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Sentinel in the Dock: The Election Commission Today

By: Ashok Lavasa

In its Special Intensive Revision in Bihar, the Election Commission of India, once responsible for enrolling every eligible voter, shifted the burden onto citizens. Extending this approach nationwide heightens concerns about fairness in a political climate where all parties resist accountability.

The Election Commission of India (ECI) in the last few months has been in the spotlight as never before. Given the spot it finds itself in, 'searchlight' might be more apt.

The ECI as the guardian of the election process has nurtured our democracy with care, conscientiousness, and impartiality since it came into being a day before the Constitution came into force on 26 January 1950. For seven decades, it has acted like a neutral umpire, supervising the contest for the people's vote and protecting the voting right of every Indian, upholding its motto of *no voter to be left behind* and *every vote matters*.

So, why are questions being raised about the intent and manner of some of its decisions of late? Is there a misconceived campaign to tarnish its hard-earned reputation? Is it because the institution is giving the impression of being self-righteous and above reproach? Is its neutrality under a cloud because people have begun to suspect its neutrality? Is it because of the perceived inconsistency in some of its recent processes? Why is the sentinel under attack?

The immediate reason for the debate about the changing perception of the ECI is its decision of 24 June 2025, which announced the special intensive revision (SIR) of the electoral rolls of Bihar, where assembly elections were due in about three months. This situation escalated quickly. The ECI firmly defended its decision, while opposition political parties accused it of deliberately planning mass disenfranchisement and selectively removing voters from the rolls.

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An SIR of the electoral rolls will now be conducted throughout the country, as announced by the ECI. The schedule for 12 states, characterised by the ECI as Phase 2, was announced on 27 October 2025. We need to carefully understand the purpose, the principles, and the procedures of the SIR that were followed in Bihar before we look at the modified approach announced by the ECI for Phase 2.

Unique Election Commission

The ECI, after all, was one of the institutions that enabled us to claim that India had functioned as a vibrant electoral democracy where regimes changed peacefully in recognition of the popular mandate.

Quite unlike in other countries, the founding fathers of our Constitution created an institution with unparalleled authority to conduct elections. Although the Indian Constitution was adopted on 26 November 1949 and enforced from 26 January 1950, some articles pertaining to citizenship and Article 324, which created the ECI, were enforced from 26 November 1949 itself. That is how the ECI came into being a day before 26 January 1950.

The ECI was entrusted with three responsibilities—preparation of electoral rolls, conduct of elections, and providing a level-playing field during the elections. For discharging these functions, the ECI was endowed with the authority and responsibility of “the superintendence, direction and control” of the electoral process.

However, today, the umpire's neutrality is being doubted and the sentinel's courage and competence in protecting voting rights is being questioned. It is hard to recall any other decision by the ECI that sparked as much controversy as its move to conduct the SIR in Bihar to check voter eligibility. This decision was announced in a press note on 24 June 2025. Although everyone supported the goal of removing ineligible names and adding eligible voters to the electoral roll, the abrupt announcement and the way the process was handled led to widespread protest.

Article 326 defines “eligibility” for voters. To be eligible, a person must be a citizen, at least 18 years old (originally 21), not disqualified under any law, and not declared insane by an authorised medical authority.

Under the first Chief Election Commissioner, Sukumar Sen, the ECI was firmly committed to creating a complete and accurate electoral roll. The ECI even resisted Prime Minister Jawaharlal Nehru’s hope that the first general election would take place in March 1950, wanting to protect the integrity of the roll. Despite repeated announcements by the prime minister about upcoming elections, the ECI insisted on first preparing a reliable electoral roll before finally holding elections in late 1951.

The Israeli author Ornit Shani in her book *How India Became Democratic: Citizenship and the Making of the Universal Franchise* captures how the first electoral roll was prepared in a country where the rate of literacy was about 16% but had dared to adopt universal adult franchise from the beginning, something not done by the US or the UK. She recounts the efforts made to include people who slept on the pavements of streets in cities, citing the example of Bombay (as it was then called) where people staying in open spaces, not even paying rent to the municipal corporation, were included in the roll.

