



2026:DHC:7464



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment reserved on: 13th August, 2026***
Judgment pronounced on: 3rd September, 2026

CNR No. DLHC010362692026

+ **W.P.(C) 11278/2026 & CM APPL. 52187/2026**

DEVENDER YADAV & ANR.

.....Petitioners

Through: Mr. Sakal Bhushan, Senior Advocate
with Mr. Sunil Kumar, Mr. Vasu
Bhushan, Mr. Prateek Kumar Sinha
and Mr. Nipun Bhushan, Advocates

versus

ELECTION COMMISSION OF INDIA & ANR.Respondents

Through: Mr. Dama Sheshadri Naidu, Senior
Advocate with Mr. Prateek Kumar,
Mr. Deepak Sharma, Mr. Devansh
Rai, Ms. Shriya Jadhav and
Ms. Anukrati Awasthi, Advocates for
R-1.
Mr. Rajeev Sharma and Mr. Vinayak
Sharma, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

JUDGMENT

AMIT BANSAL, J.

1. The present writ petition has been filed seeking the following reliefs:

“(a) Writ of Mandamus or Certiorari or any other appropriate Writ or Direction or Order thereby, to partially Set Aside and quash Clause 9 Sub-Clause d (iv) of the Guidelines dated 24.06.2025 for Special Intensive Revision (SIR) issued by Respondent no.1 to the extent wherein



the personal undertaking of booth level agents (BLA) is required for verification of the particulars contained in enumeration forms being violative of additional/modified guidelines dated 14.05.2026 issued by the respondent no.1 AND consequently partially set-aside and quash Para (i) of the Letter / Circular dated 27.04.2026 Issued by Respondent no.2.

(b) Issue an appropriate writ, order, or direction directing the Respondents to provide to Petitioners printed and soft copies of the Electoral Rolls of 2002 and the Frozen Photo Electoral roll, as and when the same is frozen by the respondents before enforcing SIR in NCT of Delhi, so as to ensure effective assistance and participation of Booth Level Agents (BLAS), appointed by Delhi Pradesh Congress Committee, in the Special Intensive Revision (SIR)."

2. Petitioner no.1 is an ex-member of Legislative Assembly of NCT of Delhi and currently the President of Delhi Pradesh Congress Committee. Petitioner no.2 is a Chairman, Booth Management Committee, Delhi Pradesh Congress Committee.
3. The present writ petition concerns the Special Intensive Revision ('SIR') of electoral rolls in the NCT of Delhi. The respondent no.1/Election Commission of India ('ECI') issued guidelines for the SIR *vide* a letter/circular dated 24th June, 2025. Subsequently, *vide* circular dated 14th May, 2026, the ECI decided to undertake SIR in various States/Union Territories, including the NCT of Delhi.
4. The petitioner no.2, *vide* letter dated 31st March, 2026 addressed to the Chief Electoral Officer, Delhi raised concerns regarding, inter alia, the requirement of an undertaking from Booth Level Agents ('BLAs') and sought printed and soft copies of the 2002 electoral rolls and the Frozen Colour Photo Electoral Roll for facilitating the participation of BLAs in the SIR process. The said representation was replied to by the Chief Electoral



Officer, Delhi *vide* communications dated 8th April, 2026 and 27th May, 2026, followed by a further representation dated 23rd April, 2026 by the petitioner no.2. A meeting with recognised political parties was also held on 19th May, 2026, wherein the aforesaid issues were raised.

5. Thereafter, the petitioners had approached this Court by way of a writ petition being W.P.(C) 8192/2026. In view of the stiff opposition by the respondent no.1/ECI with regard to jurisdiction of this Court to entertain the present writ petition, this Court had disposed of the writ petition while granting liberty to obtain necessary clarification from the Supreme Court.

6. The petitioners approached the Supreme Court by way of W.P.(C) No. 911/2026, which was dismissed as withdrawn with liberty to approach the High Court.

7. Accordingly, the present writ petition has been filed.

8. Mr. Sakal Bhushan, senior counsel appearing on behalf of the petitioner, has drawn attention of the Court to the modified Guidelines issued by ECI on 14th May, 2026. The said Guidelines referred to a modified Enumeration Form (Page 153-154 of the writ petition). In terms of the Enumeration Form, undertaking is required to be given by Booth Level Officer ('BLO'), who is a government officer that he has verified details from the electoral roll.

9. Responsibility of the BLO has also been re-emphasized in the Clause 3(g) and Clause 4(b) of the Guidelines dated 27th May, 2026.

