

Neoliberal Governmentality and the Unique Identification (UID) Programme in India

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Dolly Tamang



DEPARTMENT OF INTERNATIONAL RELATIONS

SCHOOL OF SOCIAL SCIENCES

SIKKIM UNIVERSITY

GANGTOK 737102

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DECLARATION


I declare that the dissertation entitled “**Neoliberal Governmentality and the Unique Identification (UID) Programme in India**” submitted to Sikkim University for the award of the degree of **Master of Philosophy** is my original work. This dissertation has not been submitted for any other degree of this university or to any other universities. The Dissertation has under gone through the anti plagiarism test.


Dolly Tamang

Roll Number: 12PDIRO3

We recommend that this dissertation be placed before the examiners for evaluation.


Dr. Manish
Head
Dept. of International Relations/Politics
School of International Studies
Head, Department of International Relations
6th Mile
Gangtok
SIKKIM UNIVERSITY


Ph. Newton Singh
Supervisor



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This is to certify that the dissertation entitled “Neoliberal Governmentality and the Unique Identification (UID) Programme in India” submitted to the SIKKIM UNIVERSITY in partial fulfillment of the requirements for the degree of **Master of Philosophy in International Relations**, embodies the results of *bona fide* research work carried out by **Miss Dolly Tamang** under my guidance and supervision. No part of the thesis has been submitted for any other degree, diploma, associate-ship, fellowship.

All the assistance and help received during the course of the investigation have been duly acknowledged by her.

Ph. Newton Singh

Signature of the Supervisor

Department of International Relations

School of Social Sciences

Sikkim University

6th Mile, Samdur, P.O. Tadong

Gangtok- 737102

Place: Gangtok

Date: 10 July, 2014

6 माईल, सामदुर, तादोंग, गंगटोक - 737102 सिक्किम, भारत
दूराभाष : 00-91-3592 - 251067, 251403, फैक्स :- 251067/251757

6th Mile, Samdur, PO Tadong 737102, Gangtok, Sikkim, India
Phones : 00-91-3592-251067, 251403, Fax - 251067/251757
website : www.sikkimuniversity.in/www.sikkimuniversity.ac.in
Email : sikkimuniversity@gmail.com

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Daragoan Tadong

Gangtok, East Sikkim.

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CHAPTER I

Introduction

CHAPTER I

Introduction

The proposed study tries to understand Unique Identification Programme or UID as one of the neoliberal technologies adopted by the Government of India. The research study looks at the Unique Identification Programme as a technique of controlling or managing the lives of the population through the framework of neo-liberal governmentality. The study also seeks to identify the various dimensions of UID. The study also focuses on the issues and controversies surrounding the UID programme in India.

Background

Unique Identification (UID) number or *aadhaar* card is a new policy introduced by the government of India. It was initiated in 2009 in the parliament with the formation of Unique Identification Authority of India (UIDAI). The actual enrollment of UID was started in 2010. As per a working paper of the UIDAI, the Authority proposes to “issue a unique identification number (UID) to all Indian residents that is (a) robust enough to eliminate duplicate and fake identities; and (b) can be verified and authenticated in an easy, cost-effective way” (UIDAI, 2009: 4-5). The UIDAI is envisaged to enroll all Indian residents into a centralized database, along with their demographic and biometric (fingerprint and IRIS scans) information. The UID enables the masses to avail direct benefits of schemes like public distribution, education, health and (Mahatma Gandhi National Rural Employment Guarantee Act) MGNREGA. Such provisions extended under UID are known as “Direct benefit transfer”. This particular programme was launched by the government of India in January 2013, with its main aim to transfer subsidies to the people living below the poverty line.

