***Aadhaar* Bill Debate: Jean Drèze**

Q: The government already has the means to collect a lot of information on citizens *(example, phone conversations and logs, credit card transactions, income tax* **records, bank account details, etc.). Conversely, there are many activities which happen under the radar (example, cash transactions, informal sector employment, etc.). What kind of information gathering powers will Aadhaar confer on the State over and above what it already has? Can you give specific examples of incremental power?**

Aadhaar means a quantum jump in the surveillance powers of the State. Some technologies, like mobile phones, already enable the State to track some aspects of our lives. But they only capture some fragments, and with limited power. Email addresses and mobile numbers can be changed, and there are growing possibilities of protecting oneself, for instance through encryption. *Aadhaar* makes it possible to link the fragments. It is a leap towards foolproof, total and permanent surveillance – the dream of intelligence agencies. Only an innocent would fail to expect these powers of surveillance to be used to the hilt.

 The right to dissent is a hard-won civil liberty. It has come under severe attack in recent years, through selective harassment of dissenters – not always by the government but often with the tacit or explicit approval of the government. For every person who is targeted or harassed, one thousand fall into line. In this climate, *Aadhaar* could easily be misused for further suppression of dissenting voices. Even without misuse, it undermines the right to privacy, which is an essential foundation of the freedom to dissent.

Q: The Supreme Court verdict that Aadhaar cannot be made mandatory to receive benefits reflects the concern that it may increase exclusion errors, either by leaving people out of the net or through technological malfunction. Is this a serious concern?

The Supreme Court did nothing more than to give a plausible interpretation to the government's repeated claim that *Aadhaar* is voluntary. If *Aadhaar* is voluntary, then surely it cannot be made mandatory for basic services that people are entitled to as a matter of right. Even if making *Aadhaar* mandatory did not lead to exclusion errors, citizens should still have a right to freedom from State surveillance.

 As it happens, it is also the case that making *Aadhaar* compulsory leads to major exclusion problems. I have seen this at close range in Jharkhand. To illustrate, when MNREGA (Mahatma Gandhi National Rural Employment Guarantee Act) functionaries came under pressure to achieve 100% "*Aadhaar* seeding" of Job Cards, they cancelled Job Cards for everyone to achieve the target. An experiment to pay social security pensions through *Aadhaar*-enabled Business Correspondents in Ratu Block had to be discontinued, partly due to biometric failures. Last but not least, *Aadhaar*-enabled "Point-of-Sale" machines are threatening to disrupt the

Public Distribution System (PDS), right in the middle of a drought year. The failures rates are really high, even just outside Ranchi.

Aadhaar is a wholly inappropriate technology for Jharkhand and especially rural Jharkhand. For one thing, it creates a permanent and ubiquitous dependence on internet connectivity. This dependence has already proved disastrous (before *Aadhaar*) in various contexts, including the implementation of MNREGA. In order to work, Aadhaar authentication requires not only internet connectivity but also biometrics and mobiles to work at the same time. In many villages of Jharkhand, not one of these technologies can be relied on. The result is not just an "exclusion" problem, but inconvenience and uncertainty for everyone.

Q: On the other hand, supporters express the hope that Aadhaar will reduce inclusion errors and corruption by eliminating ghost beneficiaries, say in schemes like MNREGA (Mahatma Gandhi National Rural Employment Guarantee Act). Are there substantial benefits to be reaped on this account?

There is no question that the use of *Aadhaar* to de-duplicate databases can be very effective in eliminating ghost and duplicate beneficiaries. The example of LPG, where the government claims to have saved over Rs. 150 billion in the "initial stages alone", only reinforces the anecdotal evidence that *Aadhaar* and the Direct Benefit Transfer (DBT) Scheme linked to it, are beginning to have a significant positive impact on the ground.

It is unfortunate that some critics are set on trivialising the issue of "wrongful inclusions" in public subsidy programmes and question the demonstrable savings in LPG subsidies by arguing that some of those savings could have been achieved even without *Aadhaar*. They ignore the fact that numerous attempts by states to de-duplicate beneficiary databases using electricity meter numbers, ration card numbers, etc. have previously failed; and such efforts were one-time or episodic at best, while *Aadhaar*-based de-duplication is a continuous and sustainable process over time.

Yes, there are theoretically other alternative tools to *Aadhaar* to help weed out ghosts and duplicate beneficiaries, but such tools have often themselves been suspect and have led to questionable results. That is the true import of a credible lifetime ID such as *Aadhaar*, whose efficacy as a "Unique ID" has not been seriously challenged so far, which can be used not only for de-duplication but also for real-time authentication of beneficiaries.

In my view, technology has often been more effective as a change agent in India than all the moralising and threats of punitive actions (example, railway reservations, tax returns, etc.). And *Aadhaar* has the true potential to become the backbone of such a technology-lead anti-corruption effort at the point of service delivery.

Q: Most advanced economies have had some version of UID for a long time, example, the Social Security number in the US, the Social Insurance Number in Canada, etc. This is recorded not only in interactions with the State (example, tax filing) but also in many kinds of non-governmental transactions (example, college admissions or property purchase). Yet, it is arguable that these nations

have not become police States, occasional abuse notwithstanding. If privacy concerns in India are justified, is it a reflection of the trust deficit in government specific to India (or poorer countries more generally)? Or do you think schemes like UID inevitably lead to a surveillance State anywhere in the world?

I don't think that any advanced economy has "some version of UID" today. And I doubt very much that any of them, at least among those with a vibrant democracy, would be able to impose this sort of invasion of privacy on the public.

Identity numbers such as the Social Security number of the US are based on the principle of "minimum use, maximum safeguards". With *Aadhaar*, maximum use is the motto, and the privacy safeguards are very weak. The champions of *Aadhaar* want it to be "ubiquitous", as Nandan Nilekani himself puts it.

Surveillance concerns are not unique to India, as we know from Edward Snowden and Glenn Greenwald among others. The need to oppose invasions of privacy and restrict the power of the State is more or less the same in India as in other democracies. This is an [argument for resisting *Aadhaar*](#), not supporting it.

Q: Can something like UID be created without compromising privacy beyond acceptable limits? If so, how should the Aadhaar Bill have been written? What are its specific and avoidable weaknesses?

Some alternatives would be worth discussing. For instance, *Aadhaar* could be rebooted in a voluntary mode, compatible with the Supreme Court orders. Even better, it could be turned into an optional identification card, with biometric authentication shelved (biometrics could still be used to de-duplicate the list of *Aadhaar* cards). This would, indeed, be a valuable document for many residents. If biometric verifiability is deemed essential, people's biometrics could perhaps be stored on the card, rather than in a centralised database – some countries have identity cards of this sort.

About the *Aadhaar* Bill, most of the amendments proposed by the Rajya Sabha were very reasonable. Unfortunately, the government pre-empted any discussion of these amendments by cross-dressing the *Aadhaar* Bill as a money bill. This undemocratic process reinforces the case for worrying about *Aadhaar*.