

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 1246 OF 2026

IN THE MATTER OF:

Rakesh Kumar Singh alias Rakesh Singh

...Petitioner

Versus

Union of India & Ors.

...Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 2 TO 5

I, Bhanu Prakash Yeturu, aged about 50 years, Deputy Election Commissioner (DEC), Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi - 110001, do hereby solemnly affirm and state as under:-

1. That I am presently posted as Deputy Election Commissioner (DEC), Election Commission of India and as such am well acquainted with the facts and circumstances of the present case and I am competent and authorized to affirm the present affidavit on behalf of the Respondent No. 2 to 5 herein.
2. That I have read the contents of the present Writ Petition and having understood the contents thereof and in reply I am filing the instant Counter Affidavit. I submit that the contents of affidavit are borne from the record and are true to the best of my knowledge.
3. That the contents of the Writ Petition, except for matters forming part of the record including the comments / views of the members of the Commission, are denied as incorrect / untrue and baseless and no part of the same, including any inference drawn by the Petitioner



based on the records, shall be deemed to be admitted on the ground of non-traverse except and in so far as expressly admitted herein. It is further submitted that on account of Dusshera vacations / paucity of time, the Answering Respondents are filing the present Counter Affidavit, and seek liberty from this Hon'ble Court to file a detailed comprehensive affidavit with para-wise response, if so required or directed by this Hon'ble Court.

4. At the very outset, I state that the present Affidavit has been approved for filing before this Hon'ble Court by a unanimous decision of the three members of the Election Commission, i.e. two Election Commissioners and the Chief Election Commissioner.

5. It is most humbly submitted that the three SIR Orders starting with the Order dated 24.06.2025 as well as later Orders to schedule SIR in other States and Union Territories issued on 27.10.2025 and 14.05.2026 were issued in accordance with decisions of the Election Commission of India arrived at unanimously and taken in due compliance of Article 324 of the Constitution of India read with Section 18 of the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 [hereinafter "**2023 Act**"]. A copy of the SIR Order dt. 24.06.2025 is annexed herewith and marked as **ANNEXURE R1** [pg. 28 to 46]. A copy of the SIR Order dt. 27.10.2025 is annexed herewith and marked as **ANNEXURE R2** [pg. 47 to 75]. A copy of the SIR Order dt. 14.05.2026 is annexed herewith and marked as **ANNEXURE R3** [pg. 76 to 105]. All contentions to the contrary are erroneous, and denied. The attempt to make aspersions against the Election Commission is unfortunate.



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6. In view of the contentions raised in the Writ Petition based only on a news article, that the Commission has not been functioning in accordance with the procedure mandated in law, and allegations have also been made questioning the integrity of the Election Commission, it is necessary, in the first instance, to clarify certain factual matters.
7. This explanation on merits is being given without prejudice to the submission that the petitions are misconceived and are not maintainable in law.
8. It is respectfully submitted that in any decision-making process, suggestions, observations, varying views or queries by any official in the chain of command are taken into consideration for arriving at the decision by the competent authority. This remains a common process, both where there is a hierarchy in the command and / or in the case of any multi-member entity such as the Election Commission of India. The views by ECs / CEC of the Commission during the decision-making process on the subjects before them – are considered for arriving at the decision. It is upon consideration of all the views placed before the Commission that the decision is taken and the orders are issued in accordance with the process detailed hereinbelow.
9. With regard to the process of working of the Commission, it is respectfully submitted that on the issues which are put up before the Commission, deliberations and discussions take place before the Commission. The respective divisions put up the concerned file with relevant documents, and as per rules, regulations etc. for approval by



the Commission on such issues. The files put up by the respective divisions are sent first to one Election Commissioner and thereafter to the other Election Commissioner and then finally to the Chief Election Commissioner. Such approved decisions of the Commission are duly noted in the concerned files of the Election Commission and bear the signature of the ECs and CEC. Thereafter, the decision is notified and implemented by the ECI Secretariat.

10. In any such decision-making process, any suggestion, observation or query by the Chief Election Commissioner or the Election Commissioners either to other Election Commissioner / Chief Election Commissioner or to any officer of the Commission - does not constitute a decision of the Election Commission under Section 18 of the 2023 Act.
11. Section 19-A of the Representation of the People Act, 1951 provides that subject to general or special directions of the Commission, the functions of the Election Commission may be performed by a Deputy Election Commissioner or a Secretary to the Election Commission. Accordingly, some functions of the Commission have been delegated to Deputy Election Commissioners and some to Secretaries.
12. When the Election Commission became a multi-member body, Section 9 and 10 were introduced in the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 [hereinafter referred to as the "1991 Act"] which provided that *"the Election Commission may, by unanimous decision, regulate the procedure for transaction of its business as also*



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allocation of its business amongst the Chief Election Commissioner and other Election Commissioners”.