In fact, the original project to issue unique ID cards to Indian citizens was initiated by the National Democratic Alliance (NDA) government that was in power between 1999 and 2004. The first step to issue unique ID cards began with the controversial report of the *Kargil Review Committee* in 1999, appointed in the wake of the Kargil War between India

and Pakistan. In 2001, a Group of Ministers (GoM) submitted a report to the government titled 'Reforming the National Security System' highlighting the serious security threat posed by the illegal migration and emphasized on the need for a compulsory registration of citizens and non-citizens living in India. In 2003, the Multi-purpose National Identity Card (MNIC) was instituted and the National Citizenship Act, 1955 was amended thereby were diluting the privacy clause.

The first UPA government that came to power in 2004 carried forward the plans of the NDA government under a new name. The MNIC project was replaced by the UID project in January 2009. Indicating a shift from a security angle to a developmental angle, a press release of the government dated 10 November 2008 noted that UID project would serve a variety of purposes: "better targeting of government's development schemes, regulatory purposes (including taxation and licensing), security purposes, banking and financial sector activities, etc." According to government, the UID will be "progressively extended to various government programmes and regulatory agencies, as well as private sector agencies in the banking, financial services, mobile telephony and other such areas."

In this background, the study aims to understand and discover UID under the framework of neoliberal governmentality. Therefore, it becomes important to understand the concept of Governmentality. Foucault coins the concept of "governmentality" as a "guideline" for the analysis he offers by way of historical reconstructions embracing a period starting from Ancient Greece through to modern neo-liberalism. The semantic linking of governing ("gouverner") and modes of thought ("mentalité") indicates that it is not possible to study the technologies of power without an analysis of the political rationality underpinning them. In his history of governmentality, Foucault endeavors to show how the modern sovereign state and the modern autonomous individual co-determine each other's emergence. The concept of governmentality plays a decisive role in Foucault's analytics of power in several regards: it offers a view on power beyond a perspective that centers either on consensus or on violence; it links technologies of the self with technologies of domination, the constitution of the subject to the formation of the state; finally, it helps to differentiate between power and domination (Lemke, 2000).

“Governmentality is the art of government. It takes population as its object and governs in the name of individual and state security, defined both in terms of economic security and social welfare. It addresses strategies and procedure for controlling, regulating and managing global national and local problem that extent beyond the traditional formulation of state purview” (Nadesan, 2008: 6). The state, market and the population is one of the important constituent of governmentality and are heterogeneous in nature, it is regulated through security and discipline apparatus, acquiring different forms of power, implying different strategies of control and technique (ibid:10).

The major features of governmentality are rationality, techniques and subjects. The first is the political rationality which can be conceptualized as an intellectual machineries which make the reality calculable and governable. Foucault, in governmentality, tries to discover the rationality which is being used or practised. The second aspect of Governmentality is its techniques or the technologies of Government. According to Miller and Rose (1990:8) “it consist of device, calculation procedure apparatus and documents which authorities shape, normalize and instrumentalize the conduct, thoughts decision and aspiration of others in order to achieve the desired objectives”. It makes thoughts into practice through the use of techniques, instrument, measures and programmes. While subject is the third aspect of governmentality dimension covers the diverse types of individual and collective identity that arise out of and inform governmental activity.

The modern state during the seventeenth and the eighteenth century were motivated to look into the security and the wealth of the state and in later period it came across, towards the juridical administration of the state and later on to the changing regimes of government which led to the construction of different forms of power and employing new technologies in governing the population. Thus according to Michel Foucault the art of government is not limited to state politics alone, it includes a wide range of control techniques, and applies to a wide variety of objects, from one's control of the self to the "biopolitical" control of populations. The proposed study, therefore, attempts to understand the UID in India as a form of biopolitical control under the purview of neoliberal governmentality.

Review of the Literature

On Governmentality

Governmentality, according to Maeija, Nadesan (2008) *Governmentality Biopower and Everyday Life* is explained as the art of Government. Governmentality as the concept is a sort of controlling, manage the global national and local problems of the individual. In explaining governmentality, it is important to determine the aspects or elements of governmentality which are political rationality, technologies and subjects.

