

Should voter ID be linked with Aadhaar to combat voter fraud?

PARLEY



S.Y. Quraishi
former
Chief Election
Commissioner
of India



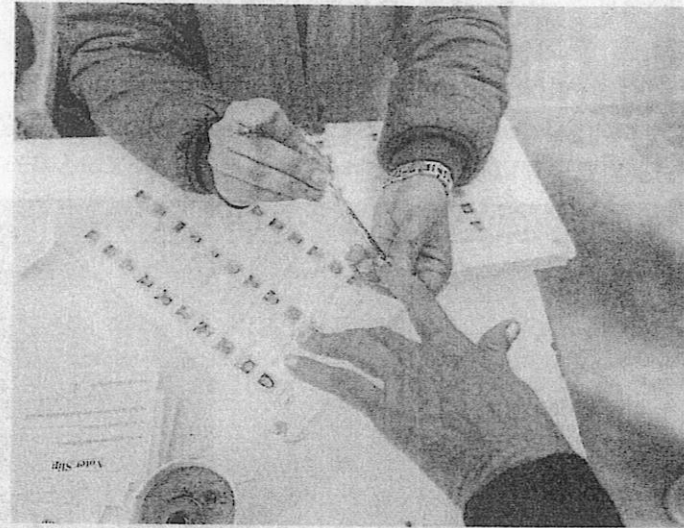
R.S. Sharma
former
Chairman of
the Telecom
Regulatory
Authority of
India and the
first Director
General of the
Unique
Identification
Authority of
India

In December 29, 2024, the Aam Aadmi Party (AAP) and the Bharatiya Janata Party (BJP) accused each other of manipulating the Delhi electoral rolls in an attempt to win the Delhi Assembly elections, scheduled to be held in February. While the AAP has accused the BJP of submitting applications to the Election Commission of India (ECI) to get the names of voters removed from the list in its strongholds, the BJP has claimed that the AAP government is aiding Rohingya immigrants to settle in the capital so that it can secure their votes. Earlier, the Congress had accused the ECI of arbitrarily deleting or adding voters' names in electoral rolls before the Maharashtra Assembly elections. Should voter IDs be linked to Aadhaar to ensure transparency and put all these political claims and counterclaims to rest? S.Y. Quraishi and R.S. Sharma discuss this question in a conversation moderated by **Sreeparna Chakrabarty**. Edited excerpts:

If we link Aadhaar with voter IDs, would that help ensure that only one voter ID is issued for every citizen of the country?

S.Y. Quraishi: Yes, that was the original intention. In fact, when we were struggling with locating those with duplicate voter IDs and nearly every district in the country was using some kind of a de-duplication software (which can help identify and remove duplicate data from files or across multiple files), some of which were successful and some not so successful, that was when UIDAI (Unique Identification Authority of India) was created. Nandan Nilekani came to meet me to find out where we stand [on this]. That was when we had started experimenting with collecting biometrics in Goa. We decided that we would stop that exercise because the Aadhaar authority was going to do it anyway. We thought that we would merge the two once they completed the job. So, that was the beginning of the whole debate.

R.S. Sharma: Before I answer your question, let me explain that Aadhaar does two things. First, it assigns a unique identity number to every individual, which means that an individual cannot have more than one identity. Second, it provides a service of online real-time authentication of the person. Every database on every system does not need to have the kind of back-end technology that Aadhaar has because that would be too expensive. Aadhaar has been used to clean up a number of databases, such as the PAN (Permanent Account Number) database.



A voter in Amritsar, Punjab. PTI

Similarly, linking Aadhaar with voter IDs will ensure that one person is able to have only one voter ID.

Aadhaar is not a proof of citizenship (even non-residents who have lawfully entered India can get Aadhaar cards). Therefore, every person who has got an Aadhaar number is not necessarily a voter. That is a job for the ECI [to figure]. The authentication services of Aadhaar can also be used to ensure that there is no proxy voting taking place.

