2023 Act, and that no communication, order, direction, appeal or other act may be issued or represented as an act of the Election Commission save pursuant to a decision of the Commission taken unanimously or, upon disagreement, by majority, in the manner prescribed by Section 18 of the 2023 Act; and issue a writ, order or direction to Respondent No. 2 to ensure compliance therewith,

including by instituting and maintaining a regular practice of circulating agendas prior to, and minutes after, every meeting of the Commission, recording the allocation of business amongst the Chief Election Commissioner and the Election Commissioners, and recording the authorisation for every communication, order, direction and appeal issued in the name of the Commission.

C) Issue an appropriate writ, order or direction directing Respondent Nos. 2 and 3 to produce before this Hon'ble Court the complete original and primary records relating to the matters pleaded herein, including minutes, agendas, approvals, file notings, work-allocation and delegation orders, IT-access records, server logs, audit trails and database-change histories concerning the functioning of the Commission, ERONet/ECINet, alteration of Form-6 and filing of appeals before the West Bengal Appellate Tribunals; and further declare that the statutory functions of Electoral Registration Officers under the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960 cannot be curtailed through administrative directions, software or access controls, and that Form-6 cannot be substantively altered or any new requirement imposed except in accordance with law, consequently directing restoration of lawful access to ERONet/ECINet and that no otherwise eligible citizen be denied inclusion in the electoral roll solely for non-furnishing of the disputed Form-6 field.

D) Issue an appropriate writ, including a Writ of Certiorari, or any other appropriate writ, order or direction, quashing and setting aside: (i) the alteration made in July 2026 to statutory Form-6 under the Registration of Electors Rules, 1960, insofar as it requires an applicant to furnish the disputed field without a corresponding

amendment to the said Rules; (ii) the work-allocation order concerning the Commission's Information Technology establishment, to the extent it was issued without a decision of the Commission under Section 18 of the 2023 Act; and (iii) the authorisation, if any, for the filing of appeals in the name of the Election Commission of India before the West Bengal Appellate Tribunals, to the extent such filing is found, upon production of the record sought in Prayer C above, to have been made without a decision of the Commission in accordance with Section 18 of the 2023 Act; and declare that any inclusion, exclusion, deletion, restoration or modification of names in the electoral roll given effect to pursuant to the actions so quashed shall be re-examined in accordance with law.

E) Issue an appropriate writ, order or direction declaring the Special Intensive Revision (SIR) and all actions, decisions, directions and consequential measures undertaken pursuant thereto to be void ab initio and without lawful authority, having regard to the absence of the requisite statutory and constitutional authority and compliance with the procedure prescribed by law, and consequently declare that any inclusion, exclusion, deletion, restoration or modification of names in the electoral rolls undertaken solely pursuant to such SIR shall have no legal effect, without prejudice to any electoral-roll action otherwise lawfully undertaken in accordance with the Constitution, the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960.

F) In the event that the record produced pursuant to Prayer C above discloses that decisions materially affecting the electoral roll, Form-6, ERONet/ECINet access, or the authorisation of appeals were taken, issued or implemented without a decision of the Commission in

accordance with Section 18 of the 2023 Act, constitute an independent Judicial Inquiry Commission/Special Investigation Team (SIT), headed by a retired Judge of this Hon'ble Court and assisted by independent experts in cybersecurity, information technology and electoral administration, to conduct a technical, forensic and administrative inquiry into the matters and to identify, on the basis of the records and evidence, any administrative, statutory, technical or individual responsibility arising therefrom, and place its findings before this Hon'ble Court for such further action as may be permissible in law.

G) Pass such other order or orders, issue such other writ or writs, or grant such further relief as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interests of justice.

PRAYER FOR INTERIM RELIEF

Pending hearing and final disposal of the present Writ Petition, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:

(i) Direct Respondent Nos. 2 and 3 to preserve, without alteration, deletion, destruction, overwriting or archival, all physical and electronic records relevant to the present Petition, including minutes, agendas, file notings, approval sheets, correspondence, work-allocation and delegation orders, IT-access records, server logs, audit trails, database-change histories, software deployment records and other records relating to the functioning of the Commission, ERONet/ECINet, the alteration of Form-6, the Special Intensive Revision and the filing of appeals before the West Bengal Appellate Tribunals, from 01.10.2025 till date and during the pendency of the present proceedings, including preservation of all audit trails

identifying any access, alteration, deletion, transfer or modification of electoral-roll data;

(ii) Direct that no further substantive alteration be made to Form-6, and that no otherwise eligible citizen shall be denied or prevented from seeking inclusion in the electoral roll solely for failure to furnish information contained in the disputed field, pending adjudication of the legality thereof by this Hon'ble Court;

(iii) Direct the Respondents to maintain the existing electoral-roll data, records and digital systems in their original and unaltered form and to ensure that no deletion, exclusion, restoration, modification or other irreversible action affecting electoral-roll data is undertaken solely pursuant to the Special Intensive Revision, pending further orders of this Hon'ble Court;

(iv) Pass such other interim or protective order as this Hon'ble Court may deem fit and proper to preserve the subject matter of the present Petition and ensure the integrity of the electoral-roll data, Form-6, ERONet/ECINet and the records forming the subject matter of the present proceedings, pending final adjudication.

(v) Direct that Respondent No. 3 shall not exercise the functions of Chief Election Commissioner of India, pending final hearing of the present Petition; direct that, during such period, the business of the Commission be transacted by the unanimous decision of Respondent Nos. 4 and 5; and direct that any appointment to the resulting vacancy be made upon the recommendation of a Committee including the Hon'ble Chief Justice of India.

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL, AS IN DUTY BOUND, EVER PRAY.

DRAWN BY

SUDEEP CHANDRA, Adv.

New Delhi

27.09.2026

FILED BY



Mudit Gupta
Advocate of Record for the Petitioner

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO._____ OF 2026

[Petition under Article 32 of the Constitution of India
read with Order XXXVIII of the Supreme Court Rules 2013]

[WITH PRAYER FOR INTERIM RELIEF]

IN THE MATTER OF:

Rakesh Kumar Singh alias Rakesh Singh ...PETITIONER

VERSUS

Union of India & Ors. …RESPONDENTS

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the court whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the Special Leave Petition. It is further certified that the copies of the documents/annexures attached to the Special Leave Petition are necessary to answer the questions of law raised in the Petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court. This Certificate is given on the basis of the instructions given by the Petitioners whose Affidavits are filed in support of the SLP.

