

# Should voter IDs be linked with Aadhaar? | Explained

Why was the National Electoral Rolls Purification and Authentication Program launched by the Election Commission? How do already existing voters link EPIC with their respective Aadhaar numbers? What did the Supreme Court mandate in the Puttaswamy case in 2018?

Published - January 13, 2025 08:30 am IST

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A special camp for linking Aadhaar with voter ID card held in Madurai in 2022. | Photo Credit: Moorthy. G

**The story so far:** The **Aam Aadmi Party (AAP)** and the **Bharatiya Janata Party (BJP)** have accused each other of manipulating electoral rolls before the Delhi Assembly elections. This has reignited the debate about linking voter IDs/Election Photo Identity Card (EPIC) with respective Aadhaar numbers.

## What is the history of the proposal?

The Election Commission (EC) had in February 2015 launched the National Electoral Rolls Purification and Authentication Program (NERPAP). This was to address the issue of duplicate entries in the electoral roll and to remove such entries. In order to achieve this, the EC began authenticating EPIC data by linking it with the Aadhaar database. It had linked more than 300 million voters in a span

of three months. However, the Supreme Court in an interim order, in August 2015, held that the mandatory use of Aadhaar should only be for welfare schemes and PAN linking. Following this order, the NERPAP exercise was discontinued.

After the Supreme Court's final order in *Puttaswamy* in September 2018, that upheld the constitutional validity of the Aadhaar Act, the EC sought amendments to the Representation of the People Act, 1950 (RP Act, 1950). The Parliament amended the RP Act, 1950 and The Registration of Electors Rules, 1960 in December 2021 to enable the linking of EPIC with Aadhaar. It provided the format in which Aadhaar information may be submitted to the electoral registration officer by a new voter at the time of fresh registration (Form 6: to establish identity) or an existing voter already included in the electoral roll (Form 6B: for the purpose of authentication). Any other listed document may be submitted only if the voter is unable to furnish their Aadhaar number because they do not have one. However, in order to keep these amendments voluntary in nature, the word 'may' have been used in the amendments. Further, the amendment also specifies that no application for inclusion of name in the electoral roll shall be denied and no entries shall be deleted due to the inability of an individual to furnish or intimate the Aadhaar number due to 'sufficient cause.'

Such individuals may furnish alternate documents like PAN card, Driving Licence, Passport, Bank passbook etc.

While the above amendments were challenged in the Supreme Court, the EC in September 2023 informed the court that submission of the Aadhaar number is not mandatory. It added that it is looking into issuing appropriate clarificatory changes in the forms introduced for this purpose. However, it may be noted that Form 6 and 6B have not been amended till date and they continue to seek the same details as before from the applicants.

The forms require the voters to declare that they do not have an Aadhaar number to avoid providing the same.

## What are the pros and cons?

EPIC linkage with the respective Aadhaar number would definitely help in weeding out duplicate entries; that is essential. At present, more than 650 million Aadhaar numbers have already been uploaded in the process of finalising the electoral rolls. However, there are some concerns about this exercise that need to be considered.

Firstly, the errors in the Aadhaar database, however miniscule, may result in wrongful rejection or deletion of entries from the electoral roll. Secondly, Aadhaar is only a proof of residence and not a proof of citizenship. Thus, it may not help in removing voters who are not citizens from the electoral roll. It would require a separate effort from the EC.

Finally, while the linkage is to happen at the back end and a mere mention of the Aadhaar number on the EPIC/electoral roll may not by itself be a violation of right to privacy, it may still result in misuse as the electoral rolls are widely circulated amongst political parties.

## What can be the way forward?

The right to vote is a constitutional right and declared so by the Supreme Court in various cases. It is part of the basic structure of free and fair elections and cannot be constricted through legislative action. Citizens are the most important stakeholders in a democracy and any electoral process should gain their confidence. There must be wide publicity about the benefits of linking EPIC and Aadhaar to clean up the electoral roll of duplicate entries, which in turn strengthens the electoral process. Any misplaced concern amongst voters about the secrecy of their vote being compromised because of this linking should be assuaged.

Meanwhile, the forms should be suitably modified without any delay, to reflect that providing Aadhaar is not mandatory, as per the submission of the EC in the Supreme Court in September 2023.

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