13. The constitutional, quasi-judicial and other important functions are directly under the ambit of the Commission as a whole. At the same time, some powers are delegated to the Chief Election Commissioner (CEC) who also works as the Chairman of the Commission and some are delegated to officers of the Commission who work under the supervision of the Commission / CEC.
14. The procedures for transaction of business of the Election Commission already approved under the 1991 Act are saved and continue to operate by virtue of Section 21 of the 2023 Act.
15. Without prejudice to the submission that the Writ Petition based upon newspaper article(s) would not be maintainable, the respectful submissions on behalf of the Answering Respondents regarding the issues raised in the Writ Petition, are set out as under.
16. In the present Writ Petition, it has been contended that certain communications are issued in the name of the Commission without there being a decision of the Commission in that regard.
17. In order to explain the working of the Election Commission, it is necessary to first set out the legal architecture of the Commissions' decision making process.
18. The Parliament enacted the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act in 1991, a copy whereof is annexed herewith and marked as



ANNEXURE R4 [pg. 106 to 109]. The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act in 1991 was amended by Act 4 of 1994 with effect from 01.10.1993 and by way of this amendment Chapter III was inserted in the 1991 Act which provided for the Transaction of Business of the Election Commission. Section 10 sets out the procedure for the business of the Election Commission. It reads thus:-

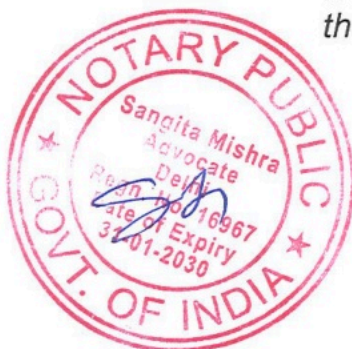
“10. Disposal of business by Election Commission.— (1) *The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business as also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.*

(2) *Save as provided in sub-section (1), all business of the Election Commission shall, as far as possible, be transacted unanimously.*

(3) *Subject to the provisions of sub-section (2), if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority”.*

19. Section 19-A was inserted by the Act 47 of 1966 in the Representation of the People Act, 1951 to provide for the delegation of functions of the Election Commission to a Deputy Election Commissioner or to the Secretary. It reads thus:-

“19A. Delegation of functions of Election Commission. - *The functions of the Election Commission under the Constitution, the Representation of the People Act, 1950 (43 of 1950) and this Act or under the rules made thereunder may, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, be performed also by a Deputy Election Commissioner or by the Secretary to the Election Commission”.*



(n)

20. The Election Commission issued an Order relating to Delegation of Powers dated 12.01.1996, which was modified by Office Order dated 09.12.1997 copies whereof are annexed herewith and marked as **ANNEXURE R5** [pg. 110 to 117] and **ANNEXURE R6** [pg. 118 to 121] respectively.

21. The 1991 Act was repealed and replaced by the 2023 Act and the corresponding provisions of the 2023 Act are as below:

"17. Transaction of business.

The business of the Election Commission shall be transacted in accordance with the provisions of this Act.

18. Disposal of business.

(1) *The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business and also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.*

(2) *All business of the Election Commission shall, as far as possible, be transacted unanimously, and if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.*

21. Repeal and saving.

(1) *The Election Commission (Conditions of Service of Election Commissioner and Transaction of Business) Act, 1991 is hereby repealed.*

(2) *Anything done or any action taken or purported to have been done or taken under the Act hereby repealed shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.*

(3) *The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of*



section 6 of the General Clauses Act, 1897 with regard to the effect of repeal."

A copy of the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 is annexed herewith and marked as **ANNEXURE R7** [pg. 122 to 131].

22. Section 21 of the 2023 Act continued as valid any action taken under the 1991 Act provided it is not inconsistent with the 2023 Act. It further states that the mention of particular matters in Section 21(2) shall not be held to prejudice or affect the general application of Section 6 of the General Clauses Act, 1897.
23. Thus, the Order on Delegation of Powers issued under the 1991 Act continue to be in force until amended or repealed.
24. Section 18(1) of the 2023 Act mandates that the procedure for transaction of ECI's business and also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners shall be regulated only by a unanimous decision.
25. Section 18(2) of the 2023 Act reads thus:-

"(2) All business of the Election Commission shall, as far as possible, be transacted unanimously, and if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority".
26. The statute recognizes that institutional decision-making should preferably be unanimous, but there may be occasions where the decision may have to be by majority. These provisions are also set



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out to explain how some of the functions have been delegated to the Deputy Election Commissioners / Secretaries.

27. The Election Commission has a Secretariat which is responsible for ensuring the implementation of policy decision(s) across the country. As a matter of practice, the administrative and non-quasi-judicial decisions are issued by the officials / officers of the Election Commission as per the delegation of powers, and are communicated through its Secretariat. It is incumbent upon the concerned officer to satisfy himself / herself that the Communication either falls within his delegated authority or otherwise to obtain necessary approval of competent authority before issuing any communication.
28. The issues which are put up before the Election Commission for decision, are taken by the Election Commission and are decided in terms of Section 18 of the 2023 Act. Such decisions are taken in meetings of the Election Commissioners or are noted on files and bear the signatures of the Election Commissioners and the Chief Election Commissioner.
29. In situations involving exigencies and particularly where the immediate issuance of appropriate orders is necessary, where it is not feasible for the Chief Election Commissioner or any of the Election Commissioners to be available in person for the decision / action to be taken in this regard, an approval of the members of the Election Commission is obtained through electronic means, and the same is duly recorded later on the official file.

30. The officers to whom powers are delegated are expected to act within the scope of their powers and if any



communication or order without the approval of the Competent Authority as per the delegation order(s) comes to the notice of the Commission, appropriate action shall be initiated against erring officials to fix responsibility as per procedure prescribed.

