

TMC vs CEC: How West Bengal is Ravaged by Two Ruthless Adversaries - The Wire

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While many Indians still hold the Supreme Court to be a fair institution — standing amidst the ruins of many collapsed constitutional bodies — the present Election Commission of India (ECI) is considered to have reached an unimaginable nadir.

The recent disenfranchisement of a large swathe of West Bengal's population, however, leaves one with no option but to analyse the Supreme Court's judicial approach to what is purely an executive process. Not that any institution is singularly responsible, but many level-headed people in Bengal and India feel that either the ECI or the state government have led the court down the garden path — since both welcomed its order, despite its impossible time-schedule — or the court's well meaning intervention has just boomeranged.

To give two examples of similar recent boomerangs, one can mention [the order of a former Chief Justice of India](#), the one with the highest promise in recent times, who gave us a painful, historic disappointment. He intervened in the RG Kar Medical College rape-murder case, which had led to a totally unprecedented mass upsurge in West Bengal, and withdrew the case from the Calcutta high court's tight supervision. This led to the matter simply withering away without justice being served.

Another recent order of the Supreme Court [punished all 26,000 school teachers](#) and staff (some who paid bribes, but most were untainted), to appear for re-examination, just because the West Bengal government convoluted the issue so craftily that his lordship threw up his hands in despair. This, in effect, permitted a blatant bribe guzzling regime in West Bengal to escape retribution for deliberately not separating the 'tainted' and others — though it knew exactly who was what.

Similarly, many highly educated and genuinely well meaning citizens feel the Supreme Court's intervention in the Special Intensive Revision of electoral rolls in West Bengal, botched by the ECI and the state government, is the third such unsuccessful attempt — a hat-trick.

The ECI purposely squeezed a nine-month process into four months to manipulate the batting crease and then, by squabbling like two angry tomcats, the ECI and the state government created a situation that ensured that lakhs of voters would be deleted. The Supreme Court's exasperated (but late) decision on February 20 to order judicial officers — some 700 could be requisitioned — to adjudicate 60 lakh cases of "logical discrepancies" led to the last rites of electoral democracy for many in Bengal.

One had expected the ECI would be compelled to admit that it had totally centralised decision-

making in roll revision — which is unprecedented and violated autonomy of levels in election law, but this did not happen. Instead, the ECI belched out this mysterious and controversial term, to the detriment of millions.

While the tormenting *gherao* that [seven judicial officers were subjected](#) to in Malda, West Bengal, was totally unacceptable, we must understand that it was an ingenious or disingenuous plan to draw national attention to the frustration of the numerous disenfranchised Muslim voters. It appears that it was the handiwork of a gang of trouble-makers allegedly led by an ‘outside’ Muslim party.

The Supreme Court’s reaction was instantaneous and understandable, but few realised that everyone gained from the unsavoury incident. It is difficult to believe that the state government had no clue about it, and one assumes that it allowed it to happen, so that the “thunder” of frustrated deleted voters could be heard loud and clear.

It would be irresponsible for the ruling Trinamool Congress (TMC) itself to agitate like this. The Bharatiya Janata Party also gained, as it could scream from the rooftops that law and order had totally collapsed in the state — which it did, at the highest level.

The mischief makers wanted to prove that this Muslim party from outside could alone save the Muslims of Bengal as the ruling TMC had failed. It was too busy building temples with government funds and leading Ram Navami processions. That is how politics actually works and rewards the artful, wily and unscrupulous.

Supreme court’s chiding

Over the last four months, the Supreme Court has been expressing its sheer exasperation by flashing several yellow cards at the “complete breakdown of faith” between the ECI and the state government – but it never once used its red card.

It was aware that the ECI was playing foul by deleting lakhs of voters – mainly Muslims and Dalits – in every state, often with the connivance of the ruling BJP, and one had expected the court to intervene decisively in this mutilation of electoral laws by the ECI.

In Bengal, it simply chided the state government for deliberately not sending adequate numbers of competent officers to the ECI, but hardly intervened effectively to compel it, when there was still time to do so. By the time the judicial officers got to the task of adjudicating a mountain of [60 lakh cases](#), it was a race against time.

