SYNOPSIS

The present Writ Petition is being filed under Article 32 of the Constitution of India, seeking the intervention of this Hon'ble Court in relation to the alleged unilateral and arbitrary exercise of the collective powers of the Election Commission of India by the Chief Election Commissioner during the ongoing Special Intensive Revision (SIR) of electoral rolls; the consequent concerns regarding the integrity of the electoral process; and the infringement of the constitutional right of eligible citizens to be registered as voters and to exercise their right to vote.

This Writ Petition is being filed pursuant to the Written Communication dated 11.10.2026 of the Hon'ble Chief Justice of India, in reply to the Written Representation on behalf of the Petitioner No. 1, Shri Rahul Gandhi, and Petitioner No. 2 Shri. Mallikarjun Kharge dated 10.10.2026, whereby the Hon'ble Chief Justice has replied as follows.

> **"Incidentally, some matters highlighting similar issues are scheduled for hearing on Tuesday, 13.10.2026. If so advised, you may submit your petition on Monday, either physically at the Supreme Court of India, between 10:30 A.M. and 4:30 PM., or alternatively, by utilising the e-filing option, which permits filing at any time and on any day. You have my assurance that any such petition shall be heard at the earliest possible opportunity, in accordance with law."**

The Petitioner No.1, Shri Rahul Gandhi, is the Leader of the Opposition in the Lok Sabha and a Member of Parliament representing Rae Bareli. The Petitioner No.2 Shri Mallikarjun Kharge is the Leader of the Opposition in the Rajya Sabha. The Other Petitioners are also leaders of political parties and/or Members of Parliament. The present Petition is being instituted in discharge of their public duties and in protecting the constitutional guarantee of universal adult suffrage and ensuring that the electoral process remains free, fair, transparent and accountable. The right

to vote belongs to every eligible citizen irrespective of political affiliation, and its protection is a constitutional imperative that transcends party politics.

The present Petition arises from serious allegations concerning the functioning of the Election Commission of India during the implementation of the SIR, including the alleged exercise of the Commission's collective powers by the Chief Election Commissioner without the knowledge, approval or concurrence of the other Election Commissioners; the absence of a recorded decision of the Commission authorising the nationwide SIR; the unlawful modification of the statutory Form 6 without amendment of the applicable Rules; the centralised and opaque functioning of the ECINET and ERONET electoral-roll databases; and the large-scale exclusion of electors without adequate notice, hearing or an effective mechanism for restoration.

The concerns assume particular significance in view of the investigation published by *The Indian Express* on 23 September 2026, which reported that the two Election Commissioners had recorded objections on at least fourteen occasions over a period of ten months in relation to decisions concerning voter registration, deletion and restoration of names, and access to electoral-roll data. The objections reportedly indicated that decisions and communications were being issued in the name of the Commission without their knowledge or approval. The Commission has responded that the reports present only one part of the picture, that differences of opinion are normal in deliberative processes, and that its decisions were unanimous. The Petitioner does not seek to prejudge these competing positions. The central question is whether the decisions in question were taken in accordance with the Constitution, the governings statute and the law declared by this Hon'ble Court. That question can be

answered only upon examination of the relevant records of the Commission.

Article 324 of the Constitution vests the superintendence, direction and control of the preparation of electoral rolls and the conduct of elections in the Election Commission of India. Where the Commission comprises more than one member, these powers are required to be exercised by the Commission as an institution in accordance with law. In ***T.N. Seshan v. Union of India*****, (1995) 4 SCC 611,** a Constitution Bench of this Hon'ble Court upheld the multi-member character of the Election Commission and clarified that the Chief Election Commissioner does not enjoy a superior status over the other Election Commissioners, who are not mere advisers but members of the Commission with a say in its decisions. Section 18 of the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023, gives statutory expression to this principle by providing for the transaction of the Commission's business unanimously, as far as possible, and otherwise by majority.

The Petitioner submits that the reported exercise of collective powers by a single member, if established, would raise a substantial question concerning compliance with Article 324 of the Constitution and Section 18 of the 2023 Act. The issue is not merely one of internal administrative procedure. It concerns the lawful exercise of constitutional authority by the institution entrusted with safeguarding the integrity of elections. The independence and institutional functioning of the Election Commission are essential to the conduct of free and fair elections, which form part of the basic structure of the Constitution.