31. The allegations based on the communications between the Election Commissioners and the Cabinet Secretary are misconceived.
32. The internal distribution / allocation of the work has been continuing as per the arrangement contained in the earlier Office Order dated 23.09.2025. An Office Order came to be issued on 28 July 2026 by an IAS officer of the rank of Additional Secretary who had been posted on deputation to the Election Commission pertaining to internal work allocation. On 29 July 2026 the two Election Commissioners wrote separate letters to the Cabinet Secretary in relation to this order and the conduct of the officer. In view of the joint direction dated 30 July 2026 by the two Election Commissioners, the order of 28 July 2026 was never implemented.
33. The Answering Respondent unequivocally rejects the misleading contention of the Petitioner that Form 6 – as has been provided in the Registration of Electors Rules, 1960, has been amended by the Election Commission by the SIR Orders dated 24.06.2025, 27.10.2025 and 14.05.2026.
34. In the working of the Commission in revising the rolls, especially having regard to mammoth exercise of revision of rolls in numerous States and UTs, and the need to make available all the facilities to the statutory authorities and the voters on an online platform, there were certain steps taken by the officers to whom responsibilities had been



assigned, which needed to be corrected to ensure that they are fully aligned with the steps approved by the Election Commission.

35. On a review of the manner in which Form 6 and the Declaration were displayed on the IT platform some concerns arose for the reason that the manner in which the Declaration was presented in the online system was such that it could be construed as though an amendment of Form 6 had been made. As stated earlier, Form 6 can only be amended by the Central Government. The amended Declaration was a measure that would enable the person seeking registration as a voter to dispense with the need for filing documents during the claims and objections period, as further explained below.

36. In the SIR Orders, issued by the ECI u/s 21(3) of the Representation of People's Act, 1950, for the voters whose names did not appear in the draft Electoral Roll, one of the documents stipulated for meeting the eligibility criteria is – the additional Declaration Form. In the SIR Order dt. 24.06.2025, this Declaration Form was Annexure D, while in the SIR Orders dt. 27.10.2025 and 14.05.2026 – the Declaration is Annexure IV. The Declaration Form is one of the documents which is required to be submitted by any Applicant / voter along with Form 6 for his / her inclusion in the Electoral Roll, during the SIR exercise. The Declaration is a document provided by the SIR Orders and is NOT a part of Form 6 which is the statutory Form for inclusion in the Electoral Roll.

37. The Declaration under the SIR Orders dt. 27.10.2025 and 14.05.2026 (Annexure IV thereof) was amended so as to introduce the concept of "mapping" i.e. to connect the details of the Applicants with the



earlier SIR of 2002/2003 data, by requesting the Applicants to provide the details of the electoral roll / entry in the earlier electoral roll of self / parents / grandparents. The Applicants upon being able to provide this data, it would obviate the need for submitting further documents for verification and thus, it was a measure for the assistance of voters. This exercise / methodology of submitting an additional Declaration is applicable only for the SIR processes under Section 21(3) of the Representation of People's Act, 1950.

38. In any other exercise of any preparation / updation of any Electoral Roll, it is only the Form 6 which is to be submitted for inclusion in the Electoral Roll, which is a statutory Form provided under the Registration of Electors Rules, 1960 A copy of the Form 6 as provided under the Registration of Electors Rules, 1960 is annexed herewith and marked as **ANNEXURE R8** [pg. 132 to 133].
39. In the Bihar SIR under Order dt. 24.06.2025, the said mapping was not available to the Applicants / electors, and documents were necessarily required to be submitted along with Form 6 during the claims and objections stage.
40. Learning from this operational experience in the Bihar SIR, and in order to further facilitate the Applicants / electors and expedite the process, the format of the earlier Declaration in Annexure D [in the SIR Order dt. 24.06.2025] had been substituted by Annexure-IV in the SIR Orders dt. 27.10.2025 and 14.05.2026. Through this substituted Declaration Form (Annexure IV) provided for under the SIR Order dated 27.10.2025 and 14.05.2026, the Applicants could submit the details regarding self / parents / grandparents in the earlier SIR of 2002/2003, and would then, on being successfully mapped,

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not be required to submit further documents during the claims and objections period. This mechanism facilitates / expedites the further progress of the SIR towards its conclusion.

41. Thus, in the substituted Declaration Form (Annexure IV) provided under the SIR Orders dt. 27.10.2025 and 14.05.2026 as mentioned above, there are two methods:-

- a) to furnish, alongwith the Form 6, the Declaration containing details of enrolment of self / parents / grandparents in the earlier SIR, and to submit the said Form 6 without any other documents; or
- b) if the details in (a) above [for mapping] are not available or are not furnished, then submit the Form 6 with requisite documents prescribed and submit one of the 13 documents in support of the Declaration. In case, none of the documents are submitted by the Applicant, he / she may be called upon to do so by the Electoral Registration Officer (ERO).

42. Thus, there is no change in Form 6 vide the 3 SIR Orders, as sought to be alleged. The Declaration (which is a separate and independent document) that was incorporated as Annexure D to the SIR Order dt. 24.06.2025 has stood rationalized / substituted as Annexure IV in the SIR Orders dt. 27.10.2025 and 14.05.2026. Further, mapping is merely a facilitative alternative.

