

# 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.

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## 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.

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## **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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