

## Aadhaar Project: A Critical Analysis

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### Abstract

Aadhaar is one of the most ambitious and controversial project in India. The project is envisaged to issue Unique Identification Number (UID) to each and every residents of India. The name Aadhaar communicates the fundamental role of the number is issued by the UIDAI the number as a universal identity infrastructure, a foundation over which public and private agencies can build services and applications that benefit residents across India. This Paper explores the details about Aadhaar Project and the fundamental issues and conflicts in the question of civil liberty, individual privacy, possibilities of data theft.

**KEYWORDS:** Aadhaar, Biometric, Civil Liberty, PDS, National Security, NREGS, UID, USID.

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### Introduction

The twentieth century witnessed the emergence of technology as the new face of governance. E-governance and many modernization government programme were introduced to improve the quality of governance especially in the field of national security. Post 9/11 era when war against terror and related paranoia ruled the world possibilities of national biometric identity cards were proposed with haste in various countries. In 1980s efforts were there in Australia to issue national identity cards, similar attempts in Canada, Philippines, China, and United Kingdom. The real ID project of the Bush administration in the US also attracted attention worldwide. This paper explores the details about the Indian government's controversial project of Aadhaar and discussion of the hidden side.

### Background of the Aadhaar Project

In India steps in this direction began with, 'Kargil Review Committee Report' submitted in January 2000. The committee recommended that ID cards be issued immediately to people in border districts to prevent infiltration and find out illegal immigrants. Based in this a Group of Ministers in a report titled Reforming the National Security System noted "All Citizens should be given a Multipurpose National Identity Card (MNIC) and non-citizens should be issued identity cards of a different color and design". Acting upon the report Government of India initiated a process for the creation of National Register of Citizens in 2003.

Strategic vision on the UIDAI Project was prepared and submitted to this committee by M/S Wipro Ltd. It envisaged the close linkage that the UIDAI would have to the electronic database. The committee also appreciated the need of a UIDAI Authority to be

created by an executive order under the aegis of the Planning Commission to ensure a pan-departmental and neutral identity for the authority and at the same time enable a focused approach to attaining the goals set for the XI plan. The seventh Meeting of the Process Committee on 3 August 2007 decided to furnish to the planning commission a detailed proposal based on the resources model for seeking its in principle approval([www.uidai.gov.in](http://www.uidai.gov.in)).

The present UPA Government soon after assuming power formed Unique Identification Authority of India (UIDAI) in 2009. The programme named Aadhaar was inaugurated in 29<sup>th</sup> September 2009 by Prime Minister Dr. Manmohan Singh. The first resident to receive Aadhaar was Ranjana Sadashiv Sonavane of Tembhili village in Maharashtra.

### **Aadhaar and UIDAI**

Aadhaar is a brand name of Unique Identification Number that the Unique Identification Authority of India (UIDAI) will issue to every resident of India. The twelve digit number is linked to the resident's demographic and biometric information, which they can use to identify them everywhere in India, and to access a host of benefits and services. Each number relates to a set of information stored in centralized data base that provides for real time verification.

Unique Identification Authority of India is the government agency responsible for the implementation of Aadhaar. UIDAI was set up through notification number A-43011/02/2009 admin.1 dated 28/01/2009 as an attached office of the planning Commission. As per the notification on UIDAI has been assigned the responsibilities of laying down the plan and policies to implement the UIDAI Scheme, own and operate UIDAI database including its updation and maintenance on an ongoing basis. The implementation of the scheme entails, inter-alia, the responsibilities to generate and assign UID number to resident and define 15 sage and applicably of UID for delivery of various services. Nandan Nilekani former Co-chairman of Infosys was appointed as the Chairman of UIDAI (with Cabinet Rank) R.S. Sharma is the Director General and Mission Director of UIDAI.

