

The Voter ID System and Citizenship Verification

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The Voter ID System and Citizenship Verification: A Governance Challenge

Context:

Following the recent terrorist attack in Pahalgam, Jammu & Kashmir, the Government of India undertook strong security and administrative measures. One major step was the deportation of several Pakistani nationals residing in India without legal authorization.

Key developments:

- Hundreds of Pakistani nationals have been deported from India.
- Many deportees were found in possession of Indian identity documents such as:
 - Aadhaar cards
 - Ration cards
 - Voter ID cards

This incident has brought to light serious concerns regarding the loopholes in India's voter registration and identity verification systems. It is a relevant issue for civil services preparation due to its connections with governance, internal security, and electoral reforms.

Constitutional and Legal Provisions Related to Voting

Right to Vote under the Constitution

- Article 326 of the Indian Constitution guarantees the right to vote.

- Applicable to every Indian citizen aged 18 years or above.
 - Voting rights apply to elections for:
 - Lok Sabha
 - State and Union Territory Legislative Assemblies
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Disqualification from Voter Registration (Section 16, RP Act, 1950)

A person is disqualified from registering as a voter if they:

- Are not a citizen of India
 - Are of unsound mind, as declared by a competent court
 - Are disqualified under laws related to corrupt practices or election offences
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Voter Registration Process and Loopholes

Application through Form 6

- Used for applying as a new voter with the Election Commission of India
- Requires self-attested documents for:
 - Proof of age
 - Proof of address
- No mandatory requirement to submit proof of citizenship
- Applicants must sign a self-declaration affirming Indian citizenship

This creates a potential loophole, as citizenship is taken at face value without documentary evidence.

Penalties for False Citizenship Declaration (Section 31, RP Act)

- False declaration of citizenship is a punishable offence
 - Punishment includes:
 - Up to one year of imprisonment
 - Or a fine
 - Or both
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Verification of Voter Registration Claims

Role of Electoral Officers

- Electoral Registration Officer (ERO) is responsible for verifying voter applications
- ERO is supported by Booth Level Officers (BLOs) who assist in collecting forms and documents

Verification Process

- Initial burden of proof lies on the applicant to establish Indian citizenship
 - The ERO is expected to conduct independent verification
 - If doubts or objections are raised, the ERO may initiate hearings or inquiries
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Special Considerations

- In the case of internal migrants, the ERO may consult the District Election Officer of the previous residence

- For married women lacking documentation:
 - Prior voter registration as an unmarried woman may be accepted
 - Village-level certificates or marriage proof may also be used

Objections to Citizenship

- If someone objects to the applicant's citizenship, the burden of proof initially falls on the objector
 - However, the ERO may still request the applicant to furnish proof of Indian citizenship
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Issue of Non-Citizens Holding Voter IDs

Past Incidents

- There have been earlier instances where non-citizens managed to obtain Indian voter IDs
 - The Election Commission has:
 - Identified and removed such individuals from the electoral rolls
 - Initiated legal proceedings in valid cases
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Aadhaar-Voter ID Linkage

- Election Commission has been working to link Aadhaar with Voter ID to detect and prevent fraud
- Intended to eliminate duplication and bogus entries

Limitations of Aadhaar Linkage

- Aadhaar does not serve as proof of Indian citizenship

- Non-citizens can still obtain Aadhaar based on residence information
 - Aadhaar linkage cannot alone ensure exclusion of ineligible voters
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