DRAWN BY **FILED BY**

SUDEEP CHANDRA, Adv.

Mudit Gupta
Advocate of Record for the Petitioner

New Delhi
27.09.2026

IN THE SUPREME COURT OF INDIA
(EXTRA ORDINARY JURISDICTION)

WRIT PETITION (CIVIL) NO. OF 2026

IN THE MATTER OF:-

Rakesh Kumar Singh alias Rakesh Singh ...Petitioner

Versus

Union of India & Others ...Respondents

AFFIDAVIT

I, Rakesh Kumar Singh alias Rakesh Singh, [redacted] do hereby solemnly affirm and state as under:-

1. That I am Petitioner in the abovesaid matter and I am well conversant with the facts and circumstances of the case and as such I am fully competent to swear this affidavit.

2. That I have read and understood the contents of the accompanying Synopsis and List of Dates consisting of Pages (B to L), Writ Petition consisting of pages (1 to 57), and paras (1 to 63) of the Writ Petition and say that the facts stated therein are true and correct to best of my knowledge and belief. I also state that the contents of the accompanying I.A.s are true and correct to the best of my knowledge and belief.

NOTARY

3. The annexures filed along with the Writ Petition are true/ translated/ typed copies of their respective originals.

DEPONENT

VERIFICATION:

I, the abovenamed deponent, do hereby solemnly verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Verified at _____ on this ____ day of ....., 2026.

27 SEP 2026

DEPONENT

I identified the deponent who has signed in my presence
D — 4260/2024

NOTARY
GOVT. OF INDIA

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. Rakesh Kr. alias Rakesh Gupta
S/o. W/o. D/o. Sh. L.T. Jain
Identified by Shri/Smt. S. Chaudhary
has solemnly affirmed before me at Delhi
on 27 SEP 2026 at S
that the contents of the affidavit which have been read & explained to me are true and correct to his knowledge.

NOTARY PUBLIC, GOVT OF INDIA
27 SEP 2026

APPENDIX

CONSTITUENT ASSEMBLY DEBATES VOLUME 8

16 JUN 1949

8.106.24 Hriday Nath Kunzru

My honourable Friend, Professor Shibban Lal Saksena, moved a number of amendment yesterday, Sir, with regard to the new Draft placed before the House by Dr. Ambedkar. It may not be practicable to accept some of them, but I think that he has done a public service by drawing the attention of the House to the glaring defects in the Draft that we are considering. I think it is the duty of my honourable friend, Dr. Ambedkar, to consider the matter carefully and to provide such safeguards as will give general satisfaction by ensuring that our electoral machinery will be free not merely from provincial political influences but also from Central political influences. We are going in for democracy based on adult franchise. It is necessary therefore that every possible step should be taken to ensure the fair working of the electoral machinery. **If the electoral machinery is defective or is not efficient or is worked by people whose integrity cannot be depended upon, democracy will be poisoned at the source**; nay, people, instead of learning from elections how they should exercise their vote, how by a judicious use of their vote they can bring about changes in the Constitution and reforms in the administration, will learn only how parties based on intrigues can be formed and what unfair methods they can adopt to secure what they want.

8.106.51 B. R. Ambedkar

Now with regard to the question of appointment I must confess that there is a great deal of force in what my Friend Professor Saksena said that **there is no use making the tenure of the Election Commissioner a fixed and secure tenure if there is no provision in the Constitution to prevent either a fool or**

a knave or a person who is likely to be under the thumb of the Executive. My Provision—I must admit–does not contain anything to provide against nomination of an unfit person to the post of the Chief Election Commissioner or the other Election Commissioner. I do want to confess that this is a very important question and it has given me a great deal of headache and I have no doubt about it that it is going to give this House a great deal of headache. In the U.S.A. they have solved this question by the provision contained in article 2 Section (2) of their Constitution whereby certain appointments which are specified in Section (2) of article 2 cannot be made by the President without the concurrence of the Senate; so that so far as the power of appointment is concerned, although it is vested in the President it is subject to a check by the Senate so that the Senate may, at the time when any particular name is proposed, make enquiries and satisfy itself that the person proposed is a proper person. But it must also be realised that that is a very dilatory process, a very difficult process. Parliament may not be meeting at the time when the appointment is made and the appointment must be made at once without waiting. Secondly, the American practice is likely and in fact does introduce political considerations in the making of appointments. Consequently, while I think that the provisions contained in the American Constitution is a very salutary check upon the extravagance of the President in making his appointments, it is likely to create administrative difficulties and I am therefore hesitating whether I should at a later stage recommend the adoption of the American provisions in our Constitution. The Drafting Committee had paid considerable attention to this question because as I said it is going, to be one of our greatest headaches and as a via media it was thought that if this Assembly would give or enact what is called an Instrument of Instructions to the President and provide therein some machinery which it would be obligatory on the President to consult before making any appointment, I think the difficulties which are felt as resulting from the American Constitution may be obviated and

the advantage which is contained therein may be secured. At this stage it is impossible for me to see or anticipate what attitude this House will take when the particular draft Instructions come before the House. If the House rejects the proposal of the Drafting Committee that there should be an Instrument of Instructions to the President which might include, among other things, a provision with regard to the making of appointments this problem would then be solved by that method. But, as I said, it is quite difficult for me to anticipate what may happen. Therefore in order to meet the criticism of my honourable Friend Professor Saksena, supported by the criticism of my honourable Friend Pandit Kunzru, I am prepared to make certain amendments in amendment No. 99. I am sorry I did not have time to circulate these amendments, but when I read them the House will know what I am proposing.

Article 32 in Constitution of India

32. Remedies for enforcement of rights conferred by this Part

1. The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
2. The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warrant and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.
3. Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction ill or any of the powers exercisable by the Supreme Court under clause (2).
4. The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Article 324 in Constitution of India

324. Superintendence, direction and control of elections to be vested in an Election Commission

(1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission).

(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time-to-time fix and the appointment of the Chief Election Commissioner and other Election Commissioners

shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.

(3) When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

(4) Before each general election to the House of the People and to the Legislative Assembly of each State, and before the first general election and thereafter before each biennial election to the Legislative Council of each State having such Council, the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission by clause (1).

(5) Subject to the provisions of any law made by Parliament, the conditions of service and tenure of office of the Election Commissioners and the Regional Commissioners shall be such as the President may by rule determine:

Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment:

Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission

or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

Section 18 of Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023.

