

Rejections of New Voter Applicants on the Ground of Citizenship

Every citizen of India has the right to participate in the country's electoral process, particularly as a voter. This right is housed in the Indian Constitution, as well as the important legislations especially the Representation of People's Act and the Citizenship Act. This right is operationalized through the commendable administrative machinery of the National Election Commission, which prepares exhaustive electoral rolls that aim to include all eligible voters in the process.

Due to the significance of voting to the citizenship process, exclusion from the electoral rolls is a serious matter. Under law, there are strict guidelines regarding the grounds for exclusion of individuals from the electoral rolls. One of these grounds is if a person is found to be *not a citizen of India*. Since the removal from the electoral rolls on the ground of a person not being a citizen is extremely consequential, this process should not only be guided by clear rules, but also reflect complete transparency. This is also mandated by the constitutional standards of due process, fair hearing and natural justice.

The preliminary evidence shows that the Election Commission has been rejecting fresh applicants on the ground of them not being Indian citizens. It is noteworthy that under the existing rules, the application process does not demand any documents that seek to establish the citizenship of applicants. It is also evident that for the rejected applications, the Election Commission did not adequately notify the applicants, specify the documents sought and provide any semblance of fair hearing. In the absence of any of such procedures and standards, the reliance on the ground of being non-citizens provides the officials an arbitrary magnitude of power that is prone to misuse and abuse, thus violating every constitutional standard of procedural propriety. A case study of the state of Karnataka is appended to this methodological note.

Given the seriousness of the two issues enunciated above there is an urgent need for a fact-finding type research study.

The Research Proposition:

Methods and Material- Data Needs and Analytical Support

Given a completely new trend of rejections of the freshly made applications it has become essential to undertake a larger and broader study to understand the expanse and depth of the issue. Since preparation and updating the electoral roles are state responsibility, it is prudent to select 3-4 states for the proposed new survey and associated analysis. After reviewing this short-term study, a larger study covering the whole nation can be launched at a second stage.

Some characteristics of the Data:

Dynamic Data: The electoral role data are extremely dynamic. Not only that an updated and fresh list is announced before each election lest it be the national-general or the state assemblies. Although interval of such elections is for a period of five years, many a time there are innumerable by-elections as well as dissolutions of state assemblies and conduct of interim elections. Such possibilities keep the National and State Election Commissions/Offices under pressure to be ever ready; essentially by ensuring the completeness of the electoral rolls.

The dynamic and fluidity should ensure constant enlisting of new voters daily. This is due to the *deletions* caused by either death or by migration of a voter from a specified booth/constituency; and *inclusion* essential to ensure all those who reach the eligible age are listed which happen daily.

Large Numbers: Besides the high levels of rejections of the new applications for various reasons; the other main issue is about an estimated over one hundred million adults who may not find their names listed in the booth level electoral rolls. Getting these excluded individuals in to the electoral rolls is a challenge to both the governments and civil society given the large numbers.

Therefore, the electoral data needs to address issues listed above are many and must be institutionalized. Since the electoral data are not yet linked with the data generated by Census of India, it is essential that research studies such as the one proposed do take place. While conducting this study it will also be possible to address two long-term data need issues.

- (a) Whether linking the census data with the ‘dynamic electoral list’ will address the large-scale exclusion as well as the higher percentage of rejections of the new applicants; and whether linking these data sets address the long-term and constant requirement of voter registration.
- (b) The second set of issues are linked with the technological use to enable almost automatic IT based procedures where all eligible voters can be enrolled the very time, they become eligible – almost instantaneously.

The Sample:

The Karnataka case study is enunciated below. Our proposed research will continue to probe the causes and consequences of large number of rejections followed by high rejections for being ‘*not a citizen of India*’. Concurrently similar studies will be undertaken in the states of Uttar Pradesh, Maharashtra, West Bengal and Gujarat.

Since data from state other than Karnataka are not available as an open source, all efforts will be made to collect them through the government sources. The project will also consider the RTI route to access these data. Since the electoral data are not institutionally strong, negotiations will be made with the government to ensure that such data are public assess on a continuous basis. Further, the data mining, conversion and collation will be undertaken using the most recent list of voters’ that are available in the public domain.

