



## Election Laws (Amendment) Bill, 2021

**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.

### Why in News

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

- However, the Opposition members have **raised several objections** to the Bill.

### Key Points

- **Salient Features of the bill:**
  - **De-Duplication of Electoral Roll:** 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 enrolment of the same person in different places**.
    - This will help in **stopping bogus voting and fraudulent votes**.
    - This linking is in consonance with **105<sup>th</sup> report of the Department Related Parliamentary Standing Committee on Personal, Public Grievances and Law and Justice**.
  - **Multiple Qualifying Dates:** The citizens get voting rights when they turn 18. However, many are left out of the electoral rolls even after turning 18. This is because in the system, **1<sup>st</sup> January is the qualifying date**.
    - According to the bill, **four qualifying dates** will be declared for updating the voting rolls to include those who have turned 18 — the first day of the months of January, April, July and October.
  - **Bringing Gender Neutrality:** The language for registration of **'wives of service voters' will now be replaced by 'spouse'**. This will make the laws more "gender-neutral".
    - Service voters are those serving in the armed forces, armed police forces of a state serving outside it and government employees posted outside India.
- **Associated Concerns:**
  - **Aadhar is itself not Mandatory:** In 2015, the move to link voter ID to Aadhaar was put on the backburner after the **[Supreme Court Judgement](#)**.
    - When it held that **"the Aadhaar card Scheme is purely voluntary"**.
    - Besides this, Aadhaar was only meant to be proof of residence. It is not proof of citizenship.
  - **Fears of Mass Disenfranchisement:** The Bill allows electoral registration officers to ask for Aadhaar numbers of applicants wanting to register as voters to establish the identity of the applicant.

- In the absence of Aadhar the government would be able to use voter identity details for disenfranchising some people and profile the citizens.
- **No Data Protection Law:** Experts have said that in the absence of a robust [personal data protection law](#) (a Bill in that regard is yet to be cleared by Parliament) any move to allow sharing of data can prove to be problematic.
- **Privacy Concerns:** Electoral data at present is held by the [Election Commission of India \(ECI\)](#) in its own database, has its own verification process, and is separate from other government databases.
  - The proposed linkage between the Aadhaar and election database will make data available to the ECI and [Unique Identification Authority of India \(UIDAI\)](#).
  - This could lead to **infringement of the privacy of citizens.**
- **Government's Stand:**
  - **Voluntary Linking:** The proposed linkage between the Aadhaar and election database is voluntary.
  - **No Risk of Disenfranchisement:** No application for inclusion of name in the electoral roll shall be denied and no entries in the electoral roll shall be deleted for inability of an individual to furnish or intimate Aadhaar number.

## Way Forward

- **Need for Comprehensive Legislation:** An error-free Electoral Roll is sine qua non of free and fair election. However, the Government should come with a comprehensive bill so that proper discussion can happen in the Parliament.
- **Need for More Clarification:** 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

[Source: IE](#)