Linking Voter's ID with Aadhar Ecosystem

This editorial is based on **"Why the Electoral Reforms Bill is a Problem''** which was published in The Hindu on 23/12/2021. It talks about the Election Laws (Amendment) Bill, 2021 which seeks to link electoral roll data and voter ID cards with the Aadhaar ecosystem and the challenges associated with it.

For Prelims: Aadhaar ecosystem, Representation of People's Act

For Mains: Linking electoral roll data and voter ID cards with the Aadhaar ecosystem. Electoral Reforms, Free and Fair Elections.

Recently, the **Election Laws (Amendment) Bill, 2021** was passed in the Lok Sabha which seeks to link electoral roll data and voter ID cards with the **Aadhaar** ecosystem.

The bill seeks to **ensure de-duplication of electoral rolls and provide multiple qualifying dates** to the voters. However, there are a lot of things wrong with this bill.

The bill was passed in the Lok Sabha on the same day it was introduced. Not only does it **undermine the fundamental premise of a Parliamentary democracy,** but also **deprives the elected representatives the opportunity to voice their concerns** over an issue.

Better Parliamentary scrutiny and ensuring the rights of elected representatives is essential for preserving a parliamentary democracy in its true means. An unwillingness to allow meaningful debate and invite wider consultation can undo even the progressive aspects of problematic legislation.

About Election Laws (Amendment) Bill, 2021

- **Salient Features:**
    - It provides for amendment of section 23 of the **Representation of People's Act, 1950**, enabling the **linking of electoral roll data with the Aadhaar ecosystem.**
    - This aims to **curb the menace of multiple enrollment** of the same person in different places.
    - The **language for registration of 'wives of service voters' will now be replaced by 'spouse'.**
    - The bill **proposes four qualifying dates** (the first day of the months - January, April, July and October) for updating the voting rolls to include those who have turned 18 **as compared to only one date previously** (1st January).
- **Significance:**
    - The seeding of Aadhar data with voter identities will **allow for remote voting, a measure that could help migrant voters.**
    - Aadhar linking is believed to be helpful in **stopping bogus voting and fraudulent**

votes.
  - Changing the language from 'wives' to 'spouse' will **make the laws more "gender-neutral".**

Issues Associated

- **Government gets the Final Say**: It is the Central government who has the final say in prescribing the conditions under which an individual will be permitted to enter or remain on the electoral rolls, **in case of her "inability" to furnish their Aadhaar.**
  - This means that the Central **government will decide what reasons are considered acceptable** for a voter to remain on the electoral roll.
- **Burden Shifting:** Instead of the Government proactively ensuring registration on the electoral rolls to achieve universal adult franchise, the **burden now shifts to individuals who may be unable/unwilling to link their Aadhaar** to justify their retention on the rolls.
  - Moreover, it will lead to the **deletion from the voter rolls without any procedural safeguards** since at the moment, the **law does not provide for a right to a hearing** before such deletion.
- **Privacy Concerns:** Electoral data at present is held by the **Election Commission of India (ECI)** in its own database and is separate from other government databases.
  - The proposed linkage Aadhaar and election database will make it available to the ECI and **UIDAI**. This could lead to **infringement of the privacy of citizens.**
  - The legitimate voters will be **disenfranchised merely upon their unwillingness/inability to submit Aadhaar** details.
- **Identification of Beneficiary Voters:** The amendment will result in political profiling. By linking electoral IDs with Aadhaar numbers, it is much easier for the Government to **track any voter who has accessed welfare subsidies** and benefits using their Aadhaar.
  - This can be **used by political parties to selectively target their messages** to specific voters, using information that is not publicly available.

Way Forward

- **Reforms in Legislative Procedures:** The Government must **invite public opinion and allow deeper parliamentary scrutiny** before implementing any new provisions.
  - It is of utmost importance in a Parliamentary democracy like India that not just the ordinary citizens but also the **elected representatives are not being deprived of their rights** and opportunities.
  - A **productive debate** raising the concerns as well as the significance of a proposed bill is **essential to identify and eliminate the concerns** a legislation may pose.
- **Alternative Ways for Eliminating De-Duplication:** There are indeed issues of voters being registered in more than one constituency or the enrollment of non-citizens, but these **can be addressed by other identification processes.**
  - In fact, the **Aadhaar database may be irrelevant to verify voter identity** because it is an identifier of residents and not citizens.
- **Need for Comprehensive Legislation:** An error-free Electoral Roll is *sine qua non* of a free and fair election. The **Government should come with a comprehensive bill** so that proper discussion can take place in the Parliament.
  - Also, the bill should **specify the extent of data sharing** between the two databases, the **methods through which consent will be obtained,** and **whether consent to link the databases can be revoked.**
- **Ensuring the Privacy of Citizens:** Before pursuing the Aadhaar-voter ID integration, the **government shall first go for enacting the Personal Data Protection (PDP) law.**
  - The **PDP regime must also apply to the government entities** and require them to obtain the explicit consent of an individual before sharing their data across various government institutions.

Drishti Mains Question

"An unwillingness to allow meaningful debate and invite wider consultation can undo even the progressive aspects of problematic legislation". Comment on this statement in the context of Election

Laws (Amendment) Bill, 2021.

PDF Refernece URL: