

CITIZENSHIP AND LINKING ALL THE CITIZENS WITH AADHAAR CARD**Neetu Singh Rai****Abstract**

In addition to transmitting cash under government schemes, the Indian government mandates that all Indian citizens link their Aadhar number to their bank accounts, mobile phone connections, PANs, and other services. People have until March 31, 2018, to link their Aadhar number to all of these services, instead of December 15, 2017, as was the previous extended deadline. There are two distinct aspects to the UID "Aadhaar" scheme. First, it has to do with "national security," and second, it has to do with "developmental" issues. Both elements are equally significant.

The Supreme Court affirmed Aadhaar's constitutionality in September 2018. According to a five-member constitution panel led by Chief Justice of India Dipak Misra, Aadhaar not only gives marginalised groups in society an identification but also helps them receive benefits. It said that the public interest in Aadhaar is far greater.

The acquisition of biometric data via UID has numerous problems. Due to heavy manual labour, the main targets of the Aadhaar process—workers and the poor—frequently lack well-defined fingerprints. Even elderly individuals with "dry hands" have encountered challenges. People with cataracts have also had issues with weak iris scans. Agencies have frequently declined to register them, which negates the goal of including the underprivileged and disenfranchised.

However, the court has limited the range of services for which the government can mandate Aadhaar. According to the court, Aadhaar would no longer be required in order to register bank accounts, have a cellphone connection, or be admitted to school.

Keywords: UIDAI; NPR; India; Refugee; equality; Aadhar; National Population Register; biometric data collection; Supreme Court; ITR; PAN; Citizen; National Identity; DIT; Internet, Mobile; Digitalization; Supreme Court; SC

Introduction

Questions are being raised about data gathering procedures and the possible mistakes they may include that could raise privacy issues. In addition, the project is threatened by the National Population Register (NPR), an earlier initiative run by the home ministry. Many agree that a systematic database of our citizens is necessary, but the approach being adopted to do so has caused a vertical rift in the government and is escalating into a turf war. One of the main points of contention is UIDAI's method of gathering personal information through a number of registrars and registration organisations, as well as its reliance on "secondary information" from pre-existing identification credentials.

When creating the National Population Register, the Registrar General of India (RGI) advocates for a public inspection process that gathers personal information directly and makes it available to the public in order to identify any fraudulent activity. When the data was made public, the approach taken by NPR assisted the villages in Gujarat's border regions in exposing "strangers" (from Pakistan) on the rolls. This supported the idea that the NPR approach is more reliable even if it is drawn out and meticulous. The data collecting for Aadhaar was deemed flawed by RGI and census commissioner Dr. C. Chandramouli, who said, "We object to the data collection by other registrars who have a different orientation from ours." They are unacceptable from a security perspective.

Although it usually takes four to six months, the agencies claim that the Aadhaar numbers will be issued in roughly ninety days. Many agencies are requesting more information, but they are not informing the public that not all of it is required or that they are not required to complete the entire form.

Activists also contest UIDAI's legitimacy in gathering biometric information. Gopal Krishna, a UID and human rights campaigner, has harsh criticism for Aadhaar. Regarding biometric data, there is uncertainty. The National Identification Bill does not define it precisely. Additionally, UIDAI allows for the permanent storage of biometric information, such as fingerprints, even though the Prisoners' Act stipulates that such information must be deleted upon acquittal. "The whole thing is so illegal," rages Usha Ramanathan, a legal expert and campaigner. Every statutory institution is only allowed to operate within a specific mandate, and this is not covered by citizen regulations. Biometric data is not covered under the Citizenship Act. She further says "The whole emphasis is on enrolment with no planning on how this is going to be used." UIDAI's system of using introducers to identify and provide numbers to the homeless and those without documents is another grey area.

The Public Distribution System is getting worst affected. Going by the system of present fair price shops (FPS), each of them has a specified number of households registered to it. The FPS stores grains only for the registered households. The FPS owner would not know how many migrants, and for what periods, would come in and demand their quota. Hence, for lack of stock, he would turn away migrant workers who demand grains. Therefore, the FPS system is *incompatible* with the UID-linked portability of PDS.

