RIGHT TO
IDENTITY

AADHAR | VOTER ID
CASTE CERTIFICATE | BIRTH CERTIFICATE
ADDRESS PROOF

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RIGHT TO
IDENTITY
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TRAINING MODULE

Pairvi

Right to Identity

CONTENT

LEARNING OBJECTIVES

▶ Right to identity to every citizen
▶ How to get documents which prove citizenship/residence
▶ Entitlements flowing from these documents

AIDS REQUIRED

▶ White board and markers
▶ Computer/Laptop
▶ Projector and screen
▶ Internet connectivity/ CD of the movie

SESSION PLAN

Sl.	Topic	Methodology	Duration
1	Right to indentity, citizenship and residence	Film viewing followed by discussion (Identity Thief, 2013/ Mohandas, 2009)	15 minutes
2	Aadhar	Presentation	15 minutes
3	Voter ID	Presentation	10 minutes
4	Caste certificate	Presentation	10 minutes
5	Birth certificate	Presentation	10 minutes
6	Residence/Address proof	Presentation	10 minutes

1. RIGHT TO IDENTITY

The facilitator should start the session with the discussion on identity and why its important. The session can be started with showing selected 15 minutes of the highly popular Hollywood Film Identity Thief (2013) or Bollywood film Mohandas (2009), in which the protagonists identity is stolen by a person who enjoys unlimited benefits at the cost of the

Identity Thief (2013)   Mohandas (2009)

https://youtu.be/uO12W35DpsQ   https://www.youtube.com/watch?v=XF3Ohq1sY0I

protagonist, who almost becomes a destitute!

The facilitator can also show the short film 'Jamtara - the bandits of scam-pur' which is based on the identity theft linked with banking fraud.

Jamtara: The Bandits of Scam-pur

https://youtu.be/y7BbEat3-KU

The film can be followed by the discussion on what is identity, what is

citizenship, and why one needs a document to prove one!

2. AADHAR

The facilitator should give a background of Citizenship Act, and different documents aimed at providing identity and citizenship finally explaining Aadhar. The facilitator should also explain the SC decision and the MHA notification on citizenship documents and the NRC in Assam. Some notes in the Annexure should be helpful.

The facilitator should also explain that no services can be denied to

AADHAAR

❖ Launched in 2009, Aadhar is 12 digit verifiable unique identity number linked to fingerprints and iris scan issued by UIDAI
❖ World's first, giving every citizen a unique identity for weeding out fraud, making taxation more efficient and saving money
❖ Supposed to be voluntary, later on made compulsory (seeding Aadhar with bank account, PAN card, sim card, every financial transaction and for availing government services)
❖ 1.2 billion people (99% of adult people) already enrolled
❖ In a landmark judgment the Supreme Court of India upheld the legality but ruled that private companies could no longer require users to provide their Aadhar details as condition of service. (date)
❖ According to MHA, Aadhar is not a proof of citizenship (Dec.21, 2019)

citizens due to lack of Aadhar card or failure of verification of Aadhar.

According to MHA, Aadhar, Voter ID, Passport are not citizenship document, they are only travel documents or documents to prove residence in India (Dec.21, 2019). Though a Magistrate Court in Mumbai (Dec.15, 2019) said that Voter ID and Passport are proof of citizenship, Aadhar and Ration card are not. The Gauhati High Court (Feb.19, 2020) has declared that Voter ID is not proof of citizenship.

As per the existing position, neither VOTER ID not passport will be the proof of citizenship.

This is the law since 2003 as India has stopped giving citizenship based on birth from 1987. Since then Voter ID, Passport, Aadhar are proof that the person was born in India

In 2003, an amendment introduced in the Citizenship Act. After the

amendment, a person who is born in India on or after July 1, 1987 but before 2003 Amendment came into force, will be indian citizen only if one of the parents is an indian citizen. In case those born after 2003 amendment, both parents should be indian citizen or one of the parent should be an indian citizen and the other should not be an illegal migrant.

The law today has made proving citizenship a matter of fact in such a way that it is extremely difficult to conclusively prove citizenship. Somebody else will have the discretion of declaring you a doubious citizen. Proof will have to be adduced about your parents being India citizens and documents that prove your relationship with your father

Special case of Assam
Assam is governed by Sec 6 of the Citizenship Act means not everyone on the voters list is automatically a citizen. A person in Assam will have to show that S/he descended from a person who is citizen of India and in India prior to 1971

ISSUE WITH AADHAR

- ❖ Right to privacy, data security (The Telegraph reported n Jan 2018 that Aadhar details could be purchased for INR 500)
- ❖ Errors of exclusion and inclusion
- ❖ Aadhar brokers, process delegated to private players
- ❖ People denied services due to lack of Aadhar (15 deaths reported, 7/15 due to denial of PDS, since then govt has clarified that no services can be denied due to lack of Aadhar)
- ❖ Problems in verification/authentication due to lack of broadband and internet connectivity or other reasons
- ❖ Purpose defeated, Aadhar added another layer of complexity

(Sriram Parakkat, senior Advocate, SC)
The UIDAI claims that it has been able to save $ 1.24 B by weeding out duplicate ration cards and in other subsidies database, However, number of issues with Aadhar….