It is also important to note that governmentality has undergone through various phases. Governmental rationality has undergone transition from a monarch to territorial state and to a population state which is more concerned towards the health, education and economy development. The result of such transition is due emphasis and the appearance of new objectives, and so of new problems and new techniques. (Foucault, (1977-1978) *Security Territory and Population* in Thomas Lemke (2000) *Foucault Governmentality and Its Critique*).

Thomas Lemke (2000), states that political rationality is an important aspect in defining governmentality. He also argues that the concept of governmentality does not juxtapose politics and knowledge but articulates a "political knowledge. According to him, rationality is understood not as a practice but to discover the use of the rationality. Accordingly, political rationality is not pure, neutral knowledge which simply "represents" the governed reality nor an exterior instance, but it is an element of government itself which helps to create a discursive field in which exercising power is "rational".

The concept of governmentality suggests that it is not only important to see if neo-liberal rationality is an adequate representation of society, but also how it functions as a "politics of truth", producing new forms of knowledge, inventing new notions and concepts that contribute to the "government" of new domains of regulation and intervention. The second argument Lemke adds in the concept of governmentality is the relations between the economic and politics. In the traditional form of neoliberalism, it specifies that the advent of neoliberal economics leads to diminishing the role of the state or state sovereignty but

according to Lemke, the advent of the new policies or strategies has led to the transformation in state politics thus economics and state politics seems to be working in a mutually constitutive manner. In terms of the third argument proposed by Lemke, he views that the advent of the new neoliberal technologies adopted by the state does not mean only empowering the state and controlling the individual but it makes individual responsible in order to follow the new techniques adopted by the state. Thus the whole three arguments discuss the neoliberal techniques or policies have not diminished the functioning of the state, but it has become more attune with the state and also in the concept of the government.

The population has been important, the characteristics of population has always been dynamic and changed from rule based on police to rule in liberal modes of government. As modern 'governmentality' takes population as its object, Foucault's usages of 'population' are reconstructed. It is claimed that political authorities cannot 'discover' population, for population depends on the exercise of sovereign authority (Bruce Curtis 2002).

The study would also analyse neo-liberalism playing an influential role among different nation states. Aihwa Ong (2008) 'In the article 'Neo-liberalism as a mobile technology' discusses on the advent of neoliberalism in the region of Asia and other developing countries. The writer argues that neo-liberalism is considered as the metaphor of knowledge disseminated throughout the world, it spreads the norms of market across the countries. The writer also mentions that neoliberal model or logic has influenced the political system of different countries. He gives an example of China which has combined neoliberal policies in its authoritarian state system. Thus neoliberalism is viewed as dominant structure which brings change in the nation state system. According to the writer, neo-liberalism in the emerging economic like Asia is considered as a technique of administration which deals with the re-management of the population. The market driven mechanism neo-liberalism is not enforced but the political logic is taken into an account.

In Bogdana Koljevic 'Biopower and Government Techniques' (2008), argues that biopower or biopolitics is one of the new technology that regulates the life of the

population. He also agrees with the Foucault's argument that that state is overrated and is not an autonomous source of power, the traditional concept of the state is valued less in this globalised world. Governmentality is primarily the manner of production of citizens who by themselves contribute to the implementation of biopolitical techniques of government, since their self government is carried out in line with these techniques, i.e. becomes its component part. In this case biometric measures is seen as compliance with these procedures, an understanding that they add to "security" and even insistence on its increase for strengthening security purposes.

On UID Programme in India

Unique Identification Authority of India (UIDAI: 2009) argues that the UID would make it possible to open a bank account in India with no supporting documents, thus expanding "financial inclusion; the UID would make it easier to obtain a mobile telephone connection than at present; the UID would ensure that the public food distribution system (PDS) in India would cease to be wasteful; the UID would eliminate corruption from the National Rural Employment Guarantee Scheme (NREGS); the UID would help ensure and monitor attendance of teachers in schools. Overall, the UID project is presented as a "technology-based solution" that would change the face of governance in India. But the main criticism of the programme is that has been perceived more in a developmental basis rather than in terms of security.