Section 18. Disposal of business. –

(1) The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business and also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.

(2) All business of the Election Commission shall, as far as possible, be transacted unanimously, and if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

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ANNEXURE P-1

The Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023[1]

[Act 49 of 2023]

[28th December, 2023]

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An Act to regulate the appointment, conditions of service and term of office of the Chief Election Commissioner and other Election Commissioners, the procedure for transaction of business by the Election Commission and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Chapter I
PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023.

(2) It shall come into force on such date[2] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

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(*a*) "Chief Election Commissioner" means the Chief Election Commissioner appointed under clause (2) of article 324 of the Constitution and in accordance with this Act;

(*b*) "Election Commission" means the Election Commission referred to in clause (1) of article 324 of the Constitution;

(*c*) "Election Commissioner" means any other Election Commissioner appointed under clause (2) of article 324 of the Constitution and in accordance with this Act;

(*d*) "Search Committee" means the Search Committee for preparation of panel of persons for consideration for appointment as Chief Election Commissioner and other Election Commissioners; and

(*e*) "Selection Committee" means the Selection Committee that recommends appointment of Chief Election Commissioner and other Election Commissioners.

Chapter II

APPOINTMENT AND TERM OF CHIEF ELECTION COMMISSIONER AND OTHER ELECTION COMMISSIONERS

3. Election Commission.—The Election Commission shall consist of—

(*a*) Chief Election Commissioner; and

(*b*) such number of other Election Commissioners as the President may fix from time to time.

4. Appointment of Chief Election Commissioner and other Election Commissioners.—The Chief Election Commissioner and other Election Commissioners shall be appointed by the President by warrant under his hand and seal.

5. Qualifications of Chief Election Commissioner and other Election Commissioners.—The Chief Election Commissioner and other Election Commissioners shall be appointed from amongst persons who are holding or have held a post equivalent to the rank of Secretary to the Government of India and shall be persons of integrity, who have knowledge of and experience in management and conduct of elections.

6. Search Committee.—A Search Committee headed by the Minister of Law and Justice and comprising two other members not below the rank of Secretary to the Government of India, shall prepare a panel of five persons for consideration of the Selection Committee, for appointment as the Chief Election Commissioner and other Election Commissioners.

7. Selection Committee.—(1) The Chief Election Commissioner and other Election Commissioners shall be appointed by the President on the recommendation of a Selection Committee consisting of—

(*a*) the Prime Minister—Chairperson;

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(*b*) the Leader of Opposition in the House of the People—Member;

(*c*) a Union Cabinet Minister to be nominated by the Prime Minister—Member.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the leader of the single largest party in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

(2) The appointment of Chief Election Commissioner and other Election Commissioners shall not be invalid merely by reason of any vacancy in or any defect in the constitution of, the Selection Committee.

8. Power of Selection Committee to regulate its own procedure.—(1) The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chief Election Commissioner or other Election Commissioners.

(2) The Selection Committee may also consider any other person than those included in the panel by the Search Committee.

9. Term of office..—(1) The Chief Election Commissioner and other Election Commissioners shall hold office for a term of six years from the date on which he assumes his office or till he attains the age of sixty-five years, whichever is earlier.

(2) The Chief Election Commissioner and other Election Commissioners shall not be eligible for re-appointment.

(3) Where an Election Commissioner is appointed as Chief Election Commissioner, his term of office shall not be more than six years in aggregate as the Election Commissioner and the Chief Election Commissioner.

Chapter III

SALARY, ALLOWANCES AND OTHER CONDITIONS OF SERVICE OF CHIEF ELECTION COMMISSIONER AND OTHER ELECTION COMMISSIONERS

10. Salary, etc.—(1) The Chief Election Commissioner and other Election Commissioners shall be paid a salary which is equal to the salary of a Judge of the Supreme Court:

Provided that the salary, allowances and other conditions of service of the Chief Election Commissioner and other Election Commissioners, holding office immediately before the date of commencement of this Act shall not be varied to their disadvantage.

(2) If a person who, immediately before the date of assuming office as the Chief Election Commissioner or an Election Commissioner, was in receipt of, or being eligible so to do, had elected to draw, a pension (other than a disability or wound pension) in respect of any previous

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service under the Central Government or a State Government, his salary in respect of service as the Chief Election Commissioner or an Election Commissioner shall be reduced—

(*a*) by the amount of that pension; and

(*b*) if he had, before assuming office, received, *in lieu* of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

(3) The Chief Election Commissioner and other Election Commissioners shall be entitled to dearness allowance as may be admissible to Judge of the Supreme Court.

(4) The Chief Election Commissioner and other Election Commissioners shall be entitled to encashment of fifty per cent. of earned leave to his credit at the time of completion of tenure.

(5) Where the Chief Election Commissioner or an Election Commissioner had retired from the service of the Central Government or a State Government prior to appointment as such, the aggregate period for which the encashment of unutilised earned leave he shall be entitled, shall be subject to a maximum period as admissible in accordance with the rules for the time being applicable to the service to which he belonged before his appointment as Chief Election Commissioner or an Election Commissioner.

11. Resignation and removal.—(1) The Chief Election Commissioner or an Election Commissioner may, at any time, by writing under his hand addressed to the President, resign his office.

(2) The Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court.

(3) The other Election Commissioners shall not be removed from office except on the recommendation of the Chief Election Commissioner.

12. Leave.—(1) The Chief Election Commissioner or an Election Commissioner may be granted leave in accordance with the rules for the time being applicable to the service to which he belonged before the date of his appointment and he shall be entitled to carry forward the leave standing at his credit on such date, irrespective of the provisions contained in section 13.

(2) The power to grant or refuse leave to the Chief Election Commissioner or an Election Commissioner and to revoke or curtail leave granted to him, shall vest in the President.

13. Pension.—(1) Where the Chief Election Commissioner or an Election Commissioner was in service of Government, he shall be deemed to have retired from the service on the date on which he enters

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upon office as the Chief Election Commissioner or an Election Commissioner, as the case may be.

(2) The Chief Election Commissioner or other Election Commissioners who at the time of his appointment as such, was in service of the Central Government or a State Government, shall at his option to be exercised within a period of six months from the date of such appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged, with effect from the date of his appointment as the Chief Election Commissioner or other Election Commissioner.

