

## A Necessary Voice in the Face of a Juggernaut

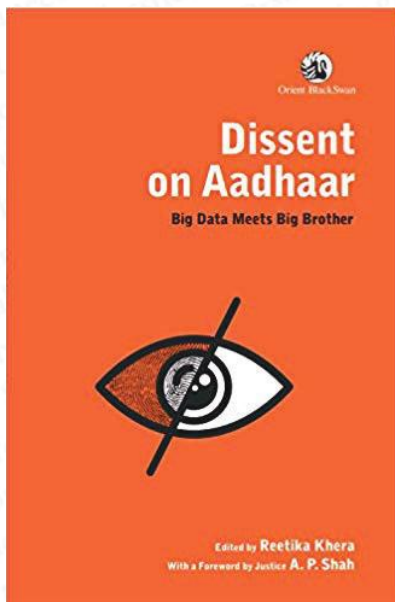
A Necessary Voice in the Face of a Juggernaut

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DISSENT ON AADHAAR: BIG DATA MEETS BIG BROTHER

Edited by Reetika Khera

Orient BlackSwan, 2018, pp. 288, R475.00



These are politically charged times and even in polarized scenarios such as this, there are few issues that have stimulated more polarized conversations than the Unique Identity (UID) project, better known by the epithet of Aadhaar. On the one side is a seasoned army of technocrats led by Nandan Nilekani, a doyen of the IT industry, and on the other side, is an equally revered constellation of social scientists, legal experts and policy thinkers. At some levels,

the battle of Aadhaar represents a major site where inter-disciplinary intellectual differences between technology and the social sciences are being continually negotiated—albeit with a new sense of

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urgency amidst the explosion in power and pervasiveness of technology. This intellectual exchange is, of course, mired by claims that self-interested individuals or organizations are engaged in driving or stalling the project, which offers another layer of arguments and counterarguments. The multi-layered nature of argumentation reveals the immense complexity of the discourse around Aadhaar.

The book under review is a collection of essays by many intellectual luminaries on the subject. It is, as the title suggests, an unrestrained critique of the concept and execution of Aadhaar, and the overarching voice reflected in the essays is that of dissent. Of course the dissent itself has different shades; some authors recognize that the project has given some benefit but raise alarm over its real and hypothetical threats. Others are more fervent in dissent as they perceive that Aadhaar will bring us closer to an Orwellian world of surveillance (notice the inclusion of 'Big Brother' in the title). However, amidst the varied gesticulations, what is striking about the book, which I feel makes it an invaluable contribution, is the range of interdisciplinary perspectives (from law to policy to engineering) that coalesce into a collective expression of dissent.

I must confess that I am not an expert on the subject of 'identification' projects. As a result, I will restrict my review to analysing the arguments in the book primarily from the standpoints of logical coherence and demonstrated evidence. I first present the areas of agreement and then go on to highlight my differences with the authors.

First, I agree with the concern raised in the book that an aggressive push towards mandating Aadhaar for all social schemes has led to some exclusion. No technology is error free and the process of realizing identification through biometric methods may, by chance or at times even by design, exclude some people, who would have otherwise been eligible for benefits. The moot question, then, is what is the alternate recourse available for people that are excluded? As Jean Dreze and Anumeha Yadav highlight, the government has been largely silent on this issue.

Second, I agree that Aadhaar could open up possibilities for state actors to harvest private information from citizens. The arguments presented in the book suggest that the regulatory safeguards against this prospect are not adequate. While the Supreme Court's 2017 judgement gives some legal anchorage for a plausible rebuttal of such possibilities, as Gautam Bhatia points out, this guarantee may be more fragile than is usually regarded. One suggestion for addressing this is to take a leaf from the privacy protections embedded in the US Social Security programmes as detailed in Srujana Beg's essay. Another idea is to implement a graded authentication mechanism, as proposed by Gus Hosein and Edgar Whitley, which limits the use of biometric authentication to functions that have higher risks. More routine transactions such as marking attendance in schools could use lower order authentication protocols, which would also limit the potential for recording of day-to-day transactions.

Third, I agree that the expanding scope of the programme needs to be carefully considered. MS Sriram's essay traces the successive instances of scope creep that has percolated into the project. What started as a simple identity verification database has now turned into an anchor for linking of disparate databases. Which way it is likely to go next is anybody's guess, but further attempts to integrate more databases need to be made with careful consideration.

However, there are other arguments that do not quite convince me. First, the repeated assertions in some of the essays that Aadhaar has led to virtually no efficiency increments is not, in my view, backed by substantive evidence. Of course it is likely that the real benefits of Aadhaar are lower than the claims made by government data and politicians, but I believe that to discredit all claims of benefit based on the argument that these claims seem exaggerated is to take the critique a little too far.

The second point of divergence relates to the argument that if Aadhaar turns into a data harvesting project, it will necessarily lead to curtailing of political dissent. Yes, as more private information gets integrated within the government repository, it will give governing politicians an upper hand over critics and opponents. However, for this information advantage to translate into an active instrument of repression would need other pieces to fall in place, such as a subservient judiciary, complete absence of data usage regulation and a public acceptance for authoritarian methods. An information harvesting Aadhaar may prove to be one concrete step but is not necessarily a natural route to an authoritarian incursion. That said, I generally agree with the authors that ex-ante safeguards, like those I mentioned earlier, are likely to be more effective than ex-post ones.

In summary, the book presents a rigorous multidisciplinary critique of the Aadhaar project. Some of the cautions raised in the chapters are warranted and need to be carefully examined. However, it is also necessary that the expression of caution does not slide into indiscriminate criticism of the project, even in areas where it may be giving benefit. The government needs to be more careful about where it wants to take Aadhaar, and intellectuals need to be ever so watchful.

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## Review Details

Book Name: DISSENT ON AADHAAR: BIG DATA MEETS BIG BROTHER

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Book Year: 2019