A further and fundamental concern arises from the Election Commission's own responses under the Right to Information Act, 2005,

regarding the decision to commence the nationwide SIR. An application dated 28 July 2025 sought the files and notings through which the Commission had decided to undertake the exercise across the country. On 27 August 2025, the Central Public Information Officer supplied only the published order dated 24 June 2025 and stated that no other information was available. In the subsequent first appeal, the First Appellate Authority recorded that the Commission had, until then, not taken any decision to initiate a nationwide SIR in 2025. This statement appears irreconcilable with paragraph 10 of the Commission's order dated 24 June 2025, which declares that the Commission had decided to begin the SIR throughout the country, and its press note dated 26 September 2026, which states that the order had the unanimous approval of the Commission. The Petitioner accordingly seeks production and examination of the complete file recording the decision of 24 June 2025, if such a file exists, so that the legality and institutional authorisation of the nationwide exercise may be ascertained.

MODIFICATION OF FORM 6

The Petition also raises concerns regarding the modification of the online Form 6 available on ECINET in July 2026 by the addition of a declaration concerning the presence of the applicant or their relatives in an earlier SIR electoral roll. Form 6 is the statutory form prescribed under the Registration of Electors Rules, 1960, framed under Section 28 of the Representation of the People Act, 1950, for an application for inclusion in the electoral roll. It is alleged that the form was modified without the corresponding amendment of the applicable Rules, notwithstanding reported objections raised by the Election Commissioners themselves. On 5 October 2026, this Hon'ble Court clarified orally in the pending proceedings concerning the SIR that it had not approved the modified Form

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6. The addition of an unauthorised condition to a statutory form may impose an unlawful burden upon eligible citizens seeking registration, particularly first-time voters, and may result in the exclusion of persons otherwise entitled to be enrolled.

The Petitioner further seeks examination of the manner in which the ECINET and ERONET electoral-roll databases are designed, configured and operated. It has been reported that concerns were raised within the Commission regarding the absence of an audit of persons having access to and the ability to modify the voter database. The subsequent review committee constituted by the Commission is headed by its own Senior Deputy Election Commissioner and includes an outside technical expert. The Petitioner submits that an internal review cannot substitute an independent audit of the electoral-roll databases, the access permissions governing them, the changes made to electoral records, and the safeguards available for reversing erroneous deletions. Reports concerning eligible electors who could not be restored to the electoral roll because the software allegedly lacked a rollback facility further underscore the need for an independent technical and procedural examination.

It is submitted that Section 13B of the Representation of the People Act, 1950 vests the preparation and revision of electoral rolls in the Electoral Registration Officer, whose discretion under the Registration of Electors Rules, 1960 cannot be curtailed by technical fiat or a manner of implementation of software. The centralised and opaque design, implementation and configuration of ECINet, restriction of ERO access, and denial of rollback facilities by the DG(IT) lack statutory sanction. Article 324, read with Section 18 of the 2023 Act, vests superintendence in the Commission acting collectively, not its IT division. Such centralisation

is ultra vires and subverts the decentralised architecture safeguarding free and fair elections.

The Petition also raises concerns regarding the scale of deletions and the manner in which objections under Form 7 are processed. It is learnt that the petition in ***Shailendra Mani Tripathi v. Union of India*, W.P. (Crl.) No. 401/2026**, alleges that approximately thirteen crore names were deleted from electoral rolls across all States and Union Territories during the SIR and that eligible voters have not been restored through ECINET. The Election Commission has stated that the figure represents electors marked as absent, shifted, dead or duplicate at the draft stage and does not represent final deletions. Nevertheless, the scale of electors marked for removal, and the possibility of eligible voters being wrongly excluded, warrant an effective and transparent verification mechanism. The Petitioner further raises concerns regarding bulk filing of Form 7 objections, the alleged use of forged names and targeting of specific communities and women, the denial of effective notice and hearing, and the absence of adequate enforcement against false declarations.

