

Despite progressive aspects, linking electoral rolls with Aadhaar raises apprehensions

An unwillingness to allow meaningful debate and invite wider consultation can undo even the progressive aspects of problematic legislation. Ignoring protests, the Union government has managed to push through a Bill in Parliament to link electoral roll data with the Aadhaar ecosystem. On the face of it, the Bill's objective — to purify the rolls and weed out bogus voters — may appear laudable, and the seeding of Aadhaar data with voter identity particulars may seem to be a good way of achieving it. Indeed, this can also allow for remote voting, a measure that could help migrant voters. The four qualifying dates for revision of rolls will help in faster enrolment of those who turn 18. However, other aspects hold grave implications for electoral democracy.

The Opposition underscored the possible disenfranchisement of legitimate voters unwilling or unable to submit Aadhaar details, the possible violation of privacy, and the possibility that demographic details may be misused for profiling of voters. Each is a valid concern that ought to be considered by a parliamentary committee. Union Law Minister Kiren Rijiju has said the proposal has been unanimously approved by the Parliamentary Committee on Law and Justice. But, it is not clear if the specifics of the Bill had been discussed widely and public opinion sought.

There are indeed complaints that some electors may be registered in more than one constituency and that non-citizens have been enrolled, 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. And the complaints of wrongful enrolment have come up even against the unique identity number allotted to more than 90% of the population. Mr. Rijiju is confident that the Election Laws (Amendment) Bill satisfies the tests laid down by the Supreme Court — a permissible law, a legitimate state interest and proportionality.

However, this has to be rigorously examined. Even though the Aadhaar requirement is said to be voluntary, in practice it can be made mandatory. The Bill says the election registration officer may require the submission of the Aadhaar number both for new enrolments and those already enrolled.

The choice not to submit is linked to a “sufficient cause”, which will be separately prescribed. Whether the few permissible reasons not to intimate one’s Aadhaar number include an objection on principle is unknown. If an individual’s refusal to submit the detail is deemed unacceptable, it may result in loss of franchise. Therefore, the measure may fail the test of proportionality.

If the Government really has no ulterior motive in the form of triggering mass deletions from the electoral rolls, it must invite public opinion and allow deeper parliamentary scrutiny before implementing the new provisions that now have the approval of both Houses of Parliament.

Expected Question (Prelims Exams)

Q. What are the benefits of linking the voter list with Aadhaar?

- (a) Fake voting can stop.
- (b) Nomination can be canceled at more than one place.
- (c) The privacy of citizens will be protected.
- (d) both a and b

Expected Question (Mains Exams)

Q. What are the concerns raised by the recently passed amendment act regarding linking of voter list with Aadhaar data? Discuss.

(250 Words)

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Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC main examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.