10. It is submitted that since the responsibility for verification has been placed on the BLO, the BLA who is a representative of a political party, cannot give an undertaking in terms of Clause 9(d)(iv).



11. A further relief is sought that since the BLA has to assist in the process of SIR, the BLA should be provided soft copies of the electoral rolls of 2002 and the frozen electoral roll.

12. Counter affidavit has been filed on behalf of respondent no.1/ECI in response to the writ petition.

13. In the counter affidavit, it is stated that under Section 21 of the Representation of People Act, 1950 ('RP Act') and the Registration of Electors Rules, 1960, the ECI has been given plenary administrative powers to order SIR of electoral rolls. The aforesaid powers of the ECI have been upheld by the Supreme Court in its judgment dated 27th May, 2026 in *Association for Democratic Reforms v. Election Commission of India*¹.

14. BLAs are voluntarily appointed by recognized political parties for specific polling stations to compliment the BLOs of the respective polling station and to facilitate the process of SIR. The ECI permitted all registered political parties to appoint their own BLAs to participate in the process of SIR in order to dispel any impression carried out by a political party that their supporters are deliberately being left out by BLOs in a partisan manner.

15. The requirement of BLAs submitting an undertaking while submitting applications and forms on behalf of the electors is a part of ECI Standing Instructions and is contained in the Manual of Electoral Rolls, 2023 published by the ECI ('Manual').

16. An amendment was carried out in Section 31 of the RP Act to make third persons liable under Section 31 for false information/statement furnished in respect of the electors. The undertakings are required so as to

¹ 2026 INSC 564.



make the BLAs liable for false information furnished. The undertaking is merely an instrument of accountability initiated to ensure that bulk applications submitted by recognized political party are preceded by a reasonable degree of due diligence and personal verification by the persons submitting them.

17. Insofar as prayer (b) of the writ petition with regard to supply of electoral rolls is concerned, it is stated that the petitioners are at liberty to apply for the same in accordance with the prescribed rules and the same will be duly supplied to the petitioner. The petitioners would be free to apply for a physical copy of the electoral rolls as well.

18. Mr. Dama Sheshadri Naidu, senior counsel appearing on behalf of ECI submits that the task performed by BLA of a political party is voluntary. A political party is not under an obligation to appoint a BLA. Once a BLA has been appointed by a political party and some responsibilities have been assigned on the said BLA, it has to be performed with a degree of responsibility. Hence, the prescribed undertaking is in the nature of checks and balances imposed by ECI on the BLA.

ANALYSIS AND FINDINGS

19. I have heard the counsel for the parties.

20. The Supreme Court in *Association for Democratic Reforms* (supra) has upheld the power of the ECI in conducting the exercise of SIR in terms of Section 21(3) of the RP Act read with Article 324 of the Constitution of India. In the said judgment, the Supreme Court has also held that there is a wide procedural latitude given to the ECI under Section 21(3) of the RP Act to conduct the exercise of SIR for holding free and fair elections.



21. The only issue to be examined is whether the requirement of BLA to give an undertaking in terms of Clause 9(d)(iv) of the ‘Detailed Guidelines For Special Intensive Revision’ is arbitrary and unreasonable.

22. Section 31 was introduced in the RP Act in the year 1958 and was amended in the year 1960. For ease of reference, the amended Section 31 of the RP Act is set out below:

“31. Making false declarations. – if any person makes in connection
(a) the preparation, revision or correction of an electoral roll, or
(b) the inclusion or exclusion of any entry in or from an electoral roll.

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.”

23. The concept of BLA has been explained in Chapter 25 of the Manual of Electoral Rolls, 2023 (‘Manual’) which is a compilation of the Directions/Instructions issued by the ECI. The same is set out below:-

“25.2 Concept of ‘Booth Level Agent’

In order to enhance participation by the recognised political parties at grass root level during preparation and revision of electoral roll, the Election Commission introduced a system of appointment of Booth Level Agent in November, 2008 on the pattern of polling agent/counting agent during polling/counting of votes. The Booth Level Agents are appointed for specific polling station areas by the recognised political parties to complement the Booth Level Officers of the respective polling stations.”