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The people were not expected to approach the ECI for including them in the electoral roll, it was the ECI that deemed it its responsibility to include all those who lived in the country. That, she says, was possible because of the “democratic imagination” of the ECI and not a mechanical, heartless process generally followed by any bureaucracy.

The level of literacy in India was indeed a challenge, especially as its people were earlier not citizens but subjects of one kingdom or the other and did not understand electoral rights. The Constituent Assembly debated this, and in a speech delivered on 25 November 1949, B.R. Ambedkar expressed confidence in the native wisdom of its ordinary people.

I have no doubt in my mind that if things are explained to them, they will not only be able to pick up the technique of election but will be able to cast their votes in an intelligent manner and I have no misgivings about the future on that account. I cannot say the same thing about the other people who may try to influence them by slogans and by placing before them beautiful pictures of unpracticable [sic] programmes.

The same speech also refers to the issue of prescribing educational qualifications for the legislators and highlights the need for an ethical core for those who seek to represent the popular will. Ambedkar said,

There are only two regrets which I must share with the honourable members. I would have liked to have some qualifications laid down for members of the legislatures. It is anomalous that we should insist upon high qualifications for those who administer or help in administering the law but none for those who made it except that they are elected ... a lawgiver requires intellectual equipment but even more than that capacity to take a balanced view of things, to act independently, and above all to be true to those fundamental things of life. In one word, to have character. It is not possible to devise any yardstick for measuring the moral qualities of a man. And so long as that is not possible, our Constitution will remain defective.

Despite high levels of illiteracy, the ECI made it a point to include every eligible person in the electoral roll. The ECI saw it as its responsibility—not the citizen’s—to ensure enrolment. According to ECI reports from India’s first elections, the elector to adult population (EP) ratio aligned closely with census data from 1951. The census found a population of just over 18 crore aged 21 and above in 1951. The ECI managed to register slightly fewer than 18 crore as electors, leaving only about 70 lakh eligible voters unregistered. This elector to population ratio was among the best ever achieved in subsequent years.

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This achievement was remarkable, especially given the circumstances. People were migrating between places and regions, some even moving to new countries, and no one had documents to prove citizenship. Despite these challenges, the ECI succeeded in registering almost all eligible voters.

As a result, India's elector to population ratio has consistently remained around 98–99%. In contrast, the US, with greater literacy and progress, has an elector to population ratio of about 75%. This is because, in the US, citizens must actively approach authorities to be enrolled and gain the right to vote.

The number of registered voters has grown to 99 crore now from 18 crore in 1951, according to the latest data from the ECI. Instead of acting arbitrarily, the ECI has consistently used transparent procedures that comply with the law. Of course, in an operation of this scale—managed by lakhs of field workers—mistakes can happen. However, the ECI has traditionally taken an inclusive and approachable attitude. Many people felt that this spirit was missing during the recent SIR in Bihar.

Bihar's Special Intensive Revision

Those dissatisfied with the ECI's decision on 24 June 2025 to conduct a SIR of Bihar's electoral rolls took their concerns to the Supreme Court. Meanwhile, voters were required to go through an unfamiliar process where they had to prove their eligibility, with the focus placed mainly on establishing their citizenship.

For sure, this was not the first time that ECI was carrying out an intensive revision of the electoral roll, but this time there was a difference. Questions were raised about why the ECI adopted a different approach, especially because its 2003 order directing the intensive revision was not available in the public domain. Strangely, it was not even available on the ECI website, which added fuel to the fire.

Revising the electoral rolls on such a large scale is not like conducting an income tax raid. It must be a transparent process that fully involves the public.

The stated purpose of the SIR in Bihar and its Phase 2 in 12 states is straightforward—include all eligible persons and exclude all ineligible persons. Nobody can quarrel with that. However, in the case of Bihar, there was an issue of timing, flagged by the petitioners in the Supreme Court.