43. The text of the Declarations being Annexure D in the Bihar SIR Order dt. 24.06.2025 (ANNEXURE R1 herein), rationalized to Annexure IV in SIR Orders dt. 27.10.2025 (ANNEXURE R2 herein) and 14.05.2026 (ANNEXURE R3 herein), are set out in a comparison in a tabulated form hereunder:-



Declaration in Annexure D to SIR Order dated 24.06.2025

Annexure D

Declaration Form

(To be submitted alongwith Form 6/8 for enrolment as a new Elector/shifting from outside the state)

I HEREBY DECLARE that to the best of my knowledge and belief-

(i) I am above 18 years of age, ordinary resident on the above address, and citizen of India, and (tick any one)

- ☐ I was born in India before 01.07.1987
- Provide any document, for Self, from the list given below establishing date of birth and/or place of birth.
- ☐ I was born in India between 01.07.1987 and 02.12.2004
- Provide any document, for Self, from the list given below establishing date of birth and/or place of birth.
 - Provide any document, for Father or Mother, from the list given below establishing date of birth and/or place of birth.
- ☐ I was born in India after 02.12.2004
- Provide any document, for Self, from the list given below establishing date of birth and/or place of birth.
 - Provide any document, for Father, from the list given below establishing date of birth and/or place of birth.
 - Provide any document, for Mother, from the list given below establishing date of birth and/or place of birth.
 - If any parent is not Indian, provide a copy of his/her valid passport & visa at the time of your birth.
- ☐ I was born outside of India (attach proof of Birth Registration issued by Indian Mission abroad),
- ☐ I have acquired Indian citizenship by Registration/Naturalisation (attach Certificate of Registration of Citizenship)

(ii) I have not acquired the citizenship of any other country.

(iii) I am applying for inclusion in the Electoral Roll and my name is not included in any other Assembly Constituency/ Parliamentary Constituency.

(iv) I am aware that making the above statement or declaration in relation to this application which is false and which I know or believe to be false or do not believe to be true, is punishable under Section 31 of Representation of the People Act, 1950 (43 of 1950) with imprisonment for a term which may extend to one year or with fine or with both.

Date: _____ Place: _____ Signature/Left Thumb Impression

Indicative (not exhaustive) list of documents to be submitted in support of the declaration (separate self attested documents to be submitted for Self, Father and Mother, if mentioned above, except where extract of the Electoral Roll of Bihar with qualifying date 01.01.2003 is used, which will be considered as a sufficient document in itself):

- Any Identity card/Pension Payment Order issued to regular employee/pensioner of any Central Govt./State Govt./PSU.
- Any Identity Card/Certificate/Document issued in India by Government/Local authorities/Banks/Post Office/LIC/PSUs prior to 01.07.1987.
- Birth Certificate issued by the competent authority.
- Passport
- Matriculation/Educational certificate issued by recognised Boards/universities
- Permanent Residence certificate issued by competent State authority
- Forest Right Certificate
- OBC/SC/ST or any caste certificate issued by the Competent authority
- National Register of Citizens (wherever it exists)
- Family Register, prepared by State/Local authorities.
- Any land/house allotment certificate by Government

Declaration in Annexure IV to SIR Orders dated 27.10.2025

Annexure-IV

Declaration Form

(To be submitted along with Form 6/Form 8 for enrolment as a new Elector/shifting from outside the state)

Applicant's Name:

Mobile Number:

Address:

Father's/Guardian Name	
Father's/Guardian EPIC No. (if available)	
Mother's Name	
Mother's EPIC No. (if available)	
Spouse's Name (if applicable)	
Spouse's EPIC No. (if available)	

Details of the Elector in the Electoral Roll of the last SIR (if applicable)			Details of the Relative, whose name is given in the previous column, in the last SIR		
Elector Name:			Name:		
EPIC No. (if available)			EPIC No. (if available)		
Relative's Name:			Relative's Name:		
Relationship:			Relationship:		
District:			District:		
State:			State:		
AC Name:			AC Name:		
AC Number	Part No.	Sr No.	AC Number	Part No.	Sr No.

(i) I have not acquired the citizenship of any other country.

(ii) I am applying for inclusion in the Electoral Roll through Form 6, and my name is not included in any other Assembly Constituency/Parliamentary Constituency. ☐

Or

I am applying for inclusion in the Electoral Roll through Form 8 on shifting. ☐

(iii) I am aware that making the above statement or declaration in relation to this application which is false and which I know or believe to be false or do not believe to be true, is punishable under Section 31 of Representation of the People Act, 1950 (43 of 1950) with imprisonment for a term which may extend to one year or with fine or with both.

Signature/Left Thumb Impression of Elector with date

BLO's undertaking: I have verified the above details from the electoral roll(s) of the last SIR.

BLO's Signature

BLO's Name and Phone Number

Information Sheet for Declaration Form

Applicants can check their name and the name of the concerned relative(s) in the previous SIR Electoral Rolls at <https://voters.eci.gov.in/> to provide the details in the Declaration Form. For help, applicants can connect with the concerned BLOs. ERO will issue notices to those applicants whose previous SIR Electoral Roll(s) details provided in the Declaration Form are either unavailable or do not match the database. Upon receipt of notice, the applicant to provide the documents based upon the following categories:

