

UID

Implication of AADHAAR

Nirmalya Biswas

In a recent cell phone advertisement a popular film star is watched to recognize the rural folks by 'numbers'—their mobile phone numbers. The Government of India's initiative to issue Unique Identity Card (UID) to its citizens under AADHAAR project takes the fantasy a step forward. Of late 'terror' is a high-profile topic in India. AADHAAR has been projected as a shield for the innocent civilians against terrorism. A wave of euphoria sweeps the public mood. The hi-tech bio-metric Identification card is marketed hopefully to win over the hearts of millions of Indians.

The Kargil Review Committee submitted its report to the Government of India (GOI) in January 2000 recommending immediate state intervention to issue ID cards initially to people in the border areas and gradually to all others residing in this country. In 2001 a Group of Ministers of the NDA government drafted a report titled 'Reforming the National Security System' which cautioned that "Illegal migration has assumed serious proportions". "All citizens should be given a Multi-purpose National Identity Card (MNIC) and non-citizens should be issued identity cards of a different colour and design" suggested the report. As a follow-up measure The Citizenship Act of 1955 was amended in 2003 by the government whereby it had become mandatory for the citizens of India to get them registered in MNIC. Any violation would be "punishable with fine, which may extend to one thousand rupees."

Under the UPA Government the MNIC project was replaced by a new tag of UID, a project under the Unique Identification Authority of India (UIDAI) acting as an appendage to the Planning Commission of India. Nandan Nilekani, a former co-chairman of Infosys Technologies was appointed as the Chairman of the Authority. The project will provide Unique Identity Numbers (UID), having close similarity to the US social security number, to India's billion-plus citizens. It will involve setting up a database with the identification details of citizens. On April 26, 2010 the project was renamed 'AADHAAR' signifying 'support'. A yellow sun with fingerprint embedded in it was selected as the logo. In a Press release dated May 18, 2009 the Cabinet Committee on UIDAI related issues approved the action plan of UIDAI for collection of demographic and biometric attributes of face and all ten finger-tips for all citizens and of iris for children in the age group of 5 to 15 years.

UIDAI's Office Memorandum dated September 29, 2009 proposed to collect the identity details for authentication which will help the service providers to identify targeted beneficiaries for the welfare schemes. In 2010-2011 Union Budget the finance minister assured that the UID project "would provide an effective platform for financial inclusion and targeted subsidy payments". UID numbers will also be used for opening bank accounts, seeking telephone or cooking gas connection and other purposes. Various departments based on their needs, will refer the numbers. More-over the practice will ward off the need for multiple proof of identity like ration card, voter card, pan card, etc. According to the Government it will curb corruptions in executing government's flag-ship welfare programmes viz., PDS, MGNREGS, Sarva Shiksha Abhiyan, NRHM, Bharat Nirman etc.

The Indian Parliament amended the Information Technology Act, 2000 in December 2008 empowering the GOI to tap any telephonic or e-communication without court's order. The amendment helped the GOI to set up a National Intelligence Grid (NATGRID) to interlink

databases of railway and air travel, income tax PAN, phone calls, bank account details, credit card transactions, visa and immigration records, property records, driving license for keeping track of its residents. NATGRID is scheduled to be fully operative by May 2011 and will eventually use UID numbers of AADHAAR for inter-database linkage.

BYPASSING DEMOCRATIC NORMS

AADHAAR was never debated either in the Parliament or in any democratic forum. Surprisingly there was no discussion on the feasibility and desirability of the project. It had deliberately by-passed the issue of surveillance in the official document. It was never noticed that the concept of identifying the individuals on such a huge scale quietly crept in the administration as an effective means of social control by the state power.

AADHAAR is not truly what it looks apparently. The potential for its misuse is high. The state has a history of exploiting anti-terrorism and anti-insurgency measures to flout civil liberties. Surveillance may not just be content with identifying alleged terrorists. With all probability the ruling party may abuse it for targeting its political opponent. AADHAAR has violated the Rights to equality, dignity, privacy, expression and the right against discrimination as per Articles 14,15,17,19 and 21 under Part III of the Constitution of India. Moreover it has come under criticism for not complying with the various RTI requisites and not involving the public in the decision-making process. Alternative Law Forum, Centre for Internet and Society and People's Union for Civil Liberties and few other NGOs have raised their voice against AADHAAR.