Thus, there are three stages through which the is research study will extract the required data for objective evaluation and analysis of the objectives of the study. Data extraction costs are listed below:

Stage 1: Review of state policy and listing of open-source data bases

Stage 2: Data download and archival

Stage 3: Data collation and analysis on 10 percent sample assembly constituencies

Case Study Karnataka State:

In the following we present preliminary data extracted from the Chief Election Officer of Karnataka's Website. The data are of new applications made during 2017-2018; and rejections due to various reasons including the one relating to citizenship.

RECORD OF NEW APPLICANTS AND REASONS FOR REJECTION							
Regions of Karnataka State – 2017/18							
Categorization - REGION WISE	Eligible for Inclusion	Name already exists	Not residing in the address	Under aged	NIC	Otherwise disqualified	Grand Total
TOTAL-BK	9,851	1,206	2,913	5,005	8,680	12,819	40,474
TOTAL-HK	30,619	3,987	9,527	5,105	18,954	15,393	83,600
TOTAL- COSK	2,934	227	701	310	1,729	1,635	7,536
TOTAL CENK	2,530	646	990	1,367	2,010	2,445	9,988
TOTAL BANGALORE	34,528	6,607	3,621	2,918	13,001	25,516	93,035
TOTAL SK	25,665	1,327	4,712	2,799	7,621	10,932	53,057
TOTAL ALL	1,06,127	14,000	22,464	17,504	51,995	68,740	2,87,690
RECORD OF NEW APPLICANTS AND REASONS FOR REJECTION							
Regions of Karnataka State (percentage distribution)							
Categorization - REGION WISE	Eligible for Inclusion	Name already exists	Not residing in the address	Under aged	NIC	Otherwise disqualified	Grand Total
TOTAL-BK	24.3	3.0	7.2	12.4	21.4	31.7	100.0
TOTAL-HK	36.6	4.8	11.4	6.1	22.7	18.4	100.0
TOTAL- COSK	38.9	3.0	9.3	4.1	22.9	21.7	100.0
TOTAL CENK	25.3	6.5	9.9	13.7	20.1	24.5	100.0
TOTAL BANGALORE	37.1	7.1	3.9	3.1	14.0	27.4	100.0
TOTAL SK	48.4	2.5	8.9	5.3	14.4	20.6	100.0
TOTAL ALL	36.9	4.9	7.8	6.1	18.1	23.9	100.0

REGION WISE - NIC Breakup of C,H,M								
Categorization - REGION WISE	C	H	M	Grand Total	%C	%H	%M	%Grand Total
TOTAL-BK	42	7410	1226	8680	0.5	85.4	14.1	100
TOTAL-HK	90	14345	4285	18954	0.5	75.7	22.6	100
TOTAL- COSK	79	1407	242	1729	4.6	81.4	14.0	100
TOTAL CENK	13	1541	456	2010	0.6	76.7	22.7	100
TOTAL BANGALORE	104	9391	3132	12628	0.8	74.4	24.8	100
TOTAL SK	65	6045	1510	7621	0.9	79.3	19.8	100
TOTAL ALL	393	40139	10851	51622	0.8	77.8	21.0	100.0

RECORD OF NEW APPLICANTS AND REASONS FOR REJECTION Districts wise Karnataka State.								
DISTRICT	PERCENTAGE of M Population CENSUS	Eligible for Inclusion	Name already exists	Not residing in the address	Under aged	NIC	Otherwise disqualified	Grand Total
DAKSHINA KANNADA	24	1,718	31	214	164	855	607	3,589
DHARWAD	21	328	101	836	1,179	230	1,365	4,039
BIDAR	20	2,878	251	2,753	2,317	891	1,441	10,531
GULBARGA	20	8,280	1,525	2,485	840	4,342	2,702	20,174
HAVERI	19	709	220	95	355	100	2,047	3,526
BIJAPUR	17	3,893	453	1,124	2,238	3,622	1,674	13,004
KODAGU	16	1,703	42	186	70	395	313	2,709
DAVANAGERE	14	741	151	299	143	164	590	2,088
RAICHUR	14	3,947	1,332	2,438	996	7,039	4,486	20,247
BANGALORE URBAN	13	30,672	6,106	3,405	2,875	12,797	24,056	86,755
BELLARY	13	13,551	569	985	704	4,736	4,145	24,696
GADAG	13	1,123	185	178	26	451	2,278	4,241
KOLAR	13	1,285	273	627	103	644	1,292	4,224
SHIMOGA	13	455	409	248	233	513	1,255	3,113
UTTARA KANNADA	13	851	93	214	15	246	659	2,078
YADGIR	13	1,167	74	350	231	1,500	1,657	4,979

