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**EDITORIAL ANALYSIS**

# S.Y. Quraishi on SIR: Electoral Rolls, Citizenship, and the Limits of Judicial Safeguards

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CURATED &amp; WRITTEN BY

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# S.Y. Quraishi on SIR: Electoral Rolls, Citizenship, and the Limits of Judicial Safeguards

The Indian Express 29 May 2026 **GS2**

**IE** The Indian Express

2 tags ▾



## INTERVIEW ANGLE

*"When a former Chief Election Commissioner critiques his own institution's exercise, what does it reveal about the gap between de jure procedural safeguards and de facto disenfranchisement — and what reforms is he proposing that the SC verdict left unaddressed?"*

## INDIAN EXPRESS

| Column by **S.Y. Quraishi**, Former Chief Election Commissioner | May 29, 2026

**S.Y. Quraishi —  
CEC FROM JULY 30, 2010 TO JUNE 10, 2012**

— critiques the Supreme Court's May 27, 2026 validation of the **Special Intensive Revision (SIR)** of electoral rolls. His central argument: the SIR **exceeds the statutory scope of "revision"** under the RP Act, 1950, and **risks disenfranchising vulnerable, documentation-poor voters**. While the Court has carefully distinguished electoral exclusion from citizenship determination, **the practical safeguards of judicial review remain inaccessible** to the very citizens most at risk.

## THE ARGUMENT IN ONE LINE

The constitutional design of universal franchise rests on **automatic inclusion** of citizens once eligible, not on the **selective exclusion** through document-driven scrutiny — and the SC's procedural gestures cannot redeem an exercise that has crossed into citizenship-screening territory.

## WHY A FORMER CEC'S CRITIQUE MATTERS

Quraishi was the **17th Chief Election Commissioner** (2010-2012). His tenure included:

- 2011 Assembly elections in Tamil Nadu, West Bengal, Kerala, Assam, Puducherry.
- 2012 UP, Punjab, Uttarakhand, Goa, Manipur Assembly polls.
- Authored *An Undocumented Wonder: The Making of the Great Indian Election* (2014).
- Long-standing advocate of **proactive ECI reforms** — voter education, paid news regulation, party finance transparency.

When a former CEC says the SIR has exceeded its statutory mandate, the institutional voice carries weight beyond constitutional debate.

## THE STATUTORY SCOPE OF “REVISION” — THE CORE ARGUMENT

TYPE	STATUTORY ANCHOR	SCOPE
<b>Summary Revision</b>	Sections 21-23, RP Act 1950	Annual updates from received claims/objections
<b>Special Summary Revision</b>	Section 21(2)(b)	Triggered by elections or roll deficiencies
<b>Special Intensive Revision (SIR)</b>	Section 21(3) (interpreted)	<b>Door-to-door verification by BLOs</b> — comprehensive
<b>Special Revision</b>	Section 22	Specific roll corrections

Quraishi’s critique: the SIR being conducted in Bihar (2025-26) goes **beyond “intensive revision”** into **enumeration-style scrutiny** — closer to a **citizenship audit** than a roll update. The statutory text does not anticipate this depth of inquiry.

## THE FIVE SPECIFIC CONCERNS

### 1. Document Threshold Mismatch

The ECI’s de facto document requirement (birth certificate, parents’ rolls, passport) **excludes** the documentation realities of:

- **Rural poor** without birth certificates.
- **Internal migrants** without parental documentation in the migration state.
- **Religious minorities** in border districts where suspicion is institutionalised.
- **Women** lacking documents in their natal name.
- **Tribals** in Schedule V areas with limited civil registration.

## 2. Onus of Proof Reversed

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In a normal voter-registration challenge, the **state must prove ineligibility**. In SIR, the **voter must prove eligibility** — a reversal that the statute does not authorise.

## 3. Time and Geography Asymmetry

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The SIR's timelines (typically 3-6 months) and verification windows are calibrated for **average-density urban populations** — not for:

- Tribal hamlets in remote districts.
- Migrant workers absent during verification.
- Hospital patients, elderly, disabled.

## 4. ECI as Citizenship Examiner

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Quraishi argues — like the Hindu editorial — that the **SC's acknowledgement** of ECI's citizenship-examination power **crosses an institutional line**. The ECI's mandate is electoral; the citizenship determination authority is **MHA under the Citizenship Act, 1955**.

## 5. Judicial Review — Theoretical Not Practical

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The SC's offered remedy — appeal to High Courts — is **theoretical** for the affected voter. Filing an Article 226 writ:

- Costs ₹10,000-50,000 in fees.
- Requires legal assistance the indigent lack.
- Takes months/years; the election is decided meanwhile.
- The Right to Vote (PUCL, 2003) is constitutional but not fundamental — so HC remedies are discretionary.