Though enrollment is not mandatory in AADHAAR, in practice, it will not be left to any one's discretion. In near future only the ID number holders will have access to services. Again by its own admission, AADHAAR "is only in the identity business. The responsibility of tracking beneficiaries and governance of service delivery will continue to remain with the respective agencies". It will not guarantee entitlements. The underlying causes behind the poor execution of the government-run schemes are structural. E-surveillance has very little to contribute here. The poor people do not follow the A B C of the 16-digit ID card. It does not support their means of living. It only adds insult to their dignity. Surveillance causes an inferiority complex and a sense of guilt and ensnarement. Unless the service providers are genuinely interested in service delivery the identity card will not provide *roti, kapda aur makan* to the *aam admi*.

RATING SECURITY.

It is prudent not to rate security measure as to how it works, but how it fails. Millions of bona fide card holders oblige. But a knave may cut a hole through the security-net. No matter how forge-proof one makes it, it will be forged. The 9/11 terrorists had valid divers' licenses and passports. Miscreants need the cards most to pretend innocence. No matter how technically sound the system of UID will be, it will not prevent terrorists from intruding the border, procuring explosives and weapons of mass destruction. Despite prior warnings the authorities failed to thwart 26/11 Mumbai attack, the attacks in Hyderabad, Ahmedabad, Assam, Delhi, Jaipur, Pune and many other places. The huge database containing personal details of every Indian, which is accessible to service providers, causes security threat. The government websites failed to defend recent cyber attacks by Chinese hackers. Virus may attack the database. Will India then suppose to be shut down until it is restored? The irony lies in the fact that AADHAAR will eventually make people less secure.

COST

What makes India to assume all these hazards at a huge cost? Is it merely for the purpose of being able to identify someone? Identity has very little to do with someone's intention. AADHAAR is expected to cost a huge sum. The authority prefers silence. It neither discloses nor confirms the cost estimate leaving the common people in total darkness.

LESSONS

Mass surveillance cannot be justified in the name of security. What guarantee is there that the centralized database of AADHAAR will not initiate a process of cleansing vulnerable segments of society by the fundamentalist forces like Bajrang Dal, Maharashtra Nirman Sena, Shivsena who have the history of misusing voter list and telephone directory to target minorities during riots. The data in future will help execution of cold blooded pogrom like that of Godhra. After the assassination of Indira Gandhi, the Sikhs in a desperate bid to save their lives trimmed hairs and shaved beards to camouflage their Sikh identity. But once AADHAAR comes in force such efforts will prove futile for either the Sikh or the non-Sikh in similar dreadful situation.

An IBM Hollerith D-II card sorting machine which was used for conducting the census of 1933 in Germany that first identified the Jews, has been preserved for exhibition at the United States Holocaust Museum in Washington, DC. Who knows if the potential fascist power in India exploits the apparently innocuous database of AADHAAR to exterminate their political opponents? Will AADHAAR all set to do in India what IBM did in Germany?

China decided to introduce an ID card without biometric identification. UK, USA and Australia shelved the national ID programmes under the pressure of strong public protests. In 1989 the US government had to withdraw the provisions of disclosure of the social security numbers to private agencies. However, in 2005 the US Government introduced "de-facto ID system" which made it mandatory for US residents, almost all of whom had driving licenses, to get the documents renewed. As per directives of the Department of Homeland Security the application form of license renewal contained queries useful for the database. The debate on privacy of the data is still alive today. The most interesting debate on the issue of national ID cards has been in the UK. It is worth reviewing in this context to quote from the LSE's report which observes "the government's proposals are too complex, technically unsafe and lack a foundation of public trust and confidence". While accepting that preventing terrorism is legitimate role of the state, the report expressed doubts on whether ID cards would prevent terror attacks from identity theft. In conclusion, the LSE report noted that "identity systems may create a range of new and unforeseen problems. These include the failure of systems, unforeseen financial costs, increased security threats and unacceptable imposition on citizen. The scheme should be regarded as a potential danger to the public interest and to the legal rights of individuals."

The successful AADHAAR will pave the way for introducing Bio Chip technology. One may refer the situation to the 2000 years old Bible prophecy which foretells "if you get the Mark of the Beast, God's complete wrath will be poured on you." Christians who believe in the prophecy commonly presume that the ominous mark will be some sort of hi-tech computerized microchip that will be surgically inserted by the government under human skin which a scanner can identify. Others are convinced that the mark will take the form of a national ID card without which no one can buy or sell.

AADHAAR resembles a panop-ticon form of surveillance. The Panopticon is a prison building designed by English philosopher and social theorist Jeremy Bentham in 1785. The concept of the design is to allow a warden to observe (opticon) all (pan) prisoners without their knowledge that they are being kept under constant watch. If the National ID card plans are opposed by the public all over the world can anything happen otherwise in India. However if AADHAAR's programme of issuing Unique Identity Card is carried out without debate Indians will be the captives of their own *Panopticon*.¹ □□□