Voter Rejections / March 2019

CHIKKBALLAPUR	12	1,900	71	204	118	718	355	3,366
KOPPAL	12	796	236	516	17	446	962	2,973
BELGAUM	11	2,117	170	316	959	2,315	4,624	10,501
RAMANAGARA	11	1,381	207	575	58	1,110	544	3,875
CHAMARAJANAGAR	--	1,197	29	1,020	167	410	396	3,219
CHICKMAGLUR	--	757	21	107	101	165	1,035	2,186
CHITRADURGA	--	211	17	134	720	141	103	1,326
HASAN	--	1,584	302	248	582	509	724	3,949
MANDYA	--	1,269	226	766	424	576	968	4,230
MYSURU	--	14,589	156	979	1,176	3,094	5,305	25,299
TUMAKURU	--	1,123	69	309	271	1,192	497	3,461
UDUPI	--	365	103	273	131	628	369	1,869
TOTAL	302	1,00,590	13,422	21,884	17,213	49,829	66,449	2,76,247

RECORD OF NEW APPLICANTS AND REASONS FOR REJECTION
Districts wise Karnataka State (percentage distribution)

DISTRICT	PERCENTAGE of M Population CENSUS	Appl. Rejected reason Eligible for Inclusion	Name already exists	Not residing in the address	Under aged	NIC	otherwise disqualified	Grand Total
DAKSHINA KANNADA	24	47.9	0.9	6.0	4.6	23.8	16.9	100.0
DHARWAD	21	8.1	2.5	20.7	29.2	5.7	33.8	100.0
BIDAR	20	27.3	2.4	26.1	22.0	8.5	13.7	100.0
GULBARGA	20	41.0	7.6	12.3	4.2	21.5	13.4	100.0
HAVERI	19	20.1	6.2	2.7	10.1	2.8	58.1	100.0

Voter Rejections / March 2019

BIJAPUR	17	29.9	3.5	8.6	17.2	27.9	12.9	100.0
KODAGU	16	62.9	1.6	6.9	2.6	14.6	11.6	100.0
DAVANAGERE	14	35.5	7.2	14.3	6.8	7.9	28.3	100.0
RAICHUR	14	19.5	6.6	12.0	4.9	34.8	22.2	100.0
BANGALORE URBAN	13	35.4	7.0	3.9	3.3	14.8	27.7	100.0
BELLARY	13	54.9	2.3	4.0	2.9	19.2	16.8	100.0
GADAG	13	26.5	4.4	4.2	0.6	10.6	53.7	100.0
KOLAR	13	30.4	6.5	14.8	2.4	15.2	30.6	100.0
SHIMOGA	13	14.6	13.1	8.0	7.5	16.5	40.3	100.0
UTTARA KANNADA	13	41.0	4.5	10.3	0.7	11.8	31.7	100.0
YADGIR	13	23.4	1.5	7.0	4.6	30.1	33.3	100.0
CHIKKBALLAPUR	12	56.4	2.1	6.1	3.5	21.3	10.5	100.0
KOPPAL	12	26.8	7.9	17.4	0.6	15.0	32.4	100.0
BELGAUM	11	20.2	1.6	3.0	9.1	22.0	44.0	100.0
RAMANAGARA	11	35.6	5.3	14.8	1.5	28.6	14.0	100.0
CHAMARAJANAGAR	--	37.2	0.9	31.7	5.2	12.7	12.3	100.0
CHICKMAGLUR	--	34.6	1.0	4.9	4.6	7.5	47.3	100.0
CHITRADURGA	--	15.9	1.3	10.1	54.3	10.6	7.8	100.0
HASAN	--	40.1	7.6	6.3	14.7	12.9	18.3	100.0
MANDYA	--	30.0	5.3	18.1	10.0	13.6	22.9	100.0
MYSURU	--	57.7	0.6	3.9	4.6	12.2	21.0	100.0
TUMAKURU	--	32.4	2.0	8.9	7.8	34.4	14.4	100.0
UDUPI	--	19.5	5.5	14.6	7.0	33.6	19.7	100.0
TOTAL	302	36.4	4.9	7.9	6.2	18.0	24.1	100.0

