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Supreme Court: Deletion From Electoral Roll Is Not Loss of Citizenship

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Supreme Court: Deletion From Electoral Roll Is Not Loss of Citizenship

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On **July 17, 2026**, a Supreme Court bench of **Chief Justice Surya Kant** with Justices **Joymalya Bagchi** and **V. Mohana**, hearing pleas challenging the **West Bengal Special Intensive Revision (SIR)** of electoral rolls, held that **deletion from the electoral roll does not amount to loss of citizenship**. The Court clarified that the **Election Commission of India (ECI)** may assess citizenship only for the limited purpose of preparing electoral rolls and **cannot make the final determination of citizenship**. The matter was adjourned to August.

WHAT THE COURT SAID

The core of the July 17 order is a firm separation between two distinct legal questions: **who may vote** and **who is a citizen**. The bench underlined that these are governed by different statutes and answered by different authorities.

The ECI, the Court observed, is entitled to satisfy itself about a person's eligibility, including citizenship, **but only as an incidental step** in the roll-revision process. If a genuine doubt about citizenship arises, the Commission **must refer the case to the Central Government** for adjudication under the **Citizenship Act, 1955**. The ECI cannot itself pronounce a person a non-citizen and cannot treat exclusion from the roll as a finding on nationality.

The petition before the Court was filed by **Prasenjit Bose**, who challenged the conduct of the SIR in West Bengal. The bench declined to stay the exercise but recorded these limits on the Commission's powers, and posted the matter for detailed hearing in August.

Electoral Roll Versus Citizenship

QUESTION	GOVERNING LAW	DECIDING AUTHORITY
Who can be enrolled as a voter	Representation of the People Act, 1950	Election Commission of India
How elections are conducted	Representation of the People Act, 1951	Election Commission of India
Who is a citizen of India	Citizenship Act, 1955	Central Government
Right to vote (adult suffrage)	Article 326 of the Constitution	Guaranteed to every adult citizen

WHAT IS A SPECIAL INTENSIVE REVISION

A **Special Intensive Revision (SIR)** is a door-to-door, house-by-house verification of the entire electoral roll, going beyond the routine annual summary revision. Enumerators distribute and collect forms, and existing entries may be retained, corrected or deleted after verification. Because it can remove names already on the roll, an SIR carries a higher risk of wrongful exclusion, which is why **due process** for affected voters becomes central.

The **ECI** derives its authority from **Article 324** of the Constitution, which vests in it the superintendence, direction and control of the preparation of electoral rolls and the conduct of elections. The actual mechanics of enrolment are set out in the **Representation of the People Act, 1950**, while the conduct of polls is governed by the **Representation of the People Act, 1951**.

Why the Distinction Matters

If deletion from a roll were treated as a verdict on citizenship, an administrative act by a poll official could effectively brand a person a foreigner without any of the safeguards the Citizenship Act provides. By insisting that doubtful cases go to the **Central Government**, the Court preserves the constitutional scheme in which citizenship is a **Union subject** determined through a defined legal process, not through the electoral machinery.

The ruling also protects the **right to vote**, which flows from **Article 326** guaranteeing universal adult suffrage. A wrongly excluded voter retains the remedy of appeal and correction under the electoral law, and the exclusion says nothing about that person's nationality.

HOW IT DIFFERS FROM THE BIHAR SIR

This case is **distinct from the Bihar SIR verdict of May 27, 2026**, in which the Supreme Court upheld the revision exercise in that state. The July 17 West Bengal order does not disturb that position; it addresses a different question, namely the **legal effect** of deletion, and reiterates that the ECI cannot cross the line into final citizenship determination. Read together, the two matters show the Court permitting rigorous roll revision while fencing it with procedural safeguards.

Government of India's position on citizenship is that nationality is conferred and determined solely under the **Citizenship Act, 1955** and the Constitution, through the Union Government and its designated authorities. The Court's insistence on referring doubtful cases to the Centre is fully consistent with this statutory scheme.

UPSC RELEVANCE

GS Paper 2: Indian Constitution and functioning of constitutional bodies; the Election Commission; separation of powers; citizenship; protection of the right to vote.

Prelims pointers:

- **Article 324** vests superintendence of elections and electoral rolls in the ECI.
- **Article 326** guarantees adult suffrage as the basis of the right to vote.
- Electoral rolls and conduct of elections are governed by the **Representation of the People Acts, 1950 and 1951**.
- Citizenship is determined under the **Citizenship Act, 1955**; it is a **Union subject**.
- Bench: **CJI Surya Kant**, Justices **Joymalya Bagchi** and **V. Mohana**; petitioner **Prasenjit Bose**.

FACTS CORNER, KNOWLEDGE PEDIA

SIR stands for Special Intensive Revision, a house-to-house verification of the full electoral roll.

The ECI is a constitutional body under Article 324; it is not a citizenship-deciding authority.

Article 326 provides for elections on the basis of adult suffrage.

The Representation of the People Act, 1950 deals with electoral rolls; the 1951 Act deals with the conduct of elections.

Citizenship is granted and determined under the Citizenship Act, 1955, a Union subject decided by the Central Government.

The July 17, 2026 West Bengal order is separate from the Bihar SIR verdict of May 27, 2026, which upheld that exercise.

Sources: The Hindu - SC on West Bengal SIR and citizenship, Indian Express - Supreme Court electoral roll deletion citizenship, Election Commission of India, Citizenship Act, 1955 - India Code

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