24. Paragraph 25.2.2 of the Manual provides for responsibilities of a BLA. The responsibilities as permitted in the Manual which are relevant for the present controversy are set out below:



“25.2.2 Responsibilities of Booth Level Agent:-

- (ii) to house survey or by any other means and present the list to the Designated Officers / Booth Level Officers in the prescribed format (Annexure 58 and Annexure 59). They should give an undertaking that the information furnished by them is on the basis of verification conducted by them and they are liable for action under Section 31 of the Representation of the People Act, 1950 for making false declaration, if any

- (v) Submission of Bulk Applications by Booth Level Agent:- The Election Commission has allowed a Booth Level Agent to file not exceeding 10 applications in a day. The Booth Level Agent shall submit forms to concerned Booth Level Officer along with a list of application forms and a written declaration that he has personally verified the particulars contained in the enclosed application forms and is satisfied that the same are correct. In case a Booth Level Agent submits more than 30 application forms during entire period of summary revision, cross verification must be done personally by the concerned Electoral Registration Officer/Assistant Electoral Registration Officer. The political parties which have not appointed Booth Level Agents cannot file applications in bulk during revision period.”

[emphasis supplied]

Subsequently, the limit on the number of Applications submitted by BLAs was increased from 10 Applications per day to 50 Applications per day.

25. The Manual provides the format for furnishing list of dead voters (Annexure 58) and format for furnishing list of shifted electors (Annexure 59). The said formats are set out below:-



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Annexure 58
(Chapter 25, Para 25.2)

FORMAT FOR FURNISHING LIST OF DEAD VOTERS

No. & Name of assembly constituency:

Electoral Roll Part No.

Sl.No. of entry in the electoral roll	Name of the elector	EPIC No., if issued	Source of information	Remarks

I hereby declare that the information furnished by me is on the basis of proper verification of the part of the electoral roll given to me and I am aware of the penal provisions of Section 31 of the Representation of the People Act, 1950 for making false declaration.

Date:

(full signature of BLA)

Name in full:

Name of the

Party:

Annexure 59
(Chapter 25, Para 25.2)

FORMAT FOR FURNISHING LIST OF SHIFTED ELECTORS

No. & Name of assembly

constituency:

Electoral Roll Part No.

Sl.No. of entry in the electoral roll	Name of the elector	EPIC No., if issued	Place of shifting (with address if known)	Source of information

I hereby declare that the information furnished by me is on the basis of proper verification of the part of the electoral roll given to me and I am aware of the penal provisions of Section 31 of the Representation of the People Act, 1950 for making false declaration.

Date:

Name of the Part

(full signature of BLA)

Name in full:



26. Both the aforesaid Formats contain a declaration to be given by the BLA stating that the information contained therein is based on proper verification and that the BLA would be liable under Section 31 of the RP Act for making a false declaration. The aforesaid declaration is required to be signed by the BLA.

27. Mr. Bhushan, counsel appearing on behalf of the petitioners submits that the petitioners do not have any difficulty with the declaration to be furnished by the BLA in respect of the dead voters or the voters who have shifted, as these Forms are to be filled by the BLA based on the verification carried out by him/her.

28. The difficulty of the petitioner is with regard to the undertaking to be given by the BLA while submitting the Enumeration Forms of the electors to the BLO. The undertaking to be submitted is prescribed in Clause 9(d)(iv) of 'Detailed Guidelines For Special Intensive Revision', which is set out below:

“iv. BLA will submit a list for application forms with an undertaking that he has personally verified the particulars of the application forms and is satisfied that they are correct.”

29. The format of the undertaking to be given by the BLA is set out below:

**UNDERTAKING**

To ensure more involvement of political parties, the Election Commission of India (ECI) has permitted BLA-2 of a Polling Station to submit not more than 50 Forms/day to the respective BLO before the Draft Publication, and 10 Forms/day thereafter.

1. Accordingly, I am to submit _____ number of Enumeration Forms, as per list attached, as on Date _____

2. Further, I undertake that I have personally verified the particulars mentioned in the Enumeration forms as per list attached and am satisfied that they are correct.

Encl: As above

Signatures of the BLA-2

(Name of the BLA-2)

Mob No. _____

Polling Station Number _____

Assembly Constituency No & Name _____

Party affiliation _____

To

Sh/Smt _____

BLO for Polling Station Number _____

Assembly Constituency No & Name _____

30. At this stage a reference may be made to the format of the Enumeration Form. The same is set out below:-



Annexure-III

Enumeration Form
Name and contact No of BLO (pre-printed)

Elector's Name, EPIC, Address (Pre-printed).	Serial No., Part No. & name, AC/PC Name, State (Pre-printed).	QR Code	Old Photo (Pre-printed)	Paste Current Photo
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Details of the Elector in the Electoral Roll of the last SIR			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.

