

## 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.

[Click here](#) to refer Part 1

### 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/>

