

# Aadhar-Voter ID Linking

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## Manifest Pedagogy:

The Election Commission of India (ECI) has launched a drive to link voter identity cards with Aadhaar cards. This is to ensure weeding out of bogus voters and streamline the voter ecosystem. But at the same time it goes against the spirit of Supreme court judgement. The right to vote is a Constitutional right, and it mustn't be denied to citizens without rigorous due process and just cause. So, the impending big change to our electoral rolls should be foolproof and abuse-proof.

In News: ECI has clarified that linking Aadhaar with Voter ID in Form-6B is completely voluntary.

Placing it in the Syllabus: Polity and Governance.

## Static Dimensions

- Why does the government want this?

## Current Dimensions

- Is the linking of Aadhaar with one's Voter ID mandatory?
- Significance of the move
- Issues associated with linking of Aadhaar to the Voter ID
- What are the operational difficulties?

## Content

As per the ECI, the aim of the exercise is to establish the identity of electors and authenticate entries in the electoral roll as well as to identify if the same person is registered in more than one constituency or more than once in the same constituency.

### ***Why does the government want this?***

- The EC conducts regular exercises to maintain an updated and accurate record of the voter base.
  - A part of this exercise is to weed out duplication of voters, such as migrant workers who may have been registered more than once on the electoral rolls in different constituencies or for persons registered multiple times within the same constituency.
- As per the government, linkage of Aadhaar with voter IDs will assist in ensuring that only one Voter ID is issued per citizen of India.

### ***Is the linking of Aadhaar with one's Voter ID mandatory?***

- In December 2021, Parliament passed the **Election Laws (Amendment) Act, 2021** to amend the **Representation of the People Act, 1950, inter alia. Section 23(4)** was inserted in the Representation of the People Act, 1950.
  - It states that the electoral registration officer may “for the purpose of establishing the identity of any person” or “for the purposes of authentication of entries in electoral rolls of more than one constituency or more than once in the same constituency” for citizens already enrolled, require them to furnish their Aadhaar numbers.
- To reflect this amendment, in June 2022, the government notified changes to the **Registration of Electors Rules, 1960.**
  - **Rule 26B** was added to provide that “every person whose name is listed in the roll may intimate his Aadhaar number to the registration officer”.
  - **Form 6B** under the new Rule 26B provides the format in which Aadhaar information may be submitted to the electoral registration officer.
  - Form 6B provides the voter to either submit their

Aadhaar number or any other listed document.

- However, the option to submit other listed documents is exercisable only if the voter is “not able to furnish their Aadhaar number because they do not have an Aadhaar number”.

### Significance of the move

- The preference to use Aadhaar for verification and authentication, both by the state and private sector, stems from two reasons.
  - At the end of 2021, **99.7% of the adult Indian population had an Aadhaar** card. This coverage exceeds that of any other officially valid document such as driver’s licence, ration cards, PAN cards etc that are mostly applied for specific purposes.
  - Since Aadhaar allows for biometric authentication, Aadhaar based authentication and verification is considered more reliable, quicker and cost efficient when compared to other IDs.
- Recommendation of **Parliamentary Standing Committee**: In the **105th report** of the Department-Related Parliamentary Standing Committee on Personnel, Public Grievances and Law and Justice, suggested linking Aadhaar with electoral rolls to purify electoral rolls and consequently reduce electoral malpractices.
- **Ensure authentication** of entries in the electoral roll.
- **Avoid duplication**: People have changed residence many times. So, same names or have got enrolled in new places without deleting/cancelling the previous enrolment. After linking with Aadhaar, the electoral roll data system will instantly identify the registration of the same person in more than one constituency, or more than once in the same constituency
- **Facilitate elector registration** in the location at which they are ‘ordinarily resident’,

- **Eliminate proxies** casting their votes using multiple voter IDs.
- Unlike EPIC, Aadhaar captures biometric data, which is useful in validating uniqueness.
- All revisions for changes in residence, etc, can be easily done and verified in future. Thereby allowing all citizens to vote freely.

### **Issues associated with linking of Aadhaar to the Voter ID**

- Violation of **Puttaswamy judgement**.
  - It needs to be considered whether such mandatory linkage of Aadhaar with Voter ID would pass the test of being “**necessary and proportionate**” to the purpose of deduplication which is sought to be achieved.
  - In the **Puttaswamy case**, one of the questions that the Supreme Court explored was whether the mandatory linking of Aadhaar with bank accounts was constitutional or not.
  - The Court observed that the mandatory linking of Aadhaar with bank accounts was not only for new bank accounts but also existing ones, failing which the individual will not be able to operate their bank account.
  - The **Court held that depriving a person of their right to property for non linkage fell foul of the test of proportionality**.
- In **Lal Babu Hussein (1995)**, the Supreme Court had held that the Right to vote cannot be disallowed by insisting only on four proofs of identity – voters can rely on any other proof of identity and obtain the right to vote.
- **Increase the cases of fraud**– A recent report by the CAG noted that close to 5 lakh Aadhaar cards were deleted for being duplicates.
- **An edge for parties in power**– Online trends on the day of voting and micro-targeting voters using their data

will make it easier for political parties in power to use data for elections.

- **Security concerns**– The absence of a data protection law heightens the risk of this possibility as well.
- **Data quality issues**– Linking Aadhaar would dilute the sanctity of the Voter ID database.
- **Voting is a constitutional right under Article 326** that can only be restricted on grounds of non-residence, unsoundness of mind, crime or corrupt or illegal practice.

### **What are the operational difficulties?**

- The preference to Aadhaar for the purposes of determining voters is puzzling as Aadhaar is only a proof of residence and not a proof of citizenship. Therefore, verifying voter identity against this **will only help in tackling duplication but will not remove voters who are not citizens of India from the electoral rolls.**
- **The estimate of error rates** in biometric based authentication differ widely.
  - As per the Unique Identification Authority of India in 2018, Aadhaar based biometric authentication had a **12% error rate.**
  - This led the Supreme Court to hold in Puttaswamy that a person would not be denied benefits in case Aadhaar based authentication could not take place.
- **Previous bitter experience**-This concern is also reflected in the previous experiences of using Aadhaar to clean electoral rolls.
  - A similar exercise undertaken in **2015 in Andhra and Telangana** led to the disenfranchisement of around **30 lakh voters** before the Supreme Court stalled the process of linkage.
- Linking of the two databases of electoral rolls and

Aadhaar could lead to the linkage of Aadhaar's "demographic" information with voter ID information, and lead to violation of the **right to privacy and surveillance measures by the state.**

### **Way Forward**

- The government must invite public opinion and allow deeper Parliamentary scrutiny before implementing the new provisions
- It is important that the government clarifies through correction in Form 6B that the linking is not mandatory.
- ECI should first explore alternatives rather than proposing a restrictive law.
- Expedite the enactment of a data protection legislation that allays concerns of unauthorised processing of personal data held by the government.

### **Mould your thoughts**

1. Linking of voter ID with Aadhaar Card can weed out bogus Voters and ease the election process. At the same time it is a violation of the Supreme Court judgement in the Puttaswamy case. Critically analyse (250 words).

### **Approach to the answer.**

- Introduction about the amendment
- Background of the issue
- Significance of linkage
- Issues associated with it
- Wayforward and conclusion.