

Shutting down Aadhaar will not ensure privacy

The benefits that these new technologies can provide will counterbalance the harms that they could cause



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The battle over Aadhaar is now in its endgame. A five judge bench of the Supreme Court is currently hearing arguments about the validity of Aadhaar and will decide, once and for all, whether to uphold it or strike it down. Whichever way the court rules, the consequences will be significant. If it is upheld, and if the concerns of the petitioners as to the security and safety of the identity infrastructure are to be believed, it will result in exclusion, giving the Deep State free rein to misuse its powerful infrastructure for nefarious purposes. If, on the other hand, the project is struck down, the many crores of savings the government has been able to realise as well as the vast infrastructure that is now indispensable for many in the private sector, stands to be destroyed.

Over the past few weeks the debate has risen to a fever pitch. Detractors have not lost any opportunity to pillory the project, and the press has joined in — sometimes sacrificing investigative rigour for TRPs. The UIDAI, for its part has not exactly covered itself with glory, responding incoherently to the concerns being raised and often taking legal action in unseemly haste. But if we can put aside the hyperbole for a moment we will quickly realise that the position we find ourselves in is not entirely without precedent.

Aadhaar is an identity project that has been introduced into a country that had no reliable means of identity. When you provide identity to a person who has never had it before, you strip him of the anonymity of the crowds. For many this is a blessed relief. As long as they remained hidden amongst the crowds, the benefits that were supposed to trickle down never ever reached them. Now that they had an identity — one that no-one else could use —

they could finally claim these entitlements themselves. For others, losing the shelter of the crowd has left them exposed, their personal lives subject to unprecedented scrutiny, now that an imperfect identity no longer shields them.

In the history of privacy, we have stood at this crossroads many times before. Every time a new technology has offered new benefits it has, at the same time, had some impact on our current expectation of personal privacy. The invention of the printing press democratised the written word, bringing the knowledge and entertainment of literature to the masses and ensuring that not just the wealthy could enjoy books. But at the same time, it made it possible for correspondence that was only ever intended to be private, to be published for all to read — giving rise to some of the earliest judgments on violation of privacy. When portable cameras were invented they allowed passers-by to snap pictures of us at unguarded moments producing images that embarrassed or tarnished our reputation and changing forever our expectations of privacy in public spaces.

In every previous instance these technologies were denounced and sought to be banned lest they destroy our current way of life. In every such instance, rather than being shut down, we changed our perceptions of privacy, amending our laws to address the concerns they posed, and establishing a new balance between the benefits that these new technologies provided and the harms that they could cause.

Data is the latest technology that is threatening our personal privacy and, as before, the choice is between shutting it down and allowing it to proceed within a new framework of personal privacy. I have no insight into the mind of the five gentlemen who are sitting down to decide this matter but if history is anything to go by, nothing will come of attempting to shut down by brute force, a technology that has already come into its own.

Data-driven decision-making is here to stay and digital identity is just one of the engines that will power its evolution. There is nothing to be gained from railing at the technology. Instead we'd do well to begin to change our current perception of personal privacy. In the immortal words of Wayne Gretzky, we need to "skate to where the puck is going, not where it has been."

(This is the fourth in a series of by-invitation opinion pieces on Aadhaar)

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The views expressed are personal*

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