The data stored in the Central ID repository (CIDR) include basic biometric and demographic information of every individual in India. Photograph, ten fingerprints and the iris scans are the biometric information collected. Details are listed below:

1. Name
2. Gender
3. Date of birth
4. Father's/Husband's/Guardian's Name and Aadhaar Number
5. Mother's/Wife's/ Guardian's Name and Aadhaar Number
6. Educational Qualification
7. Address
8. Voter's ID Number
9. PAN
10. Ration Card Number
11. Driving License Number

12. Details of Gas Connection
13. Introducer's Name and Aadhaar Number in case of lack of documents
14. Ten finger print
15. Iris scans
16. Photograph
17. NREGS number

Various state governments and enrolling agencies are incorporating who-knows-what all details in forms.

Aadhaar project is being implemented in two phases. Phase I comprises of setting up of necessary infrastructure at the Head Quarters and Regional Offices, testing facilities, putting the man power and process to kick start the programme. Phase II, involves enrolling of people in the scheme through some enrolling agencies. Then the process of de-duplication (de-duplication is the process by which data collected through enrollment process is subjected to verification by the UIDAI by biometric matching to ensure that no duplication has occurred). And the process of data updation by which any change in the biometric or demographic data is recorded in time.

The data collected during enrollment process which include demographic and biometric information would be stored in Central ID Repository (CIDR) maintained by the UIDAI. The scheme has a multi registrar approach. The registrar General of India having the responsibility of preparing the National Population Registry (NPR) under the citizenship Rule 2003 is one of the main registrars of UIDAI. This multi registrar approach would reduce the risks associated with data security says the UIDAI.

The data stored in the CIDR is used for the verification of identify of the resident who has a UID number. A real time verification system will be made available to all service providers who prefer to make use of Aadhaar. These might include various social welfare schemes of the government like Public Distributing System (PDS) and National Rural Employment Guarantee Scheme (NREGS) and financial institutions like Banks. The UIDAI also contemplates expanding the use of Aadhaar to various other applications in private and public sectors. UIDAI says it would provide only indentify verification to personal information would be made available to their agencies whether government or private.

The UIDAI has entered into contract with a number of service providers for the procurement of equipments. HCL Info-systems which will provide Internet & Knowledge management Portal, services will be procuring equipment from companies of Non-Indian origin Microsoft SharePoint, Microsoft, USA Hardware, HP, and LI Identity Solutions.

### **Benefits of UID**

Aadhaar will facilitate the proper working of social welfare scheme such as PDS and NREGS. The project pegs its legitimacy on what it will do for the poor. It promises that it will give the poor an identity, with which they may become visible to the state (Usha 2010). Major benefits given below:

- Each Aadhaar number will be unique to an individual and will remain valid for life. Aadhaar number will help you provide access to services like banking, mobile phone connections and other government services in due course.
- Unique and robust enough to eliminate the large number of duplicate and fake identities in government and private databases.
- Aadhaar provide the identity infrastructure for ensuring financial inclusion across the country, banks can link the unique number to a bank account for every resident and use the online identity authentication to allow resident to access the account from anywhere in the country.
- Aadhaar would also be a foundation or the effective enforcement of individual rights. A clear registration and recognition of the individual identity with the state is necessary to implement their rights, to employment, education, food etc. the number by ensuring such registration and recognition of individual would help the state deliver these rights.

In our public distribution system, supplies meant for the poor multitude are taken away by the underserved using bogus ration cards. This can be prevented with the aid of Aadhaar numbers for UID cannot be faked. And the NREGS was one of the best poverty alleviation schemes introduced in India, yet a benefit of the scheme doesn't always reach the needy. The privileged are siphoning off money by forged NREGA ID Cards. By integrating Aadhaar with the scheme we can prevent such problems.

Black money is one of the most important problems our nation is facing. It is perceived that the size of black economy is even larger than our GDP. Because of the fraud identities and impersonations government is helpless in tracing the illegal activities that promote black economy. Aadhaar will provide the government with a robust system to check this.

One of the major benefits is that Aadhaar will be boon for national security front for it will help eliminate false identities and solve the problem of impersonation. Thus Aadhaar will help security agencies check illegal immigration, terrorism and infiltration. With the help of UID government can monitor unwanted elements of the society (Jijeesh P.B 2011).