Aadhar simply a random number that is linked with unverified and unaudited biometric and other data submitted by private enrollment agencies

ENTITLEMENTS UNDER AADHAR

❖ No government services can be denied due to lack of Aadhar or failure of Aadhar Authentication (UIDAI circular dated 24th Oct, 2017)

❖ The circular explains Exception Handling Mechanism (EHM), other proofs to be pursued, exception to be recorded/register of alternative documents obtained to be maintained

❖ In PDS, authentication by biometrics of other family members

❖ Special arrangements for senior or bed ridden residents, including but not limited to sending VLW to his/her place

❖ Any updation in Aadhar can be requested at https://uidai.gov.in/my-aadhaar/update-aadhaar.html or any government services facilitation centre

AADHAR/SUMMARY

❖ Benefits- each person to get an Aadhar card

❖ Elligibility- universal/all

❖ Department- UIDAI (www.uidai.gov.in)

❖ Process of application- search for an aadhar centre online for application/updation (https://appointments.uidai.gov.in/easearch.aspx?AspxAutoDetectCookieSupport=1)

❖ Documents required- valid residence proof/ID

❖ Issues faced- exclusion, biometrics not matching, failure of authentication etc.

3. VOTER ID/EPIC

All the participants are likely to be well familiar with the Voter ID/EPIC. Here the focus of the facilitators session should be to inform them on how changes if required can be made online and offline in the Voter ID and explain the FAQs in the Annexure.

The facilitator should also show them relevant websites mainly

VOTER ID

❖ Voter ID is an identity document issued by the Election Commission of India to adult domicile of India who have attained the age of 18 years

❖ It serves as identity proof while voting for municipal, state or national elections.

❖ It is not only citizens right but also a duty to vote in elections.

ENTITLEMENTS UNDER THE VOTER ID

❖ Every Indian citizen who has achieved 18 years of age has right to vote and therefore, have a voter ID (EPIC)

❖ One can enroll as a voter by filling Form 6 online at https://www.nvsp.in/. and upload relevant documents (residence and age proof)

❖ One can also register offline by filling up two copies of Form 6 (available free of cost) at offices of Electoral Registration Officers / Assistant Electoral Registration Officers and Booth Level Officers

❖ Call 1950 for any help

❖ https://www.nvsp.in provides single window users interface for many complaints/updation related to Voter ID

❖ If you go to booth on an election day to find out your vote has already been caste, you can still vote!

https://eci.gov.in/voter/voter/ and https://www.nvsp.in/
The facilitator will explain the FAQs, if required.

FAQs on EPIC:

I was registered to vote in my home state, but now I have moved for my job. Can I enroll in more than one place? If not, how can I transfer my vote?

You cannot be enrolled as a voter at more than one place. While applying for fresh enrolment, you have to make a statement or declaration stating that your name is not already included in the electoral roll of any other constituency. (If you make a false statement or declaration, you can be punished (The Representation of People Act 1950 Section 31) with jail time of upto one year, or fine, or both)

If you have shifted your home, and your new home is in the same constituency, you need to fill Form 8A and submit the same to the Electoral Registration Officer / Assistant Electoral Registration Officer. To apply online, click here. If your new home is in a different constituency, you need to fill up (Form 6 again (same as in the case of a fresh application).

I went to the polling booth, but someone has already voted in my name! What can I do?

If the Polling Officer tells you after you have reached the polling station that your vote has already been cast, you should immediately bring this to the attention of the Presiding Officer. In such a case, the Presiding Officer may ask you questions to confirm your identity. Once he/she is convinced that your identity is genuine, he or she will give you a tendered ballot paper and you will be allowed to cast a 'Tendered Vote' (according to Rule 42 of The Conduct of Elections Rules, 1961). A tendered ballot paper is the same as the ballot paper displayed on the balloting unit, except that it will be endorsed (either stamped or written) with the words 'Tendered Ballot Paper' on the back.

