



\$~52

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

%

Date of Decision: 19.08.2026# **CNR No. DLHC010384812026**+ **W.P.(C) 11942/2026 & CM APPL. 55365/2026**

INDU PRAKASH SINGH

.....Petitioner

Through: Mr. Satyakam, Senior Advocate along
with Mr. Talha Abdul Rahman, Mr.
Faizan Ahmad, Ms. Vibha
Swaminathan, Mr. Sudhanshu Tewari
& Mr. Rehan Ghalib Khan,
Advocates.

versus

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF
DELHI AND ORS

.....Respondents

Through: Mr. Sanjay Vashishtha, Standing
Counsel along with Mr. Siddhartha
Goswami & Ms. Jasmine Morgat,
Advocates for Respondent No.2/ECI.
Mr. Anuj Chaturvedi, Ms. Richa
Dhawan, Ms. Yashita Jain & Mr.
Sahil Bhaskar, Advocates for
Respondent No.4/DUSIB.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (Oral)**

1. The present Public Interest Litigation (“PIL”) Petition has been filed
with the following prayers:



“a. Issue a writ of mandamus or any other writ, order or direction directing the Respondents to formulate and implement a special facilitative mechanism during the ongoing Special Intensive Revision exercise for NCT of Delhi for the enrolment, or transposition and/or retention of the names of homeless persons or rendered homeless or displaced by demolition drives to ensure that such persons are not excluded from the electoral rolls;

b. Issue a writ of mandamus or any other writ, order or direction directing the Respondents to identify and enumerate persons who are homeless or have been rendered homeless or displaced as a consequence of demolition drives and who are likely to be affected during the Special Intensive Revision of the electoral rolls;

c. Issue a writ of mandamus or any other writ, order or direction directing the Respondents to issue appropriate guidelines, instructions or Standard Operating Procedures to all Chief Electoral Officers, District Election Officers, Electoral Registration Officers and Booth Level Officers for the implementation of such facilitative measures, including through appropriate relaxation of procedural requirements, field verification by Booth Level Officers, special enrolment camps.

d. Issue a writ of mandamus or any other writ, order or direction directing the Respondents to establish dedicated grievance redressal and assistance mechanisms for electors rendered homeless or displaced by demolition drives to enable them to effectively participate in the Special Intensive Revision exercise;

e. Issue a writ of certiorari or any other writ, order or direction invalidating the Election Commission of India Directive No. 23/2025-ERS (Vol. II) dated 14.05.2026 and the subsequent communication dated 15.07.2026 to the extent that they mandate the draft electoral roll to be prepared by 17.08.2026 without providing adequate special facilitative mechanisms to ensure the inclusion of the people who have been rendered homeless or displaced on the account of the demolition drive.”

2. Learned Senior Counsel appearing for the Petitioner submitted that the ongoing Special Intensive Revision (“SIR”) exercise in Delhi, initiated vide ECI Directive No. 23/2025-ERS (Vol. II) dated 14.05.2026, proceeds



on the premise that Booth Level Officers (“**BLOs**”) would be able to physically locate existing electors at their recorded addresses and as a consequence, persons who are homeless or have been rendered homeless or displaced pursuant to demolition drives are at serious risk of systematic exclusion from the electoral rolls, thereby infringing their right to franchise and casting doubt upon their citizenship. It is further submitted that such exclusion is contrary to the acknowledged position of the Election Commission of India (“**ECI**”) that homeless persons, who are citizens of India but may not possess a permanent or fixed address, are nevertheless entitled to be included in the voter list.

3. Learned Senior Counsel for the Petitioner further submitted that, under the present SIR exercise, forms are being dispatched only to the addresses recorded in the last Electoral Roll, which has given rise to several practical difficulties faced by voters, such as:

- a. Where the recorded premises have been demolished, the BLOs are likely to mark the displaced electors as ‘shifted’ or ‘absent’.
- b. Displaced individuals seeking regularisation of their electoral registration through Form 8A for transfer or Form 6 for fresh enrolment encounter substantial practical impediments.
- c. Homeless persons, having no fixed premises and having lost relevant documents, face difficulty in satisfying the ‘ordinarily resident’ requirement under Section 20 of the Representation of the People Act, 1950 (“**RP Act**”).
- d. Relocated persons face further difficulty, as the rehabilitation colonies are yet to be integrated into the electoral mapping framework.