Date of Birth (DD/MM/YYYY)	d	d	m	m	y	y	y	y
Aadhaar No. (Optional)								
Mobile No.								
Father's/Guardian's Name								
Father's/Guardian's EPIC No. (if available)								
Mother's Name								
Mother's EPIC No. (if available)								
Spouse's Name (if applicable)								
Spouse's EPIC No. (if available)								

- (i) The elector mentioned above, being myself/my family member, has not acquired the citizenship of any other country.
- (ii) I am applying for inclusion in the Electoral Roll, and the name mentioned above, being myself/ my family member, is not included in any other Assembly Constituency/ Parliamentary Constituency.
- (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 or
Any Adult Family Member (mention relationship) with date

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

BLO's Signature



31. Mr. Bhushan submits that the information contained in the said Enumeration Form is in the exclusive knowledge of the elector. The role of the BLA is only to assist the elector in filling the aforesaid Enumeration Form and/or submitting the same to the BLO. Therefore, there is no way that a BLA can authenticate all details given in the said Form. As is evident from a reading of the aforesaid Enumeration Form, it is the BLO who is required to verify the information furnished in the said Form and therefore, the Enumeration Form provides for an undertaking to be given by the BLO followed by the signature of the BLO. Therefore, the requirement of the BLA to give an undertaking with regard to veracity of the information contained in this Form is arbitrary and unreasonable. At best, the BLA can verify and give an undertaking in respect of the identity of the person submitting this form and whether the photograph pasted in the Form is that of the person whose Form it is.

32. As per the Enumeration Form, undertaking is required to be given by the BLO that he has verified details from the electoral roll. The same is set out below:

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

BLO's Signature

33. Clauses 3(g) and 4(b) of the Guidelines dated 27th May, 2026 re-emphasize the responsibility of the BLO. The same are set out below:

“3. House to House (H2H) Enumeration:

g. In case an elector has uploaded a form filled in with documents online, BLO will verify the documents during his visit to the house of the elector.”

4. Publication of draft roll:



b. Draft electoral roll shall consist of names of all the existing electors who have submitted their duly filled Enumeration Form to the BLO during the H2H enumeration period or which have been received online and verified by BLO. Names of other electors, from whom Enumeration Forms are not received will not be included in the draft roll.”

34. There is no dispute that a BLA, who is assisting a political party in furnishing information to the ECI, should be responsible for the veracity of the statement being furnished by him. Accordingly, insofar as information given in the Forms provided in Annexure-58 and Annexure-59 of the Manual are concerned, the BLA would have full responsibility for the same as the said Forms are being filled by the BLA on the basis of information gathered by him/her. Similarly, insofar as collection of the Enumeration Form is concerned, the BLA would be responsible to the extent that the photograph matches with the identity of the elector as contained in the Enumeration Form. However, the BLA cannot be made liable for all the information, which is contained in the Enumeration Form as there is no way a BLA could be in a position to verify the same. The said information would be exclusively within the knowledge of the concerned elector.

35. The ECI in paragraph 13 of its counter affidavit has clearly stated that BLA does not participate in the statutory verification or in any other statutory process related to inclusion or exclusion in electoral rolls. The verification of information is the job of the BLO, who conducts house to house verification.

36. Once the responsibility of verification and undertaking has been entrusted to the BLOs, there exists no justification for requiring BLAs to furnish personal undertakings certifying the correctness of the particulars in the Enumeration Form. Therefore, in the opinion of this Court, the BLA can



only be made liable in terms of Section 31 of the RP Act for information that can be verified by the BLA, *i.e.* that the photograph on the Enumeration Form matches with the identity of the elector whose Form it is.

37. With the aforesaid findings and observations, the writ petition insofar as prayer (a) is concerned, stands disposed of.

38. Insofar as prayer (b) is concerned, the ECI in its affidavit has clearly stated that copies of Electoral Roll of 2002 as well as Final Roll of 2025 as on 6th January, 2025 is available on its website and can be downloaded. ECI has also stated that in the event anyone wants to obtain the physical copies, the same can be supplied upon a written request made for the same, subject to payment of requisite fee. Accordingly, the petitioners would be free to apply for physical copies of the electoral rolls up till May, 2026, on the basis of which the SIR is being conducted and subject to payment of requisite fees, the same would be supplied to the petitioners.

39. Mr. Bhushan submits that the difficulty with the electoral rolls available online is that they do not contain the photographs of the electors.

40. Mr. Naidu submits that in the event the petitioners apply, they will be provided physical copies of the electoral rolls containing photographs of the electors which are part of the electoral roll, on which SIR has been conducted.

41. In view of the aforesaid stand of the ECI, prayer (b) of the writ petition stands satisfied.

42. The pending application stands disposed of.

AMIT BANSAL, J

SEPTEMBER 3, 2026

Vivek/-