- If born in India before 01.07.1987
 - Provide any document, for Self, from the list given below, establishing the date of birth and/or place of birth.
- If born in India between 01.07.1987 and 02.12.2004
 - Provide any document, for Self, from the list given below, establishing the date of birth and/or place of birth.
 - Provide any document, for Father or Mother, from the list given below, establishing the date of birth and/or place of birth.
- If born in India after 02.12.2004
 - Provide any document, for Self, from the list given below, establishing the date of birth and/or place of birth.
 - Provide any document, for Father, from the list given below, establishing the date of birth and/or place of birth.
 - Provide any document, for Mother, from the list given below, establishing the date of birth and/or place of birth.
 - If any parent is not Indian, provide a copy of his/her valid passport & visa at the time of your birth.
- If born outside of India (attach proof of Birth Registration issued by the Indian Mission abroad).
- If acquired Indian citizenship by Registration/Naturalisation (attach Certificate of Registration of Citizenship)



[Handwritten signature]

	Indicative (not exhaustive) list of documents (separate self-attested documents to be submitted for Self, Father and Mother, if mentioned above): 1. Any Identity card/Pension Payment Order issued to a regular employee/pensioner of any Central Govt./State Govt./PSU. 2. Any Identity Card/Certificate/Document issued in India by the Government/ local authorities/Banks/Post Office/LIC/PSUs prior to 01.07.1987. 3. Birth Certificate issued by the competent authority. 4. Passport 5. Matriculation/Educational certificate issued by recognised Boards/universities 6. Permanent Residence certificate issued by the competent State authority 7. Forest Right Certificate 8. OBC/SC/ST or any caste certificate issued by the Competent Authority 9. National Register of Citizens (wherever it exists) 10. Family Register, prepared by State/Local authorities. 11. Any land/house allotment certificate by the Government 12. For Aadhaar, the Commission's directions issued vide letter No. 23/2025-ERS/Vol.II dated 09.09.2025 (Annexure II) shall apply. 13. Extract of the electoral roll of Bihar SIR with reference to 01.07.2025.
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A copy of the aforesaid comparative table is also annexed herewith and marked as **ANNEXURE R9** [pg. 134 to pg. 137].

44. Thus, it can be seen that these two Declaration Forms in terms of the SIR Orders, are essentially the same and serve the same purpose i.e. to ascertain the eligibility and guide the elector on the requirement of supporting documents based on their date of birth etc. There is no significant change in the underlying requirements between Annexure D to the SIR Order dt. 24.06.2025 and Annexure IV to the SIR Orders dt. 27.10.2025 and 14.05.2026. The only modification is that, for the SIR Orders dt. 27.10.2025 and 14.05.2026, the details of the Applicant / elector or their relative, appearing in the previous SIR Electoral Roll, can be furnished directly in the Declaration.

45. Para 2 (e) of the SIR order dated 27.10.2025 clearly mentions as under:-

"ERO to issue notice, only after publication of draft Electoral Rolls, to those electors, who could not be linked with previous SIR Electoral Rolls, to ascertain their eligibility."

46. This was further improved in the SIR Order dated 14.05.2026 which stated in Para 2(f) as under:-

"After publication of draft electoral rolls, ERO to issue notice to those persons who could not be linked or there is discrepancy in their linking with the electoral roll of the last revision (Annexure V), ERO



persons, to who notices have been issued, at placed mentioned above in sub-para (a)."

47. Thus, if the Applicant / elector is unable to rely upon the previous SIR Electoral Roll, the subsequent procedure of issuance of notice and an opportunity of submitting the documents and if necessary, a hearing, would follow in accordance with the prescribed process, in case the Electoral Registration Officer (ERO) deems it necessary after perusal of the Form and supporting documents and field report from the BLO, if any.
48. The Commission has taken a unanimous decision on 26.09.2026 that in case of any person to whom notice has been issued during the ongoing SIR, for being unmapped and/or logical discrepancies, BLOs will visit the homes of such persons for collection of documents and thereafter upload them on the ECINet, for decision by the ERO. Such persons need not be called for hearing to the ERO / AERO office. Only in exceptional circumstances, as decided by the ERO / AERO, the hearing will be held preferably online. Any adult member of the family can be authorized by the elector to attend the hearing on their behalf, if required. Facilities for online hearing are also being strengthened. The Commission has further directed that the District Election Officers will create adequate number of help desks / hold special camps for the people living in night shelters, labour, poor people, homeless etc. as per requirement.
49. The Petitioner has misinterpreted the Commission's constitutional mandate, the administrative utility of the documentation framework as well as this Hon'ble Court's judgment in *Association for Democratic Reforms v. Election Commission of India [Writ Petition (Civil) No. 640 of 2025]*. It is pertinent to note that while upholding the



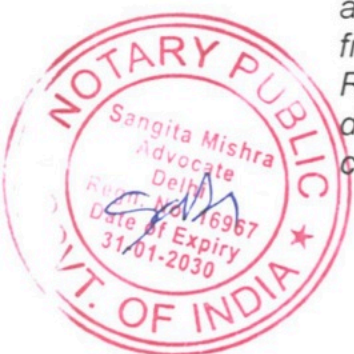
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SIR Order dated 24.06.2025, this Hon'ble Court in its judgment dated 27.05.2026 in WP(C) No. 640 of 2025 - *Association for Democratic Reforms v. Election Commission of India*, reported as (2026) 7 SCC 1, recognized that the Election Commission retains a degree of residual authority to formulate an appropriate documentation framework suited in the exigencies of a particular SIR, subject to the requirement of a *rational nexus* with the *object sought to be achieved*. This Hon'ble Court also held that the documentation regime prescribed by the Commission was neither arbitrary nor violative of the statutory scheme. Some of the relevant paragraphs of the judgment are quoted below for convenience:

“..... **173.** *The statutory scheme, particularly Sections 16 and 19 of the RP Act, sets out the conditions of eligibility and disqualification for registration as an elector. The Commission, in revising the electoral roll, is required to satisfy itself that the persons whose names are included in the roll continue to meet these statutory requirements. The process of such satisfaction cannot be rendered illusory; it must be informed by objective material capable of verification.*

174. *In that context, the prescription of a set of documents operates as a tool to ensure administrative consistency and evidentiary reliability. It is neither practicable nor desirable for the verification process to be left entirely unguided or subjective. It is true that Form 6, as prescribed under the Registration of Electors Rules, 1960, sets out a framework of documentation; however, the same is tailored to the process of revision contemplated under Section 21(2) of the RP Act and may not, in all situations, be capable of literal application to an exercise of the present nature. The Commission, therefore, retains a degree of residual authority to formulate an appropriate documentation framework suited to the exigencies of a Special Intensive Revision. Such authority, however, is not unbounded. In devising such a framework, the Commission must remain cognisant of the existing statutory scheme and any*



departure therefrom must be informed by a rational nexus to the object sought to be achieved. The formulation of the documentation regime must thus reflect a calibrated balance in drawing from the statutory framework, while adapting it, where necessary, to effectively serve the purpose of ensuring the accuracy and integrity of the electoral roll.....

..... 182. It is also necessary to bear in mind that the documentation requirement does not operate in isolation, but as part of a broader procedural framework that includes opportunities for clarification, enquiry, and adjudication. The production of documents is one facet of the process through which the Commission arrives at its satisfaction; it is not the sole determinant. The overall scheme, therefore, cannot be characterised as rigid or mechanical.

183. Accordingly, we hold that the documentation regime prescribed by the Commission represents a considered exercise of its administrative discretion in furtherance of its Constitutional mandate. The classification of documents, including the exclusion of certain categories, is based on intelligible criteria having a direct nexus with the objective of ensuring the integrity of the electoral roll. We are, therefore, unable to hold that the impugned documentation framework is arbitrary or violative of the statutory scheme.....”.

A copy of the judgment dt. 27.05.2026 of this Hon'ble Court in WP(C) No. 640 of 2025 - *Association for Democratic Reforms v. Election Commission of India*, reported as (2026) 7 SCC 1 is annexed herewith and marked as **ANNEXURE R10** [pg. 138 to 216].

50. In this context, it may be noted that the SIR Order dated 27.10.2025 was also challenged before this Hon'ble Court in Writ Petition (Civil) No. 1109 / 2025 titled as *R. Siva vs Election Commission of India* and other connected matters which were dismissed by this Hon'ble Court vide its order dated 16.07.2026. A copy of the order dated 16.07.2026 passed by this Hon'ble Court in Writ Petition (Civil) No. 1109 / 2025



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titled as *R. Siva vs Election Commission of India* is annexed herewith and marked as **ANNEXURE R11** [pg. 217 to 219].

51. The SIR pursuant to the SIR Order dt. 14.05.2026 is currently going on in 16 States and 3 Union Territories. As per the Schedule for the said SIR Order dt. 14.05.2026, the Enumeration Phase is already over in all these States/UTs (except Tripura), and the final Electoral Roll has already been published in 8 States and 1 Union Territory. Keeping in mind the convenience of the Applicant electors, the Commission has been issuing orders for extension of the SIR Process in different States, from time to time, based on necessity.
52. It has been clarified in the Press Note dated 26.09.2026 issued by the Election Commission of India that after the completion of the SIR, the Forms applicable as per Registration of Electors Rules, 1960 and without any additional Declaration, shall be used. Any person who is eligible to be enrolled as a voter, can submit the relevant form / application, even after the completion of the SIR exercise, as per the applicable rules, for enrolment as a voter in the Electoral Roll. In fact, by its Order dt. 15.10.2026, the ECI has directed for the Special Summary Revision (SSR) to be carried out in 17 State / UTs, as part of its continuous exercise to update the electoral rolls, and primarily for inclusion of young voters i.e. the persons attaining the age of 18 years in the year 2027.
53. In view of the above, it is respectfully reiterated that there is no substance in the contention that Form 6 has been amended by the Commission vide the SIR Orders.
54. As stated earlier that during the SIR process, in relation to submission of Applications online – it was observed



would require submission through OTP, instead of generation of two OTPs and two e-signs [for the Form 6 and for the Declaration separately], it would be convenient for the Applicants that their Application generates a single OTP and single e-sign. In this process, the Declaration was entered into the online page of Form 6 for that very purpose i.e. to generate one single OTP and e-sign. This bonafide objective became a subject matter of deliberation and suggestions. Thus, it has been decided vide decision dt. 21.10.2026 of the ER Division that as in the case of submitting the Application in Form 6 in a physical format, the online Application shall also be in two parts i.e. Form 6 as prescribed in the Rules and the SIR Declaration, as mentioned hereinabove.