(3) Except where the Chief Election Commissioner or an Election Commissioner demits office by resignation, he shall be deemed, for the purposes of this Act, to have demitted his office only if,—

(*a*) he has completed the term of office specified in section 9; or

(*b*) he has attained the age of sixty-five years; or

(*c*) his demission of office is medically certified to be necessitated by ill-health.

14. Right to subscribe to General Provident Fund.—Every person holding office as the Chief Election Commissioner or an Election Commissioner shall be entitled to subscribe to the General Provident Fund under the General Provident Fund (Central Services) Rules, 1960.

15. Other conditions of service.—Save as otherwise provided in this Act, the President may by rules determine the conditions of service relating to travelling allowance, medical facilities, leave travel concession, conveyance facilities, and such other conditions of service relating to the Chief Election Commissioner and other Election Commissioners.

16. Protection of Chief Election Commissioner and other Election Commissioners.—Notwithstanding anything contained in any other law for the time being in force, no Court shall entertain or continue any civil or criminal proceedings against any person who is or was a Chief Election Commissioner or an Election Commissioner for any act, thing or word, committed, done or spoken by him when, or in the course of acting or purporting to act in the discharge of his official duty or function.

Chapter IV

TRANSACTION OF BUSINESS OF ELECTION COMMISSION

17. Transaction of business.—The business of the Election Commission shall be transacted in accordance with the provisions of this Act.

18. Disposal of business.—(1) The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business and also allocation of its business amongst the Chief Election

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Commissioner and other Election Commissioners.

(2) All business of the Election Commission shall, as far as possible, be transacted unanimously, and if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

Chapter V
MISCELLANEOUS

19. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, within a period of five years from the date of commencement of this Act, by order not inconsistent with the provisions of this Act, remove the difficulty.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before each House of Parliament.

20. Laying.—Every rule and order made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or order, or both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

21. Repeal and saving.—(1) The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 (11 of 1991) is hereby repealed.

(2) Anything done or any action taken or purported to have been done or taken under the Act hereby repealed shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(3) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.

———

[1]. Received the assent of the President on the 28th December, 2023, Extra., Part II, S. 1, published in the Gazette of India, No. 57, dated 28th December, 2023.

[2]. 2-1-2024 [*Vide* Noti. No. S.O. 35(E), dated 2-1-2024].

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ANNEXURE P-2 30

WEDNESDAY, SEPTEMBER 23, 2026

The Indian EXPRESS

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● **ALL IRANIAN AIRLINES** "will be shut down around the world," according to US Treasury Secretary Scott Bessent, who has threatened foreign companies with secondary sanctions if they continue servicing Iran's carriers.

Business as Usual

By EP UNNY



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EXPRESS INVESTIGATION PART I

14 times in 10 months, two Election Commissioners objected on record to steps taken by Commission — from keeping them in the dark to adding new voters and deleting names

Unprecedented rupture inside Election Commission: ECs call steps on new voters 'unauthorised, illegal'; warn against voter database access being 'centralised' in Delhi, bypassing officials on ground

Ritika Chopra
New Delhi, Mumbai, Kolkata, Panaji, September 22

THE ELECTION Commission of India's (ECI) Special Intensive Revision (SIR), which began in Bihar in June 2025, an otherwise routine clean-up of the rolls, has struck more than 13 crore names off the draft voter rolls in 30 States and Union Territories. This has put the Commission at the centre of intense public debate over its role in deciding who gets to vote — and who doesn't.

An investigation by *The Indian Express* reveals that questions were raised on these very issues within the three-member Election Commission (EC) itself, time and again through much of this same period. By two of the three Election Commissioners, Sukhbir Singh Sandhu and Vivek Joshi, no less.

The national rollout of the SIR has been under the supervision of all three Commissioners. But Sandhu and Joshi have formally objected, on record, at least 14 times over the last 10 months — four times on a single day — to decisions taken and orders issued, they say, without their knowledge.

The stakes couldn't be higher.

For, the objections relate to the core of the EC's mandate: new voter registration, deletion and restoration of voters in the rolls; filing of appeals against orders restoring voters in the SIR process; and the custody, and security, of the entire electoral roll itself. All objections related to these were copied to Chief Election Commissioner Gyanesh Kumar, too. Some were sent to Deputy Election Commissioners under their watch.

In one such written objection, Sandhu complains that the EC acted against the written advice of two Commissioners and claims its action was "unauthorised and illegal." Most recently, in a radical departure from the norm (*see adjacent report*), Joshi and Sandhu wrote separately to

»CONTINUED ON PAGE 2



CEC Gyanesh Kumar with Election Commissioners Sukhbir Singh Sandhu and Vivek Joshi at a press conference. All three Commissioners were appointed by the NDA government. ANIL SHARMA/ FILE

Integrity of voter database: They even knocked on Cabinet Secretary's door

Ritika Chopra & Damini Nath
New Delhi, Mumbai, Kolkata, Panaji, September 22

THE PROMISE was sweeping. On January 22, the Election Commission of India (ECI) launched ECINet, the tech backbone for almost a billion voters, bringing more than 40 of its apps and portals under one roof. It was built in strict accordance with the law, Chief Election Commissioner Gyanesh Kumar said. It would "enhance transparency, credibility and public trust", said Seema Khanna, the Director General of IT in the Commission.

Within months, this very platform the CEC and his DG(IT) had called lawful and trustworthy was unravelling — state officers, prescribed by law to add or delete names and update records, were finding themselves shut out of the system, their access restricted by Khanna's team in New Delhi.

This was a potential blow to the integrity of the elections itself. It prompted the two Election Commissioners

»CONTINUED ON PAGE 2

TOMORROW: PART II

FILING APPEALS IN WEST BENGAL; STRIKING DOWN NAMES IN GOA

Illegal, unauthorised...(it's) harassment of young: ECs object to change in Form 6

Ritika Chopra
New Delhi, September 22


EXPRESS special
EC changes Form 6 for new voters, inserts section asking them about parents in SIR

Express report published July 12

THE CHANGE is "illegal," "unauthorised," it needs to be sent to the Government...it must be removed immediately so that young, first-time voters are not harassed. The warning by the two Election Commissioners couldn't have been clearer — and yet it was ignored.

The change brought questions related to SIR into Form 6, the form new voters have to fill. It asked applicants to choose one of three statements: whether their name appeared in the electoral roll during the last SIR held in the early 2000s, whether the name of a parent or grandparent appeared in that

»CONTINUED ON PAGE 2

What this rift reveals: Cloud over Commission's conduct

Ritika Chopra
New Delhi, September 22

THERE HAS been dissent within the Election Commission earlier but never before have two Election Commissioners put on record objections that touch the heart of the electoral process itself: new voters, deleting names, the IT system that secures the entire voters' list itself.

