

**Mallikarjun Kharge**  
**Leader of the Opposition**  
**Rajya Sabha**



**Rahul Gandhi**  
**Leader of the Opposition**  
**Lok Sabha**

28<sup>th</sup> June, 2026

Esteemed Hon'ble Chief Justice of India,

We would not have, under normal circumstances, written to you. Given the fact that our democracy is in jeopardy, we have chosen this unusual path.

It is only when democracy is a collaborative exercise that it can be sustained. Only then our nation will realise its destined glory.

Parliament, an essential pillar of democracy, enacts laws. These are tested on the touchstone of their constitutionality by, perhaps, the most significant pillar of democracy – our Judiciary. Then there is the media which questions the nature and impact of these laws on the ground, which, in turn, paves the way for a collaborative democratic process.

The Executive is charged with the responsibility of implementing these laws in their true spirit.

The step that gives life to these institutions is the holding of elections, based on adult franchise, constitutionally required to be free and fair. This fundamental premise is to ensure that electoral outcomes for formation of governments at the centre or in the states, reflect the true will of the people. When that process is, in one way or the other, tainted, the outcome is suspect. The will of the people becomes the victim of this perfidy.

At the outset, we wish to make clear the spirit in which we write. This letter is addressed to this Hon'ble Court, and through the Chief Justice of India to the Companion Judges, as the institution in which the people of this country repose their ultimate trust. It is not addressed to, nor intended for, any Judge who is or may hereafter be seized of any of the matters referred to herein, and nothing we say is meant to influence the decision of any cause pending before any court. Our sole purpose is to strengthen, and never to weaken, public confidence in the institutions of our democracy, and to place our concerns, in good faith, before the forum where the citizens of India have always reposed their final trust.

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We all, representing like-minded political parties, firmly opposed to the BJP, believe that the electoral process is being manipulated and outcomes in multiple instances do not reflect the will of the people. There are several reasons for this.

First, how the Election Commission (ECI) is constituted is and has always been decided by the government in power. Prior to 2014, there were hardly any telling instances, barring a few exceptions, when questions were raised about the integrity of persons in the Commission. But since 2014, almost every appointment made by the government has been of persons closely associated with it and seen to be doing the bidding of the government, brazenly, to manipulate the outcome of election results.

It is in this context that the Constitution Bench of this Hon'ble Court in Anup Baranwal Vs. Union of India emphasised the need for a more independent, transparent appointment process. In the absence of legislation by Parliament this Hon'ble Court had opined that till a law is framed by Parliament, the Chief Election Commissioner shall be appointed by a Committee comprising the Prime Minister, the Chief Justice of India and the Leader of Opposition in the Lok Sabha. We do not wish to go into the rationale for that decision. Parliament later made a law providing for a committee comprising the Prime Minister, a Union Minister nominated by him, and the Leader of Opposition in the Lok Sabha. The legislation did away with the presence of the Chief Justice of India as a Member of the committee thereby controlling the appointment process. That law has been challenged and is pending adjudication before this Hon'ble Court.

The reason for our grave concern is the brazen biased conduct of the Election Commission of India (ECI), in particular the Chief Election Commissioner. There has been open, unabashed support of the BJP during the course of and in the outcome of electoral processes. The Commission has not been evenhanded by choosing not to take action when the Model Code of Conduct (MCC) is breached by the political party in power- all this while targeting those in the opposition. On multiple occasions, the Commission had maintained a stoic silence when openly toxic, communal statements contrary to the principles enunciated in the MCC, are routinely made by those in the BJP.

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The unkindest cut of all happened when the Election Commission and in particular the Chief Election Commissioner, Gyanesh Kumar, chose to allegedly clean up the electoral rolls in each state to ensure that they truly represent those who are entitled to vote, as provided for in the Constitution and the provisions of the Representation of People Act, 1951. The Special Intensive Revision (SIR) process of sanitising the electoral rolls, according to the Chief Election Commissioner, was required to be done to ensure their integrity. But the result is quite the opposite. The experiment of the SIR was first launched in Bihar. The political rhetoric seeking to rationalise this process centered around the alleged infiltration of Bangladeshis into the Bihar electoral rolls. Now that the Bihar Assembly elections are over, there is absolutely no data to suggest that such an infiltration indeed took place nor has the Election Commission made public any data with respect to the number of Bangladeshis having illegally acquired the right to vote in India.

This massive exercise just before the assembly elections, was ill-timed and its faulty implementation a monumental disaster. This, despite the fact that electoral rolls, after they were digitized (2002) were continuously revised and updated by the Commission. But a de-novo revision, never attempted in the fashion adopted by the Commission would ordinarily have required at least a year to do, without being suspect. The documentation process, adopted for the first time, was inherently exclusionary and politically motivated. Verification of voters based on filling forms and production of documents, questioning citizenship, left voters disenfranchised. Lakhs of voters did not possess the required documents. Many of them did not have the capacity to fill forms and forward them as mandated. This was particularly true of those who are poor, uneducated, including Dalits, Adivasis, members of the minority community and migrant workers. There were instances, that the Commission was aware of, where videos circulating on the social media showed booth level officers themselves filling the forms by forging signatures, and in some instances, uploading these forms without the consent of the voters. Even deceased persons were shown to be submitting forms. There was complete lack of transparency and administrative confusion in the implementation of this process exacerbated by the timeframe within which it was required to be done. Instructions of the Commission were changed midway from time to time. There was confusion even amongst election officials.