The issue of timing had two sides. One was whether the time allowed for the revision was sufficient. The other was whether it was appropriate to carry out the revision just before the state assembly elections.

The sudden announcement led many to question the ECI's intentions. Revising the electoral rolls on such a large scale is not like conducting an income tax raid. It must be a transparent process that fully involves the public, explaining the purpose and steps of this extensive exercise. People need to be informed because the revision is meant to reconsider the status of those already listed as electors.

The exercise was announced on 24 June and began immediately afterwards. According to the ECI, the time allotted for this revision was about 90 days. In contrast, the intensive revision in 2003 took around eight months.

The ECI added to the confusion by not making the 2003 order publicly available. Instead of explaining to the public why it was using a new procedure—something it had every right to do—the ECI simply allowed the old order to vanish from view. It only resurfaced when the Association of Democratic Reforms (ADR), a petitioner in the Supreme Court, uncovered it and pointed out the differences. This caused significant damage to the ECI's credibility.

Issue of Citizenship

For the first time, the responsibility of proving citizenship or eligibility was placed on the voters themselves, rather than on the government machinery. Previously, it was the state's duty to ensure that every eligible person was included in the electoral roll, in accordance with the provisions of the Representation of the People Act, 1950, and the Registration of Electors' Rules.

Under the earlier procedures, anyone being added to the electoral rolls for the first time simply had to declare that they were a citizen of India. They did not have to produce documentary proof of citizenship—only proof of identity, date of birth, and ordinary residence was required.

One can understand the ECI's dilemma. Though the Constitution mandates that only citizens can be enrolled, there is no document provided by the government in India to establish citizenship, except for acquired citizenship. The passport could be claimed to be one such document because the government gives a passport only to its citizens. By that logic, the elector's photo identity card (EPIC) is also a proof of citizenship because the voter card can be obtained only by eligible citizens. Given that the government does not provide

any definitive document to prove citizenship, how can the ECI reliably determine if someone is a citizen before adding their name to the electoral roll?

The presumption of the ECI procedure always was that you were a citizen of this country unless someone objected to it and produced evidence that cast a doubt, which would lead to an inquiry.

The response to that dilemma is the approach of presumed citizenship followed by the ECI hitherto for seven decades without ever being accused of laxity in adhering to the spirit of Article 326. The ECI's approach and methodology was akin to the census operation with public servants going house to house to include them in the electoral roll.

However, the method used for the Bihar SIR reversed this basic principle and led to a troubling scenario—even if only in theory. In India, a person born in the country has the right to vote, whether or not they own land, attend school, or have benefited from any government programme. The lack of documents should not prevent someone from exercising this right. Yet, under the Bihar SIR approach, a person could be denied the right to vote simply because they do not possess any official paperwork.

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The wording of the ECI order also became a source of controversy. Electoral roll revisions, whether summary, annual, or intensive, are usually regular statutory exercises described in law. Interestingly, the law does not mention “special intensive revision”—this term was introduced by the ECI for the first time.

However, it was not just the new phrase that was unprecedented. The ECI also divided the existing voters into two groups for the first time: those registered up to 2003, and those registered after 2003. This was notable because all 7.89 crore voters on the current valid electoral roll had already been enrolled through the legal process.

Further, the ECI stated in its notification that the names in the 2003 electoral roll would carry “a probative evidence of eligibility” and “a presumption of citizenship”. That meant those who entered the electoral roll after 2003 would have to prove their citizenship. This had never been the case in the past.

The requirement was also unreasonable because people were expected to find and submit these documents during the flood season, at a time when about 20% of Bihar's adult population were migrants.

People who joined the electoral roll after 2003 were divided into three groups: those born before July 1987, those born between 1987 and 2004, and those born after December 2004. This classification was designed to match the requirements of the Citizenship Act, 1955. Each group had to submit different types of documents to prove their own and their parents' identity, depending on which category they belonged to. This process led to a lot of confusion and difficulty. Many people felt the requirements were unfair and unrealistic, especially in Bihar.