1. CONCENTRATION OF POWERS: You may be legally entitled to vote but now you may hit the "system hurdle". Your Electoral Registration Officer may not be able to ensure your right. That's

»CONTINUED ON PAGE 2



Shri Thawarchand Gehlot
His Excellency
Governor of Karnataka

ರಾಜೀವ್ ಗಾಂಧಿ ಆರೋಗ್ಯ ವಿಜ್ಞಾನಗಳ ವಿಶ್ವವಿದ್ಯಾಲಯ, ಕರ್ನಾಟಕ

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14 times in 10 months, two Election Commissioners objected on record to steps taken by Commission

the Cabinet Secretary complaining about changes in work allocation that, in effect, removed a layer of oversight of the IT backbone for the electoral rolls. They made it clear: these changes had been done without their knowledge and they struck them down.

It was after this, on September 9, that the CEC and the two ECs met, their first full meeting in four months.

The Indian Express has seen each of these exchanges, and interviewed a range of officials in New Delhi, Kolkata, Goa and Mumbai, to reconstruct the extent of the disquiet within, unprecedented in scale and significance within the constitutional authority that is entrusted with the free and fair conduct of the nation's elections.

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Taken together, these objections represent the sharpest and most sustained ruptures recorded inside a Constitutional authority — and touch four key issues:

1. Who's a "new voter", why was Form-6 changed?

In July this year, as first reported by *The Indian Express*, a form that every adult citizen has to fill to become a voter started asking a question it never did earlier. Linking the application to the SIR, it asked if the new voter or their parents/ grandparents "exist" in the "electoral roll of last SIR." Applicants could not proceed without answering it.

This despite the fact that in May, Joshi had warned on file that Form 6 could not be changed in this manner without the government amending the rules, and Sandhu had agreed. The change was made anyway. After *The Indian Express* first reported this change in July, Sandhu put on record on August 13 that it was "unauthorised and illegal" and "must be removed immediately". Until Monday morning, that question was still there.

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• TEN MONTHS, 14 NOTES: THE OBJECTIONS ON RECORD

Five of the 14 notes by ECs Sukhbir Singh Sandhu and Vivek Joshi were copied to Chief Election Commissioner

1 OCT 28, 2025 — SANDHU: Letters, orders in ECI's name without Commission's approval.

2 APR 16, 2026 — SANDHU: Getting to know about new IT modules, portals from media.

3 APR 16 — SANDHU: Official communications issued without Commission's approval.

4 APR 16 — JOSHI: For over a year, got no agenda before, minutes after, Commission's meetings.

5 APR 16 — JOSHI: Officers on foreign trips without Commission's approval.

6 APR 24 — JOSHI: Reiterates no official communications without Commission's approval.

7 MAY 16 — JOSHI: Don't change Form 6 (new voter) without Govt approval; Sandhu agrees on May 19.

8 MAY 29 — JOSHI: Warns electoral roll database is being centralised, needs audit; Sandhu endorses on July 13.

9 JUL 29 — JOSHI TO CABINET SECRETARY: Official redistributing work without Commission's knowledge.

10 JUL 29 — SANDHU TO CABINET SECRETARY: Reiterates work roster issue, seeks action against official.

11 JUL 30: Joshi and Sandhu strike down new allocation order.

12 AUG 12 — SANDHU: Who authorised appeals on EC's behalf before West Bengal's tribunals?

13 AUG 13 — SANDHU: Form-6 change is 'unauthorised and illegal'.

14 AUG 14 — SANDHU: Field officers can't access ECI Net system. DG(IT) has no power to restrict.

— RITIKA CHOPRA



MEET THE TWO ELECTION COMMISSIONERS

SUKHBIR SINGH SANDHU

HE JOINED as Election Commissioner on March 15, 2024. A 1988-batch IAS officer of the Uttarakhand cadre, he served as Chief Secretary of Uttarakhand from July 2021 to January 2024. Prior to that, from 2019 to 2021, he was Chairman of the National Highways Authority of India (NHAI). In February 2024, he briefly served as Secretary to the Lokpal.



He also served as Collector of Haridwar, Gautam Buddha Nagar (NOIDA) and Udham Singh Nagar districts. He was Principal Secretary to four Chief Ministers across three political parties between 2007 and 2014.

Sandhu completed his MBBS from Government Medical College, Amritsar, and has a Master's in History from Guru Nanak Dev University, Amritsar. He is also a Law graduate.

VIVEK JOSHI

HE JOINED as an Election Commissioner on February 19, 2025. A 1989-batch IAS officer of the Haryana cadre, he served as Chief Secretary of Haryana. He has also served in the Ministries of Textiles, Women and Child Development, and Finance. In Haryana, he was Deputy Commissioner of Jind, Hisar and Panchkula, and Divisional Commissioner of Ambala. He has been a board member of the Reserve Bank of India and the State Bank of India.

Joshi has a PhD in International Economics from the Graduate Institute, Geneva, and a B.E. in Mechanical Engineering (1987) from Roorkee University, now known as IIT Roorkee.



— DEEPAK TENGURIYA

Integrity of voter database: They even knocked on Cabinet Secretary's door

Sukhbir Singh Sandhu and Vivek Joshi to raise red flags about the "gradual centralisation of the electoral roll database" and warn that ECINet was restricting the powers of officers on the ground who were responsible for preparing and finalising the roll.

On three occasions, they copied their notes to Chief Election Commissioner Gyanesh Kumar.

When a new officer was put in charge of the EC's administration division in Delhi and issued a work allocation order that threatened to further concentrate these powers, the two ECs separately wrote to the country's top bureaucrat, Cabinet Secretary T V Somanathan.

In effect, the two ECs were flagging a violation of the law.

The Representation of the People Act, 1950, and the Registration of Electors Rules, 1960, assign responsibility for the electoral roll to the Electoral Registration Officer (ERO), one for each Assembly seat. An ERO is usually the sub-divisional magistrate or an officer of equivalent rank in the district administration. The ERO prepares the voters' list, hears claims and objections and decides which names will stay — and which get deleted.

This is a deliberately decentralised system. For decades, the ECI has leaned on that design to answer political allegations of mass manipulation of electoral rolls. No single person is supposed to control the voters' list.