- e. There is no existing mechanism for identifying persons residing in temporary shelters or on pavements.
 - f. Landlords are refusing to permit voter registration from rented premises on the apprehension that such registration may give rise to claims of possession.
4. Learned Senior Counsel for the Petitioner submitted that the SIR mechanism, in its present form, amounts to a structurally discriminatory practice violative of Article 326 of the Constitution of India, 1950 (“**Constitution**”), which guarantees universal adult suffrage. It was further submitted that the said mechanism is contrary to the ECI’s 2011 Handbook for Booth Level Officers, which expressly provides that homelessness is not a disqualification for electoral enrolment and permits field verification at a person’s place of shelter during night hours.
5. It is further submitted on behalf of the Petitioner that despite the public acknowledgment by the Chief Electoral Officer of Delhi on 30.06.2026 that demolition-affected persons are ‘special cases’, no targeted facilitative measures, special camps, or policy frameworks have been devised to protect the franchise of the homeless persons, till date and, hence, the ECI be directed to adopt reasonable facilitative measures to ensure that the persons rendered homeless or displaced are not denied of their right to vote simply because of circumstances beyond their control or on the basis of their socio-economic status.
6. It was submitted on behalf of the Petitioner that prior to filing this PIL, the Petitioner submitted a representation dated 10.07.2026 (“**Representation**”) to Respondent Nos. 2 and 3 to ensure that the persons evicted under the demolition drive are not excluded under the SIR exercise.



However, no corrective action has been taken pursuant to the Representation made by the Petitioner.

7. Learned Senior Counsel for the Petitioner submitted that there has been a large-scale demolition drive in National Capital Territory of Delhi (“**NCT of Delhi**”) in the last few years, especially since 2023, which was conducted by Delhi Urban Shelter Improvement Board, Delhi Development Authority, Municipal Corporation of Delhi and Northern / Indian Railways. Pursuant to the said demolition drive, a significant number of homeless individuals, estimated around 3 lakhs have been rendered homeless although no official figure exists for the same.

8. Learned Senior Counsel for the Petitioner further submitted that during the SIR exercise, the BLOs were required to undertake ‘house-to-house’ enumeration and distribute pre-filled Enumeration Forms to every existing elector, guide electors in completing the Enumeration Forms, collect the duly filled Enumeration Forms, verify the information furnished and upload the Enumeration Forms to ECI Portal. It is further submitted that the Electoral Registration Officer (“**ERO**”) was required to prepare a Draft Electoral Roll containing the names of all existing electors, whose Enumeration Forms have been received and following the publication of the Draft Electoral Roll, a statutory period for claims and objections was provided, during which the ERO was required to scrutinise the eligibility of electors, issue notices wherever eligibility is in doubt, conduct inquiries, and pass reasoned orders before finalising the Electoral Roll. It was also submitted that any person not appearing on the Draft Electoral Roll may be deleted without conducting any inquiry and affording the concerned individual a fair and reasonable opportunity of being heard.



9. Learned Senior Counsel for the Petitioner submitted that prior to last elections in Delhi, large number of voters have been struck out without following due process, which had significantly affected the voters' right to vote and to hold the Government accountable in a democratic manner. It was also submitted that the voters, whose names were removed from the Voters' List during the previous elections in Delhi, were required to be re-enrolled and re-listed by the ECI.

10. Learned Senior Counsel for the Petitioner submitted that the homeless or relocated people, on account of demolition, are structurally excluded from the SIR exercise, owing to the methodology prescribed for its implementation as the very design of the SIR exercise renders this class susceptible to exclusion from the Draft Electoral Roll and consequently, disenfranchisement.