55. In relation to the contentions of the Petitioner concerning the ECINet, it is submitted that the Electoral Registration Officer remains the statutory authority for inclusion, correction and deletion under Sections 13B, 22 and 23 of the 1950 Act, with appeals under Section 24 thereof. ECINet is the tool through which those authorities act, and no entry is added or deleted or modified except by order of the Electoral Registration Officer. ECINET team remains obligated to ensure that EROs are able to perform all their statutory functions, including exercise of discretion, smoothly and without any hitch on the portal, as per law.
56. That in relation to strengthening the safety and security of ECINet - the Commission in its meetings held on 26.09.2026 and 30.09.2026 decided unanimously to constitute a Committee to double-check the compliance of ECINet with applicable Acts and Rules:-
 - a) headed by Senior Deputy Election Commissioner (DEC); and comprising of



A handwritten signature in blue ink, consisting of stylized loops and a vertical stroke.

- b) Senior DEC (II);
- c) DEC;
- d) Director;
- e) 4 CEOs; and
- f) Two independent experts, from IIT Mumbai and IISc Bengaluru respectively.

57. As per the above-mentioned decision of the Commission, the Committee has been constituted vide Circular dt. 14.10.2026.

58. It is submitted that based on operational experience of the ECINet, various views, observations and suggestions have been received from time to time for its improvement and various upgradations / alterations to the Portal have already been carried out by the operating authority based on inputs from the State CEOs on a continuous basis. Feedback has also been received from field officers and in case any further functional flexibility is required by the field officers, that will also be made operational. It has also been decided that henceforth, all new initiatives about IT modules and portals will be discussed in the Committee of Officers (COO), followed by approval of the Commission. Pending recommendations by the above-mentioned Committee for strengthening and securing the ECINet, steps are also being taken from time to time, based on views and observations, to continue to further improve the system while ensuring complete operational freedom to EROs and other field functionaries at the ECINet. It is also reiterated that there should not be any impediment of any kind whatsoever in the functioning of the field officials including BLOs, AEROs, EROs etc. in accordance with and in conformity with the statutory regime applicable in this regard.



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59. In the case of 97 voters in Goa, as per the ECI's instructions that no eligible elector should be left out, the Chief Electoral Officer, Goa had directed the concerned BLO to conduct House to House visit for the left out voters and to collect their forms. Thereupon, it was found that 88 out of 97 voters had already filled Form 6 for inclusion and their applications had been accepted; 6 were out of country and 3 were Portuguese Passport holders / foreigners. A copy of the communication issued by Chief Electoral Officer, Goa dated 13.10.2026 is annexed herewith and marked as **ANNEXURE R12** [pg. 220 to 221].
60. It is submitted that another contention that has been raised in the Writ Petition is that Appeals have been filed against the orders of inclusion of the applicants / electors in the Electoral Rolls in West Bengal. It has been contended that it is not clear that which authority had permitted filing of all those Appeals. It is submitted that the names of those Electors are already in the Electoral Rolls and accordingly they have been entitled to exercise their voting right in the recent assembly elections. Their documents are available on the portal and there is a favourable order passed by the Ld. Judicial Officer in their favour.
61. Insofar as filing of appeals and their authorization is concerned, this Hon'ble Court, inter-alia, had directed through its Order dated 01.04.2026 passed in W.P. (C) No. 1089/2025 *Mostari Banu vs Election Commission of India*, as under:-

"..... 9. The issue of alleged non-availability of 'reasons' for rejection of the objections by the adjudicating authority, namely, the Judicial Officers, is also highlighted by the learned Chief Justice in the communication dated 31.03.2026. In this regard, Mr. Naidu has informed us that it will be ensured that the Appellate Tribunals have access



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to the records submitted by the parties before the Judicial Officers, for deciding the appeals that may be filed (i) by persons whose names have been excluded from the Voters List; or (ii) by the authorities of the Election Commission of India, who may be aggrieved by the inclusion of names by the adjudicatory authorities....."

A copy of the Order dated 01.04.2026 passed by this Hon'ble Court in W.P. (C) No. 1089/2025 *Mostari Banu vs Election Commission of India* is annexed herewith and marked as **ANNEXURE R13** [pg. 222 to 228].

62. That thereafter, this Hon'ble Court further noted in its Order dated 06.04.2026 passed in W.P. (C) No. 1089/2025 *Mostari Banu vs Election Commission of India*, as under:

"1. The Election Commission of India (ECI) notified 19 Appellate Tribunals on 20.03.2026, before whom the decision taken by the judicial officers while disposing the objections in the SIR process, could be challenged. These Appellate Tribunals are headed by former Chief Justices/senior Judges of the High Court. The premises shortlisted for the functioning of these appellate tribunals are duly mentioned in paragraph 6 of our order dated 01.04.2026. We also clarified through paragraph 9 of that order that the alleged non-availability of reasons for rejection of the objections by the adjudicating officers could be raised before the Appellate Tribunals by persons whose names have been excluded from the voters' list or by such objectors/authorities of the ECI, who might be aggrieved by the inclusion of certain names in the voter list."

A copy of the Order dated 06.04.2026 passed by this Hon'ble Court in W.P. (C) No. 1089/2025 *Mostari Banu vs Election Commission of India* is annexed herewith and marked as **ANNEXURE R14** [pg. 229 to 244].



63. As per provisions of the RP Act, the CEO / DEO / ERO / AERO are the authorities in respect of electoral rolls. It is submitted that a communication dt. 22.10.2026 has been received by the office of the ECI from the office of the CEO, West Bengal, stating that the said Appeals have been filed by the officers of the Office of the CEO, West Bengal, in their capacity as authorities under the RP Act. The officers had the authority to file the Appeals as per the orders of this Hon'ble Court and these matters were not brought to the Commission.