A report by the *Hindu* showed that most of the 11 documents mandated by the ECI were not easily available. The requirement was also unreasonable because people were expected to find and submit these documents during the flood season, at a time when about 20% of Bihar's adult population were migrants.

Infirmities in Bihar Process

A review of Supreme Court orders and the ECI's procedures for the Bihar SIR highlighted several problems. By law, once a person's name is added to the electoral roll, it can only be removed through a prescribed process that involves serving a notice to that person.

However, the ECI developed a different procedure for Bihar. It generated pre-filled forms containing each elector's photograph from its database and gave these forms to the electors. Booth level officers (BLOs) went door to door distributing the forms. In the next round, they were expected to collect the completed forms, which needed the elector's signature, a recent photograph, and one of 11 required documents.

This process continued until 25 July. The collected forms were then used to prepare the draft electoral roll, published on 1 August. When concerns arose about the difficulty in obtaining documents, the ECI revised its procedure, allowing signed forms without documents or a new photo.

Eventually, the draft roll included 7.24 crore of the 7.89 crore names. This meant that someone who had been continuously enrolled from 1951 to 2003—and again in January 2025, after the regular summary revision—could still be excluded simply for failing to submit the form during the SIR. How fair is that? The ECI might argue its process was legal, but is it just to deny someone their constitutional right to vote in this way?

But this was not the only problem. The ECI’s attempt to “purify” the electoral roll was flawed. The ECI simply downloaded existing data and asked electors to sign and resubmit forms, without correcting mistakes or updating information. As a result, errors already present were carried over into the new electoral roll.

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Previously, intensive revisions involved thorough door-to-door surveys, which helped update and correct the data. This time, the process was different. After the first stage of the Bihar SIR, 65 lakh names were removed because of reasons like death, duplication, and migration. However, it was unclear how the ECI identified these cases without conducting a survey.

It later became clear that those marked as “permanently migrated” were combined with cases where forms were not delivered or not received. In 2003, field enumerators (not called BLOs at the time) would interview every elector in their jurisdiction and verify or update entries accordingly. This year’s procedure was vague and created many unanswered questions. For example, when people submitted forms without any documents, on what basis did the BLOs make recommendations, as required by ECI instructions? The ECI added to suspicions by not publishing details about how many forms came with or without the required documents.

The legality of this process was questioned because names were deleted without any notice given to electors. The ECI claimed it was not deleting names, but instead preparing a brand new electoral roll and was therefore not required to list people who were left out. In reality, 65 lakh names were removed—obliterated rather than officially deleted. If those excluded wanted to be added again, they would have to fill Form 6 as new electors.

It was only after the Supreme Court’s directions that the ECI published the names of all those excluded from the draft electoral roll, along with the reasons for exclusion. The Supreme Court also criticised the ECI, pointing out that none of the 11 documents it originally required could actually prove citizenship. The court directed the ECI to accept the Aadhaar card as a valid document as well.

It is clear that the ECI entered risky territory by attempting to determine who is and is not a citizen. This is likely why the ECI had avoided taking on this responsibility in the past. Traditionally, the ECI believed it was enrolling people as electors based on a formally notified transparent process. If someone ineligible managed to get on the roll, anyone could object by providing evidence. The ECI would then investigate and remove the person if necessary.

Despite the serious doubts raised by the Bihar process, the ECI announced phase 2 of the SIR in 12 states and union territories on 27 October 2025. It stressed its commitment to keeping the electoral roll accurate by removing those “ineligible” and adding those “eligible”. This announcement came even as controversy from the Bihar exercise was still unresolved and had clouded the ECI’s credibility.

While the ECI did address several questions during the press conference, it left the most important one unanswered: how many non-citizens were actually detected in Bihar?

