

Election Laws (Amendment) Bill, 2021

Why in news?

The Election Laws (Amendment) Bill 2021 has been passed in both houses of Parliament enabling the linking of electoral roll data with the Aadhaar ecosystem.

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What is the government's rationale?

- **A Parliamentary Standing Committee report** on demands of grants of the Law Ministry released on March 2021 has been advocating linkage of unique Aadhaar number with voter I-card
- Now 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.
- **Supreme Court judgement** - In March 2015, the Election Commission had started a National Electoral Roll Purification and Authentication Programme
- It has sought to link Aadhaar to voter IDs, in a bid to delete duplicated names.
- That year, the Supreme Court made it clear that Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court.
- Now EC had issued necessary instructions to the Chief Electoral Officers (CEOs) of the States/UTs specifying that furnishing of Aadhaar number by electors is not mandatory and it is only optional.

How would the reforms benefit the people?

- The amendment 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.

What are the criticisms behind the Amendment?

- **Achieving the Objective** - One of the concerns is whether the Bill's implementation will be successful if the linkage is not compulsory.
- According to the bill providing Aadhaar data is voluntary and not mandatory.
- Even though the Aadhaar requirement is said to be voluntary, there is a concern that in practice it can be made mandatory.
- The reasons on the basis of which a person can choose not to link my Aadhaar will be prescribed by the government. The choice not to submit is linked to a "sufficient cause"
- However the "sufficient cause" is not mentioned in the Bill.
- Complaints of wrongful enrolment in UIDAI have come up even though the unique identity number has been allotted to more than 90% of the population.

- **Exclusion of foreigners** - There is a conceptual confusion whether Aadhaar linkage will enable non-citizens to vote as Aadhaar is not proof of citizenship.
- Also the goal of preventing non-citizens from voting will not be solved.
- **Profiling of citizens** - Individual identification of voting choices is not be possible with the linkage of Aadhaar. However it may lead to profiling.
- Verification of a person's identity when a person goes to vote is separate from the capturing of the identity.
- It could lay the foundation of targeted political propaganda which is against the model code of conduct.
- **Security Vulnerabilities** - In 2019 UIDAI accused IT Grids (India) Private Ltd of illegally procuring details of Aadhaar holders in Andhra Pradesh and Telangana, and storing these in its databases.
- This raises concern regarding the security vulnerabilities of UIDAI servers.

Reference

1. <https://www.thehindu.com/todays-paper/tp-opinion/thinking-before-linking/article38008454.ece>
2. <https://indianexpress.com/article/explained/election-laws-amendment-bill-linking-voter-rolls-to-aadhaar-7684305/>

