



EDITORIAL: THE HINDU

GENERAL STUDIES 2: POLITY

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TOPIC: ELECTION COMMISSION

A move that endangers the right to vote

Context: A Renewed Push by the Election Commission of India (ECI)

- The ECI is advocating for the **linking of Aadhaar with voter ID**, citing goals like cleaning up electoral rolls, eliminating bogus voters, and enhancing electoral integrity.
- However, the move is criticized for **threatening the fundamental right to vote**, creating **systemic exclusions**, and violating **privacy rights**.

Coercive Implementation under the Guise of Voluntariness

- Official claims suggest the Aadhaar linkage is voluntary, but **Form 6B** offers no real opt-out:
 - Voters must either submit their Aadhaar number or declare they don't have one.
 - This compels even unwilling citizens to comply, effectively making it **mandatory in practice**.
- By September 2023, **66 crore Aadhaar numbers had already been seeded**, reflecting the pressure to comply.

Legally Dubious Data Practices

- The Aadhaar seeding process involved **questionable legal and ethical data-sharing mechanisms**:
 - Tools like the **DBT Seeding Data Viewer** allowed third-party access to UIDAI data.
 - Data collected for other purposes (e.g., the **National Population Register**) was repurposed for voter verification without consent.
- These practices raise **serious constitutional and ethical concerns** regarding **data protection and misuse**.

Reversal of Supreme Court Assurances

- In *G. Niranjan v. Election Commission of India* (2023), the ECI assured the Supreme Court that Aadhaar linking is not mandatory.
- The new proposal contradicts that assurance by requiring **physical appearances** before Electoral Registration Officers for those who don't submit Aadhaar, thereby **walking back** on its previous commitment.



Discriminatory Burden on Vulnerable Groups

- Citizens without Aadhaar are now required to **justify their decision in person**, disproportionately affecting:
 - **Elderly people**
 - **Persons with disabilities**
 - **Migrant workers**
 - **Remote rural populations**
- The proposal undermines **universal and equal suffrage** and **dignity in democratic participation**.

Lac of Appeals Mechanism and Legal Safeguards

- No **accessible or time-bound appellate mechanism** is in place if a voter's justification is rejected arbitrarily.
- The **Supreme Court in Lal Babu Hussein v. Electoral Registration Officer (1995)** emphasized the need for **procedural fairness and natural justice** before removing names from electoral rolls.
- The current Aadhaar-driven process **violates these principles**.

Aadhaar Not Meant for Electoral Verification

- **Aadhaar is not proof of citizenship:**
 - It is based on **residency**, not nationality, as per Section 9 of the **Aadhaar Act, 2016**.
 - Even **non-citizens** residing in India for 182 days are eligible for Aadhaar.
 - The **UIDAI** and multiple **High Courts** have confirmed this.
- The **Supreme Court's ruling in Justice K.S. Puttaswamy (2018)** limits Aadhaar's use to **welfare programs**, not electoral databases.

Documented Cases of Mass Disenfranchisement

- In 2015, under the **National Electoral Roll Purification and Authentication Programme (NERPAP)**:
 - Aadhaar-based deletions led to **55 lakh voters being removed** from electoral rolls in **Telangana and Andhra Pradesh**.
 - Voters discovered they were excluded only on election day.



- The **Supreme Court** intervened in **August 2015** to stay the program, citing **constitutional violations**.

Threat of Surveillance and Political Profiling

- Aadhaar-voter ID seeding could lead to **cross-referencing of voter data** with other government databases.
- With **limited safeguards in the Digital Personal Data Protection Act, 2023**, there's risk of:
 - **Surveillance**
 - **Micro-targeting of voters**
 - **Suppression of opposition areas**
 - **Manipulation of electoral rolls** to favor ruling parties
- This undermines **free and fair elections**, threatening **electoral neutrality**.

Violation of Separation of Powers

- The **ECI** is a **constitutional authority** tasked with independent supervision of elections.
- The **UIDAI**, in contrast, is a **statutory body under executive control** (subject to government directions and supersession under Sections 50 and 48 of the Aadhaar Act).
- Entrusting UIDAI with voter data **blurs institutional boundaries** and endangers the **autonomy of the electoral process**.

Aadhaar Database Reliability Issues

- The **2022 CAG Performance Audit Report** exposed serious flaws:
 - Over **4.75 lakh Aadhaar numbers cancelled** for duplication or incorrect biometric data.
 - **UIDAI lacks protocols** to verify the residency of applicants.
- Using such an **error-prone database for electoral rolls** risks **wrongful deletions** and **exclusion of genuine voters**.

Better Alternatives to Ensure Electoral Integrity

- The ECI should rely on **traditional, time-tested methods**:
 - **Door-to-door verification** by booth level officers.
 - **Independent audits** of electoral rolls.



- **Robust grievance redressal mechanisms** for voter complaints.
- Introduction of **social audits and third-party oversight** can prevent political interference and build public trust.

Conclusion: A Direct Threat to the Right to Vote

- The **right to vote is constitutionally guaranteed**, not subject to technological filters or administrative convenience.
- Aadhaar-voter ID linkage:
 - **Imposes undue burdens**
 - **Relies on flawed data**
 - **Enables potential profiling and disenfranchisement**
- Given these serious concerns, the policy **violates constitutional principles** and must be **urgently reconsidered**.
- It is troubling that **political consensus** supports a measure that risks eroding the **foundations of democratic citizenship**.

Source: <https://www.thehindu.com/opinion/lead/a-move-that-endangers-the-right-to-vote/article69478137.ece>