As you said, Aadhaar is not a proof of citizenship. So, will the ECI tackle this?

SYQ: Everyone knows that Aadhaar is not a proof of citizenship. Our idea was to only identify duplicates. If someone has a voter ID, citizenship has already been established through that. Through the linking of voter ID and Aadhaar, we will get to know that they are registered in different places, which can happen because of domestic migration or if you change your house within the same city.

What about security issues?

SYQ: We need Mr. Sharma's help to understand this. The voter ID card has only five details: your name, your father's name or spouse's name, your address, your age, and house number. All this is in the public domain anyway, so this is not private data which will get compromised because of the voter ID being linked with Aadhaar.

RSS: Well, Aadhaar does not contain any secret or sensitive information except biometrics, which are kept offline and which are never used



Linking voter ID with Aadhaar can solve one problem — it can eliminate duplication of votes. But Aadhaar cannot solve other issues because there are many which are beyond [the scope of] technology. Those are issues to do with human integrity, impartiality, and objectivity.

R.S. SHARMA

except for authentication. Aadhaar also has only four pieces of information: name, age, gender, and communication address. It has the mobile number and email address only if you want to share those. Aadhaar does not know which database it has been seeded with. Therefore, there is no question of any kind of compromise [of security] in any situation.

Activists had earlier flagged the issue of right to privacy. Your comments?

RSS: I don't think there is any connection between privacy and the linking of Aadhaar with voter IDs. How does the right to privacy, which is a fundamental right, get affected when we link Aadhaar with voter IDs? It is beyond my comprehension.

SYQ: I have a question in this regard for Mr. Sharma. You had said that one detail that Aadhaar has and an electoral card doesn't is a person's telephone number. Now, if that number goes into the hands of a politician, he can approach me. If it goes to a marketer, he will start sending me unsolicited messages. To that extent, is it invasion of privacy?

RSS: No, Sir. Because Aadhaar may have the telephone number. But [providing the] telephone number is optional. It is there to help the individual. It doesn't get embedded in the voter ID card. When you link the two, you link the Aadhaar number, not the email address or the mobile number.

Let's talk about the National Electoral Roll Purification and Authentication Programme. It was started in 2015 but after that, issues of missing voters' started surfacing in 2018.

SYQ: The problem of missing voters has been a perpetual one for the ECI. Voters can be missing for different reasons. The first is that they have chosen not to register even though we go door to door asking them to do so. Second, their name can get deleted by a computer error. It can

be deleted by a clerical mistake. It can also be deleted because of mischief by the administration. Whatever be the reason, a missing voter from the list is disenfranchised. That is the biggest issue.

Though the ECI has controlled all kinds of issues, the electoral roll is our soft underbelly, which means that it is vulnerable to attacks and mistakes and that it is something we should focus on now. That is why checking the electoral rolls regularly (to ensure that one's name is on the list) is a good idea.

So, can we say that in the current fraught political situation over electoral rolls, linking Aadhaar with voter IDs can ensure transparency?

SYQ: I would not entirely agree with what you just now said because deletion can still happen due to various reasons, as I said: human error, dishonesty, and deliberately too, because the officer has been given instructions by the top bosses to delete names because those are potentially hostile voters. This is happening and should be dealt with by the ECI. I can't advise them, but I can as a senior say that silence is not an option. If there is any doubt in the people's minds, they have to clear it. The people want to hear the ECI. Mr. Sharma is defending Aadhaar and I am defending voter IDs, but this has limited value because we are retired officers. Comments have to come from the people who are currently occupying top positions.

In the context of the Aadhaar discussion, to say that voter rolls cannot be manipulated is not true at all. There are serious allegations of voter fraud. If officers are dishonest, even booth capturing can happen. Earlier, it used to be the ballot paper; now, it could be the machine. There are allegations that (during an election), people closed the polls at 4:00 p.m. and then sat in the polling booth and pressed the button. The human element has become weaker and that is what needs to be handled.