Aadhar Linking: Government of India Vs. Supreme Court of India

This decision was challenged in Supreme Court of India who in its order dated March 13, 2018 has extended the date indefinitely till it delivers the verdict on the linking of Aadhar to these services.

However, according to Unique Identification Authority of India (UIDAI), Aadhar will be needed for opening new bank accounts or applying for Tatkal passports. So indirectly for opening of new bank accounts, linking of Aadhar is not waived by Supreme Court of India.

The rider in the apex court ruling is that the government can continue to seek beneficiaries' Aadhaar, the 12-digit National Biometric Identification number, for the transfer of benefits under schemes funded from the consolidated fund of India.

There are some risk factors which is required to take care of technically in the process of making Aadhaar compulsory for all the residents of India :

- Civil liberties of people should not be harmed.
- What is the capacity of biometric technology is it capable of the task of de-duplication. The Unique Identification Authority of India's (UIDAI) "Biometrics Standards Committee" has to work hard to make it full proof.
- Cost-benefit analysis and feasibility report for the project should be discussed.
- Benefits of the project in the social sector, such as in the Public Distribution System (PDS) should be analyzed correctly.

The Supreme Court ruled that the Aadhaar plan was constitutional, but it invalidated Section 57 of the Aadhaar Act, which allowed banks and telecom corporations to access Aadhaar data. A five-member Supreme Court constitution bench stated in the 40-page ruling read out by Justice A.K. Sikri that the Aadhaar Act does not infringe upon an individual's right to privacy. The SC constitution bench comprised Chief Justice Dipak Misra and justices D.Y. Chandrachud, A.K. Sikri, A.M. Khanwilkar and Ashok Bhushan.

The following decision has been taken by Supreme Court-

- In order to receive a Permanent Account Number (PAN) and file income tax returns (ITR), Aadhaar is required.
- Aadhaar cannot be made mandatory by CBSE, NEET, or UGC. Additionally, the 12-digit number is not required for admittance to the school.
- Linking bank accounts to Aadhar is not required. Telecom service providers are also prohibited from attempting to link Aadhaar.
- Being unique is preferable to being the greatest; Aadhaar signifies uniqueness. The Supreme Court
- Justice Sikri: Getting a duplicate Aadhaar card is not possible.
- Data related to Aadhaar authentication cannot be kept for more than six months.
- The Aadhaar Act's national security exception is overturned by the constitution bench. According to Justice Sikri, the Aadhaar scheme has enough defensive mechanisms for authentication.
- No child can be excluded from any program because they are unable to present their Aadhaar number.
- The Aadhaar Act does not infringe upon an individual's right to privacy.

Highlights of Supreme Court's Verdict of Aadhar Card

1) The Supreme Court has said that no person's rights can be denied on the grounds of lack of possessing an Aadhaar card.

- 2) According to the verdict, it is no longer mandatory for people to link their bank accounts and mobile numbers with Aadhaar.
- 3) The court said that schools cannot force parents to submit Aadhaar numbers of their children during admission.
- 4) Aadhaar will remain mandatory for filing of income tax returns and allotment of Permanent Account Number (PAN).
- 5) The majority ruling upheld the legitimacy of Aadhaar, stating that it is designed to assist the underprivileged segments of society, respects human dignity, and gives them a sense of identity. It said that the public interest in Aadhaar is far greater.
- 6) "The concept of human dignity has been enlarged in the judgment," Justice Sikri said. He added, "Human dignity is based on socio-economic rights. In the present case, we've enlarged the scope of human dignity. We've applied the principle of compelling state interest."
- 7) The court has refrained the government from issuing Aadhaar cards to illegal immigrants.
- 8) According to the majority ruling, the Aadhaar Act does not infringe upon an individual's right to privacy. According to news agency PTI, Justice Sikri stated that a strong data protection framework must be established as soon as feasible. "He said the attack on Aadhaar by petitioners was based on violation of rights under the Constitution, which they felt will lead to a surveillance State," according to the BBC.
- 9) Justice Sikri rejected the idea that anyone may get a duplicate Aadhaar card. According to him, there are enough defences in place to guarantee the legitimacy of the Aadhaar plan.
- 10) On the basis of national security, the Supreme Court invalidated a clause in the Aadhaar Act that permitted data sharing. The court requested that the government enact a strong data protection law as soon as possible.
- 11) In a dissenting opinion, Justice DY Chandrachud said that the Aadhaar program as a whole is unlawful. According to him, the rights of India's 1.2 billion citizens cannot be viewed as a simple agreement with the country's Unique Identification Authority. He claimed that by passing the Aadhaar Act as a money bill, Parliament erred. He claimed that although it might be politically advantageous, it is against the constitution.
- 12) According to Justice Chandrachud, a number of the Aadhaar Act's clauses allow for the intrusive gathering of biometric information.