11. Learned Senior Counsel for the Petitioner submitted that the homeless persons can be classified into the following categories:

- i. Category A – Persons having been rendered homeless upon demolition comprising of Category A1: whose names appear in Electoral Roll prepared during the last intensive revision and Category A2: persons whose names do not appear in the said Roll.
- ii. Category B – Persons who have been re-located consequent upon demolition comprising of Category B1: persons whose names appear in the Electoral Roll prepared during the last intensive revision and Category B2: persons whose names do not appear in the said Roll.



12. In view of the above, it was submitted by learned Senior Counsel for the Petitioner that the BLOs, who are mandated to conduct house-to-house visits, only visit the houses of the persons whose names already appear in the last Electoral Roll as per the address recorded in that Roll. Once the persons are not available at the address recorded in the last Electoral Roll, they are marked as shifted, absent, deceased or duplicate. For the persons whose names are not enumerated in the last Electoral Roll, no Enumeration Form would be filled up and they will be excluded from the SIR exercise without even having the opportunity to be enumerated. It was further submitted on behalf of the Petitioner that the homeless persons are unlikely to be mapped during the house-to-house enumeration process and even if they are mapped, they face considerable difficulties in establishing that they are 'ordinarily residents' at any place within the constituency, as required under Section 20 of the RP Act, which provides that a person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

13. Learned Senior Counsel for the Petitioner submitted that the disenfranchisement has already materialised in Delhi following the demolition drive, resulting in exclusion of several electors from the Electoral Roll prepared for the 2025 Delhi Legislative Assembly Elections. It was further submitted that the displacement of such persons makes it impossible for the BLOs to locate these persons, thereby depriving them of the opportunity to submit the Enumeration Forms.

14. Learned Senior Counsel for the Petitioner relied upon the news report dated 30.06.2026 published in the Indian Express, where the statement of the Chief Electoral Officer, Delhi has been mentioned stating that the



persons whose houses have been demolished, will not be at their given address when the BLO goes there and in such cases, if someone's name is not in the Draft Electoral Roll, they can fill up Form 6 along with a declaration of their new address. The news report also mentions another statement of the Chief Electoral Officer, Delhi that if there have been demolitions, then those are special cases and be dealt with separately. Further, the statement mentions that the ECI is aware of this issue.

15. Learned Senior Counsel for the Petitioner submitted that in view of the above, the ECI be directed to formulate and implement a special facilitative mechanism during the SIR exercise for NCT of Delhi for enrolment or transposition and / or retention of the names of persons, who are homeless or displaced by demolition drives to ensure that such persons are not excluded from the Electoral Roll.

16. Learned Counsel for the ECI submitted that there is no requirement to pass a direction as sought by the Petitioner in view of the provisions contained in Manual on Electoral Rolls ("**Manual**") published in March, 2023, which provides in Chapter 8 thereof the procedure for determination of ordinary residence. Clause 8.5 of the Manual provides as under:

"8.5 Homeless/pavement Dwellers – Homeless/the persons living in sheds/pavement dwellers, who do not possess any documentary proof of ordinary residence are eligible for enrolment in electoral roll, provided they are ordinarily residing there, irrespective of the fact whether that is a private property or pavement or an encroachment on government land. In such case the Booth Level Officer will visit the address given in Form 6 for more than one night to ascertain that the homeless person actually sleeps at the given place. However, to avoid an eventuality of a homeless foreign national getting registered in electoral roll, the Election Commission has directed that in all such cases where homeless persons are registered in electoral rolls, a statement of such persons



shall be recorded by the Booth Level Officer in which specific information about the place of his birth and the place of previous residence from where he has shifted to the present place of his ordinary residence, of such a person shall be asked for. This will help Electoral Registration Officer in deciding whether such a person is an Indian citizen or not.”

17. In view of the above, it was submitted by learned Counsel for the ECI that there is already a provision for the homeless / pavement dwellers, who do not possess any documentary proof of ordinary residence for their enrolment in the Electoral Roll. The said provision provides that the BLO will visit the address given in Form 6 for more than one night to ascertain that the homeless person actually sleeps at the given place. Further, the provision also stipulates that to avoid an eventuality of a homeless foreign national getting registered in Electoral Roll, the BLO will record a statement of such persons disclosing the information about the place of birth and place of previous residence. Accordingly, it was submitted on behalf of ECI that there is no vacuum as submitted by the Petitioner as regards the inclusion of the persons, who are homeless in the Electoral Rolls during the SIR exercise.

