

Siv851 Oct 3.

We discussed articles by Jean Drèze and Reetika Khera  
(see links from Sep 22)

## 1) Dissent and Aadhaar

- Aadhaar seeding in multiple databases will create "panopticon". Permanent surveillance facility can/will be misused by Govts.
- With everyone on radar "dissent" is bound to be stifled. Dissent crucial for democracy
- How did we get here? Misrepresentation by Govt/UIDAI.
  - a) Voluntary vs mandatory
  - b) Aadhaar helps welfare. In reality causes disruptions.
  - c) Aadhaar prevents corruption. In reality can only address "identity fraud". Cannot prevent quality fraud or incorrect invoicing. Not a magic bullet.
  - d) Cavidys claims are dubious.
  - e) Aadhaar technology not flawless
  - f) Confidentiality of Aadhaar information is a myth. Govt can sell or share information (eKYC?).

PTO.

2) All the data that Aadhaar captures

a) Confidentiality of CIDR data is not the only concern.  
Demographic/identity data shared during eKYC.

b) 3 kinds of private info: biometric, demographic/identity,  
personal (in silos)

c) identity info shared during eKYC. Departure from  
original yes/no proposal. eKYC requires consent,  
but who needs fine print?

d) "National security" a big loop-hole.

e) Mining personal info by breaking silos not  
covered by the Aadhaar Act (SRDH?!).

f) Private entities? T10?

g) Aadhaar is anti-thesis of right to privacy.  
Its very foundation must be reconsidered.

PTO

### 3) Different ways in which Aadhaar infringes on privacy.

Many dimensions of privacy: computer scientists take narrow "data security" pt of view, lawyers think of civil liberty.

#### 5 privacy concerns:

- 1) narrow technical "data security/encryption" view. Biometric id theft. AEPs opens doors to fraud.
- 2) Personal integrity. It's my choice what I wish to share and with whom. AG's claim in SC that Indians have no constitutional right to privacy not maintainable.
- 3) Bodily integrity. Informational self determination.
- 4) Breaking of silos (see Dreijer)
- 5) "Do-gooders", "data is new oil" — personal data economy. Monetize before literacy, safe-guards etc.

Finally,

Fallacies of "noting to hide", "law will take care", "Google knows everything anyway" kind of arguments.

P.T.O.

## Tasks:

- 1) Please do a critique (not criticism) of the above 3 articles.
- 2) Additional reading/watching.

a) Shyam Divan's NALSAR lecture:

<http://www.livelaw.in/coercion-consent-constitution-senior-advocate-shyam-divan-explains-aadhaar-enigma-video/>

b) Some history of privacy:

<https://medium.com/the-ferenstain-wire/the-birth-and-death-of-privacy-3-000-years-of-history-in-50-images-614c26059e>

c) Chomsky on surveillance + privacy:

<https://chomsky.info/20140215/>

d) A conversation on privacy (Chomsky, Snowden, Greenwald):

<https://theintercept.com/2016/03/30/edward-snowden-noam-chomsky-glenn-greenwald-a-conversation-on-privacy/>

3) Strongly recommended reading:

1984 by George Orwell.

(also Animal Farm, though not directly related to the issue)