## WHAT THE SC COULD HAVE DONE — BUT DID NOT

REFORM	WHY IT MATTERS
<b>Mandatory legal aid panels</b> for deletion appeals	Equalises access to remedy
<b>30-day deletion-review windows</b>	Aligns with election cycles
<b>Pre-publication of deletion lists</b> at gram panchayat / ward level	Allows community-level scrutiny
<b>Statutory document floor</b> — Aadhaar + voter ID + ration card as minimum	Limits arbitrary exclusion
<b>Annual independent audit</b> of SIR outcomes by NLU/CAG	Transparency + accountability
<b>Caste/religion disaggregated data</b> on deletions	Detects discriminatory patterns
<b>Restrict ECI's citizenship inquiry</b> to flagged cases referred to MHA	Restores institutional boundaries

## THE COMPARATIVE — OTHER COUNTRIES' REFORM APPROACHES

COUNTRY	APPROACH	LESSON
<b>USA</b>	State-level voter ID; mass purges in some states	Documented exclusion bias
<b>UK</b>	Photo ID rollout 2023; voter centres ID-issuing	Mitigated exclusion via state ID provision
<b>Germany</b>	Automatic enrolment via Civil Registry	Highest enfranchisement, lowest exclusion
<b>Brazil</b>	Biometric voter ID + mandatory voting	Universal coverage via state effort
<b>Canada</b>	Wide document acceptance + sworn affirmation	Low exclusion through flexible verification

The Indian SIR is positioned **closer to the US** — putting the burden on the voter — and **far from the German** model of state-led inclusion.

## WIDER SIGNIFICANCE

- **Constitutional consistency** — universal franchise (Article 326) requires consistent application.
- **Institutional autonomy** — ECI's autonomy must be exercised within statutory boundaries.
- **Democratic backsliding signal** — voter-roll purges are a well-documented step in democratic erosion globally.
- **Comparative caution** — even the UK's well-resourced state struggled with voter exclusion after photo ID rollout.

## WHAT QURAISHI PROPOSES

PROPOSAL	MECHANISM
<b>Cease SIR pending statutory clarity</b>	Halt fresh SIR cycles until Parliament clarifies the RP Act
<b>Set up SIR Reform Committee</b>	Ex-CEC + retired SC judge + civil society
<b>MHA-ECI Citizenship Protocol</b>	Formal SOP for flagged citizenship cases
<b>Voter Document Acceptance List</b>	Statutorily fixed minimum
<b>Independent Audit Mechanism</b>	Annual published reports
<b>Restore CJI on EC appointment panel</b>	Reverse 2023 Act dilution

## WHAT THIS EDITORIAL ADDS TO THE SIR DEBATE

VOICE	LENS
<b>The Hindu</b> (May 29 editorial)	<b>Constitutional critique</b> — SC verdict tilted institutional
<b>S.Y. Quraishi</b> (this IE column)	<b>Institutional critique</b> from a former CEC — exceeds statutory scope
<b>Civil society petitioners</b>	<b>Disenfranchisement risk</b> — affected groups
<b>Political opposition</b>	<b>Targeted exclusion</b> — Bihar Seemanchal, minority districts

The Quraishi voice adds **institutional credibility** to the critique — it’s not partisan; it’s from inside the ECI’s own intellectual tradition.

## UPSC RELEVANCE

### GS Paper 2 — Polity & Governance:

- Structure, organization and functioning of the Election Commission of India.
- Salient features of the Representation of People’s Act.
- Statutory, regulatory and various quasi-judicial bodies.

### Analytical hooks for Mains:

- The constitutional scope of “revision” vs “enumeration”.
- ECI’s expanding role vs MHA’s citizenship mandate — institutional boundaries.

- Voter document requirements — exclusion vs purity trade-off.

### FACTS CORNER

Author: S.Y. Quraishi — 17th Chief Election Commissioner, July 30, 2010 – June 10, 2012.

Book: *An Undocumented Wonder: The Making of the Great Indian Election* (2014).

SIR statutory anchor: Section 21(3), Representation of the People Act, 1950.

Citizenship Authority: MHA under the Citizenship Act, 1955.

SC SIR verdict date: May 27, 2026; Bench: CJI Surya Kant + Joymalya Bagchi + Vipul M. Pancholi.

ECI Appointment Act, 2023: removed CJI from the appointment panel — replaced with a Cabinet Minister.

Anoop Baranwal v. UoI (2023): SC originally directed a CEC+CJI+LoP panel; 2023 Act diluted this.

Bihar SIR cycle: Started 2025 ahead of Bihar Assembly elections.

PUCL v. UoI (2003): Right to vote — constitutional, not fundamental; Art 21 due process applies.

17.32 crore voters in the first general election (1951-52).

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*Editorial source: Indian Express, May 29, 2026 | Cross-link: Hindu SIR editorial | Daily: May 27 SC SIR verdict*

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