The new ECI deliberately reveals minimal details, but guesstimates from whatever is available reveals a veritable massacre of ‘adjudicated’ voters in West Bengal. On the whole, some [45% of names under adjudication have been deleted](#) – and countless genuine voters are now protesting.

A report from the ground, [The Murshidabad Files: Why Thousands of Valid Voters Are Now ‘Deleted’](#) published on April 4, 2026 alleged that 98.8% of names under adjudication were deleted

in the Muslim-majority Samsargung assembly constituency of Murshidabad, while the percentage deleted in Raninagar was 72%. Many worse examples are also emerging.

These are gravely alarming and the court may, in all fairness, order a detailed investigation into cases where deletions appear to be strikingly high. We need to know the reasons, which may indicate either the existence of numerous 'non-citizens' or reveal sheer bias – both of which call for strong action.

Violation of the Constitution

This issue is being capitalised by the TMC and Mamata Banerjee has openly told all voters to “[take revenge](#)” [at the polls](#) for such extraordinary slaughter of voters' lists. 'Revenge' against whom? This lot was examined by judicial officers and no one is above the law. Electoral Registration Officers who are empowered under section 23 of 'The Representation of the People Act of 1950' to publish electoral rolls have been left out – for the first time since 1951.

Even a cursory reading of the 1950 Act will reveal that the entire complication has been created by the current Chief Election Commissioner, Gyanesh Kumar. He feels that all the 'roll revisions' by his 25 esteemed predecessors – including legends like Sukumar Sen and TN Seshan – were wrong. So he decided on his “Special Intensive Revision”(SIR), which meant that the ocean needs to be drained out to count every fish, before deciding whether they were fish at all. To him it mattered little how many died in the resulting tension and asphyxiation.

For the past seven decades, the ECI has followed the time-tested revision of electoral rolls, at periodic intervals under sub-section (2) of Section 21 of the Act of 1950. According to Rule 25 of the Registration of Electors Rules 1960, roll revision can either “be intensive or or summarily or partly intensively and partly summarily”. Though there is a provision under Section 21 (2) which is termed as “Special Revision”, not Special “Intensive” Revision, the Election Commission has never resorted to it on such a massive scale.

The court would see that the phrase “special revision of the electoral roll for any constituency or part of a constituency” implies that its application is limited to rare and small cases. It is surely different from the normal “intensive revision” that the Election Commission has always carried out under Rule 25, for so many decades.

But the present CEC, Kumar, went ahead and mixed up these provisions to create his “Special Intensive Revision”, with such a high pressure and complicated process that some 60 Block Level Officers allegedly succumbed to the work pressure. Many more have allegedly died, although we cannot separate genuine claims from the political ones. But such harassment of citizens has never happened before, indicating that enough has gone wrong for the court to intervene and rescue democratic norms.

The root problem is this CEC's intent to determine “citizenship” during roll revision. This is, *ab initio*, erroneous, because the election machinery is not empowered under the Citizenship Act to

undertake this very troublesome and complicated task.

Section 19 (b) of the Representation of the People Act 1950 clearly declares that one needs to be “ordinarily resident in a constituency” and above 18 years of age to qualify as a voter. Nothing more, nothing less, is required. This critical keystone of electoral law is then explained in great detail through the longest section in the RP Act of 1950, ie, section 20.

But CEC Kumar located the term “citizen of India” in Section 16 (a) to justify his witch hunt. It is noteworthy that the 25 CECs before him did not pounce on this one such word in the Act. This is because the word “citizen” exists in almost all the 840 Central Acts, and is not the determining term for electoral law – which is “ordinarily resident”.

Previous CECs had clarified in writing “that it is not the job of the enumerator to determine the citizenship of an individual.” Para 32 of the ECI’s 2003 guidelines referred to the Supreme Court’s guidelines in the *Lal Babu Hussain* and directed EROs to give overriding “value to a person’s presence in the preceding electoral rolls,” Further Para 75 of the 2003 guidelines declared no voter can be subjected to “any verification of citizenship unless there was an objection where the onus of proof lay with the objector.”

