

CORRECTED (*)

ITEM NO.40+43+44+45+46

COURT NO.11

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 640/2025

ASSOCIATION FOR DEMOCRATIC REFORMS & ORS.

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA

Respondent(s)

(IA No. 155692/2025 - STAY APPLICATION)

WITH

W.P.(C) No. 637/2025 (PIL-W)

IA No. 155298/2025 - EXEMPTION FROM FILING O.T.

IA No. 155300/2025 - GRANT OF INTERIM RELIEF

W.P.(C) No. 636/2025 (PIL-W)

IA No. 155265/2025 - APPLICATION FOR PERMISSION

IA No. 155262/2025 - STAY APPLICATION

W.P.(C) No. 638/2025 (PIL-W)

IA No. 155401/2025 - GRANT OF INTERIM RELIEF

W.P.(C) No. 630/2025 (PIL-W)

IA No. 154352/2025 - EXEMPTION FROM FILING O.T.

IA No. 156066/2025 - INTERVENTION APPLICATION

IA No. 154351/2025 - STAY APPLICATION

W.P.(C) No. 631/2025 (PIL-W)

IA No. 155803/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES

(IA No. 154421/2025 - STAY APPLICATION)

W.P.(C) No. 642/2025 (PIL-W)

(IA No. 156189/2025 - STAY APPLICATION)

WITH

Writ Petition(s)(Civil) No(s). 634/2025

Writ Petition(s)(Civil) No(s). 644/2025

Writ Petition(s)(Civil) No(s). 645/2025

Writ Petition(s)(Civil) No(s). 646/2025

Date : 10-07-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
[PARTIAL COURT WORKING DAYS BENCH]

For Petitioner(s) : Dr. Abhishek Manu Singhvi, Sr. Adv.

Ms. Shahrukh Alam, Adv.
Mr. Amit Bhandari, Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Shantanu, Adv.
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Mr. Aman Naqvi, Adv.
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Mr. Shourya Dasgupta, Adv.
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Ms. Kajal Giri, Adv.

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Mr. Uday Bhatia, Adv.
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Mr. Dev Sareen, Adv.

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 Mr. Sumit Ranjan, Adv.
 Mr. R.k. Chauhan, Adv.
 Mr. Ratan Singh, Adv.
 Mr. Sumit Kishore, Adv.
 Mr. Sneh Suman, Adv.
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Ms. Vrinda Grover, Adv.
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Mr. Pradeep Kumar Yadav, Adv.
 Ms. Anjali Patel, Adv.
 Mr. Gopal Singh, Adv.
 Mr. Sanjeev Malhotra, AOR

Mr. Nizam Pasha, Adv.
 Mr. Arif Ali, Adv.
 Mr. Madhav Deepak, Adv.
 Mr. Abishek Jebaraj, AOR
 Ms. A Reyna Shruti, Adv.
 Mr. D. P. Singh, Adv.

Mr. Ashish Kumar Chaurasiya, Adv.
 Mr. Ganga Sagar Singh, Adv.
 Mr. Adarsh Verma, Adv.

Mr. Ashwini Kumar Upadhyay, Adv.
 Mr. Ashwani Kumar Dubey, AOR
 Mr. Nikhil Upadhyay, Adv.

For Respondent(s)	Mr. K. K. Venugopal, Sr. Adv. Mr. Tushar Mehta, Solicitor General Mr. Kanu Agarwal, Adv. Mr. Raman Yadav, Adv. Ms. Sansriti Pathak, Adv. Mr. Gaurang Bhushan, Adv.
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Mr. Rakesh Dwivedi, Sr. Adv.
 Mr. Eklavya Dwivedi, Adv.
 Mr. Kumar Utsav, Adv.
 Mohd. Yasir, Adv.

Mr. Dama Seshadri Naidu, Sr. Adv.
 Mr. Abhinav Thakur, Adv.
 Mr. Deepak Sharma, Adv.
 Mr. Prateek Kumar, AOR

Mr. Sukumar Pattajoshi, Sr. Adv.
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 Mr. Amarpal Singh Dua, Adv.
 Mr. Milind Rai, Adv.
 Ms. Shreya Kasera, Adv.

Mr. Barun Kumar Sinha, Adv.
 Mrs. Pratibha Sinha, Adv.
 Mr. Sneh Vardhan, Adv.
 Mr. Pankaj Kumar Shukla, Adv.
 Mr. Chhal Bihar Singh, Adv.
 Mr. Anantha Narayana M.G., AOR

UPON hearing the counsel the Court made the following
 O R D E R

An important question has been raised in these bunch of petitions before this Court, which goes to the very root of the functioning of a Democratic Republic, i.e. our Country. The question is of 'Right to Vote'. The petitioners would argue that in the exercise which has been undertaken by the Election Commission of India vide its order dated 24.06.2025, which is a Special Intensive Revision of Electoral Roll, apparently under Section 21(3) of the Representation of Peoples Act, 1950 is not only violative of Fundamental Rights of the voters under Article 14, 21, 324, 325 and 326 of the Constitution of India, but is also violative of the provisions of Representation of Peoples Act, 1950

and the Rules framed therein, particularly, the Registration of Electors Rules, 1960.

Mr. Rakesh Dwivedi, learned senior counsel representing the Election Commission of India, on the other hand, would argue that the last Intensive Revision of Electoral Rolls took place as far back as in the year 2003 and presently, an intensive revision is required, which is also mandated not only under Article 326 read with Section 21(3) of the Representation of Peoples Act, 1950 and Rules framed therein.

After hearing both the sides, *prima facie*, we are of the opinion that there are following three questions involved in these petitions :-

- a) the very powers of the Election Commission to undertake the exercise;
- b) the procedure and the manner in which the exercise is being undertaken; and
- c) the timings, including the timings given for preparation of the Draft Electoral Rolls asking objections of making final Electoral Roll etc., which is very short, considering the fact that Bihar Elections are due in November, 2025 and the Notification will come in advance weeks earlier.

We are also of the considered view that the matter needs hearing. Therefore, we issue notice in the petitions, returnable on 28.07.2025. Notice is accepted by the respective parties. Counter affidavit be filed by the Election Commission of India on or before 21.07.2025. Rejoinder affidavit, if any, be filed before 28.07.2025.

After going through the necessary documents, Mr. Rakesh Dwivedi himself has pointed out that the lists which are to be considered by the Election Commission for verification of the voters includes 11 documents, but the list is not exhaustive as the order itself would indicate. Therefore, since the list is not exhaustive, in our opinion, it would be in the interests of justice if the Election Commission of India also considers the following three documents such as 1) Aadhar Card; 2) Electors Photo Identify Card (EPIC), which is issued by Election Commission of India itself, and 3) the Ration Card, as these documents would satisfy most of the voters. Therefore, in our *prima facie* view, it would be in the interest of justice if the Election Commission will also consider these documents.

The petitioners are not pressing any interim stay at this stage, as in any case, the Draft Electoral Rolls has to be published only on 01.08.2025 and the matter is listed before this Court prior to that date i.e. on 28.07.2025.

Let the matter be listed on 28.07.2025 before appropriate Court.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR

(*) correction in the designation of Sh. K. K. Venugopal, Sr. Adv.

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