India Proposes Tighter Laws for National ID Project

COMMENTS

By John Ribeiro (/author/John-Ribeiro/), IDG News Service

The Indian agency assigned by the government to issue identity numbers has proposed stiff penalties, including imprisonment, for anybody found misusing personal biometric and other information that it collects.

The UIDAI (Unique Identification Authority of India) has invited public comments by July 13 on the draft National Identification Authority of India Bill, 2010, which it has published on its Web site (http://www.uidai.gov.in). The bill provides for the establishment of a National Identification Authority of India for the purpose of issuing identification numbers to individuals residing in India.

The UID (Unique IDs) system will provide an effective platform for targeted subsidy payments and offering financial services to Indian people, Indian Minister of Finance Pranab Mukherjee said in February, while presenting the country's annual budget in the Parliament.

The draft law, however, leaves a lot of concepts undefined, and does not directly address the issue of how the agency aims to protect the privacy of individuals, said Pavan Duggal, a cyberlaw consultant and advocate in India's Supreme Court.

By its vagueness, it is difficult to tell now whether the draft law would come into conflict with the country's Information Technology Act, amended in 2008, which is the country's main law governing electronic information, Duggal said.

Officials at UIDAI did not immediately respond to a request for comment.

The collection of biometric and demographic data of people in a large country like India, and the challenges of storing this information in a database, has generated concern that the ID project could threaten individual privacy.

There has also been concern that the information could be shared with other government departments like the Income Tax department, or even private agencies. The draft law now says that the sharing of information of ID holders, also called aadhaar number holders, with agencies engaged in delivery of public benefits and public services will require the written consent of the ID holder.

For all its promise, the aadhaar number is not likely to serve the purpose of a unique ID number, and holders may not be able to use the number as proof of identity for transactions other than those it has been specifically designed for, Duggal said. The aadhaar number or its authentication does not by itself confer any right or proof of citizenship or domicile to an aadhaar number holder, according to the draft law.

One of the many other challenges facing the UIDAI is that village-level politicians and influence peddlers cook up data to enroll under subsidy schemes people who are not eligible for benefits, or people who are nonexistent. The current paper ration card scheme and voter rolls are usually stuffed with nonexistent people or people who do not typically qualify for benefits.

In a bid to address this problem, the draft law, for example, proposes punishment with imprisonment of up to three years and a fine for anyone who impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary, by providing any false demographic information or biometric information.

Many citizens however say that the use of technology and these penalties alone cannot address a problem that is rooted in the local political system.

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