Interestingly, the Supreme Court is scheduled to hear the case on 4 November 2025—the very same day that Phase 2 of the enumeration process is set to begin. The ECI appears determined to assert its constitutional authority and to proceed with its plans, regardless of opposition. Even with several interventions from the Supreme Court, the ECI’s authority to revise the electoral roll has never been in question. What was questionable was the process the ECI had first put in place in Bihar.

In an article I wrote for the *Tribune* (“[To SIR with Love across the Country](#)”, 27 September 2025), I argued that the initial notification of 24 June announcing the SIR should not become the standard procedure for the rest of the country. This was obvious from the many changes the ECI had to make during Phase 1, sometimes on its own, sometimes due to court orders. The need for adjustments has been just as clear in the revisions made for Phase 2. During this time, the ECI appears to have benefitted from the advice of the State Chief Electoral Officers (CEOs). The ECI held two rounds of meetings with them before launching this second phase of the national exercise.

Importantly, the new phase was announced at a press conference, rather than being abruptly issued as a press note like in June. This approach is a positive change. While the ECI did address several questions during the press conference, it left the most important one unanswered: how many non-citizens were actually detected in Bihar?

Process for SIR in 12 States

The changes in Phase 2 are intended to make the process easier, but they still place the main responsibility for re-registration on existing voters. Unlike the procedure in Bihar, voters are not required to submit documents during the enumeration stage. Instead, booth level officers will check voter eligibility by matching their details to entries in electoral rolls from the most recent intensive revision. This method will apply both to voters and their relatives, and should be enough to prove their eligibility.

In Bihar, only the 2003 electoral roll for the state was used as a reference. Now, electoral rolls from any state can be used to verify eligibility. Notices will be sent to people whose names cannot be matched to previous entries, giving them a chance to submit the required documents after the draft roll is published. Because of this, only a limited number of voters will need to provide documents.

The Bihar SIR was criticised for being “exclusionary”, as registration for new voters was delayed until the stage for claims and objections. In Phase 2, booth level officers will distribute forms to first-time voters who will reach voting age on 1 January 2026. Electoral Registration Officers (EROs) have been asked to “invite advance applications for subsequent qualifying dates”, including 1 April, 1 July, and 1 October 2026.

|| The ECI has also incorporated the Supreme Court’s instructions to display booth-wise lists of voters whose names are missing from the draft roll.

Another flaw in Bihar’s SIR was that booth level officers were not asked to conduct any survey to identify migration or deaths. This has now been addressed. Booth level officers are now instructed to “identify a probable cause, such as Absent/Shifted/Death/Duplicate, based on an inquiry from nearby electors”. This adds a human element to what had previously been a purely mechanical process.

The ECI has also incorporated the Supreme Court’s instructions to display booth-wise lists of voters whose names are missing from the draft roll. This allows the public to see which voters are not included, along with reasons for their exclusion. State Chief Electoral Officers (CEOs) must organize these lists and upload them to the official website, ensuring easy public access.

The ECI has added the final Bihar electoral roll to the earlier list of 11 required documents. It has also included the Aadhaar card, clarifying that it is not proof of citizenship—even though most of the other documents are not so either.

“Purification” of Rolls

These changes, however, have not resolved the underlying issue of citizenship. The entire exercise has left the ECI open to criticism that it is “conducting a NRC [National Register of Citizens] through the backdoor.” This concern persists, especially since the ECI still has not reported how many non-citizens were excluded in Bihar.

By shifting the burden of proof onto existing voters, there may be an unstated hope that non-citizens who managed to get onto the electoral roll would now be discouraged from resubmitting their forms. It is hard to say if this is a deliberate strategy. However, it could result in the intended exclusion of non-citizens—something that is otherwise only possible through the established process of objections and inquiries.

Another important debate is whether this type of SIR is the best way to “purify” the electoral roll. The same goal could be achieved by following the procedures already set out in law.

