

Why Aadhaar cannot be seen as a human rights issue

RIGHT & WRONG



SWAPAN DASGUPTA

Just as it is rewarding to track the policies and politics of a government, it is equally instructive to monitor the movements of those opposed to it. Since the emphatic mandate for the BJP in Uttar

Pradesh and the various local body elections, there have been curious developments within the circle of Narendra Modi's opponents.

At the level of the parliamentary opposition the developments are predictable and centred on achieving maximum non-BJP unity in the election for the Rashtrapati. Simultaneously, recent weeks have witnessed two developments that find generous reflection in the social media. First, there are the expressions of angst over BJP's growing dominance and lament over the decline of the Congress, Aam Aadmi Party and the Left. More interesting, however, is the emer-

Getty Images



NO OPT-OUT OPTION FOR AADHAAR: An absolute right to privacy is a libertarian pipedream

gence of a quasi-libertarian Right, sharply critical of the Modi regime.

The misgivings arise over Modi's alleged over-empowerment of the Indian state. Basing their arguments, among other things, on the instructions to doctors to prescribe generic drugs, the consumer affairs ministry's suggestion that restaurants should specify the quantity of each item on the menu and, of course, the growing scope of Aadhaar, it is claimed that the state is becoming over-intrusive and thereby affecting the rights of individuals to choose. The Prime Minister is being mocked for apparently renegeing on his pre-election promise of ushering in 'minimum government.'

As of now, this disquiet has found a ready platform in the seminar circuit, particularly those organised at the behest of American think-tanks which have made their presence felt in the outer circle of academia and among strategic thinkers. However, it is only a matter of time before these arguments are slyly appropriated by an orphaned Left to press for

total intellectual autonomy from 'nationalist' impulses and social restraints.

At a purely intellectual level, it is refreshing that the classical liberal wariness of the state is finding a platform in India. For too long, particularly under successive Congress governments, the prevailing wisdom was for a greater role of the state, not only in the management of the economy but as an instrument of social engineering. Even now the political class seems inclined towards the public sector and favours resolute state intervention to fight social imbalances. The Constitution too, while conceding individual rights, has been very generous in creating space for state intervention. By contrast, the benign effects of the market and faith in community wisdom — a major tenet of conservatism — have been given short shrift in favour of codification.

The recent controversies are, however, not abstract. They are a reaction to two contemporary impulses: the growing demands for state-sponsored welfare and pressures from below to make the state more efficient and responsive. In recent times, elections are won because there is either an emotive issue, invariably centred on questions of identity or faith, or on the strength of how well or badly the state has managed its welfare and development commitments. The electorate, far from getting over the mai-baap syndrome, still looks on the sarkar as an agency of benevolent paternalism.

For pragmatic politicians, the Thatcherite dream of rolling back the frontiers of the state is electorally unsustainable. It is one thing for the state to opt out of running hotels and airlines but there is an expectation — verging on entitlement — that the state owes it to voters to run an efficient health service, provide education and build infrastructure. The 25 years of economic reforms has not diluted expectations from the state; it has merely made the involvement of the private sector in some spheres far more acceptable. It has also fuelled expectations of efficiency.

This is the context of the Aadhaar debate. There is a legitimate demand that all biometric data should be kept confidential. But to suggest that individuals have the right to opt out of Aadhaar because the right to privacy is absolute is a libertarian pipedream. Aadhaar is merely an instrument to ensure that state benefits reach the intended beneficiary and don't experience the proverbial transmission losses. Its scope has now been enlarged to ensure the maximum tax compliance — a necessary step if India is to have the finances to pay for what people demand from the state. It is ironic that the right to siphon state benefits and dodge taxes is being presented as a human rights issue.

The choices are clear. Either we cease all expectations from the state or create the instruments for their efficient delivery. Either we acknowledge the collective will of society or facilitate a dysfunctional democracy.

✉ Like the article: SMS MTMVSDG
<space> Yes or No to 58888 @ ₹3/sms