According to Registration of Citizens and Issue of National Identity cards Rules, 2003

Following points should be considered for the formation of National Register of Indian Citizens:

(1) The National Register of Indian Citizens must be created and kept up to date by the Registrar General of Citizen Registration.

(2) The State Register of Indian Citizens, District Register of Indian Citizens, Sub-district Register of Indian Citizens, and Local Register of Indian Citizens are the sub-parts of the National Register of Indian Citizens. These sub-parts will contain any information that the Central Government, after consulting with the Registrar General of Citizen Registration, specifies.

Linking all the citizens with Aadhaar Card

Linking all the citizens with Aadhaar Card will help in the Identity of a citizen in the wake of infiltrations from neighbouring countries. India is on the way to rise as a digital india and unwanted social elements inside the country and terror attacks through infiltration will be stopped through digital identity. Aadhaar may be termed as the technology linked digital identity drive in right direction.

So far the recipient of benefits under various government sponsored schemes has to establish his identity and eligibility many times by producing multiple documents for verification. The verification of such documents is done by multiple authorities. An Aadhaar enabled bank account can be used by the beneficiary to receive multiple welfare payments as opposed to the one scheme, one bank approach.

How are BPL direct cash transfers conducted using UID? It is thought that enrolling in the UID program is necessary to ascertain whether recipients fall under the BPL category and to ensure that the cash distribution is transparent. By limiting access to cash to the individual designated by the UID as the intended beneficiary, the UID requirement is believed to reduce the leakage of social security benefits and subsidies to unintended recipients. In India, obtaining a UID number and registering with the UIDAI has become one of the primary requirements for a below poverty line (BPL) direct cash transfer. For instance: Applicants receiving aid under the "Cash for Food" program must have a bank account and a unique identification number. The beneficiary should be able to use their UID number to withdraw the funds from a micro-ATM after they are automatically and electronically transferred to their bank account. Here we can see that micro-ATMs are not actual ATMs, but instead are handheld machines which may give information on bank balance and such, but will not dispense or maintain privacy of transaction. Most importantly, the transaction is mediated through a banking correspondent.

The government plans to cover the target BPL families. Currently, only beneficiaries of thirteen government schemes and LPG connection holders have been identified as being entitled to register for a UID number. Though these schemes have been identified, as of yet, adoption has happened in very few districts.

Linking of Aadhaar with bank accounts reduced the corruption and involvement of middlemen who used to grab part of the subsidy. In direct money transfer system, the cash shall be transferred directly to individual bank accounts and the beneficiaries who are already linked with Aadhaar shall be identified through it. The government has planned to transfer benefits under various schemes directly into the bank accounts of individual beneficiaries. Aadhaar number shall also help to eliminate the duplicate cards and fake cards for non-existent beneficiaries in the schemes.

improving planning.

NPR enrollment is being carried out through house to house canvassing. The Office of the Registrar General and Census Commissioner, India has assigned Department of Information Technology (DIT) the responsibility of collecting and digitizing demographic data in 17 states and 2 Union Territories of India. Collected information will then be printed and *displayed in the local area* where it is scrutinized by local officers and vetted by local bodies. This process of social audit is meant to bring in transparency, equity, and ensure accuracy.