RSS: Aadhaar cannot solve every problem under the sun. It can solve one problem — it can eliminate duplication of votes. But it cannot solve other issues because there are many which are beyond [the scope of] technology. Those are issues to do with human integrity, impartiality, and objectivity.



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When a critic of EVMs went silent on Election Commission's challenge

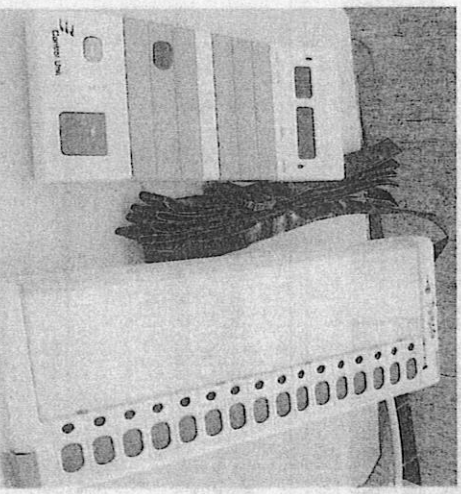
Jayalithaa's AIADMK opposed the use of the machines in the 2001 Assembly election, arguing that they had failed in even developed nations. The party went to the Madras High Court and the Supreme Court, but they rejected its plea for ballot papers

T. Ramakrishnan

In the last week of November 2024, the Supreme Court dismissed a public interest litigation (PIL) petition, which sought re-introduction of ballot papers in place of EVMs. The court remarked that the machines were blamed only when a party lost an election. More than two decades ago, in Tamil Nadu, the AIADMK began a legal battle against the use of EVMs a few months before the State faced the 2001 Assembly election.

During November 1998, the Election Commission of India (ECI) introduced EVMs in 16 Assembly constituencies, spread over Madhya Pradesh, Rajasthan, and the National Capital Territory of Delhi. In February 1999, the machines were used in the by-elections to seven Assembly constituencies in four States and Delhi. Four months later, the entire State of Goa was covered by the EVMs in the Assembly election. During September-October that year, 46 Lok Sabha constituencies (including South Chennai, Central Chennai, Madurai, and Coimbatore in Tamil Nadu) saw the use of the machines for polling.

Successful trials
In February 2000, the machines were used in 45 out of the 90 constituencies in Haryana. Buoyed by the successful experiment, the ECI decided a year later to use EVMs in the entire Tamil Nadu, Kerala, West Bengal, and Puducherry when the Assembly elections were due in the summer of that year, according to ECI documents.



Legal tussle: The AIADMK leader wanted the Madras High Court to declare Section 61A of the Representation of the People Act, which facilitated the use of EVMs, as unconstitutional. M. Srinivasan

It was then that AIADMK chief Jayalithaa wrote to Chief Election Commissioner (CEC) M.S. Gill. Arguing that electronic voting machines had failed even in the "scientifically and technologically advanced and developed countries", she suggested that the machines be discarded in favour of ballot papers, said a news report of *The Hindu* published on February 8, 2001. A few weeks later, she moved the Madras High Court with a petition for prohibiting the CEC from using the EVMs for the Assembly election in Tamil Nadu. A perusal of the ECI's literature on

When the ECI invited Jayalithaa in September 2009 to visit the Commission or send a representative to demonstrate how the EVMs could be tampered with, no response was received from the AIADMK

the history of EVMs and Voter Verifiable Paper Audit Trail (VVPAT) reveals that the AIADMK was the first political party to oppose the use of EVMs in a big way, first in the Madras High Court and then in the Supreme Court.

Row over U.S. election

In her petition, the AIADMK leader had pointed out that even Chief Minister M. Karunanidhi and Defence Minister George Fernandes were against the use of EVMs when they were in the Opposition. She had referred to the row over the 2000 presidential election in the United States wherein the unreliability of computerised machines was "glaringly revealed". She had also wanted the court to declare Section 61A of the Representation of the People Act, which facilitated the use of EVMs, as unconstitutional and one that was against the Act itself. The AIADMK's allies - Pattai Makkal Katchi, Communist Party of India, Indian National League, and All-India Forward Bloc - were also petitioners in the case.