According to the Report on Kargil Review Committee 1999, the main reason for the creation of UID was to make Multipurpose National Identity Card or MNIC for the security and development of the country. The MNIC would be distributed to the citizens of the country in order to check against the illegal migration. But according to R. Ramakumar (2012) 'UID- A Skeptical Note' criticizes the aspects of UID Project and mentions that UID project in the regime of the present government has focused more towards the development of the country and has not done anything towards security.

Zelazny (2012) 'The Evolution to India UID Programme' explains that the rationale behind the UID programme in India was the societal exclusion that limits people access to

education, health, banking, and opportunities for personal economic growth, citizens in those countries have no standard means to verify that who they claim to be. This becomes problematic because social programmes, banking and aid interventions are based largely on claimed identities, which may or may not be valid, and these interventions may not be reaching the people who need it most'; such problems led to the emergence of UID Programme in India. The article also seeks to show the functions of biometrics and the problem associated with UID.

In defining UID, it becomes important to mention the National Identification Authority of India Bill 2010. The main objective of NIDAI Bill is the issuance of aadhaar numbers to every resident on providing his demographic and biometric information as specified under regulations. Secondly, the NIDAI states that payment of fees is required in order for authentication of the aadhaar number of an aadhaar number holder in relation to his demographic and biometric information and thirdly, the authority exercises powers and discharges functions which, *inter alia*, include:

(i) specifying the demographic and biometric information for enrolment for an aadhaar number and the processes for collection and verification thereof; (ii) collecting demographic and biometric information from any individual seeking an aadhaar number in such manner as may be specified by regulations; (iii) maintaining and updating the information of individuals in the CIDR in such manner as may be specified by regulations; (iv) specify the usage and applicability of the aadhaar number for delivery of various benefits and services as may be provided by regulations.

In the article 'Sovereign States and Mobile Subjects: Politics of UIDAI', Anant Maringanti (2009) argues that UID has led to certain changes on citizen transaction with state and market agencies. Thus the argument given by the writer seems to be rational and relevant in the context of the proposed research study. The writer does not bring out the loopholes or criticize the UID programme but this new identity project has been brought up due to the everyday actions of the states and circulations of power. The writer also views that under UIDAI, it would alter the mobility of the people, their entitlements as well as the capacity to organize themselves in collective bodies. Thus the study would also

attempt to understand the emergence of UID as due to the changing nature and the needs of the state.

Shukla in his article "Reimagining the citizenship" also mentioned that the idea of citizenship is capable of being defined as an exclusive one: the dominance of the debt legible consumer citizen as opposed to the relatively more inclusive idea of the political citizen, however, at the end, he states that at the technical level the debate over the UID is far from over. He also mentions that the problems of instabilities in biometrics as a technology, the unprecedented scale of the project and the possibility for human error in monitoring and storing such data make the UID scheme very much an open-ended challenge (Shukla,2010)

The proposed study also aims to highlight the changes brought by UID in the relation between the citizens and population as one of the most interesting aspects of UID. To substantiate the argument, Partha Chatterjee's, (2004) *The Politics of the Governed: Reflections of Popular Politics in Most of the World*, states that in modern state population is heterogeneous in nature, so in order to target or identify the populations, the government uses new technologies or techniques. They target this population for availing policies and also for providing internal security against wars, crimes etc. Thus the author argues that such techniques of government make governance not to involve in politics but rather inclined more towards administrative policy rather the political representatives. The author's major argument is that political society has a prominent role in governmentality. The political society represents the marginal classes or mediates on their behalf. He argues that the general or the marginal masses would appoint their representatives in order to claim their benefits or welfare which is provided from the government. To some extent, the Unique Identification Programme which runs under the administrative policy also includes technologies like biometrics in order to target the population especially the marginal groups in order to get the beneficiaries from the government. He also argues that relation of state and the citizen has been changed to state and population as population are traced through calculation, cartography and use of technologies like biometrics.