On paper, the ERO still decides every name on the list. In practice, for at least the past 10 months, this has been tested in state after state. There are many cases where the ERO has not been able to do what the software allows: add a name, delete one, reverse a decision or process an appeal. What the software allows is controlled centrally by Khanna's division in New Delhi.

Over ten months, from November to August, the two Commissioners said so repeatedly and in writing:

NOVEMBER 4, 2025: The concerns did not begin with ECINet. Its predecessor, ERONet, the roll-management system that ECINet has since subsumed, was already being used to manage the electoral roll, while new modules were being rolled out for the Special Intensive Revision. By November 2025, months before ECINet was launched, there were already warnings inside the Commission that the IT system (ERONet then) must not restrict the statutory powers of EROs.

On November 4, 2025, acting on Sandhu's directions, Deputy Election Commissioner Sanjay Kumar wrote to Khanna and senior Commission officers that "statutory functions of ERO, DEO and CEO (were) to be strictly exercised by them and no one else" and that "IT systems must be in strict compliance with the law, without any exception."

JANUARY 2, 2026: With the SIR underway in 12 states and UTs, and the IT division putting EROs onto a new module for issuing notices and holding hearings, Sanjay Kumar wrote to Khanna, asking her to "ensure that IT system is made in a manner that ERO's discretion to act in any manner is not restricted". Twenty days later, the Commission launched ECINet.

APRIL 16: Sandhu recorded that the IT division "has developed many new modules and portals in the last few months" without any being brought to his knowledge or presented to the Commission. "I have come to know about new developments from media only," he wrote. He asked that Khanna be directed to keep all members of the Commission briefed and obtain "all necessary approvals" before undertaking any activity.

MAY 29: Joshi wrote to the CEC, Sandhu and Sanjay Kumar of "the gradual centralisation of the electoral roll database" and proposed an audit, with an outside expert from the IITs, to certify that "no one, except the concerned statutory authorities, has credentials to make any change in the (voter) database".

Joshi proposed two checks. One committee would periodically review the systems and certify that only the statutory authorities had the credentials to change the voter database. A second committee would check whether ECINet complied with the law and ensure that any policy or procedural changes to ERONet and ECINet were brought before the Commission. The aim, Joshi wrote, was to create an "internal auditing mechanism" that could also help the Commission answer the allegations against it that centralisation had invited.

JULY 13: Sandhu endorsed the proposal, writing that it would "improve the system" and should be put before the Commission. A month later, on August 14, Sandhu recorded the outcome. "Any action taken on these two notes of two Election Commissioners is not known to the undersigned."

JULY 28: The tensions within ECI over the functioning of the IT division came to a head in late July, when an established layer of oversight over the IT division was removed.

Until then, senior IAS officer Sanjay Kumar, who was serving as Deputy Election Commissioner in New Delhi, was responsible for overseeing the IT division's work and routing its files to the three-member Commission.

On July 28, Maneesh Garg, Senior Deputy Election Commissioner in the ECI, was given additional charge of administration while the regular officer was on leave. Within hours, Garg changed the work allocation without consulting the Commission, removing Sanjay Kumar from the oversight of DG IT.

For Sandhu and Joshi, that chain was the oversight they had been asking for. It was through it that they had sought briefings on the IT division's work and proposed an audit of the system. Garg's order removed it.

JULY 29: In a move without precedent, the two Commissioners each wrote separately to the Cabinet Secretary reporting the above order and calling it a "clear violation" of the law that governs the Commission and asking for "appropriate action" against Garg.

JULY 30: A day after writing to the Cabinet Secretary, Sandhu and Joshi jointly set Garg's order aside. They said the changes he made were "without any reason and justification". They directed the previous work allocation to continue until the Commission reached a consensus on any change. The note went to Garg and was also copied to the CEC.

AUGUST 14: Sandhu then put on record his most detailed concern about the IT system and the electoral roll. CEOs, DEOs and EROs are the statutory authorities responsible for the electoral roll, he wrote. But many had told him they did not have "proper and complete access" to ERONet and were therefore unable to perform their statutory duties properly. Their powers, he said, had been "curtailed by centralised control of ERONet at DG(IT) level".

"It is strange," Sandhu wrote, that responsibility for the electoral roll lay with these statutory authorities while "access control has been centralised by DG(IT)". The DG(IT), he wrote, "doesn't have any legal authority to restrict proper and complete access and freedom to operate, as given by law".

Sandhu directed full access "be given immediately". He also asked the DG (IT) to certify, based on confirmations from all CEOs, that statutory authorities across states and Union Territories had full access to ERONet and could perform their duties without restrictions.

The Election Commission and the two ECs, Sandhu and Joshi, did not respond to calls and questionnaires emailed by *The Indian Express* seeking comment.

ECs object to change in Form 6

roll, or whether neither their name nor that of their parents appeared in it.

The section itself was not marked mandatory, but applicants could not proceed to submit the form without answering it.

Internal records investigated by *The Indian Express* show this declaration was added despite two of the Commission's three members recording in May that it could not be done without amending the Registration of Electors Rules, 1960, notified by the Centre after consultation with the Election Commission.

2 Commissioners, 1 warning

On May 16, responding to the proposal to change Form 6 through the SIR framework, Election Commissioner Vivek Joshi recorded his objections. The SIR, he noted, was being conducted under Section 21(3) of the Representation of the People Act, 1950 — the provision that lets the Commission order a special revision of the roll — "as one time measure and exception".

The forms prescribed for the SIR were specific to that exercise and were non-statutory, or not part of law, he wrote. Form 6 and Form 8 (for making changes and corrections): they are "prescribed statutorily" and "cannot be altered without making amendments in the Registration of Electors Rules, 1960". Joshi specifically rejected the idea that a sentence in an SIR order or guideline could change a form fixed by law.

His conclusion was that the "best and legally sustainable course of action" would be to send the proposal to the Government for changes to the rules. He also proposed that a draft of the changes to Form 6 and Form 8 be put before the Commission immediately. On May 19, his colleague on the panel Sukhbir Singh Sandhu concurred with Joshi on file.

On July 12, *The Indian Express* first reported on the new declaration in Form 6 on the Commission's ECINet portal. On August 13, referring to *The Indian Express* report, Sandhu wrote to the Deputy Election Commissioner and the Director General in charge of IT, with Chief Election Commissioner Gyanesh Kumar and Joshi copied on the note.