But the present CEC had other ideas, and this has wreaked havoc in Bengal on the citizenship issue. The same Section 16(a) that he used as a whip also mentions that “unsound mind” will disqualify a voter. The state is lucky that the CEC conveniently chose to exempt all its citizens from psychiatric tests.

The Supreme Court rapped the ECI for bringing in “citizenship” into its revision of electoral rolls. So, on January 21 this year, the commission declared, almost apologetically, that its process of verification of citizenship was a [liberal, soft-touch](#) approach and was only for electoral purposes, not to deport non-citizens. Yet, the CEC appears to be in tandem with Amit Shah, his former boss for almost a decade, on the issue of *ghuspetias* and termites, terms that Shah has popularised.

Notwithstanding Kumar’s misuse of electoral law, the fact is that illegal immigration is a problem that India may need to examine seriously. But the regime must first come out clear with hard facts – which it has scrupulously avoided doing – and not just use it for its Islamophobic propaganda.

Where the people of West Bengal are concerned, most are just fed up with the never-ending, unseemly quarrel between the Election Commission and the state government. It has helped Mamata Banerjee deflect attention away from the popular upsurge against her for the past two years. Millions have participated in massive protests against her handling of the RG Kar College rape case and her regime’s blatant corruption and highhandedness.

Many citizens are also very angry that they had to (irrespective of age, class, education or other obligations) standing for several hours in long queues in front of overworked and cranky officials to prove that they actually exist. This has never happened ever before in the last 75 years of elections and roll revisions in India, and there is no doubt that one single biased and tempestuous

bureaucrat, who presently occupies a top constitutional post, is largely responsible.

TMC vs CEC

The ugliness of the “TMC versus CEC” conflict has resulted in excesses on both sides. While the chief minister [transferred](#) over a [100 officers](#) in the run-up to the polls, the [ECI was quite dramatic](#) in removing the chief secretary — who, herself, is perceived to be too favourite a factotum of the chief minister to be neutral. But then, till about a week ago, the ECI had savagely transferred a massive number of [483 administrative and police officials](#). [Reports have calculated](#) that it is 21 times the 23 officials that the same ECI has transferred across Assam, Kerala and Tamil Nadu.

The bias is more than clear. By the time this is published, many more officers would have been transferred, as evidence of the unseemly wrath of one man. He has [suspended too many senior officers](#) (and initiated punitive action against them) for the slightest of reasons. This is a Genghis Khan type of terror, under which elections are difficult to conduct. I can vouchsafe this, having conducted two general elections in West Bengal as its Chief Electoral Officer. Although many feel that a shock treatment was required — as many officials in the state are shamelessly close to the ruling party, corrupt or incompetent in handling law and order — the CEC’s arbitrary shuffling has crossed all lines.

Though the Supreme Court has set up a high-level mechanism for appeals against deletion of voters, there is simply no time left. This, in effect, means several lakh citizens in Bengal may not be able to cast their vote this time. An Hon’ble Justice has mentioned that they may be taken on board later. What the court never seems to take into cognisance is the fact that this CEC is so biased that he is the first ever CEC to face a parliamentary resolution for his impeachment. His total partiality is revealed when the BJP trains all its guns to defend him. The saffron party does not realise that Kumar is among the most hated figures in Bengal and has singlehandedly diminished the BJP’s chances in the state.

The BJP is banking on its ‘Cut Voters Win State’ formula that gave it tremendous success in Andhra Pradesh, Maharashtra, Odisha and Haryana in 2024, followed by Delhi in 2025.

Kumar took this to phenomenal heights through his audaciously concocted and questionable SIR in Bihar, with the ruling alliance and the administration conniving. But Bengal is different and with TMC’s current ambivalence on secularism, its sub-national call may not scare secular voters into handing it an outright victory. The other secular forces, Left, Congress, Naxalites and non-TMC Muslims may well gain and give a fight that can surprise many.

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