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The grievance redressal mechanism was inadequate and there was a massive arbitrary deletion of names without proper notice. The alleged objective of the exercise was to remove duplicate voters and the names of the deceased and migrants from the voters lists. But the process, as implemented, lacked not just transparency but was implemented in a manner unknown to all processes undertaken in the past. The existing updated electoral rolls were used at the time of the Lok Sabha elections (2024). Even in 2014, the then updated electoral rolls reflected an outcome that none questioned. The whole process of the SIR, according to us, was meant to favour the BJP.

The situation became much, much worse when it came to the recently concluded Assembly elections in West Bengal. It seemed that the Commission was concerned only with the outcome of that election since it raised no real issues of manipulation in other states like Tamil Nadu, Kerala and Assam where the SIR was not implemented. It was apparent that the West Bengal Government was under siege with the presence of 2 lakh 40 thousand CAPF personnel. To put this in context, 3 lakh 50 thousand CAPF personnel were deployed for the entire Lok Sabha election in 2024. There was also a massive deletion of names from the electoral rolls, including those arbitrarily removed, under a never-used-before-category titled 'logical discrepancies'. This devious ploy alone left 27 lakh people without the right to vote. This Hon'ble Court constituted Tribunals to dispose of the appeals where names stood deleted. One of the 19 Tribunals hearing the appeals headed by Justice T.S. Sivagnanam, found that of the 1777 names deleted for which appeals were heard by him, 1717 were wrongly deleted. This means 96% of the names were wrongly deleted. If the same proportion is applied on other pending appeals before the 19 tribunals, it would mean that more than 25 lakh voters were unable to cast their votes due to a process which was inherently flawed. Most of the deletions were found to be in constituencies where the All India Trinamool Congress (AITC) was dominant. The SIR is an unusual process with which the ordinary voter is unfamiliar. The requirement of filling forms, forwarding them and furnishing of documents in a country where there is massive poverty and illiteracy is essentially exclusionary.

Massive deletions, non-transparent processes, the unprecedented numbers of CAPF personnel deployed, the nomination of two representatives of the Union

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government of their choice and the Returning Officer chosen by the blatantly biased Commission at the counting centres, with no nominee of the AITC, made for a partisan process and consequently suspect. The en masse transfer of 483 officials including the then Chief Secretary, Home Secretary and others replaced by officers posted by the Commission was an unusual exercise. Such extreme steps were not taken in any election in the past.

Before embarking on the SIR there is nothing to show that the Commission had done any exercise to find the extent to which the electoral rolls in each state were polluted and why it was necessary to do this exercise for these elections and in such haste. Even many BLOs in West Bengal were deprived of their right to vote.

We write this letter to collectively express our concerns. We believe that recently conducted elections in Delhi, Haryana and Maharashtra were also manipulated. There is enough information provided to the Commission and in the public domain that calls for adopting electoral processes that instill confidence in the public.

In light of what we have stated, we do expect the impending SIR process be suspended and be launched at a time when the next Assembly election is at least five years away so that representatives of the Commission can go to each house for verification of voters, instead of a process of documentation which has never been adopted in the past.

The elections in other states are just a few months away, in 2027.

Quite apart from the electoral rolls, serious questions are also being raised about the process of electronic voting, and in particular about the role of electronic voting machines. A transparent electoral process, in which every Indian has full confidence, is essential to sustaining public trust in our democracy. We believe this is a matter that warrants wider public discussion, including a serious consideration of restoring ballot papers where appropriate.

We find, and it is a matter of grave concern, that the agencies of the government, in particular the CBI, the ED and the NIA, are used only to target those in opposition. These agencies are also used for the purpose of manipulating the outcome of results in the elections, apart from bringing down elected governments.

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Judges do not live in ivory towers. You too are aware of what is happening on the ground. The legacy media is largely compromised, but there are many independent platforms who are still speaking truth to power.

We respect all institutions as we must. We honour them as we must. But when institutions themselves become instruments of oppression, carry forward the agenda of the government, then the future of our democracy is fraught with grave consequences.

When all else fails, people still repose their trust in the judiciary. So when the judiciary fails to respond, it indicates a complete breakdown of the Republic.

Democracies turn into anarchies when institutional mechanisms fail completely. Therefore, it is the responsibility of all of us to ensure that people's faith in institutions must endure. And for that, institutions must play their role.

We are not questioning the judiciary. In fact, we turn to the courts when every mechanism fails. When this too fails, it leaves open the question - who do we now turn to?

We leave that question for you to ponder upon.

Warm regards,

**(Mallikarjun Kharge)**  
**Leader of Opposition, Rajya Sabha**

**(Rahul Gandhi)**  
**Leader of Opposition, Lok Sabha**

**Akhilesh Yadav**  
**(Samajwadi Party)**

**Mamata Banerjee**  
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**Tiruchi Siva**  
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<b>D. Raja</b> (CPI)	<b>John Brittas</b> CPI(M)	<b>Sanjay Singh</b> (AAP)
<b>Sarfaraz Ahmad</b> (JMM)	<b>Dipankar Bhattacharya</b> CPI(ML)	<b>Syed Sadiq Ali Shihab</b> Thangal
<b>Mehbooba Mufti</b> (PDP)	<b>Vaiko</b> (MDMK)	<b>Thirumavalavan</b> (VCK)
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