Sandhu recalled Joshi's May 16 note, with which he had agreed, that Form 6 was a statutory form embedded in the rules and could not be changed without approval from the competent authority — meaning, the Government.

"In spite of these very clear views expressed by two Election Commissioners," Sandhu wrote, the "unauthorised/ illegal changes in Form-6 on the portal" had not been removed and the original form had not been restored. The changes "must be removed immediately so that young and would-be first time voters, who are otherwise eligible, can register themselves as voters as per law, without any harassment", he wrote.

What the addition means

The right to vote belongs to the individual: a person qualifies by age, citizenship and residence, not by whether their parents made it through the last revision. And, in a deeply contested SIR where over 13 crore people have already been dropped from the list, inserting such a question puts a shadow on their children as well.

Indeed, the new question on Form 6 mattered most to new voters whose parents or grandparents did not figure in the rolls prepared after the last SIR. An 18-year-old in such a family could not truthfully choose either of the first two options, and the form did not explain what would happen if they chose the third.

It also assumes significance because there is already a clear route for changing Form 6. In 2021, Parliament amended the Representation of the People Act, 1950 to allow the Commission to collect Aadhaar numbers from voters. That change to Form 6 was not made by the Commission itself: on June 17, 2022, the Law Ministry's Legislative Department notified the corresponding changes to the Registration of Electors Rules and Form 6. It was against this legal framework that the proposed SIR-linked change to Form 6 came before the Commission this year.

Cloud over Commission's conduct

what happened in Goa where 97 people met the ERO's requirements. They produced their documents, the ERO found them eligible but the software, controlled from EC headquarters in Delhi, didn't allow the ERO's decisions to be recorded. A voter can be eligible, prove it, be found eligible by the officer the law appoints, and still not be on the roll when the day comes, because the roll is a centrally controlled system that cut the ERO out.



A voter after casting her vote for the 2019 Lok Sabha election in Meghalaya. EXPRESS FILE

2. SIR SHADOW OVER NEXT GENERATION: The change to Form-6 to which the ECs have objected asks new voters to mention if their parents, grandparents are on the roll of the last SIR. A parent's deletion, in a deeply contested SIR, and what course it takes — appeal or adjudication — will now hang over their child. A critical form that decides who a new voter is was changed without the Government amending the rules as the law requires.

3. EROSION OF SAFEGUARDS: Decentralisation within the EC was itself its strongest safeguard. For decades, the Commission has answered charges of rigging the electoral roll with the same basic argument: no one person or team controls the list. Thousands of statutory officers do, constituency by constituency. That safeguard, the two ECs have complained, is weakened when control over the digital system is centralised. A team in Delhi can now stall, override or cancel what ground-level officials do.

4. CHECKS AND BALANCES CRUMBLE: The ECI is a three-member constitutional body. Its law provides that business should, as far as possible, be transacted unanimously and, where members differ, by majority. Yet Election Commissioners Sukhbir Singh Sandhu and Vivek Joshi repeatedly recorded that they had not been consulted or informed about decisions taken in the Commission's name.

5. VIOLATING THE EC'S MANDATE: There has been dissent within the Commission earlier but this one is very different. In January 2009, CEC N Gopalaswami, who was appointed as an EC by the Vajpayee government and later became the CEC, wrote to the President recommending that EC Navin Chawla be removed alleging partisan conduct. The Manmohan Singh government rejected the recommendation on March 1, 2009, and Chawla succeeded Gopalaswami as CEC that April.

In May 2019, days before the last phase of the Lok Sabha election, Election Commissioner Ashok Lavasa wrote to CEC Sunil Arora that he would stop attending Commission meetings on Model Code of Conduct complaints until his minority decisions are recorded in the final orders. He had disagreed with the majority's clean chits to Prime Minister Narendra Modi and then BJP president Amit Shah. Arora said the three members were "not expected to be templates or clones of each other". On May 21, 2019, the full Commission met and decided, 2-1, that dissents would be recorded in the file but not in the orders. Lavasa left EC the following year, before his turn as CEC, for the Asian Development Bank. Both Arora and Lavasa were appointed by the NDA governments.

In both the Chawla and the Lavasa cases, the dissent was around a specific issue flagged by an individual. This time, however, two Commissioners who make up the majority are not dissenting on decisions they have been overruled on. They are putting on record that decisions were taken, orders issued and cases filed and they are in the dark. Clearly, the Commission, that the 2023 Act requires to act "as far as possible, unanimously", has not.

TYPED COPY OF ANNEXURE- P2

14 times in 10 months, two Election Commissioners objected on record to steps taken by Commission — from keeping them in the dark to adding new voters and deleting names

Unprecedented rupture inside Election Commission: ECs call steps on new voters 'unauthorised, illegal'; warn against voter database access being 'centralised' in Delhi, bypassing officials on ground

Ritika Chopra

New Delhi, Mumbai, Kolkata, Panaji | September 22, 2026

The Election Commission of India's (ECI) Special Intensive Revision (SIR), which began in Bihar in June 2025, an otherwise routine clean-up of the rolls, has struck more than 13 crore names off the draft voter rolls in 30 States and Union Territories.

This has put the Commission at the centre of intense public debate over its role in deciding who gets to vote — and who doesn't.

An investigation by *The Indian Express* reveals that questions were raised on these very issues within the three-member Election Commission (EC) itself, time and again through much of this same period. By two of the three Election Commissioners, Sukhbir Singh Sandhu and Vivek Joshi, no less.

The national rollout of the SIR has been under the supervision of all three Commissioners. But Sandhu and Joshi have formally objected, on record, at least 14 times over the last 10 months — four times on a single day — to decisions taken and orders issued, they say, without their knowledge. The stakes couldn't be higher.

For, the objections relate to the core of the EC's mandate: new voter registration, deletion and restoration of voters in the rolls; filing of appeals against orders

restoring voters in the SIR process; and the custody, and security, of the entire electoral roll itself. All objections related to these were copied to Chief Election Commissioner Gyanesh Kumar, too. Some were sent to Deputy Election Commissioners under their watch.

In one such written objection, Sandhu complains that the EC acted against the written advice of two Commissioners and claims its action was "unauthorised and illegal." Most recently, in a radical departure from the norm, Joshi and Sandhu wrote separately to the Cabinet Secretary complaining about changes in work allocation that, in effect, removed a layer of oversight of the IT backbone for the electoral rolls.

They made it clear: these changes had been done without their knowledge and they struck them down.