After marking your choice of candidate, you should hand over the tendered ballot paper to the Presiding Officer, who will keep it in a separate cover. In such a case, you will not cast your vote on the Electronic Voting Machine. Courts have said that tendered votes should be taken into account only when they are likely to affect the outcome of the election, i.e. when the margin of victory is less than the number of tendered votes.

How do I pursue any complaints or objections?

If you have any grievance in regard to electoral roll, Voter ID or any other

election related matter you may approach the following officers:

- Chief Electoral Officer – At the State Level
- District Election Officer – At the District Level
- Returning Officer – At the Constituency Level
- Assistant Returning Officer – At Taluka / Tahsil Level
- Electoral Registration Officer – At the Constituency Level
- Presiding Officer – At Polling Station
- Zonal Officer – For a group of Polling stations

During every election, the ECI also appoints 'Observers' who are senior civil service officers from outside the state. You can also approach them if you have any grievances or problems.

VOTER ID/ SUMMARY

- ❖ Benefits- all persons above 18 years of age entitled to a voter ID
- ❖ Eligibility- 18 years and above
- ❖ Department- Election Commission of India/states (www.eci.gov.in)
- ❖ Where to apply- apply online at https://www.nvsp.in/. Or off-line at offices of Electoral Registration Officers / Assistant Electoral Registration Officers and Booth Level Officers, Call 1950 for any help
- ❖ Documents required- Proof of age and residence
- ❖ Issues- dropped from the voters list, change of place, visit www.nvsp.in or get in touch with booth level officers or look for voters confirmation campaigns

4. CASTE CERTIFICATE

Many of the participants will have relevant experience of getting the caste certificate. The facilitator should encourage them to share their experience (briefly) and resolve outstanding issues, if any, by guiding them.

CASTE CERTIFICATE

❖ Benefits- reservation in services, school and educational facilities, govt subsidies etc.
❖ Eligibility- All members belonging to SC/ST/OBC
❖ Department- DM/ADM/SDM or Tehsildar office at district level.
❖ How to apply-Some states allow online application, see backward classes welfare commission website, otherwise go to collectorate in your district.
❖ Documents required-ID, Residence proof, caster certificate proof of father/blood relative
❖ Issues faced-delays, if no previous caste certificate of father/blood relative, local verification is required

The facilitator can explain details from below, if required.

These privileges include reservation of seats in the Parliament and the State Legislative Assemblies as well as in the government services, reservation of seats and quotas in various educational institutions, waiving off the whole or a part of the admission fees or tuition fees for the schools and colleges, easing the upper limits of the age for applying for the jobs and admissions, etc. To be in a position of availing the above-mentioned privileges, it is essential for a citizen belonging to the aforesaid backward castes to possess a valid caste certificate.

THE LEGAL FRAMEWORK REGARDING CASTE CERTIFICATE

In the implementation of Articles 341 and 342 of the Constitution of India, the statutory lists of the Scheduled Castes (SC) and the Scheduled Tribes (ST) were notified for the very first time controlled and managed by the Constitution (Scheduled Tribe) Order, 1950 and the Constitution (Scheduled Caste) Order 1950.

From time to time, these lists have been amended or supplemented or managed. From the 29th Day of 1956, The Scheduled Castes and the Scheduled Tribes List (Modification) Order came into existence on the reorganization of the States. After that, a small number of other orders with reference to the Scheduled Castes and Scheduled Tribes List in some individual states also came into being.

One can obtain the application form for the caste certificate from the respective local office in the city, town or village, which is generally the

office of the Sub Divisional Magistrate (SDM) or the office of the Revenue Department or Tehsil. Now it is also possible for a person to obtain the form online.

A local inquiry is also conducted before the issue of the caste certificate in the cases where none of the family members of the person who intends to get the caste certificate possesses a caste certificate.

At the time of application for obtaining caste certificate, an affidavit stating that the concerned person belongs to any of the backward castes as the person may be, specified court stamp fee and an address proof or the proof of residence in the respective state of the concerned person for a minimum specified time period are essential.

PROCEDURE TO BE FOLLOWED

The person who wants to obtain a caste certificate must present his/her application to the respective Tehsildar on any working day in the forms as authorized and directed and after that he/she must take a receipt of the submissions made.

ESSENTIAL PAPERS OR AND DOCUMENTS

- The applicant must make the submission of certificate from Ward member or Gram Pradhan with two witnesses certifying his/her caste.

- In case the applicant claims to be a person under the OBC category, he /she must submit an affidavit about caste and cream layer.

- The applicant must be a citizen of India.

- The applicant must make a deposit fee in the form of a stamp which must be pasted on the proforma. However, this is a mandatory procedure only in the case of OBCs.