It would have been better if, before starting a nationwide SIR, the ECI had first carefully audited the existing electoral rolls in each state. This could have helped spot problems such as incorrect house numbers, misspelt parents' names, too many people listed at a single address, and duplicate entries. Targeted corrections could then have been made. Such auditing and rectification would have to be a continuous process. Intensive revision of electoral rolls should be limited to specific areas where the ECI receives complaints about large-scale problems—situations where it has the authority to carry out such intensive reviews.

|| The ECI should ensure adequate disclosure of crucial data, such as voter turnout and information from Form 17C—a statutory form completed by the presiding officer at each polling station after voting ends.

The ECI would inspire greater trust if it published all data from the Bihar SIR. This data should include the types of documents submitted by different categories of voters that allowed them to be declared “eligible”, along with a similar breakdown for those who were found ineligible.

Both ‘correctness’ and ‘completeness’ should be the goal of an inclusive electoral roll. With this in view, the ECI should also analyse the health of the draft electoral roll. This means identifying polling stations where there has been an unusual increase or decrease in the number of voters, or where there is a sudden change in gender ratio. These polling stations should be looked at in detail and the results should be made fully transparent.

One of the ECI's strengths has been its use of thorough, transparent standard operating procedures, which limit discretionary decisions. To maintain this reputation, the ECI should ensure adequate disclosure of crucial data, such as voter turnout and information from Form 17C—a statutory form completed by the presiding officer at each polling station after voting ends. These had emerged as contentious issues in the 2024 Lok Sabha elections.

It is equally important for the ECI to work closely with civil society organisations that push for more transparency. The commission has always seen these groups as partners in advocating for electoral reforms.

Responsibility of Political Parties

Finally, a word on the political parties in India, their character, composition, and way of working. Here again it might be useful to see what Ambedkar said about political parties:

The working of a constitution does not depend wholly upon the nature of the constitution. The constitution can provide only the organs of state such as the legislature, the executive, and the judiciary. The factors on which the working of those organs of the state depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics. Who can say how the people of India and their parties will behave?

This is a field filled with difficulties. The ECI acts like an umpire overseeing a game in which different parties are often ready to bend or break the rules.

The Model Code of Conduct (MCC) is a good example of this challenge. It was developed through consultations with political parties, with the expectation that they would follow both its letter and spirit. However, parties increasingly stick to the letter of the rules while breaking their spirit, which makes it difficult for the ECI to hold them accountable.

|| At present, the people of India find themselves caught between an umpire whose fairness is under scrutiny and political parties who do not want any questions about their integrity or accountability.

Very few political parties have shown interest in electoral reforms by including them in their election manifestos. As a matter of fact, the troubling reality is that all major parties have united to ignore an order from the Chief Information Commissioner passed several years ago. That order declared political parties to be public authorities covered by the Right to Information Act, but it has not been implemented in more than a decade.

Parties have also resisted any effort to define their legal status. There is no law that clarifies whether a political party is a trust, society, company, or non-profit. Despite this lack of legal definition, political parties enjoy tax-free status and have become recipients

of tax-free money through electoral bonds. Even though electoral bonds have been declared unconstitutional, parties have not lost access to those proceeds.

At present, the people of India find themselves caught between an umpire whose fairness is under scrutiny and political parties who do not want any questions about their integrity or accountability. In Bihar, the ECI is eager to call the SIR a clear success. It appears to have learned some lessons from the Bihar experience, even if it has not openly admitted them.

Political parties too need to learn from these events. They should stay alert, take a more active role, and not expect any “accommodating stance” from the regulator of universal adult suffrage or from the courts.

Conclusion

Without waiting for a perfect system to emerge, we need to remind ourselves of what Rajendra Prasad said while presiding over the Constituent Assembly on 26 November 1949.

Whatever the constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective constitution. If they are lacking in these, the constitution cannot help the country. After all, a constitution is like a machine. The constitution like a machine is a lifeless thing. It acquires life because of the men who control it and operate it.

This was in 1949, but it could probably be relevant even today. India now needs nothing more than a set of honest men who will have the interest of the country before them.

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