### **Issues and Concerns**

Aadhaar is symbolic of the new and modern India says the Prime Minister, so we have every right to understand that modern India means for its citizens. It should be a matter of concern that there has been no informed public debate on the issues concerned with the implementation of Aadhaar, but for the promotional literature issued by the UIDAI. There seldom had any discussion in the mainstream media, especially in the visual media and regional dailies, about the project and about its social implication (R. Ramkumar 2011).

Another important question is that is Aadhaar mandatory?, the answer for sure is 'No' says the UIDAI, but as R. Ramakumar, Associate Professor, Tata Institute of Social Sciences, point out that Aadhaar has stealthily being made mandatory, by linking UID to National Population Register the UIDAI has made Aadhaar, de facto compulsory for

every citizen. There are no penal consequences if a person does not chose to get an Aadhaar number says R.S. Sharma, Director General and Mission Director of UIDAI this is utter nonsense. For the citizenship rules 2003 requires every Indian citizen to compulsory register with the Local Register of Citizen Registrar and provide correct individual particulars. Rule 17 explicitly provides for penal consequences if a person fails to comply. It is admitted by UIDAI that data collected for National Population Register (NPR) will be fed into the UIDAI database and NPR would issue a card bearing the UID Number. The case is crystal clear that Aadhaar is mandatory.

Every citizen under international and domestic laws has the right to privacy. The International Covenant on Civil and Political Rights (CCPR) ratified by the government of India requires that the right to privacy of every individual be protected from arbitrary or unlawful interference by the state. As upheld by the Apex Court right to privacy is explicit under article 21 of the Constitution of India (Article 21) of the constitution of India. As per the article 13(2) “the State shall not make any law which takes away or abridges the right conferred by this part and any law made in contravention of this clause shall, to the extent of the contravention, be void. In addition the Hindu Marriage Act, The Copy Right Act, Code of Criminal Procedure, Juvenile Justice Act (Care and Protection) Act 2000 and the Census Act, 1948 provides for the protection of privacy of an individual. A notable case is Census Act, 1948 which in may ways is related to collecting information from individual. Under section 15 of the act, the information that is collected by Census Agency is neither open to inspection nor admissible in evidence. This ensure the confidentiality of personal information of individuals while allowing the state to have a profile of the population as a whole.

The National Identification Authority Bill 2010 on the other hand empowers the government to access the data in the CIDR which constitutes the National Population Register. Many of us may not be aware of the fact that NPR was not an exercise done under the Census Act 1948. The NPR is under Citizenship rules 2003 which came as an amendment to citizenship act 1955. This was done to bye pass the confidentiality enriched in the Census Act. Also the act makes a national identity number compulsory. It shall be the responsibility of every citizen to once register with the Local Register of Citizen Registration and to provide correct individual particulars and the onus of getting enrolled in the NPR has been placed on the resident. The Law further states: any violation of rules 5.7.8.10. 11 and 14 shall be punishable with fine which may extend to rupees thousand. By linking UIDAI with NPR Aadhaar is made mandatory. Thus the state or UIDAI would have the individual profile of every resident.

The table reproduced above from the UIDAI websites says “Aadhaar will give only Yes or No” response to any Identification Authentication queries and UIDAI information will not be made available to any public or private agencies. But see what the proposed NIAI Bill 2010, has in section 33: Nothing contained in the sub-section (3) of section 30 shall apply in respect of (a) any disclosure of information (including identity information or details of authentication) made pursuant to an order of a competent court; or (b) any disclosure of information (including identity information) made in interests of national security in pursuance of a direction to that effect issued by an officer not below the rank

of Joint Secretary or equivalent in the Central Government after obtaining approval of the Minister in charge.

It's a clear case for the State's intrusion into privacy of the citizen. India has launched many projects Criminal Tracking Network and Systems (CCTNS), National Counter Terrorism Centre (NCTC), Central Monitoring System (CMS), Centre for Communication Security Research and Monitoring (CCSRM) etc, all without proper legal framework or approval of the Parliament.