18. Learned Counsel for the ECI also referred to an order passed by the Hon'ble Supreme Court dated 23.02.2026 in the matter of **Sana Parveen & Ors. v. Election Commission of India & Ors.**, W.P.(C) No. 191/2026 filed under Article 32 of the Constitution filed by the persons, who claimed themselves to be residents of a colony which was demolished, whereby their names were excluded on account that after the demolition drive, they did not have identified residential address. The Hon'ble Supreme Court held that having regard to the seriously disputed questions of fact, the said writ



petition under Article 32 of the Constitution cannot be entertained and directed the persons to approach the District BLO to ascertain the facts and to take remedial action as per law. Accordingly, it was submitted by learned Counsel for the ECI that if anybody is affected due to demolition drive, they can approach the ECI or District BLO for inclusion of their names by providing the new address by filling up Form 6, whereafter the BLO will visit the place of their new residence for more than one night to ascertain that the person actually sleeps at the given place.

19. Learned Counsel for the ECI relied upon an extract of the Draft Electoral Roll showing the list of homeless persons with their name, photograph, age and gender and in place of house number, showing '0'. It was submitted on behalf of the ECI that this shows that the homeless persons are also included in the Draft Electoral Roll during the SIR exercise.

20. Learned Counsel for the ECI submitted that the SIR exercise for Delhi has already been concluded and if the Petitioner has any specific instance of the persons, who have been rendered homeless due to demolition drive, the Petitioner can approach the ECI and the same can be considered in accordance with law.

21. A copy of the Manual published by the ECI in March, 2023 and an extract of the Draft Electoral Roll for homeless persons, as submitted by the learned Counsel for the ECI, are taken on record.

22. Having considered the submissions on behalf of learned Senior Counsel for the Petitioner as well as learned Counsel for the ECI, we are of the considered opinion that the Manual already provide process for determination of the ordinary residence in accordance with the RP Act for homeless persons as per Clause 8.5 of the Manual. Therefore, the



apprehension of the Petitioner that the homeless persons shall be excluded from the Draft Electoral Roll appears to be without any basis.

23. The Petitioner has made bald averments with regard to the exclusion of the persons, who have been rendered homeless due to demolition drive conducted in Delhi over the last several years. The Petitioner has also stated that prior to the last Assembly Elections held in Delhi, several homeless persons affected due to demolition drive were excluded from the Electoral Roll, however, the Petitioner does not mention any particulars or the numbers of the persons, who still remain excluded from the Electoral Roll subsequent to the last Assembly Elections in Delhi.

24. Assuming that any elector has been excluded from the Electoral Roll on account of demolition or relocation from his existing place of ordinary residence, such person is entitled to fill up Form 6 issued by ECI under Rules 13(1) and 26 of Registration of Electors Rules, 1960 (“**Rules**”). The Manual clearly provides that once the details are provided by homeless persons in Form 6, the BLO will visit the address given therein for more than one night to ascertain that the homeless person actually sleeps at the given place. Accordingly, the prayer for issuing direction to the ECI to formulate and implement special facilitative mechanism during the SIR exercise for NCT of Delhi for enrolment, or transposition and / or retention of the names of the homeless persons due to demolition drives to include them in the Electoral Roll, is not required to be granted in our considered view as such mechanism is already in place.

25. Further, the extract of the Draft Electoral Roll placed on record by learned Counsel for the ECI clearly showing the category of homeless persons with their name, age, gender and photograph, showing the house



number as '0' clearly demonstrates that the ECI is already implementing the process of inclusion of the homeless persons in the Draft Electoral Roll as provided in the Manual during the SIR exercise.

26. In view of the above, we do not find any vacuum as alleged by the Petitioner given that the existing mechanism for inclusion of the names of the homeless persons is found to be adequate and being implemented by the ECI. Accordingly, none of the prayers sought in the present Petition deserves to be granted. As a result, the present Petition is dismissed. Pending Application also stands disposed of.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 19, 2026/sms