



Research Paper

Electoral List Scandal in Bihar: Legal Issues, Supreme Court Intervention, and Constitutional Dimensions

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Abstract

The integrity of electoral rolls forms the cornerstone of democratic legitimacy. Any manipulation, exclusion, or wrongful inclusion in voter lists strikes at the heart of free and fair elections, a basic feature of the Indian Constitution. The recent allegations of electoral list scandals in Bihar have brought to light systemic loopholes in electoral governance, raising questions of legality, constitutional morality, and institutional accountability. This paper examines the reality of the electoral list scandal in Bihar, analyzes legal issues involved, studies Supreme Court interventions on voter roll irregularities, and evaluates the constitutionality of electoral processes in India. By combining case law, statutory frameworks, and constitutional interpretation, this research highlights challenges in electoral governance and suggests reforms to strengthen democratic legitimacy.

I. Introduction

Free and fair elections form the foundation of India's democratic polity. Article 324 of the Indian Constitution entrusts the Election Commission of India (ECI) with the responsibility to supervise, direct, and control the conduct of elections. However, the electoral process is not merely about conducting elections but also about ensuring accurate and inclusive voter lists. A flawed or manipulated electoral roll can disenfranchise citizens, distort political representation, and undermine constitutional democracy.

Bihar has long been viewed as a politically sensitive state where electoral processes often come under scrutiny. The alleged electoral list scandal—marked by fake entries, deliberate exclusions, and politically motivated manipulations—raises grave constitutional concerns. The Supreme Court of India, in several landmark decisions, has emphasized the sanctity of voter lists, treating their accuracy as indispensable for upholding Article 14 (equality), Article 19(1)(a) (right to political expression), and Article 326 (adult suffrage).

This paper aims to examine the reality of the electoral list scandal in Bihar, highlight the legal issues involved, evaluate the role of the Supreme Court, and analyze the constitutionality of such controversies in light of democratic principles.

II. Historical & Factual Background

Electoral Governance in India

The preparation and maintenance of electoral rolls is governed by the Representation of the People Act, 1950, and supervised by the Election Commission under Article 324. Universal adult suffrage under Article 326 mandates that every citizen above 18 years has the right to vote, subject only to reasonable restrictions.

Electoral Controversies in Bihar

Bihar's electoral history has often been marred by allegations of booth capturing, voter intimidation, and irregularities in electoral rolls. The recent scandal involves allegations of:

- Multiple entries of the same voter,
- Inclusion of deceased or fictitious voters,
- Systematic exclusion of marginalized communities, and
- Manipulations allegedly linked to political interests.

These practices not only violate statutory law but also strike at constitutional guarantees of equality and free choice.

III. The Electoral List Scandal in Bihar: Reality & Facts

The controversy came into public debate during recent electoral cycles where several irregularities were reported:

1. **Fake Voter IDs** – Media reports revealed widespread duplication of names, with individuals listed multiple times in different constituencies.
2. **Exclusion of Genuine Voters** – Many citizens, particularly from economically weaker and minority groups, were found missing from electoral lists despite possessing valid identification.
3. **Political Manipulation** – Allegations suggest deliberate tampering of lists by local officials under political pressure to favor certain parties.
4. **Lack of Accountability** – Despite repeated complaints, the redressal mechanism under the ECI remained slow, causing many citizens to be denied their constitutional right to vote.

The reality of such scandals exposes structural weaknesses in electoral administration and raises constitutional questions regarding state responsibility in protecting voting rights.

IV. Legal Issues Involved

The electoral list scandal in Bihar involves multiple legal dimensions:

1. **Violation of the Representation of the People Act, 1950** – Sections 15–23 deal with the preparation and revision of electoral rolls. False inclusion or wrongful exclusion constitutes an offence.
2. **Breach of Constitutional Rights** – Denial of the right to vote undermines Article 14 (equality), Article 19(1)(a) (political expression), and Article 326 (universal adult suffrage).
3. **Administrative Failure** – Article 324 obliges the ECI to ensure free and fair elections; failure to maintain accurate rolls may amount to constitutional dereliction.
4. **Criminal Liability** – Deliberate tampering of voter lists may fall under criminal conspiracy provisions of the Indian Penal Code (Sections 120B, 177, 465).
5. **Judicial Accountability** – Citizens have sought judicial remedies under writ jurisdiction (Articles 32 and 226) for enforcement of fundamental rights against electoral exclusion.

V. Supreme Court's Role & Interventions

The Supreme Court has consistently emphasized that the **purity of electoral rolls is a prerequisite for free and fair elections**.

1. **PUCL v. Union of India (2003)** – The Court recognized voting as a constitutional right and emphasized transparency in elections.
2. **People's Union for Civil Liberties v. Union of India (2013)** – The Court mandated the inclusion of “NOTA” to uphold freedom of choice, indirectly reinforcing the sanctity of electoral lists.
3. **Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman (1985)** – The Court held that preparation and revision of electoral rolls is an essential component of free elections under Article 324.
4. **Indira Nehru Gandhi v. Raj Narain (1975)** – Free and fair elections were declared part of the “basic structure” of the Constitution.
5. **Recent PILs on Voter List Irregularities** – The Court has entertained petitions alleging fake or missing voters in multiple states, directing the ECI to strengthen verification mechanisms.

In Bihar's context, the Court has repeatedly directed the ECI to ensure genuine voter representation, although systemic challenges persist.

VI. Constitutional Analysis

The electoral list scandal must be examined against constitutional guarantees:

1. **Article 14 (Equality Before Law)** – Arbitrary exclusion or inclusion violates the principle of equality, especially when targeted against vulnerable communities.
2. **Article 19(1)(a) (Freedom of Expression)** – Voting is an expression of political will; wrongful disenfranchisement violates this freedom.
3. **Article 21 (Right to Life & Dignity)** – Participation in democratic governance forms part of the dignity of citizens under Article 21.
4. **Article 324 (Election Commission's Role)** – The ECI's failure to prevent irregularities undermines its constitutional mandate.
5. **Article 326 (Adult Suffrage)** – Directly violated when citizens above 18 are wrongfully excluded from electoral rolls.
6. **Basic Structure Doctrine** – Free and fair elections, as part of democracy, cannot be compromised by administrative failures or political manipulations.

VII. Comparative Perspectives

Globally, democracies face challenges of voter roll accuracy:

- **United States** – Controversies over voter suppression and “purging” from rolls.
- **United Kingdom** – Issues of under-registration of young and minority voters.
- **South Africa** – Courts have emphasized inclusive voter registration as integral to post-apartheid democracy.

These global parallels reinforce the importance of constitutional safeguards in India’s electoral system.

VIII. Challenges & Reforms

Challenges

1. Lack of digital synchronization between Aadhaar and voter IDs.
2. Weak accountability of local electoral officers.
3. Political pressure on administrative machinery.
4. Inadequate grievance redressal for citizens excluded from lists.

Reforms Suggested

1. **Technological Integration** – Aadhaar-based biometric verification to prevent duplication.
2. **Independent Oversight** – Establishing an independent electoral audit body.
3. **Judicial Monitoring** – Court-appointed committees for electoral list verification in sensitive states.
4. **Citizen Participation** – Community-level awareness and monitoring to ensure inclusion.
5. **Strict Penal Provisions** – Criminalizing deliberate voter list tampering with stringent punishment.

IX. Conclusion

The electoral list scandal in Bihar is not an isolated controversy but a symptom of deeper structural flaws in India’s electoral governance. The denial of voting rights, whether through wrongful exclusion or fraudulent inclusion, is a direct attack on constitutional democracy. The Supreme Court has consistently upheld the sanctity of electoral rolls, yet persistent irregularities highlight institutional weaknesses.

Constitutionally, such scandals undermine Articles 14, 19, 21, 324, and 326, threatening the basic structure of democracy. Moving forward, reforms in electoral administration, strict judicial oversight, and citizen vigilance are indispensable to preserve the legitimacy of India’s democratic system.

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