Another question is Market Intrusion? In the context of unique identity part of this database could be shared with even purely private smart card initiatives such as private banking/financial services on a pay as-you-use principle. These agencies can borrow unique ID and related information from the managers of these database and load further applications in making specific smart cards. While the original sources of data can be updated by the data managers, the updating of supplementary parts will remain the responsibility of the service providers.

In the neo-liberal era far greater chances are there for private players to exploit the personal information than anyone would imagine. Reports are already emanating from different parts of the country about malpractices of the private payers involved in Aadhaar data collection process. On December 5, 2011 Money Life reported that UIDAI found Madras Security Printers Pvt Ltd and Alankit Assignment guilty for sub-contracting work to other vendors. The Andhra Pradesh state government also received server complaint against both the vendors for misuse and sale of data private firms.

Another issue is the question of Foreign Players involvement, the private players involved in data collection and storage include L1 Identity Solution, a company that provides similar services to CIA and FBI of the US and Accenture. L1 identity solutions have many ex-CIA personal on their staff and board. None of the companies can refuse handing over data to the US if they ask for.

Possibilities of data theft, corruption and leakages are very high. As illustrated live on TV chaos computer club in Germany hacker attack on the CIDR is a real danger. With no specific laws like US Federal Privacy Statute or the European Directive on data protection we could be in huge trouble. The stolen data can be used for many unforeseen purposes; it will make hackers easier for accessing our bank accounts. Thieves have amazing knowledge technology and their schemes and imaginations are mind-boggling on october7, 2011, an American court indicated 111 men in one of the worst cases of data theft in world history when identities of thousands of people were stolen and their bank accounts were emptied through forged American express, Discover Master Cards and Visa Cards with stolen credit card numbers. These were holds up at gun point, but the impact on victims was the same, New York Police Commissioner Raymond Kelly said, they were robbed. Proposals for using UID and biometric certification for accessing banking services run greater risks for data once hacked cannot be changed. If a credit card number is stolen we can stop the harm by disposing off with the service, if our ID card is stolen, we can get a duplicate ID card or new one after cancelling the former, but we cannot do that with our UID number as our finger prints or iris scans cannot be changed at will be left with no option but to suffer the consequence.

The global experiences on the national ID cards schemes should have guided the policies of our government, especially in an era of globalization. But it seem sto our government has turned a blind eye towards experience abroad. All nationals ID card schemes across the world have faced still resistances from Civil Liberty Groups. In 1985 Australia came out with the proposal to issue national ID card called 'Australia Card'. After a rigorous opposition and fierce protests the proposal was withdrawn in 1987. The experience in the United States, United Kingdom, Canada and Philippines were similar. In countries where there is voluntary security numbers have founded it difficult to deal with problems of data theft and misuse.

## Conclusion

Democracy, the concept and way of governance we all accepts is based on the principal that a government is an instrument to serve the people and not a instrument to master them. Privacy and liberty are basic right of every individual. No government has the right to open a file on each citizen and criminalize those who refuse to comply. These are the sixteen reasons why Aadhaar should be opposed.

1. Aadhaar is an assault on Privacy and Civil Liberty
2. Aadhaar will store personal information of individual in a centralized repository (CIDR) and we don't want a Database State.
3. The Government has the power to access the data as per national Identification Authority Bill, 2010
4. Chances of Data theft, data misuse and corruption looms large and we have no specific laws to deal with data security.
5. If the information lands in the wrong hands, that can turn out to be a threat to the very existence our democracy.
6. Aadhaar is made de facto mandatory
7. There is limited over view
8. No law has been passed by the Indian Parliament. Parliament standing Committee on Finance has rejected the NIAI Bill 2010
9. The project would have serious social impacts
10. The project would lead to financial exclusion
11. Aadhaar won't prevent leakages in welfare scheme and possibilities of fraud would be higher.
12. Aadhaar will increase security threats
13. The project is impossible to implement and the biometric de-duplication as envisaged by UIDAI is not possible.
14. There is no real need for Aadhaar other than what the UIDAI create
15. Globally, the science of biometric is being questioned and most of the countries in the world are abandoning similar projects.
16. It seems that are the only reasonable reason for the government to carry on with the project is business interests involved and it is a scam in making.

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