

SC upholds SIR, says it is EC's constitutional duty

The Hindu (Mumbai) · 28 May 2026

The authority must decide their cases before the next Vidhan Sabha or local body elections. Their names should be restored to the rolls if they are found to be citizens. The second phase of the SIR, covering 51 crore voters in 12 States and Union Territories, including West Bengal, Tamil Nadu, and Assam, had commenced even as the challenge to the exercise in Bihar, was pending in the Supreme Court.

The Bench also directed that persons domiciled in Bihar, whose names may have been wrongly deleted on the grounds of absence, death, duplication or shifting, could challenge the EC's decision before the courts. The final Bihar electoral roll published on September 30 last year contained 7.42 crore electors, compared with 7.89 crore when the SIR was notified on June 24, 2025.

The court said the SIR did not supplant the Representation of the People Act (RP Act) or the Registration of Electors Rules of 1960. Rather, it breathed life into the constitutional mandate of Article 324 (EC's power to conduct and supervise elections).

The court said the EC had "cogent justifications" to conduct the SIR, namely the passage of more than two decades since the last intensive revision, largescale additions and deletions over that period, rapid urbanisation, migration, and the resulting possibility of repeated or defective entries. The court said the electoral roll was not a static document and must evolve in response to changes in population, residence, and eligibility.

It rejected the petitioners' argument that the SIR did not have an empirical foundation. Chief Justice Kant justified that largescale migration, nonreporting of deaths, and duplication of entries were matters of "common administrative experience". The Bench said the EC's supervisory authority under Article 324 was a "continuous wellspring of power" encompassing every facet and stage of the electoral machinery to ensure the sanctity of the democratic process. The court refused to believe that the SIR caused suffering. It said appropriate safeguards were in place or introduced to mitigate hardship and arbitrary exclusion.