- The concerned Tehsildar receives inquiry report from the Revenue Inspector or the Local Lekhpal in the directed format and tries to make the issue of the caste certificate within 7 days.

ESSENTIAL PAPERS AND DOCUMENTS (IT MAY VARY IN DIFFERENT STATES)

- Application forms appropriately attested by Municipal Councillors, Gazetted Officers, Member of the Parliament or the Member of Legislative Assembly.

- Copy of an address proof or proof of residence, mainly the Ration Card.

- If the applicant is illiterate, an affidavit declaring age and if the applicant is literate then birth certificate or school certificate showing

date of birth must be submitted.

- An affidavit attested by the oath commissioner or notary public containing the declaration of the name, name of the father, residential address, the period of residence and caste must necessarily be submitted.
- If the person who intends to apply for caste certificate is a married woman, address proof or the proof of residential address before marriage is a must.
- If available, a copy of the caste certificate of father, brother or sister.
- Where no Scheduled Caste or Scheduled Tribe Certificate has been granted to any of the members of the family of the applicant, two witnesses who must essentially be government employees are needed to provide in writing that they are aware of the person and his/her caste. Additionally, attested copies of the identity cards of the witnesses must also be presented.

5. BIRTH CERTIFICATE

The facilitator should emphasize the increasing importance of the birth certificate and one should get it for any children born in the family as early as possible if they have not taken it at birth.

BIRTH CERTIFICATE

❖ Benefits- required for proving age

❖ Eligibility- all newborns

❖ Department- Municipal corporation/council, tehsildar office, gram panchayat office

❖ Process of application-apply at above offices, some states have online application process too

❖ Documents required-proof of birth letter from the hospital and /or parents marriage certificate, birth certificate, parents ID

❖ Issues faced-delays, birth certificates not issued at time of birth can be reissued later with fee

The facilitator can explain details from below, if required.

Where is this Birth Certificate required?

A birth certificate is required for:

- Seeking admission in educational institutes.
- Getting employment.
- Establishing one's age with any institution.
- Claiming social security benefits (e.g. health schemes).
- Passport Application.
- Immigration needs like applying for Green Card.
- Obtaining certified documents such as Voter's ID, Driving License, Passport, Marriage Certificate, etc.

What is the process for applying fro a Birth Certificate?

Step 1- Get a birth Certificate Registration Form from the registrar's office (from your municipal authority).

Step 2- When a child is born in a hospital, the form is provided by the Medical Officer In-charge.

Step 3- Fill in the form within 21 days of birth of the child.

Step 4- If birth is not registered within 21 days of it's occurrence, birth certificate is issued after police verification.

Step 5- Once the verification of the birth records (date, time, place of birth, parent's ID proof, nursing home etc.) is done by the registrar, birth certificate is issued to the applicant.

Step 6- Seven days after applying for birth certificate, follow up with municipal authority to obtain the birth certificate.

Step 7- By providing a self addressed envelope at the municipality office, the birth certificate is posted to the respective address within 7–14 working days.

6. RESIDENCE/ADDRESS PROOF

The facilitator should explain why it is important to have an updated address proof. Aadhaar Card, Bank Passbook, Telphone Bill (Landline or Postpaid), Voter ID card, Ration Card, Electricity Bill, Gas Bill, Driving License, Rent Agreement(Registered), Water Bill, Passport or Any Govt.

Recognized Document verifying your name and address is serving as residence/address proof unless you have changed your address.

Facilitator should also explain how to update address in the documents issued earlier and what are the issues in the process.

RESIDENCE/ADDRESS PROOF

- ❖ Benefits- required for many govt and other transactions, Aadhar/ Voter ID etc. serves the purpose but not if you have changed your address recently
- ❖ Eligibility- all/universal
- ❖ Department- do it online at Aadhar website
- ❖ Where to apply-www.uidai.gov.in or at local post office, postman goes and verifies your address and post office issues a photo ID with address
- ❖ Documents required-govt/PSU photo ID, registered company's letter on its letterhead, registered sale/lease agreement, photo ID from local post office
- ❖ Issues faced-delay in post office, try tatkal

Public Advocacy Initiatives for Rights and Values in India (PAIRVI) is a capacity building and advocacy support organization working at the intersections of rights, development and sustainability. It works with small grassroots organizations and community based groups to enhance their understanding on development discourse and capacity to respond appropriately.

PAIRVI also works with a pan Indian coalition on climate and environmental justice, MAUSAM (Movement for Advancing Understanding on Sustainability and Mutuality), previously Beyond Copenhagen.

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