On the debates on UID Programme

The 42nd Standing Committee Report on Finance introduced the UID Programme from its formation to functions. The report has also listed out the criticisms associated with the UID programme. The programme was criticized for not being backed by legal authority and the violation of privacy laws. The committee recommended the proper review of the NIDAI Bill with relation to the UID Programme.

The new technology of government like UID has also been subjected to criticism in terms of the operation of its biometric system as the workers had problem in scanning their finger prints and there has also been problems in scanning the iris. According to R. Rajan, the biometrics system has been adopted in several countries like China, Australia etc and has been criticized. Similarly with the advent of the UID in India, many scholars and writers have criticized UID regarding its problem in biometrics, regarding the privacy of the individual, issue of subsidy. Thus in the current debate of UID the Supreme Court of India has made UID as non mandatory in availing government benefits like in salaries, and also in subsidies issued by the government. After the Supreme Court verdict on UID making it non mandatory for availing benefits like subsidies from the government, there has been a serious question mark on the UID Programme. Besides the Supreme Court verdict, the Standing Committee Report on Finance 2013 also argues that UID is not mandatory. Thereafter, the subsidy issued under the aadhaar has also been under suspension.

So in order to support UID the government has created National Identification Authority of India, which will oversee implementation of the Aadhaar project. It also seeks to define the penalties in case of misuse of data collected under the project. Thus the proposed study would try to question the sustainability of UID and its governance in the context of these controversies.

The articles—‘Privacy and National Identification Authority of India Bill: Leaving Much to the Imagination’(2010) by Amba Uttra kak and Swati Mallik, ‘UID as a Skeptical Note’ (2012) by R .Ramakumar, ‘The Unique Identity Bill’(2011) by Usha Ramanathan discuss

the privacy aspect and the violation in this programme. According to them, the NIDAI Bill intrudes privacy of the citizens. The information that are stored in CIDR database would be used by NPR and NATGRID in which they see UID as the key on the basis of which agencies can connect data and identify a particular person. Such multipurpose identification is eventually a breach of privacy laws of an individual. The other important focus of the programme is providing social welfare. The articles argue that it is unclear regarding how the CIDR database will supplement other data consolidation programme aimed at national security such as NPR and NATGRID. The writers argue that UID's link with such programme is based on deep rooted skepticism. One of the central arguments in UID criticism is that there is no existence of legal entity against such intrusion into privacy among these legislations.

Rationale and Scope of the Study

The study looks at neoliberal governmentality as one of the imperative art of government adopted by modern State of India in managing or governing its population. The idea of biopower is considered to be one of the new techniques of neoliberal governmentality framework. Biopower is considered to be one of the effective strategies of governing the population under neoliberalism as it maximizes the energies and capacities of individual, market, state and population. It is a sort of a power which is concerned with representing, explaining and regulating the life force of the population. It seeks to minimize societal risk and maximize individual wellbeing through the use of scientific technologies and the technologies of self. Thus, the study tries to find out Unique Identification Programme or UID as one of the neoliberal governmentality technique adopted by the Government of India. The study would also analyse UID as a form of biopolitics acting upon populations in order to securitise the nation.

State, market and population are considered as important elements in governmentality. So under the neoliberal governmentality, the State incorporates the new institution like UID which becomes helpful for the State in governing the population. As argued by Partha Chatterjee, the government with new techniques in governing the population would be more inclined towards an administrative state and be less political. Similarly, Unique

Identification Programme adopted by the government involves more of administrative policy and less politics. With the adoption of the new institution or the method of governance like UID, the study seeks to distinguish between the citizenship and population.