The constitutional and statutory framework governing the preparation and revision of electoral rolls requires that eligible citizens be afforded meaningful procedural safeguards. Article 326 guarantees elections on the basis of adult suffrage, while Articles 14 and 21 protect against arbitrary State action and deprivation of rights otherwise than in accordance with law. Sections 21 to 23 of the Representation of the People Act, 1950, and the Registration of Electors Rules, 1960, prescribe the framework for the preparation and revision of electoral rolls. Section 13B of the 1950 Act vests the responsibility for preparation and revision of electoral rolls in the Electoral Registration Officer. The statutory discretion and duties of the Electoral Registration Officer cannot be curtailed through

an unauthorised technical implementation or administrative arrangement. Likewise, the deletion of an elector already on the electoral roll must be accompanied by the safeguards of notice and a reasonable opportunity of hearing recognised by this Hon'ble Court in ***Lal Babu Hussein v. Electoral Registration Officer*, (1995) 3 SCC 100.**

The Petitioner is conscious of the judgment dated 27 May 2026 passed by this Hon'ble Court in ***Association for Democratic Reforms v. Election Commission of India*, W.P. (C) No. 640/2025**, reported as **2026 INSC 564**, upholding the validity of the SIR. The present Petition does not seek to reopen the question of the validity of the SIR as such. Its concern is narrower and distinct: whether the safeguards recognised by this Hon'ble Court, and the requirement that the Election Commission act as a collective constitutional institution, have actually been complied with in the implementation of the exercise. The validity of the SIR does not dispense with the requirement that each decision taken in its implementation must conform to the Constitution, the governing statutes and the applicable Rules.

The urgency of the present Petition is demonstrated by the developments in Punjab, where the draft electoral roll published on 13 August 2026 reportedly reflected a reduction of approximately 20.66 lakh names from the electorate of about 2.14 crore recorded in June 2026. A further 12.80 lakh electors reportedly could not be mapped to the rolls prepared after the 2003 revision and were required to produce documents within a month to remain on the roll. The final electoral roll was scheduled for publication on 12 October 2026. In the absence of effective safeguards and a functioning mechanism to correct errors and restore eligible voters, persons entitled to participate in the forthcoming electoral process may be

left off the final roll without an effective remedy before the elections. The same concerns arise in other States going to the polls.

The Petitioner also seeks an independent review of the decisions, policies, procedures, protocols, technical designs and architecture governing the use and deployment of Electronic Voting Machines (EVMs), in comparison with global best practices, in furtherance of the constitutional imperative of free and fair elections and the need to maintain public confidence in the electoral process.

The Petitioner respectfully submits that the allegations raised herein require examination on the basis of the Election Commission's contemporaneous records, including the files, agendas, minutes, notings and objections relating to the disputed decisions; the file recording the decision dated 24 June 2025 to commence the nationwide SIR; and the relevant ECINET and ERONET access logs. The production and independent examination of these records are necessary to determine whether the Commission's powers were exercised in accordance with law, whether the statutory safeguards governing electoral registration were observed, and whether eligible electors have been excluded in violation of their constitutional rights.

It is relevant that connected proceedings raising overlapping issues are already pending before this Hon'ble Court, including ***Rakesh Kumar Singh v. Union of India*****, W.P. (C) No. 1246/2026,** and ***Shailendra Mani Tripathi v. Union of India*****, W.P. (Crl.) No. 401/2026,** in which notice was issued on 5 October 2026. The Petitioner seeks appropriate consideration of the present Petition along with the aforesaid connected matters, as this Hon'ble Court may deem fit, without prejudicing the rights or contentions of the parties in the pending proceedings.

In these circumstances, the Petitioner seeks appropriate writs, orders or directions directing the Election Commission of India to preserve and produce the complete records relating to the disputed decisions; examining whether the exercise of the Commission's powers complied with Article 324 of the Constitution, Section 18 of the 2023 Act and the principles laid down in ***T.N. Seshan v. Union of India*****;** ensuring that Form 6 conforms to the statutory form prescribed under the applicable Rules; providing for an independent audit of electoral-roll deletions and access to the ECINET and ERONET databases; publishing transparent, booth-wise particulars of electors deleted during the SIR, with reasons for deletion and an appropriate demographic breakdown; ensuring a functional mechanism for restoring eligible electors; and protecting every eligible citizen against deletion without notice and a reasonable opportunity of hearing.

The Petitioner further seeks the constitution of an independent committee, headed by a retired Judge of this Hon'ble Court and assisted by technical experts and other persons of eminence, to examine the integrity of the electoral-roll databases and the implementation of the SIR, and to review the processes, procedures, protocols and technical architecture governing EVMs. The Petitioner also seeks such interim and consequential directions as may be necessary to preserve the integrity of the electoral process, including appropriate directions concerning the continuation of the SIR pending consideration of the issues raised in the present Petition.