Exactly a month before the date of polling, the High Court, on April 10, rejected all the apprehensions raised by the petitioners about the efficacy of the machines and refused to go into

the technical aspects. A Bench, comprising Chief Justice N.K. Jain and Justice K. Suresh, said that it was in agreement with the Election Commission's contentions and found no ground to prohibit the use of the EVMs. Subsequently, the AIADMK approached the Supreme Court with a writ petition against the High Court's ruling. Two weeks later, the Supreme Court threw out the petition, saying Articles 326 and 327 could not be so interpreted as to take away the jurisdiction of the ECI or abridge its powers under Article 324. It also clarified that its decision in *A.C. Jose v. Sivan Pillai* (1984) would not apply to the AIADMK's case because in the former instance, it was by an executive order that the EVMs were sought to be used, a course of which was not permissible, being contrary to the Conduct of Election Rules. As Section 61A was inserted into the Act in 1989, the earlier decision could not be of any assistance to the petitioner.

A massive victory

However, the AIADMK-led alliance scored a massive victory in the Assembly election with a vote share of 49.8%, and the party secured a simple majority on its own, winning in 132 out of the 141 constituencies it had contested. Later, the party went silent on the issue. It raked up the matter three years later when it, along with the BJP, suffered a drubbing in the Lok Sabha election. In 2009, contrary to expectations in certain quarters, the AIADMK-led front bagged only 13 out of the 39 seats with a vote share of 37.66%. Again, the party urged the ECI to revert to ballot papers, arguing that EVMs were rigged in the election. When the ECI invited Jayalithaa in September 2009 to visit the Commission or send a representative to demonstrate how the EVMs could be tampered with, no response was received from the AIADMK, the Union government informed the Raya Sabha a few years later. In fact, Karunanidhi had publicly asked Jayalithaa why she had not rushed to New Delhi for demonstrating how the EVMs could be tampered with. Since then, the AIADMK has not complained about the EVMs, despite facing successive electoral setbacks since 2019.

THE

D.T. NEXT

Dated: 03.01.2025

EPS flags EC's 'limited' mandate on party affairs

CHENNAI: AIADMK general secretary Edappadi K Palaniswami has urged the Election Commission of India (ECI) to reject the representation of expelled leader O Panneerselvam over the allotment of Two Leaves symbol, citing that a pending civil suit on the party affairs. Panneerselvam has appealed to the ECI to restrain Palaniswami from using the party name or symbol until the civil suit reaches a logical conclusion.

The civil suit filed by Panneerselvam, which challenges

Palaniswami's elevation to general secretary, is still pending before a lower court. Palaniswami stated in his written submission that there are no new facts or circumstances for the EC to consider a fresh representation concerning the AIADMK party. He urged the Election Commission to reject the representation made by Panneerselvam and others.

The Election Commission's jurisdiction over the internal affairs of any party is limited unless a claim is made before it under the symbol orders, the AIADMK general secretary argued. He added that this does not apply to the

current situation, pointing out that no election is due in the State in the immediate future.

Panneerselvam and two other petitioners have challenged the validity of the general council meeting held on July 11, 2022. At the prima facie stage, the Supreme Court upheld the meeting's validity in its order on February 23, 2023.

Meanwhile, the challenge to the resolution passed at the meeting was rejected by a single judge of the Madras High Court, and a division bench confirmed this decision on August 25, 2023.

Palaniswami added that the apex court also rejected the special leave petition against this decision in January 2024.

Pointing out that the Election Commission is aware of these developments, Palaniswami noted that Panneerselvam and two others had filed two sets of suits challenging the validity of the GC meeting and the resolutions.

"This once again proves that the general council meeting and the resolutions are valid," Palaniswami concluded, dismissing Panneerselvam's claims that the July 2022 meeting was against the party's interests and its bylaws.

