



Mains Marathon

Day 13: The Parliament last year passed the Election laws amendment Act to bring changes to the Representative of the People Acts. What changes will be made as a result of this amendment act? Also, identify any problems with the Amendment Act? (250 Words)

23 Jul 2022 | GS Paper 2 | Polity & Governance

Approach / Explanation / Answer

- Start your answer by giving about the Election law amendment Act.
- Discuss the changes brought by the Election law amendment Act.
- Discuss the issues with the Act.
- Conclude your answer by giving a way forward.

Answer

The Election Laws (Amendment) Bill, 2021 was introduced in the Lok Sabha on December 20, 2021. The Bill **amends the Representation of the People Act, 1950 and the Representation of the People Act, 1951** to implement certain electoral reforms.

The 1950 Act provides for allocation of seats and delimitation of constituencies for elections, qualifications of voters, and preparation of electoral rolls.

The 1951 Act provides for the conduct of elections, and offences and disputes related to elections.

Reforms brought by the Election Laws (Amendment) Bill

Linking electoral roll data with Aadhaar:

- The 1950 Act provides that a person may apply to the electoral registration officer for inclusion of their name in the electoral roll of a constituency. After verification, if the officer is satisfied that the applicant is entitled to registration, he will direct the applicant's name to be included in the electoral roll.
- The Act adds that the electoral registration officer may **require a person to furnish their Aadhaar number for establishing their identity**. If their name is already in the electoral roll, then the Aadhaar number may be required for authentication of entries in the roll. Persons will not be denied inclusion in the electoral roll or have their names deleted from the roll, if they are unable to furnish Aadhaar number due to sufficient cause as prescribed. Such persons may be permitted to furnish alternate documents prescribed by the central government.

Qualifying date for enrolment in electoral roll:

- Under the 1950 Act, the qualifying date for enrolment in the electoral roll is January 1 of the year in which such roll is being prepared or revised. This implies that a person who turns 18 (i.e., eligible to vote) after January 1 can enrol in the electoral roll only when the roll is prepared/ revised the next year.
- The Act **amends this to provide four qualifying dates in a calendar year**, which will be January 1, April 1, July 1, and October 1.

Requisitioning of premises for election purposes:

- The 1951 Act permits the state government to requisition premises needed or likely to be needed for being used as polling stations, or for storing ballot boxes after a poll has been conducted.
- The Act expands the purposes for which such premises can be requisitioned. These include using the premises for counting, storage of voting machines and poll-related material, and accommodation of security forces and polling personnel.

Gender-neutral provisions:

- The 1950 Act permits certain persons who are ordinarily resident in a constituency to register in electoral rolls. Such persons include those holding a service qualification, such as members of the armed forces or central government employees posted outside India. The wives of such persons are also deemed to be ordinarily residing in the same constituency if they reside with them.
- The 1951 Act enables the wife of a person holding a service qualification to vote either in person or by postal ballot.
- The Act replaces the term 'wife' with 'spouse' in both the Acts.

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**.

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 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
- **Reduce chances of Mass Disenfranchisement:** The govt should ensure that in case of exclusion of default voters the genuine voters should not be thrown out of electoral rolls.

PDF Referenece URL: <https://www.drishtias.com/mains-marathon-daily-answer-writing-practice/papers/2022/parliament-last-year-passed-election-laws-amendment-act-changes-representative-people-changes-amendment-problems-paper-2-polity-governance/print>