

Citizenship is not the Election Commission's to decide

The Commission owns the electoral roll, not the citizen. A name struck off a list is not a citizenship cancelled.

THE DASHBOARD

THE BENCH

3 judges

CJI Surya Kant, Justice
Joymalya Bagchi, Justice Vipul
M. Pancholi.

WHERE CITIZENSHIP LIVES

**Part II, Art.
5-11**

Constitution Part II and the
Citizenship Act 1955 - not the
RP Act.

THE SEPARATION

**Roll is not
status**

Off the roll is not out of the
country.

IF DOUBT ARISES

**Refer, don't
rule**

Doubtful citizenship goes to
the competent authority. Until
then, status quo.

WHAT THE COURT ACTUALLY ORDERED

01 Stay inside your boundary.

The Commission is a constitutional body for elections. It is not the Home Ministry and must not conduct itself as one.

02 The roll is yours. The status is not.

The Commission may decide whom to include on the electoral roll. That decision does not create, confirm or cancel anyone's citizenship.

03 Exclusion strips nothing.

A name absent from the roll - before or after a Special Intensive Revision - has no automatic effect on citizenship status.

04 Doubt goes upstairs.

Where a name is questioned on the ground of doubtful citizenship, the Commission's duty is to place the matter before the authority competent under the Citizenship Act. It does not adjudicate it itself.

05 Until then, status quo.

Pending that reference and decision, the person's existing position stands. Nobody is de-nationalised by a pending file.

06 Articles 5-11 are the source.

Citizenship is governed by Part II of the Constitution and the Citizenship Act. The Commission has no authority under those provisions.

07 Adding names is the job.

The bench's emphasis ran the other way from the panic: the constitutional duty is to bring every eligible citizen onto the roll, not to thin it.

Read alongside the fuller record: the same line of SIR litigation upheld the revision exercise itself as within the Commission's statutory power, and accepted that Aadhaar is not conclusive proof of citizenship. The distinction is narrow and important - the Commission may form a view on eligibility for the limited purpose of the roll; it is not the final authority on nationality, and exclusion carries no de-nationalising effect.

TIMESTAMPED DIGEST OF THE BROADCAST

- 00:00** Opens on the question everyone has been arguing for weeks: does a passport make you a citizen, does an Aadhaar card, does a name on the voter list - and what if none of them is there.
- 00:27** Says the Supreme Court has now settled it, late but clearly, and that the ruling lands hardest on the Election Commission.
- 01:30** Two headlines carry the piece: citizenship does not end because a name is missing from the roll; and the Commission cannot decide citizenship.
- 01:53** The hearing: a three-judge bench, CJI Surya Kant presiding.
- 02:08** The petition that triggered it - people left off the post-SIR roll reporting that they are being turned away from government welfare schemes on that basis.
- 02:42** The reprimand, as reported: stay within your limits; the Commission is not the Home Ministry; deleting names is played with democracy rather than administered.
- 03:23** The core holding: control over the electoral roll, yes; authority over citizenship, no. Where citizenship is doubted, refer it to the government under the Citizenship Act.
- 04:02** SIR or no SIR, list or no list, name added or not - no impact on citizenship status.
- 04:35** Ties back to the Bihar SIR judgment: refer the matter, and until it is decided the status quo holds.
- 05:01** A short civics detour into Part II of the Constitution - who becomes a citizen, whose citizenship can be taken away, and by whom.
- 05:36** Justice Bagchi, as quoted: the judgment is clear; the Commission may decline to include a person on the roll, and that alone does not end citizenship.
- 06:05** Turns political - complaints that the revision has not been run impartially, with West Bengal named.
- 06:40** The gap underneath the row: no single document in India establishes citizenship. Recalls the ministry's own position that a passport is a travel and identity document, not proof of nationality.
- 07:18** The NRC precedent - the Assam experience, people still producing papers years later without resolution, and why it was never extended nationally.
- 08:08** Closes on the open question: should there be one document that settles it, and what does the viewer actually hold in hand.

THE DECISION FRAME - FOR THE READER WHOSE OWN NAME IS MISSING

1 • THE REAL DECISION

Not "am I still a citizen" - the court has just answered that, and the answer is yes. The real decision is which route you use to get the name back on the roll, and how much you volunteer while doing it. Two-way door on the paperwork; closer to a one-way door on what you put in writing, because a filed declaration follows you.

2 • THE OPTIONS

- Do nothing this cycle. Citizenship is untouched; you simply do not vote. Costless today, expensive if the roll hardens into the default register of record.
- Ordinary inclusion. File the standard inclusion form with routine identity and residence documents. Quiet, cheap, no citizenship claim asserted.
- Contest the deletion. Appeal it as wrongly done and put the burden on the officer to justify the strike-off. Slower; creates a record; useful if the deletion looks patterned rather than clerical.
- Full documentary build-out. Assemble the ancestry chain now, before anyone asks. Highest effort, worth it only if the household has a genuine gap in old records.

3 • THE THREE CRITERIA THAT MATTER

- Does it get the name back before the next roll closes? Timing beats elegance.
- What does it commit to paper? Every declaration is permanent and re-readable by a different officer,

later.

- Effort against the household, not against you. One person's file usually drags the whole family's records into view.

4 • THE TWO KEY UNKNOWNNS

- Why was the name removed? Non-submission, address mismatch and a doubtful-citizenship marking are three different problems with three different fixes. Cheap to find out: the draft roll and the deletion list are published, and the Booth Level Officer holds the reason code.

- Has any referral actually been made in your case? The order matters only if you know whether a file exists. Cheap to find out: ask the electoral registration officer in writing for the ground and any reference made.

5 • THE HONEST DEFAULT

- Ordinary inclusion, filed immediately, with the reason for deletion obtained in writing first. It is the fastest route to the only thing actually lost - the vote - and it asserts nothing about nationality, which the court has just said the Commission cannot rule on anyway.

- The strongest case against it: if the deletion was marked as doubtful citizenship, a plain inclusion form walks into that file rather than around it, and you may want the deletion contested and the ground put on record before you file anything else. That is the one fact that flips the default - which is exactly why unknown number one is worth a day of asking.

THE BROADCAST



"CJI Surya Kant has drawn a new line on citizenship"

Desi TV Bharat · Hindi · 8 min 38 sec · auto-translated captions

<https://www.youtube.com/watch?v=OsJXGNFp35U>

Full page: <https://azizsaif.com/blog/sc-citizenship-voter-list/>

Court language above is paraphrased from the broadcast and contemporaneous press accounts, not from a certified copy of the order.