It is also alleged that under the UID programme, the government aims to identify the marginalized population in order to make avail benefits from the government, it also aims of providing security and welfare for the government through the *aadhaar* card which consists of a twelve digit number which helps in identifying the particular person. It requires the biometric registration and its link with availing subsidies. Thus, this made UID exclusive from other programmes and makes a departure from the previous policies of the state. But most of the aspects of the UID has been criticized and debated regarding its viability, transparency and issue relating to privacy. The Supreme Court of India has given its verdict making UID/Aadhaar as non mandatory in availing government benefits. Thus, the proposed study also looks into the current issues, debates, criticisms regarding the UID and its governance.

Objectives of the Study

1. To understand the political rationality of the UID programme in India.
2. To identify the different dimensions of UID.
3. To analyze UID programme through the framework of neoliberal governmentality.
4. To understand the debates and controversies surrounding the UID programme in India.

Research Questions

1. What explains the introduction of UID Programme by the Government of India?
2. How does neoliberal governmentality help in explaining the concept of UID?
3. How do we make sense of the debates and controversies surrounding the UID programme?

Research Methodology

The research is a qualitative study and adopts the theoretical framework of governmentality and looks at the underlying rationale behind the introduction of UID programme. It discusses the forms of knowledge, strategies of power and technologies of self in understanding the UID Project in India. Primary resources like the Legislative Bills on UID and Supreme Court judgment will also be referred to besides readings on theoretical framework of governmentality to be better able to answer to the research questions.

The proposed study consists of five chapters including the Introduction and the Conclusion. The first chapter introduces the research problem, the objectives and scope of the study. It also provides a review of the relevant texts in understanding the research problem and provides a framework of study. Important concepts like Neoliberal Governmentality and UID Programme are also briefly discussed.

The second Chapter 'Unique Identification Programme in India: Rationality and Dimensions' explains the rationale of Unique Identification Programme which is one of new techniques of identifying the population by providing them with identity number. The chapter, in the second section, discusses the attributes and components of Unique Identification Programme which include the National Identification Authority of India Bill, and technology of biometrics, UID related schemes, which is one of the fundamental aspects of the UID programme etc.

The third chapter 'Neoliberal Governmentality and the UID Programme (Aadhaar) in India' discusses neoliberal governmentality and its linkage with the UID programme. The purpose of the chapter is to understand the meaning of governmentality and its significant attributes in explaining the Unique Identification Programme (aadhaar card) launched by the government of India. In the beginning of the chapter, an attempt would be made to explain Foucault idea of governmentality, power knowledge nexus, discourse which is also involved or associated in the governmentality process. Thus by referring to the above explanation, an analytical observational study would be made to understand

Unique Identification Programme and the type of power knowledge relation which would eventually create a platform for discourse especially in governing process. The chapter introduces Unique Identification Programme (UID) as a form of biopower whose core aim is to control the population through techniques adopted by the government. Another important component of the chapter is on the distinction between citizens and population under the UID programme.

The fourth chapter 'Issues and Debates on UID Programme' analyzes the controversies and debates associated with UID. The Government has taken a due effort of establishing the new ambitious programme 'UID' but it seems that the programme has been facing with oppositions and criticisms. The chapter brings forward the criticism related with UID right from the Standing Committee's observation on NIDAI Bill, the technical flaws relating to biometrics which has been argued as non-reliable. The most serious setback that the programme ever received was the Supreme Court verdict making UID as non mandatory which put the programme's future into jeopardy. The study concludes with an understanding of the unique identification programme in India through the concept of governmentality and also addresses the research objectives and research questions of the study.

CHAPTER II

Unique Identification Programme: Rationality and Dimensions

CHAPTER II

UID Programme in India: Rationality and Dimensions

Population is one of the imperative features in the formation of a state. Measuring or collecting information of population is one of the key policies of every state. Census has always been the main criterion of identifying or collecting information from population. Similarly, UID also emphasise on indentifying population by providing them identity number. The UID is linked to National Population Register which is part of 2011 census of collecting information on specific characteristics of each individual along with their photographs, finger biometrics and iris. It is also important to note that the process of identification of population has been subjected to profound changes i.e. from the traditional method to the digital modern technique.

