Dissent on Aadhaar: New book highlights limitations of ID project, legal and tech opposition to it

Partha P Chakrabartty   Feb 05, 2019 09:34:28 IST

In 2010, a year after the UIDAI was constituted, three of its functionaries visited internationally-renowned developmental economist Professor Reetika Khera. They were hoping to get her endorsement on how Aadhaar would prove 'transformational' for reducing corruption in social schemes like PDS and NREGA. Khera writes, 'Upon reading their policy documents on PDS and NREGA, I was aghast because they betrayed a complete lack of understanding of the problem they were trying to address'. What had begun as a PR exercise by the UIDAI ended up creating one of its most acute critics. Professor Khera's latest salvo, *Dissent on Aadhaar: Big Data Meets Big Brother*, has just been published by Orient BlackSwan, and is on shelves now.

Dissent on Aadhaar, edited by Professor Khera, brings together in one volume an array of experts commenting on the universal ID project. Given its many facets, she has included Anumeha Yadav, a journalist, who has been tirelessly reporting on Aadhar from the field; economists, including the celebrated Jean Drèze; lawyers, including civil liberties expert Dr Usha Ramanathan; and technologists like Sunil Abraham, of Mozilla Foundation and the Center for Internet and Society. The book is rounded off by international experts comparing Aadhaar to digital/universal ID projects in other countries. The picture they paint is not rosy.

'Dissent' on Aadhaar might not seem new to us, the English-speaking population of India. We all remember the storm of tweets and memes when Aadhaar was declared mandatory for everything from bank accounts to a mobile phone connection. We also saw through the September 2018 Supreme Court verdict, where Aadhaar was ruled optional for opening a bank account, but secretly remained mandatory due to its link with the PAN card. While some of the themes mentioned in this book, like concerns over privacy, have filtered down to our conversations, the book reveals that we haven't even begun to scratch the surface.

Dissent on Aadhaar

Big Data Meets Big Brother

Edited by **Reetika Khera**
With a Foreword by Justice **A. P. Shah**

Khera debunks the prevailing popular wisdom around Aadhaar in the opening chapters, sometimes even using the Government's own data. Was Aadhaar necessary to create because there were many Indians without a legal ID? Aadhaar data says, only 0.03 percent of Aadhaar enrollments were by people without existing IDs, using the 'introducer' system. Were existing IDs compromised, necessitating an overhaul of our national ID systems? If so, how is it that those very compromised IDs were used to create the Aadhaar database? And what of the loopholes in the Aadhaar system, like cards for dogs and gods? These egregious pranks may have been caught, but what of less obvious aberrations?

Does Aadhaar prevent fraud? Here, Khera points out there are three kinds of fraud: identity fraud, eligibility fraud, and quantity fraud; Aadhaar only provides some measure of protection against the first. Khera's previous studies have shown that the most prominent kind of fraud in India's social schemes is quantity fraud. Even eligibility fraud, where citizens claim benefits reserved for others, cannot be checked by Aadhaar, as eligibility depends upon a separate set of documents.

Finally, does Aadhaar ease access to government schemes and benefits for the poorest? Here, what has seemed farcical quickly becomes tragic.

In a country where basic infrastructure in terms of electricity and mobile phone connections is poor, can a digital ID system like Aadhaar really ease the process of disbursement? Anumeha Yadav provides the on-ground reality — in Bhim Block, Rajsamand District, Rajasthan, 1,799 pensioners were declared dead because they failed to open Aadhaar-linked bank accounts in time. A door-to-door campaign conducted by the Mazdoor Kisan Shakti Sanghatan found that 1,308 of these were actually alive, and had been denied their rightful pensions. Yadav quotes a *Dainik Bhaskar* estimate that 1 lakh of Rajasthan's 2.97 lakh pensioners had been inaccurately declared dead.

If these ideas are so far off the mark, how did they come to take root in our minds? How come there was no meaningful opposition to prevent this Himalayan blunder? Khera quotes the father of Aadhaar himself, Nandan Nilekani, who outlined his three-point strategy to overwhelm opposition: Do it quickly, do it quietly, and build a coalition of powerful interests who will overpower any opposition.

Nilekani's strategy worked beautifully. A damning 2011 Parliamentary Standing Committee on Finance Report, which deemed UIDAI categorically unacceptable, was mostly ignored. The Rajya Sabha's concerns and suggested amendments were circumvented by passing off the Aadhaar bill as a Money bill (requiring passage only in the Lok Sabha), even though its ambit was much wider than just allotment of financial resources. The Supreme Court itself had a lone dissenter, Justice Chandrachud, who published a note to that effect.

Opposition has not come just from activist, legal and parliamentary sources. Sunil Abraham, a technologist, speaks of the many alternatives UIDAI had to its present system of a centralised biometric database, and its many vulnerabilities, including the theft of data, and the difficulty of correcting input errors. An alternative would have been to have smart cards that stored encrypted biometric information on the card itself, instead of in a centralised database; a conjunction of card-and-fingerprint would make the system secure from identity fraud. Abraham warns of high-resolution cameras that can be used by governments and private interests to identify fingerprints even at a distance, for instance of protestors in a marching crowd.

But what happened when Abraham's Centre for Internet and Society (CIS) published a report stating the Government had inadvertently leaked millions of identification numbers? The Government sent them several legal notices. A researcher from CIS also spoke of visits from officials from the Home Ministry and

from the police. One policeman even asked the researcher, 'How was that trip to Turkey?', demonstrating the extent of their surveillance.

If Aadhaar was not created for all the things the UIDAI claimed, what was its true intent? We can guess from the way Aadhaar insiders, like ex-Chief Product Manager Vivek Raghavan, who 'volunteered' for Aadhaar between October 2010 and June 2013, went on to found Khosla Labs, with its for-profit Aadhaar Bridge product. When the Supreme Court struck down the sharing of Aadhaar data with private companies in its September 2018 judgment, private interests dropped their masks and have started campaigning for a reversal. Dr Usha Ramanathan covers this in her chapter, making sense of the new, hybrid public-private entity that UIDAI represented, and its consequences.

And what did the government get out of it? Considering how it used its existing might to harass CIS, can you imagine what its expanded capabilities with Aadhaar will achieve for anyone who critiques their functioning? And how many critics who see something wrong in policy or execution will hesitate before saying something for fear of persecution? This 'chilling effect' is already spreading — just speak to anyone who critiques the government, and how often they have been advised to stop doing so.

Many of the big battles when it comes to Aadhaar have already been lost. 1.2 billion people have yielded up their biometric information; Aadhaar, which had started off as voluntary, has become mandatory to access basic rights of citizenship, and this has been upheld by the Supreme Court; India has ignored best practices from other countries and lessons from other such attempts, and has therefore squandered a historic opportunity to do this digital ID right.

Far though this juggernaut has rolled, the experts in this book are still offering warnings; while there has been substantial harm already, especially to the rural poor and the elderly, the worst damage is yet to occur. While the State has power to gain from defending UIDAI, and private interests have millions in profits to reap, the scholars and activists in this book have no millions to make, and are indeed staking both their personal safety, and their professional reputations in putting forward a narrative that goes so far against the dominant one. I trust readers will give their thoroughly-researched essays a fair hearing.

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