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IMPLICATIONS OF REGISTERING, TRACKING, PROFILING

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Data collection, including fingerprinting, for the National Population Register has been launched alongside the 2011 Census exercise and under different statutes. This is no innocent data collection in a vacuum. Set amidst NATGRID and UID, it conjures Orwellian images of Big Brother.

The relationship between the state and the people is set to change dramatically, and irretrievably, and it appears to be happening without even a discussion about what it means. The National Population Register has been launched countrywide, after an initial foray in the coastal belt. All persons in India aged over 15 years are to be loaded on to a database. This will hold not just their names and the names of their parents, sex, date of birth, place of birth, present and permanent address, marital status – and “if ever married, name of spouse” – but also their biometric identification, which would include a photograph and all eight fingers and two thumbs imprinted on it. This is being spoken of with awe, as the ‘biggest-ever’ census exercise in history. 1.2 billion people are to be brought on to this database before the exercise is done. This could well be a marvel without parallel. But what will this exercise really do?

For a start, it is wise not to forget that this is not data collection in a vacuum. It is set amidst NATGRID (National Intelligence Grid), the UID (the Unique Identification project), and a still-hazy-but-waiting-in-the-wings DNA Bank. Each of these has been given spurs by the Union Home Ministry, with security as the logic for surveillance and tracking by the state and its agencies. The benign promise of targeted welfare services is held out to legitimise this exercise.

If the Home Ministry were to have its way, NATGRID will enable 11 security and intelligence agencies, including RAW, the IB, the Enforcement Directorate, the National Investigation Agency, the CBI, the Directorate of Revenue Intelligence and the Narcotics Control Bureau to access consolidated data from 21 categories of databases. These would include railway and air travel, income tax, phone calls, bank account details, credit card transactions, visa and immigration records, property records, and the driving licences of citizens. It is not insignificant that, when Vice-President Hamid Ansari quoted an intelligence expert and asked, “How shall a democracy ensure its secret intelligence apparatus becomes neither a vehicle for conspiracy nor a suppressor of the traditional liberties of democratic self-government?” and suggested that intelligence agencies be accountable and subject to parliamentary oversight, there was resistance among the agencies.

On February 14, 2010, The Hindu reported a discussion at a Cabinet Committee on Security meeting on the NATGRID proposal where “some Ministers raised queries about safeguards and said there was a need for further study.” There were concerns about privacy and potential misuse of information for political ends. “Highly placed sources,” it was reported, “said the main objections raised at the meeting, which was chaired by Prime Minister Manmohan Singh, revolved around the need to put in place a more elaborate safety mechanism for upholding the privacy of citizens. But discussions veered around to the political scenario in which a UPA regime might no longer be in power and in which the informational opportunities provided by NATGRID could possibly be misused by another ruling party.” That meeting ended inconclusively, asking that further consultations be held before deciding whether to go ahead with the proposal or not.

Sixty years should have been sufficient to get over being a ‘subject’ of the state, and to attain citizenship. The state is sovereign vis-à-vis other states, but within the country it is the people who are sovereign. All this, however, becomes empty talk when the people have to report to the state about who they marry, when they move house and where, what jobs they do, how much they earn, where they travel, what their pattern of expenditure is, and who they live with. And to make tracking easier, there are the fingerprints and the photograph.

The NPR is not an exercise undertaken under the Census Act 1948. It is being carried out under the Citizenship Act of 1955 and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules 2003. Why should that matter? Because there is an express provision regarding ‘confidentiality’ in the Census Act, which is not merely missing in the Citizenship Act and Rules but there is an express objective of making the information available to the UID Authority, for instance, which marks an important distinction between the two processes. Section 15 of the Census Act categorically makes the information that we give to the census agency “not open to inspection nor admissible in evidence.” The Census Act enables the collection of information so that the state has a profile of the population; it is expressly not to profile the individual.

It is the admitted position that the information gathered in the house-to-house survey, and the biometrics collected during the exercise, will feed into the UID database. The UID document says the information that data base will

hold will only serve to identify if the person is who the person says he, or she, is. It will not hold any personal details about anybody. What the document does not say is that it will provide the bridge between the 'silos' of data that are already in existence, and which the NPR will also bring into being. So with the UID as the key (forgive the oscillating metaphor), the profile of any person resident in India can be built up.

Why is this a problem? Because privacy will be breached. Because it gives room for abuse of the power that the holder of this information acquires. Because the information never goes away, even when life moves on. So if a person is dyslexic some time in life, is a troubled adolescent, has taken psychiatric help at some stage in life, was married but is now divorced and wants to leave that behind in the past, was insolvent till luck and hard work produced different results, donated to a cause that is to be kept private — all of this is an open book, forever, to the agency that has access to the data base. And, there are some like me who would consider it demeaning to have this relationship with the state. For the poor, who often live on the margins of life and legality, it could provide the badge of potential criminality in a polity where ostensible poverty has been considered a sign of dangerousness. (This is not hyperbole; read the beggary laws, and the attitude of some courts reflected in the comment that 'giving land for resettlement to an encroacher is like rewarding a pickpocket.')

The Citizenship Rules cast every 'individual' and every 'head of family' in the role of an 'informant' who may be subjected to penalties if he does not ensure that every person gets on to the NPR, and keeps information about themselves and their 'dependents' updated. There isn't even an attempt at speaking in the language of democracy!

The arrangement that emerges is that the NPR will gather data and biometrics of the whole population. This does not guarantee an acknowledgement of citizenship; it is only about being 'usually resident.' This information will not be confidential, and will feed directly into the UID data base, which, while pretending to be doing little other than verifying that a person is who they say they are, will act as a bridge between silos of information that will help profile the individual. This will assist the market and, through NATGRID, the intelligence agencies, who will continue to remain unaccountable.

To do this, the UID has been given Rs. 1,900 crore in the current year's budget and the NPR has been allocated Rs. 3,539.24 crore. This will bring Orwell's Big Brother back to life; and we are asked to accept that each of us be treated as potential terrorists and security threats, for that is the logic on which this tracking and profiling of the individual is based.

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