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The Lal Babu Touchstone for the Bihar SIR Exercise



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Bihar's Special Intensive Revision (SIR) of the electoral rolls is like a bank extinguishing your account and then demanding you prove it existed in the first place. Only, it is not happening at the bank, but at the ballot.

In June, the Election Commission of India (ECI) rolled out the SIR to “purify” the voter list by requiring those whose names were missing from the 2003 rolls to prove their citizenship. Aadhaar and Voter IDs, issued by the State itself, were not accepted as proof. Over 65 lakh voters were struck off the rolls, many without adequate notice, explanation, or opportunity to respond.

That's roughly 8% of Bihar's electorate erased, just months before the 2025 Assembly elections. Many are daily-wage workers, migrants, and citizens who were already on the margins of the system. Now, they are outside it.

But remember, we have seen this before. In 1995, a slum dweller in Mumbai named Lal Babu Hussein discovered his name (along with 1.67 lakh others) had quietly vanished from the voter rolls as part of a mass exclusion drive. What began as a personal fight for citizenship exposed a broader pattern of disenfranchisement — and Hussein became the face of a landmark Supreme Court case that would go on to redefine voter rights.

In a stinging rebuke, Chief Justice AM Ahmadi (grandfather to Insiyah Vahanvaty), rapped the authorities — the police and electoral officials — for acting outside the bounds of the law and natural justice. Striking down ECI's directive, the Court held that once a person is on an electoral roll, the burden shifts to the State to prove why they should be removed.

Any such action must be based on individual suspicion, must follow proper notice, and must allow the voter to respond. Making a clear distinction between new registrants and existing voters, the court ruled that ECI may demand proof of citizenship from the former as a matter of routine diligence, but not from the latter, except in exceptional cases.

The Court also rejected the idea that citizenship can be proven by only a limited set of documents. It specifically ruled that authorities must consider a wide range of evidence and documents.

The judgment firmly ring-fenced ECI's authority in determining citizenship.

But Bihar's SIR has inverted this principle by treating even long-registered voters as guilty until proven innocent. As such, it violates the principles of a binding Supreme Court order. In a stunning twist of legal irony, *Lal Babu Hussein & Ors vs Electoral Registration Officer* (1995) is back — cited by both sides in the Supreme Court battle over the SIR.

In recent hearings, the petitioners have argued that the SIR violates every safeguard laid out in the *Lal Babu* ruling. They pointed out that long-standing voters were not given the presumption of legitimacy, that deletion notices were often absent or unclear, and that accepted documentation was impossibly narrow. Absurd errors, such as living voters declared deceased, were highlighted as systemic flaws. Senior advocates pointedly questioned the evening-before-the-election timing of the exercise.

ECI, for its part, maintains that it is acting within the bounds of the judgment. It says the judgment allows for scrutiny where records are unclear or inconsistent, and that it is not targeting voters indiscriminately, but simply ensuring accuracy.

But it misreads the precedent. And it has drawn heat from political parties, who warn of a troubling déjà vu in the SIR's methods. They argue that the exercise bears a striking resemblance to the draft National Register of Citizens (NRC) process in Assam, which ended up excluding nearly two million people, many of whom later turned out to be genuine citizens. That process, too, was framed as a technical clean-up. In the courtroom, too, senior advocates have warned that the SIR must not become a covert citizenship test.

On August 14, the Supreme Court tried to course-correct. It ordered ECI to publish a searchable, booth-wise list of all voters deleted under the SIR, along with reasons. It instructed officials to accept Aadhaar and 11 other documents for re-enrolment. And it has extended the deadline for objections.

But still, fundamental questions persist.

The *Lal Babu* verdict's clairvoyance lies in its clarity: The law cannot allow a revolving door to citizenship. Once determined, it is not open to routine suspicion. The Constitution does not permit that — and neither should ECI.

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