

**S**O, EVERY TIME the embattled folks at UIDAI think that the scrutiny and noise around Aadhaar has settled down, along comes someone or something that reignites it.

This time, it's in the form of the Chairman of the independent telecom regulator TRAI himself who perhaps discovered the need to go out there on Twitter and mount an Aadhaar dare to the general world — by offering his Aadhaar num-

cially in the backdrop of the recent Justice Srikrishna report on data protection and a similar input from the TRAI itself.

The focus is and will continue to be consumer rights like the draft data protection law and, as the Justice Srikrishna report points out, the need to amend the Aadhaar Act to harmonise it with the need for data protection rights. I was a petitioner in the Supreme Court when it was decided that privacy is fundamental right. I had predicted then that Aadhaar legislation will have to meet the privacy test. The Srikrishna Committee report has vindicated my stand by recommend-

work and fight ever since I entered public life and I was the first and remain one of the few MPs fighting for an overarching framework of consumer rights in the technology and digital landscape. The Digital Magna Carta of Consumer Rights — i.e. a basket of consumer rights that include net neutrality, privacy, quality of service norms, and free and fair competition on the Internet, amongst others.

I have always been a big supporter and advocate of embedding technology into governance, and so, have always supported the creation of the national ID platform, which the UPA called Aadhaar.

## Towards Digital Democracy



ber on Twitter and challenging netizens to show that how mere knowledge of the 12-digit ID can be misused to harm him. Silly, because it was just recently that UIDAI announced the virtual Aadhaar to protect against misuse of the real Aadhaar number. It took UIDAI to belatedly rush and caution public against disclosing Aadhaar numbers.

While several questions arise about the conduct of a person chairing an important regulatory institution — (that requires a debate about the need for a written code of conduct for regulators perhaps) — the other part of this wholly inappropriate online drama was the return of the scrutiny of Aadhaar, espe-

cially in the backdrop of the recent Justice Srikrishna report on data protection and a similar input from the TRAI itself.

As India marches on the back of Narendra Modi government's Digital India vision, millions of Indians are transforming into active, enabled and connected digital Indians. And so, the Narendra Modi government has recognised a need to simultaneously build an architecture of digital rights for the consumer that includes but is not limited to data protection and privacy. The draft data protection law, net neutrality and the new draft digital communications policy have the consumers interests as their centre piece.

This idea of digital Magna Carta — a basket of clearly defined digital consumer rights has been at the core of my political

Aadhaar in its initial form was conceived during the Atal Bihari Vajpayee government. The UPA spent thousands of crores of public money on Aadhaar with no scrutiny or even legislative backing. As way back as 2010, when I raised the issue of privacy in Parliament, the response of the UPA government was always to cloak Aadhaar in a blanket of spin and opacity. As I was one of the petitioners that took the issue of privacy to the Supreme Court, I recall a "spin article" on the eve of the Supreme Court verdict that was titled "Aadhaar is designed for privacy". It was a pathetic attempt to continue to spin the unspinnable and to try and avoid the inevitable ruling that privacy would be a



fundamental right.

It is to the current Narendra Modi government's credit that it rescued Aadhaar and put it to work as it should be.

In April 2017, IT Minister Ravi Shankar Prasad had penned a blog where he refers to Aadhaar enrolment touching 113 crore or more than 99 percent of the adult population. This government has put Aadhaar to work as a subsidy delivery platform — ensuring that the UPA's clumsy and unforgivable attempts to use this poorly verified database as an ID platform was halted. In the UPA period, over 40 crore “residents” were enrolled with very poor verification and with no protection of data misuse by the proliferation of these so-called enrollment agencies. During the UPA, Aadhaar was permitted to be used as the sole gateway for election IDs and passports — a dangerous situation for national security. It is true that the Aadhaar Act, through Section 3.3, makes UIDAI statutorily responsible for verifying the entries. But the Act was passed in 2016 and it's not clear what the status of the entries made before 2016 is. This issue takes on ominous implications when there are many reports of fake Aadhaars (and therefore fake voter IDs and passports) and that of the 40 lakh people in Assam that have been found ineligible for National Registry of Citizen — a large number have Aadhaars. So, the NRC debate also will bring back some additional national security scrutiny on Aadhaar's use outside the subsidy transfer domain.

For years, UIDAI has evaded tough ques-

tions and oversight. It's time for a good data protection law and some real oversight of its regulations and its functioning. I think a permanent standing committee of Parliament to oversee UIDAI is the answer.

Make no mistake, however, Aadhaar under Narendra Modi is succeeding in cleaning up the engrained culture of corruption in subsidy delivery and must continue to be the sole gateway to ensure genuine needy Indians get subsidies and services earmarked for them, because leakages in subsidies ultimately harm the poor and needy. Aadhaar is the *Brahmastra* in Modi's arsenal to crack down on decades of corruption and leakages in public subsidy spending.

Privacy is a broader issue that goes beyond Aadhaar. It raises legitimate questions about the role and the responsibility of the state, or other agencies, that are custodians of our digital footprints at a time of rapid digitisation of our lives and economy. The emerging Digital Magna Carta of net neutrality, privacy and data protection online, freedom of expression, right to quality of service are all basic building blocks for the innovation and economic opportunity that Digital India can bring to India. The new Digital Communications Policy — coming as it does on the 25th anniversary of Narasimha Rao first introducing the private sector into telecom — is a good draft document that recognises the opportunities in India. The new data protection law, carefully deliberated and discussed with public and in Parliament will lay out the road map to our fast transforming digital democracy. **BW**

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