The present Petition is thus instituted in the larger public interest of safeguarding the constitutional right of every eligible citizen to vote, maintaining the institutional independence and collective functioning of the Election Commission of India, and ensuring that the preparation and revision of electoral rolls are carried out transparently, lawfully and in a manner that inspires public confidence in the democratic process.

that citizen's ability to participate in the forthcoming election. The same concern applies to other States undergoing the SIR or scheduled to hold elections. The relief sought is therefore urgent and must be considered in a manner that enables eligible citizens to secure inclusion within the time permitted by law.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

(a) Issue a writ of *certiorari* or any other appropriate writ, order or direction directing Respondent No. 1, the Election Commission of India, to place on record the complete files, agendas, minutes, notings and objections recorded by the Election Commissioners in respect of each of the disputed decisions relating to the Special Intensive Revision of electoral rolls, together with the relevant ECINET and ERONET access logs and the complete file recording the decision dated 24 June 2025 to commence the Special Intensive Revision across the country in enforcement of the rights under Article 14,19 and 21 read with Article 324 of the Constitution of India;

(b) Issue an appropriate writ, order or direction directing an examination of whether the disputed decisions relating to the Special Intensive Revision were taken in compliance with Article 324 of the Constitution of India, Section 18 of the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and

Term of Office) Act, 2023, and the law declared by this Hon'ble Court in ***T.N. Seshan v. Union of India*, (1995) 4 SCC 611**, and, upon finding any decision to have been taken without lawful authority, quash and/or set aside such decision;

(c) Issue an appropriate writ, order or direction directing the competent authorities to take appropriate action against the persons responsible for any breach of the constitutional or statutory provisions governing the preparation and revision of electoral rolls, including under Section 32 of the Representation of the People Act, 1950, wherever warranted;

(d) Issue an appropriate writ, order or direction directing Respondent No. 1, pending adjudication of the present Petition and the connected matters, to ensure that every decision of the Election Commission relating to the Special Intensive Revision is taken and duly minuted in accordance with Section 18 of the 2023 Act;

(e) Issue an appropriate writ, order or direction directing Respondent No. 1 to ensure that the online Form 6 conforms to the form prescribed under the Registration of Electors Rules, 1960, unless and until the said Rules are lawfully amended in accordance with the applicable procedure;

(f) Constitute an independent committee headed by a retired Judge of this Hon'ble Court and assisted by technical experts and other citizens of eminence, to conduct, within a fixed time, an independent audit of the deletions and modifications made during the Special Intensive Revision and of access to, and alterations made in, the electoral-roll databases, including ECINET and ERONET; and further direct the said committee to undertake a thorough review of the decisions, policies,

procedures, protocols, technical designs and architecture relating to the use and deployment of Electronic Voting Machines, with reference to global best practices and in furtherance of the imperatives of free and fair elections;

(g) Issue an appropriate writ, order or direction directing Respondent No. 2 to publish, booth-wise, the names of all electors deleted during the Special Intensive Revision, together with the reasons for each deletion and a breakdown of deletions by gender and age, and to provide an effective and functional mechanism for restoring the names of electors found eligible for inclusion in the electoral rolls;

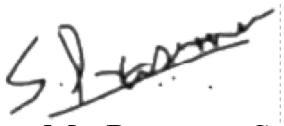
(h) Issue an appropriate writ, order or direction directing the Respondents to ensure that no elector is deleted from the electoral roll without notice and a reasonable opportunity of hearing in accordance with law, and to ensure that eligible persons in Punjab and other States going to the polls are permitted to seek inclusion in the electoral rolls until the last date permitted by law;

(i) Issue an interim direction suspending the ongoing Special Intensive Revision of electoral rolls across the States of the Union, pending consideration and adjudication of the issues raised in the present Petition, in the interests of protecting the rights of eligible electors and preserving the integrity of the electoral process;

(j) Pass such other or further order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case, in order to protect the integrity of the electoral process and the right of every eligible citizen to vote.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Filed by



Mr. Prasanna S
Advocate-on-record
CC No. 2919
Office At. C-64 IInd Floor Neeti Bagh
New Delhi – 110049
Phone / 875030762
Email: mail@advocateprasanna.in

Place: New Delhi
Date: 12.10.2026