It was after this, on September 9, that the CEC and the two ECs met — their first full meeting in four months.

The Indian Express has seen each of these exchanges, and interviewed a range of officials in New Delhi, Kolkata, Goa and Mumbai, to reconstruct the extent of the disquiet within, unprecedented in scale and significance within the constitutional authority that is entrusted with the free and fair conduct of the nation's elections.

More so, because all three were handpicked by the NDA government and appointed under the 2023 Act by a selection panel of the Prime Minister, Union Home Minister and the Leader of Opposition. The Opposition member, Congress's Adhir Ranjan Chowdhury, recorded a dissent over the appointment process when Sandhu and Gyanesh Kumar were named Election Commissioners in March 2024. LoP Rahul Gandhi, too, recorded his dissent when Kumar was elevated to CEC and Joshi appointed in February 2025. On September 21, *The Indian Express* sent a questionnaire to the Commission on

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Eight days later, Joshi told the same officers that "several communications are disseminated in the name of the ECI without the requisite approval of 'the Commission'," and that all future communications must have that approval, "in accordance with the provisions of Article 324 of the Constitution" and the Act.

\\TRUE TYPED COPY//

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO._____ OF 2026

[Petition under Article 32 of the Constitution of India
read with Order XXXVIII of the Supreme Court Rules 2013]

[WITH PRAYER FOR INTERIM RELIEF]

IN THE MATTER OF:

Rakesh Kumar Singh alias Rakesh Singh ...PETITIONER

VERSUS

Union of India & Ors. …RESPONDENTS

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S. No.	PARTICULARS	COURT FEE
1.	Writ Petition (Civil) with Affidavt.	
2.	Annexure P1 to P2.	
3.	VAKALATNAMA	

DRAWN BY

SUDEEP CHANDRA, Adv.

New Delhi

27.09.2026

FILED BY

Mudit Gupta
Advocate of Record for the Petitioner

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL/APPELLATE/ORIGINAL/JURISDICTION

WRIT PETITION CIVIL No. _____ OF 2026

IN THE MATTER OF:

Rakesh Kumar Singh alias Rakesh Singh ...PETITIONER

VERSUS

Union of India & Ors ...RESPONDENTS

I, Rakesh Kumar Singh alias Rakesh Singh, S/o Late Tripurari Prasad Singh, the Petitioner in the above Petition hereby appoint and retain **Mr. Mudit Gupta,** Advocate-on-Record, to act and appear for me in the above Petition and on my behalf to conduct and prosecute the same and all the proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceeding in taxation and application for Review, to file and obtain return of documents and to deposit and receive money on my behalf in the above Petition and to represent me and to take all necessary steps on my behalf in the above matter. I agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority. I further authorize him to engage any other Advocate(s) on my behalf or to enter into agreement or to agree for arbitration.

Dated this the 27 day of September, 2026

Accepted, certified and identified

[MUDIT GUPTA]
Advocate on Record
501, Nilgiri Apartments
9 Barakhamba Road,
Opposite – Modern School
New Delhi – 110001
+91-991068796

PETITIONER

MEMO OF APPEARANCE

The Registrar,
Supreme Court of India
New Delhi

Sir,

Please enter my appearance for the above-mentioned Petitioner(s)/ Appellant(s) Respondent(s)/ Intervener(s) in the case.

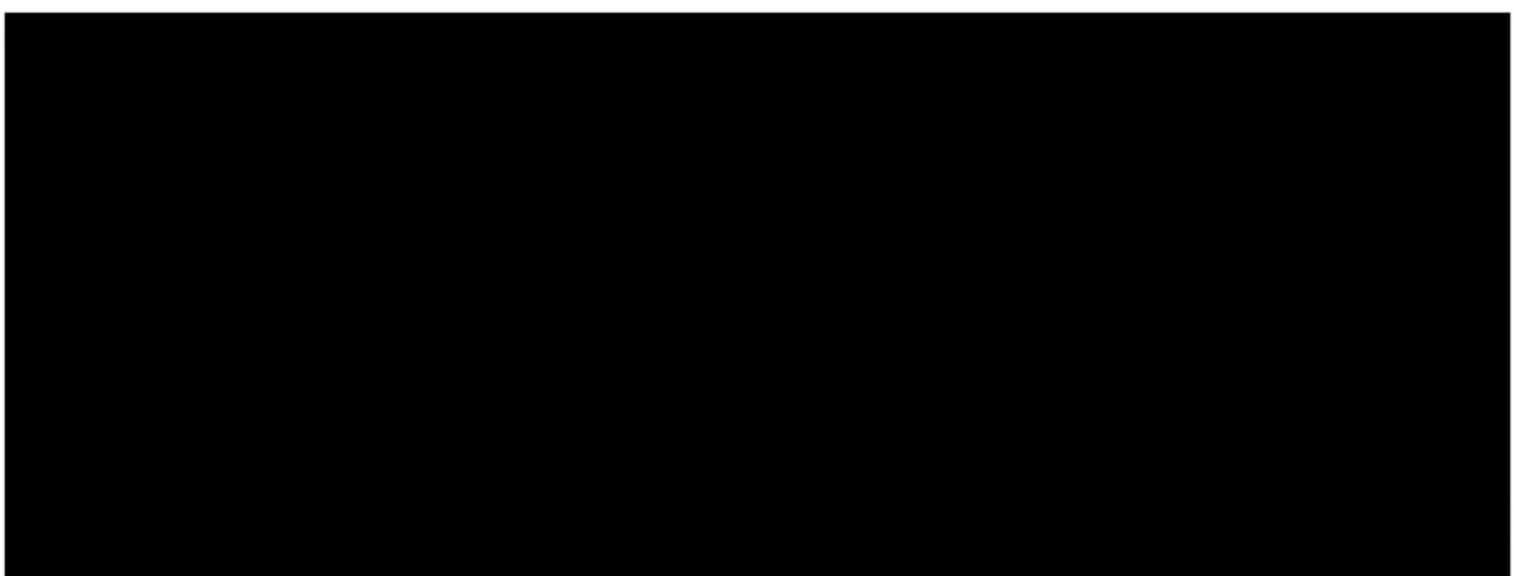
Thanking you,

NEW DELHI
DATED: 28 .09 .2026

Yours faithfully,

[MUDIT GUPTA]
Advocate on Record
+91-9910687976
Code No. 3309

AADHAR CARD OF THE PETITIONER



// TRUE COPY //