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Working with various stakeholders... We don't want India's digital journey to get hampered

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With the Supreme Court curtailting the usage of Aadhaar while upholding its constitutional integrity, attention has turned to what banks, telecom companies and financial technology firms can and cannot do with the biometric ID. In an interview, Ajay Bhushan Pandey, chief executive officer of the Unique Identification Authority of India (UIDAI) says fintech companies and third party service providers can lose offline Aadhaar authentication to verify users, adding this has been cleared by the attorney general. Telecom companies have sought 2-3 months to devise an exit plan, Pandey said. Edited excerpt.

'It has been a little over two months since the Supreme Court order which curtailed the usage of Aadhaar. I want to get a sense from you on where things stand today and your view on deletion of logs beyond the six months period, what is the status check on that'

To say that the Supreme Court has curtailed the use of Aadhaar, it is not even the SC has said that the whole Aadhaar scheme is constitutional, it does not even share the privacy. It meets the concept of constitutional trust, good governance and digital privacy. It also said that Aadhaar project is unique, it is unparalleled and also it is a document of empowerment.

So, having said that, it has also held section 7 of Aadhaar Act where it has said that for all subsidy schemes Aadhaar can be made mandatory with the qualiﬁer which is there in the Aadhaar Act itself where it said that if the finger print does not match, should that person be deﬁned? Our Act also says that it should not be deﬁned. The SC has struck down a part of Section 57. It says that if there is a private contract, where there is no public interest and it is being done by a third party, that is where the SC has said that it is unconstitutional.

So, what we have done is, we have already had the list of the people who were using Aadhaar for various purposes, so from that we have ﬁgured out that who are these people who should not be using Aadhaar as such.

Who are the people who should not be using Aadhaar?

For example, SC has said about the telecom companies. So, we have told the telecom companies that here is the SC order. Now the SC order is public, so everybody is supposed to follow the order. So, in that particular case we have told the telecom companies, similarly there are some other private companies, so we have told everyone that here is the Supreme Court order, please follow the Supreme Court order and give us an exit plan. Now that exit plan— the provision provided in the Aadhaar regulation itself. Why there is a need for an exit plan? Because once you are rolling out certain services, for example in case of a telecom company, they were giving sim cards on the basis of the ﬁnger print - Aadhaar authentication, now they will have to make an exit from this whole system and for that purpose there has to be an exit plan. Exit plan is provided in the Aadhaar regulations.

So, have they come back with an exit plan? By when will the exit plan be put in place?

They have told us that they are already in the process of making the exit plan and they want some time.

How much time?

Some companies have asked for 2-3 months’ time. So, this is the kind of time that we have taken, with the Department of Telecos (DoT).

DoT also last but not least has told them that this SC order has to be followed. The DoT has given them an alternate digital plan because the whole idea is that the people should not suffer because even if they were doing with Aadhaar, there should be equally efﬁcacious digital process through which people should be able to get sim card because this should not lead to going back to the paper age or stone age.

If you are given to understand by telecom companies that they require 2-3 months’ time to be able to put this exit plan in place, who is going to monitor this? Will you monitor this, will the department of telecom monitor this, what is the timeline that we are working with to ensure that the orders are actually complied with?

Here we have two agencies involved, one is the department of telecom and from the UIDAI’s side, in fact both of us will be required to monitor that the Supreme Court order is fully complied with and that is exactly what we will do.

By when can we expect the telecom companies to be in compliance with the order? By the end of the year or will it take longer than that? It should be sooner than that.

What about banks because that is the other problem area?

As far as the banks are concerned, the SC has already said that for section 7 because the banks are also a via medium through which the subsidies are being transferred for example LPG subsidy is getting transferred to the bank accounts. Similarly you have a MGNREGA payments, you have scholarships, there are various pension payments, they all are section 7 schemes. So, wherever section 7 schemes are involved and where the money is going through the banks, the banks as per the Supreme Court order should be entitled to use Aadhaar authentication and Aadhaar facility and in such cases they do not have to make that changes. However for those bank accounts for example tomorrow if you or I get and I am not a beneﬁciary of any particular scheme, then in that particular case, no one should require me to give my Aadhaar number to get an account and that is what the banks are already doing.

Do banks have an exit plan that they have shared with you?

There is no exit plan required at this moment because all the banks are also involved in the direct beneﬁt transfer scheme. Not every account holder is part of the direct beneﬁt transfer scheme. So, if I did not want my Aadhaar to be linked but I was forced to open an account by my bank, the bank account and that is the status today.

In such cases what we have advised the telecom companies and other users of Aadhaar, is that they need to give this facility to their account holder— whether it is a SIM card subscriber or the bank account, or pension or whoever account holder who is not receiving any beneﬁt, he should be given an option that if he is able to replace his KYC with some other non Aadhaar document, in that particular case, he should be given an opportunity.

Is there any data today on how many banks have initiated the process to want to exit from Aadhaar from either a telecom company, from banks, for their pension plans, is there any data today on how many banks have initiated that process?

We don’t have this data, the telecom companies will have the data as we will have the data. We have told them that this is how they need to implement the orders of the Supreme Court.

Have you got any complaints that people have initiated the process but banks or telecom companies have not done the process?

No, we have not got any complaints so far.

Let me then ask you about a statement that you made and you claimed that service providers can use online veriﬁcation tools like e-Aadhaar, masked Aadhaar or QR code without access to biometrics: how is this not a violation of the Supreme Court order because it is still fundamentally linked to Aadhaar and you are talking about an FEG linking to a third party player, you are talking about about how tech companies for instance?

The Supreme Court has clearly said in its judgement that Aadhaar authentication, if Aadhaar authentication where you put your biometric or you do through your online OTP, one-time password pin which comes on to your mobile number if you all are verifying the identity through such means we call it an authentication. So, if you are doing through

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many people have started this process of using this offline authentication. We have workshop of all tech companies because the Aadhaar is very powerful and Supreme Court has also mentioned that it is an empowerment document.

As a citizen, a resident if I have an Aadhaar card or e-Aadhaar, it is my freedom to use it wherever I want, nobody can make it mandatory unless there is a law, however I should be able to use it, particularly when 50-60 core people in India only have Aadhaar card.

So, they should be able to freely use it. So, we are working with various stakeholders, the fintech companies because we don’t want India’s digital journey to get hampered.

Supreme Court order also told you to put more checks and balances in places and to put more safeguards that you have put in place?

Let me explain to you how the offline veriﬁcation will work. In this offline veriﬁcation you can go on your website and you can download one version of Aadhaar Card where your Aadhaar number will be masked, so your Aadhaar number is not exposed, it has only your name, address and photograph which anyway in today’s world your name, address and photograph is in the voter ID card, voter list, so privacy issues are not that extent here. So, if that kind of an Aadhaar card and which is digitally signed by us, that can be used by the ﬁn tech companies, technology companies, any service provider without impinging your privacy and that itself is a big safe guard...the Supreme Court in its judgement has in fact impressed upon the government to implement Justice Srikrishna’s report.

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