



ECI Clarifies Aadhaar Linkage with Electoral Roll is Voluntary

For Prelims: [Aadhaar](#), [Election Commission of India \(ECI\)](#)

For Mains: Impacts of Linking Electoral Roll with Aadhaar.

Source: [IE](#)

Why in News?

In a recent plea before the [Supreme Court of India](#), the [Election Commission of India \(ECI\)](#) clarified that the [linking of Aadhaar numbers with the Electoral roll](#) is not mandatory.

Note:

- An electoral roll is a list of eligible voters in a specific jurisdiction, prepared and updated by the ECI.

What are the Concerns Regarding Aadhaar Linkage with the Electoral Roll?

- **The Plea:**
 - **Background:**
 - A petitioner, filed a plea urging the court to **direct the Centre and the ECI to amend the application forms for enrolment and update electoral rolls** on amended provisions/ rules notified by the Union of India for the **authentication of Aadhaar number with the electoral rolls** on or before 1st April 2023.
 - **Concerns Raised:**
 - The Petitioner expressed concerns about **voter privacy** and alleged that the Centre and EC were compelling voters to submit their **Aadhaar numbers without providing an alternative option.**
 - **Legal Stand:**
 - This practice violated [Articles 14 and 21 of the Constitution](#) and could lead to **the misuse of voters' personal data.**
- **Supreme Court's Decision:**
 - The Supreme Court recorded that the **submission of Aadhaar numbers is not mandatory** according to **Rule 26-B of the Registration of Electors (Amendment) Rules 2022.**
 - Rule 26B, dealing with “special provision for providing Aadhaar number by **existing electors**”, states that “every person whose name is listed in the roll **may intimate his Aadhaar number to the registration officer** in Form 6B in accordance with

sub-section (5) of Section 23 of the [Representation of the People Act, 1950](#).

- Form 6B is a letter of information that contains a person's Aadhaar number for the purpose of electoral roll authentication.

▪ **ECI's Response:**

- The ECI's response was that the submission of **Aadhaar numbers is voluntary**. The EC is considering making appropriate clarificatory changes to the forms related to the Aadhaar linkage, indicating its intent to clarify the voluntary nature of the Aadhaar submission.
- The poll body informed the Bench that **"nearly 66.23 crore Aadhaar numbers have already been uploaded** in the process of finalizing electoral rolls".

The Election Commission of India (ECI)

▪ **Establishment and Role:**

- The ECI was established on **January 25, 1950, in accordance with the Indian Constitution**.
- It is an **autonomous constitutional authority** responsible for overseeing and managing both Union and State election processes in India.
- The commission's secretariat is based in **New Delhi**.
- The ECI administers elections for the Lok Sabha, Rajya Sabha, and State Legislative Assemblies in India. It also oversees the elections for the offices of the President and Vice President of India.
- It is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate **State Election Commission**.

▪ **Structure of the ECI:**

- Originally, the commission had one election commissioner, but it became a **multi-member body after the Election Commissioner Amendment Act 1989**.
 - The **Chief Election Commissioner (CEC)** and **two Election Commissioners (ECs)** make up the Election Commission of India.
 - The CEC and ECs have the same powers and salaries as a Supreme Court judge.
- At the state level, the Chief Electoral Officer, typically an IAS rank officer, supports the election commission in its duties.

▪ **Appointment and Tenure of Commissioners:**

- The President of India appoints the CEC and Election Commissioners.
- They serve fixed terms of 6 years or until the age of 65, whichever is earlier.

▪ **Removal of Commissioners:**

- Commissioners **can resign voluntarily or be removed before their term expires**.
- The CEC can be removed from office only through a process of removal similar to that of a SC judge by Parliament.

▪ **Limitations:**

- The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
- The Constitution has **not specified the term of the members of the Election Commission**.
- The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q. Consider the following statements: (2018)

1. Aadhaar card can be used as a proof of citizenship or domicile.
2. Once issued, Aadhaar number cannot be deactivated or omitted by the Issuing Authority.

Which of the statements given above is/are correct?

- (a)** 1 only
- (b)** 2 only
- (c)** Both 1 and 2
- (d)** Neither 1 nor 2

Ans: (d)

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