

Citizenship Scrutiny - EC Outlines Its Constitutional Powers

December 1, 2025 • vajiramandravi.com



Citizenship Scrutiny Latest News

- The **Election Commission of India** (ECI) has informed the Supreme Court that the Union Government's citizenship-related powers are **"limited"** and do not override the Commission's constitutional authority to verify citizenship for the purposes of electoral roll maintenance.
- This clarification came amid challenges by Opposition parties to the **Special Intensive Revision (SIR)** process.

Background

- Opposition parties in Tamil Nadu, Kerala and West Bengal have argued that the ECI is effectively conducting a citizenship screening exercise akin to a **"de novo National Register of Citizens"**, alleging that only the Centre has exclusive authority to determine citizenship.
- The ECI, however, has strongly refuted these claims in its 184-page affidavit.

- The heart of the dispute revolves around the constitutional and statutory overlap between the **Citizenship Act, 1955** and the **Representation of the People Act (ROPA), 1950**, especially in the context of voter eligibility under **Article 326**.

The ECI's Clarification on the Limits of Central Authority

• Section 9 of the Citizenship Act and the Centre's "Limited Role"

- The ECI's affidavit references Section 9 of the Citizenship Act, 1955, which deals with the termination of citizenship when an Indian citizen voluntarily acquires foreign citizenship.
- According to the ECI, this section grants the Centre the power to determine "when or how" an individual acquired foreign citizenship, and only for this purpose.
- In other words, the Centre's jurisdiction is confined to assessing foreign citizenship acquisition and deciding whether Indian citizenship should be terminated.
- This does not bar other authorities, including the ECI, from examining other citizenship-related aspects for electoral roll purposes.
- ECI's Constitutional Mandate to Assess Citizenship

• Powers under Articles 324 and 326

- The ECI asserts that its authority to assess citizenship arises directly from **Article 324**, which vests the Commission with plenary powers of "superintendence, direction, and control" over elections, and from **Article 326**, which specifies Indian citizenship as a prerequisite for voter registration.
- The Commission also argued that even Parliament's authority to enact laws on elections under **Article 327** cannot curtail the Commission's constitutional mandate.

• Role of ROPA, 1950

- **Section 16** explicitly disqualifies non-citizens from being included in the electoral rolls.
- **Section 19** requires electors to be ordinarily resident in the constituency where they seek registration.
- Therefore, evaluating citizenship status is an intrinsic duty of the ECI when updating electoral rolls.

Understanding the Special Intensive Revision (SIR)

• Purpose and Legal Basis

- The SIR exercise is carried out under **Section 21(3) of ROPA**, which mandates an "intense" revision whenever "felt necessities" arise, such as concerns over inaccurate or inflated rolls.
- The ECI clarified that the SIR is not a citizenship determination exercise but a voter list purification exercise, essential to ensuring the integrity of electoral rolls, considered a Basic Feature of the Constitution linked to free and fair elections.

• Process of Verification

- The Commission stated that electors are only required to sign pre-filled enumeration forms (EFs) delivered to their homes by Booth Level Officers, a minimal and voter-friendly requirement.
- The burden is not being shifted to electors, as alleged; rather, the process ensures that voters who cannot be traced to previous revisions (such as the 2002 SIR) can confirm their eligibility.

ECI's Rationale for Conducting SIR

- The ECI emphasised the need for accurate electoral rolls not just for enrolment but for ensuring that voters are able to reach polling stations and cast votes.
- Thus, the following must be removed from voter lists:
 - Dead persons
 - Those who have permanently shifted
 - Non-citizens
- This ensures that the electoral roll reflects only eligible, traceable voters.

Opposition's Concerns and ECI's Response

- Opposition parties have claimed that SIR is unconstitutional and duplicates functions reserved for the Union Government.
- They have also criticised the requirement of filling out or signing forms as burdensome.
- The ECI rejected these arguments, maintaining that:
 - SIR is constitutional and necessary,
 - Proof sought from electors is limited to ensuring eligibility for voter lists.
 - It is not an NRC-like exercise nor an attempt to determine citizenship status beyond electoral purposes.

Source: TH

Source: <https://vajiramandravi.com/current-affairs/citizenship-scrutiny-eci-sir/>

© Vajiram & Ravi. For personal use only.