***Aadhaar* Bill Debate: Reetika Khera**

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?**

The fact that government is already collecting a lot of information can hardly be an argument for furthering that process. In any case, there is a difference between collection of information that is stored in different, unconnected silos and information that is connected across silos through *Aadhaar*. That is the real danger of *Aadhaar*. *Aadhaar* is not required for [portability](#) of benefits or for making cash transfers. Local biometrics (as [Mukhopadhyay et al.](#) work in Andhra Pradesh has shown) can help de-duplicate as well as *Aadhaar* biometrics, without the dangers that interlinked databases bring.

I have found the views of Glenn Greenwald's on [privacy](#), John Oliver's [interview](#) with Edward Snowden, or material prepared by [Privacy International](#), help me understand how such connected data silos facilitate profiling, mass surveillance, concentration of power in the hands of the government, can amount to an invasion of privacy. In my view, we should all try to understand the concerns they raise better.

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?

Given that the a priori case for *Aadhaar* in MNREGA, PDS and social security pensions was so weak, it is not surprising that its imposition has caused disruption and exclusion in these programmes. Emerging evidence shows how *Aadhaar* is hurting existing welfare programmes and beneficiaries. I have written about it [here](#).

The most heart-breaking case is that of linking old age, widow and disability pensions with *Aadhaar*. The work of [Rinku Murgai](#) and her co-authors has shown corruption has not been a serious issue in the pensions programme. The government's insistence on linking it with *Aadhaar* has caused grievous disruption and exclusion. The necessary paperwork is difficult for old people; the technology is unreliable (biometrics, server and connectivity issues). This has resulted in irregularity of payments for some people and increased transaction costs (because instead of getting it at their doorstep, they have to find a way to reach the bank) in Rajasthan, who were earlier getting pensions reliably. Here, the lesson is – if it ain't broken, don't fix it.

Similar instances of exclusion and disruption are also appearing in MNREGA (example, Jharkhand, [Karnataka](#)) and PDS ([Andhra Pradesh](#), [Rajasthan](#)). If a priori

there was a role for *Aadhaar* in these programmes one could have set them aside as teething problems.

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?

Starting in 2010, I have [written](#) to show how, a priori, there is no role for *Aadhaar* in combating corruption in MNREGA or the PDS (Public Distribution System). For example, in MNREGA wages are now deposited in bank or post office accounts. Now, corruption can occur in the following ways:

1. Coercion (when labourers' wages are forcibly 'shared' with corrupt officials after being withdrawn from the bank or post office),
2. Collusion with labourers where days of work are inflated to defraud the system. In such cases, UID authentication cannot help.
3. Collusion also occurs between MNREGA functionaries and post office officials ("identity fraud"), who operate the labourer's account without his or her knowledge. It is only in this case that the UID-authentication can help. (Even here, identity fraud can be controlled further by switching to banks).

Thus, the belief that *Aadhaar* could "be a tool to loosen the stranglehold of the local elite by reducing the dependence of the local population on them" is misplaced. After biometric authentication at the bank or ration shop, the local elite can continue to cheat by withholding some cash or grain.

Corruption in the [PDS](#) and [MNREGA](#) has been on the decline without *Aadhaar* – of course, more needs to be [done](#). The most remarkable example perhaps is that of PDS in Bihar where four independent studies (including one in which I was involved) show an improvement – these include studies by Somanathan and Kelsrud (2013 and 2015), Kumar (unpublished), Bhattacharya (unpublished).

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?

Identity numbers are not my field of specialisation, so it is hard for me to comment on the similarities (or lack thereof) between UID and the social security numbers in

other countries. However, the [LSE Identity Report](#), which resulted in UK scrapping its biometric ID project, could as well have been describing *Aadhaar*. The proposal, they said, was "neither safe nor appropriate", "technically unsafe"; the technology "is, to a large extent, untested and unreliable". In particular, biometrics was a cause of concern because it "has never been used at such a scale." Further, "many of the public interest objectives of the Bill would be more effectively achieved by other means." And finally, "The success of a national identity system depends on a sensitive, cautious and cooperative approach." The report also raised questions about the costing of the project because "figure does not include public or private sector integration costs".

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?

The discussion on *Aadhaar* begins with an implicit assumption that it is good, or even necessary, for better implementation of welfare programmes. This is just not true - welfare needs *Aadhaar* like a fish needs a bicycle.

We need limits on the use of *Aadhaar* – by whom and when can the number be requested; when should biometric authentication be required and so on. There are several privacy groups which are better qualified to answer this question.