

Summary of ADR's Petition Challenging SIR Order of ECI

This petition has been filed in the Supreme Court seeking setting aside of ECI's order dated 24.06.2025 directing the Special Intensive Revision of Electoral Rolls in Bihar (SIR Order). The petition primarily contends that these instructions issued by the Commission are violative of Articles 14, 19, 21, 325 and 326 of Indian Constitution as well as provisions of RP Act, 1950 and Rule 21A of the Registration of Electors Rules, 1960. These directives lack recorded reasons supported by any evidence or transparent methodology rendering it arbitrary and unconstitutional.

For the first time, the onus of being on the voters' list has been shifted from the State to the citizens. The new and stringent requirement of a voter involves an individual born between 01.07.2025 and 02.12.2004 to provide a document for self (from among a list of 11 documents) AND a document for father or mother (from among the list of 11 documents) establishing date of birth and/or place of birth failing which his/her name would not be added to the draft electoral roll and can be deleted from the same. Identification documents such as Aadhar or ration cards have been excluded from this process. Acceptable documents include passports, birth certificates, SC/ST certificates, or an extract of the 2003 Bihar electoral roll showing the names of the voter's parents. The SIR's requirement for citizenship documentation disproportionately affects marginalized communities, including Muslims, Scheduled Castes, Scheduled Tribes, and migrant workers, who may lack access to such documents.

The petition highlights that the aforementioned instructions will lead to disenfranchisement of lakhs of voters from electing their representatives, thereby disrupting the idea of free and fair elections and participatory democracy. The unreasonable and impractical timeline to conduct SIR in Bihar with close proximity to State elections which are due in November 2025 will further result in removal of names of lakhs of genuine voters from electoral rolls leading to their disenfranchisement. The petition further contends that the timeline provided for the SIR process does not provide voters enough time to comply with all the requirements or to challenge deletion of their names and places an unreasonable burden on voters, particularly those who are illiterate, elderly, or disabled.