DISTRICT WISE - NIC Breakup of C,H,M								
DISTRICT	C	H	M	Grand Total	%C	%H	%M	Grand Total
belgaum	19	2055	240	2315	0.8	88.8	10.4	100
Bagalkot	7	1693	262	1962	0.4	86.3	13.4	100
Bijapur	12	2995	615	3622	0.3	82.7	17.0	100
yadgir	7	1317	176	1500	0.5	87.8	11.7	100
Gulbarga	12	3232	1098	4342	0.3	74.4	25.3	100
bidar	5	598	288	891	0.6	67.1	32.3	100
raichur	33	4885	1892	7039	0.5	69.4	26.9	100
koppal	1	403	42	446	0.2	90.4	9.4	100
gadag	1	395	54	451	0.2	87.6	12.0	100
Dharwad	3	187	40	230	1.3	81.3	17.4	100
uttara kannada	3	209	34	246	1.2	85.0	13.8	100
haveri		85	15	100	0.0	85.0	15.0	100
bellary	32	3910	789	4736	0.7	82.6	16.7	100
chitradurga		108	33	141	0.0	76.6	23.4	100
davanagere		145	19	164	0.0	88.4	11.6	100
shimoga	3	420	90	513	0.6	81.9	17.5	100
udupi	13	563	51	628	2.1	89.6	8.1	100
chickmaglur	3	142	20	165	1.8	86.1	12.1	100
tumakuru	10	868	314	1192	0.8	72.8	26.3	100
chikkballapur	5	600	113	718	0.7	83.6	15.7	100
kolar	7	579	58	644	1.1	89.9	9.0	100
bangalore Urban	104	9201	3118	12424	0.8	74.1	25.1	100
Bangalore rural		190	14	204	0.0	93.1	6.9	100
Ramanagara	5	866	239	1110	0.5	78.0	21.5	100
Mandya		543	32	576	0.0	94.3	5.6	100
Hasan	1	446	62	509	0.2	87.6	12.2	100
dakshina kannada	63	635	157	855	7.4	74.3	18.4	100
kodagu	6	325	64	395	1.5	82.3	16.2	100
Mysuru	29	2164	901	3094	0.9	69.9	29.1	100
chamarajanagar	9	380	21	410	2.2	92.7	5.1	100
Total All Districts	393	40139	10851	51622	0.8	77.8	21.0	100

REJECTION VS MARGIN OF WIN								
Constituency name -	Appl. Rejected reason Eligible for Inclusion	Not eligible - name already exists	Not eligible - NIC	Not eligible - not residing in the address	Not eligible - otherwise disqualified	Not eligible - under aged	Grand Total	Percentage of NIC among total rejections
Bellary (ST)	1,831	4	693	8	187	2	2,725	25
Raichur	2,391	754	3,503	979	3,754	358	11,739	29
Vijayanagar	1743	81	279	79	929	29	3140	3
Gulbarga uttar	4,029	1,373	3,598	151	1,813	76	11,040	32
Maski	47	15	169	270	28	145	674	25
Gadag	905	57	111	100	413	22	1,608	7
Sindanur	92	100	859	230	77	109	1,476	58
Aland	112		10	2	86	73	283	3
Gulbarga Dakshin	2,713	78	84	49	415	73	3,412	2

REJECTION VS MARGIN OF WIN - NIC Breakup of C,H,M									
Constituency name -	C	H	M	Grand Total	C	H	M	Grand Total	Margin of winner
Bellary (ST)	9	496	188	693	1.3	71.6	27.1	100	2679
Raichur	14	2244	1244	3503	0.4	64.1	35.5	100	10991
Vijayanagar	4	217	58	279	1.4	77.8	20.8	100	2775
Gulbarga uttar	10	2607	981	3598	0.3	72.5	27.3	100	5940
Maski		162	7	169	0.0	95.9	4.1	100	213
Gadag	1	86	23	111	0.9	77.5	20.7	100	1868
Sindanur	4	698	157	859	0.5	81.3	18.3	100	1597
Aland		3	7	10	0.0	30.0	70.0	100	697
Gulbarga Dakshin		76	8	84	0.0	90.5	9.5	100	5431