64. One of the contentions raised is also in relation to the use of Electronic Voting Machines (EVMs) in the election process, as per the applicable law. In this behalf, it is respectfully reiterated that similar misconceived and misleading contentions, raised time and again in the past, have been rejected on numerous occasions by this Hon'ble Court, after considering all relevant material. This Hon'ble Court had rejected similar prayers / contentions / allegations against the use of EVMs including in the following judgments / orders:-

- a) Order dated 30.10.2017 in Prakash Joshi v. Election Commission of India, 2017 SCC OnLine SC 1734;
- b) Order dated 22.11.2018 in Nyaya Bhoomi and Another v. Election Commission of India, Writ Petition (Civil) No. 1332/2018;
- c) Judgment in Kamal Nath v. Election Commission of India and Others, (2019) 2 SCC 260;
- d) Order dated 30.09.2022 in Madhya Pradesh Jan Vikash Party v. Election Commission of India, Special Leave Petition (Civil) No. 16870/2022; and



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e) Order dated 22.09.2023 in Sunil Ahya v. Election Commission of India, Writ Petition (Civil) No. 826/2023.

65. The challenge to the use of EVMs was once again conclusively rejected by this Hon'ble Court in its judgment in *Association for Democratic Reforms Vs. Election Commission of India*, (2025) 2 SCC 732 wherein this Hon'ble Court also observed that the real intention behind raising such contentions was:-

"..... to discredit the system of voting through the EVMs and thereby derail the electoral process that is underway, by creating unnecessary doubts in the minds of the electorate....." (para 81).

66. It is humbly submitted that all such contentions being raised by the Petitioners are entirely misconceived and misleading, deserving outright rejection by this Hon'ble Court.

67. It is respectfully reiterated that the SIR is being conducted under Section 21(3) of the Representation of the People Act, 1950. The SIR Order dated 24.06.2025 as well as the scheme for notice, hearing, filing of claims and objections and disposal of same have been examined and upheld by this Hon'ble Court in its judgment dated 27.05.2026 in WP(C) No. 640 of 2025 titled *Association for Democratic Reforms v. Election Commission of India*.

68. The SIR process has been completed under the SIR Orders dt. 24.06.2025 and 27.10.2025 in which SIR was held in 13 States and Union Territories and the SIR under the SIR Order dt. 14.05.2026 is completed or near to completion in 16 States and 3 Union Territories.

As on date the SIR final electoral roll has been published in 8 States and 1 Union Territory.



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MAINTAINABILITY OF THESE PETITIONS:

69. The Petitions do not put in issue the admitted position that the constitution of the Election Commission of India was and is in accordance with law as the Petitioner accepts in the Writ Petition that Respondent No. 3 was duly appointed. In the circumstances the prayer for a relief by way of for issuance of a writ of Quo Warranto is misconceived.
70. The averments in the Writ Petition, are admittedly based solely on a single newspaper report which is annexed as Annexure – P/2 (Page 72 – 79) in the Writ Petition. The present Writ Petition is preferred by the Petitioner, seeking extra-ordinary reliefs, merely based on the extrapolation of a news report. The contents of the Writ Petition do not demonstrate that the Petitioner had ever made any attempt to ascertain the factual position with respect to this news report from the Answering Respondents. Nor has the Petitioner made any representation before the Answering Respondents.
71. The Petitioner states **(at paras 52 and 53 at Page 33 and Para 56 at page 34 of the Writ Petition)** that his material is an “investigative reportage” which “requires verification”.
72. In the eyes of law, a newspaper report is not treated as evidence of the facts it narrates. The Commission has neither released nor authorized the release of any internal note / file to any news agency. A public interest petition built on such material calls for its conclusions to be examined with circumspection.
73. It is further respectfully submitted that Article 324(5) of the Constitution provides that the Chief Election Commissioner shall not be removed from office except in like manner and on like grounds as



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a Judge of this Hon'ble Court. The prayers in the Writ Petition for passing of an order restraining the CEC would not be maintainable. Three Members are appointed to the Commission so that, in case of a difference of opinion, a majority can be arrived at and decisions taken under Section 18 of the 2023 Act. Any prayer for restraint against the functioning of the CEC - is not maintainable and even otherwise, having regard to the principle of unanimity / majority envisaged under Section 18 of the 2023 Act, would deserve to be rejected by the Orders of this Hon'ble Court. Any such prayer shall also not be maintainable being in the teeth of / contrary to the provisions of Section 18 of the 2023 Act and shall also have the effect of frustrating the functioning / decision making by the ECI in accordance with and in conformity with the scheme of the 2023 Act.

74. It is submitted that, even as a matter of law, these petitions are not maintainable and should be dismissed summarily.

VERIFICATION

भानु प्रकाश यदु/ BHANU PRAKASH YETURU
उप निर्वाचन आयोग / Dy. Election Commissioner
भारत निर्वाचन आयोग
Election Commission of India
निर्वाचन सदन / Nirvaachan Sedan
अशोक रोड / Ashoka Road
नई दिल्ली-110001 / New Delhi-110001


DEPONENT

I, the above-named deponent, do hereby solemnly affirm and state that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief derived from the official records of the ECI and also the information received and believed to be correct; nothing material has been concealed therefrom.

26 OCT 2026

Verified at New Delhi on this the 26th day of October, 2026.

ATTESTER