The NPR database will include thirteen categories of demographic information and three categories of biometrics. The collection biometrics has not been provided for in the text of the Citizenship Rules, and is instead appears to be authorized through guidelines, which do not have statutory backing. Currently, two iris scans, ten fingerprints, and a photograph are being collected. According to a 2010 Committee note, only the photograph and fingerprints were initially envisioned to be collected.

The proposed Resident Identity card is a smart card with a micro-processor chip of 6.4 Kb capacity; the demographic and biometric attributes of each individual will be personalized in this chip. The UID number will be placed on the card as well. The government is now only looking into the prospect of giving smart cards to every inhabitant who is older than 18. All Indian citizens will voluntarily receive a unique 12-digit ID number from UIDAI. It will be referred to as AADHAAR. The Unique Identification Number database, which will include people's biometric and demographic information, will be owned and operated by the UIDAI.

The UIDAI claims that the UID will give people a sense of identity. The Mahatma Gandhi National Rural Employment Guarantee Scheme (NREGS), financial inclusion, and the public distribution system are just a few of the social benefits that the UIDAI has marketed as being made possible by the scheme. Despite these benefits, the UIDAI only guarantees identity, and does not guarantee rights, benefits or entitlement.

The UID and the NPR have both stated improving security as an objective for the projects. To this degree, it is envisaged that the NPR and the UID could be used to track, identify, and ascertain whether a person is an Indian resident. There will be a distinction between citizens and residents in the NPR case. However, given the size of the databases that will be created, their centralisation, the sensitive nature of the information they hold, and the involvement of international agencies, there have also been concerns expressed that these projects instead pose threats to national security.

Conclusion

2018 population is estimated at 1.35 billion. 1 of every 6 people of the world live in India, and between the 2001 and 2011 censuses, the country grew by 17.7%, adding 181.5 million people. TIn the next several decades, the nation is predicted to overtake China as the most populous in the globe, having doubled in size in just 40 years. India's current yearly growth rate is 1.11%. The next census is due in 2021.

The fast upheaval of technology and storming quick internet has led to an enormous growth in the number of smartphone users in India now we are having 3g and 4g network, 2g internet connection will be history soon. The surprising demand for smartphones in India has made it the second largest smartphone market in the world.

- By the end of 2017, 291.6 million Indians were using smartphones.
- By the end of 2018, 337 million Indians are expected to be smartphone users.
- The number of users in India would reach 490.9 million by 2022.
- Between 2017 and 2022, the number of users will grow over 60%

It is anticipated that there will be 730.7 million mobile phone subscribers in India in 2017. The number of smartphone users in India is predicted to reach 340 million and could reach almost 468 million by 2021. With almost 25% of the Indian smartphone market as of the end of 2016, Samsung was the market leader, followed by Xiaomi and Lenovo.

According to a report by the Internet and Mobile Association of India (IAMAI) and Kantar IMRB, there will be 500 million internet users in India by June 2018. According to the "Internet in India 2017" report, there were 481 million Internet users in December 2017, an increase of 11.34% from December 2016.

With over 460 million internet users, India is the second largest online market, ranked only behind China. India will have over 635.8 million internet users by 2021. Even though there are a lot of internet users in India, just 26% of Indians used the internet in 2015. Given that India's internet penetration rate was just around 10% in 2011, this is a notable gain over prior years.

As the large majority of the digital population in India are mobile internet users because using internet through mobile is easier and time saving. About 323 million people in India accessed the internet through their mobile phones in 2016, which corresponds to about 24.3 percent of the country's population. Both figures are forecast to increase in the coming million years, with projections to amount to 524.5 million and around 37.4 percent respectively in 2021. India varies according to people's living areas. According to estimates, there were 109 million mobile internet users in rural India and 262 million in metropolitan regions as of 2016.

One aspect whereby India shares the characteristics of other global internet users is its passion for social media. In 2021, it is estimated that there will be around 358.2 million social network users in India, a significant increase from 2016, when this figure stood at about

216.5 million. This means that the share of the Indian population that access social networks is expected to jump from around 16.3 percent in 2016 to just over 25%.

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