History of Population Identification in India

In India, gathering data and maintenance of population falls under the aegis of the Registrar General of India and the Census Commissioner (under the Home Ministry). The Indian census is the most comprehensive single source of authentic information about the land and its people (www.preservearticles.com). A census is often construed as the opposite of a sample as its intent is to count everyone in a population rather than a fraction. However, a population census relies on a sampling frame in order to locate the population. The fundamental premise of a census is that the population is not known and a new estimate is to be made by the analysis of primary data.

A population Census is the process of collecting, compiling, analyzing and disseminating demographic, social, cultural and economic data relating to all persons in the country, at a particular time in ten years interval. Conducting population census in a country like India, with great diversity of physical features, is undisputedly the biggest administrative exercise. The wealth of information collected through census on houses, amenities available to the households, socio economic and cultural characteristics of the population

make Indian Census the richest and the only source for planners, research scholars, administrators and other data users, thus planning and execution of Indian Census is challenging and fascinating (ibid).

Census was practiced during the pre independence era, however the first census of independent India was conducted on 1951. The report of the 1951 Census discussed the growth and structure of the population, and its economic development. The threat posed by the alarming increase in population was properly evaluated, and the need for curbing the rate of growth was emphasized. The 1961 and 1971 Census focused on information relating to person involved in cultivation and household industry (ibid). While the 1981 and 1991 and 2001 Census focused on particulars of household like religion, category (SC/ST status), language spoken and also predominant construction materials of wall, roof and floor. The information on amenities like drinking water, electricity, toilet facility available to the household was also collected in first part of household schedule. While the 2011 Census based on the NPR register the residents of the country as it complies with the UID programme which is a comprehensive identity database that would help in providing the benefits and services under the government programmes (ibid).

The Rise of the Digital Identification System

India is developing in terms of industrial and information technology. The telecommunication industry is very much prominent and highly functional in the urban India and is also disseminating towards the rural areas. India, in the last 25 years has undergone a sublime change. The rise of the UID programme indicates that most of the people of living in India are at tune with the day to day use of technology like banking system, internet technology and telecommunication. The telecommunication system has become much significant in people's life and has become mobile and viable in most parts of the urban as well as in the rural areas. The development of telecommunication and information technology makes people get access to important information like in the case

of UID; the beneficiaries would be able to receive the information of subsidies through SMS.

UID or *Aadhaar* association with biometrics as an important component and is the trademarks of the digital identification programme. The developers aim to create sophisticated Aadhaar-linked bank accounts that could allow for a system of digital payment, such that two villagers could send each other money with just their identity numbers and an internet connection. These technologies would also enable government agencies to directly target their benefits. Instead of the current inefficient cash distribution system, agencies will be able to electronically transfer money directly into a resident's account. Residents will be free to choose where to buy their subsidized goods, and thus will gain purchasing power and this would create major incentives for distributors to adopt competitive, customer-oriented practices (Wadhwa, 2012)

Unique Identification Programme in India: A Background

National Security Argument

The introduction of the UID Programme was projected for the need for national security. It was during the reign of NDA government that the Kargil Committee Report suggested the identity cards that would be provided to the population living in the border area. With regard to this, the Group of Minister, in 2001, submitted its report titled 'Reforming the National Security System' which proposed a compulsory multipurpose national identity card to aid the creation of the national population register of citizens and tackle illegal migration. But later when the UPA government came to the power the multipurpose national identity card was changed to NIDAI (National Identification Authority of India, Bill (Ramakumar, 2012)

Since its inception, UID has been a part of the national security plan of the government of India and its linkage with the national population register has been explicit in nature as it is through the NPR data that UID would perform its function of de-duplication. Similarly the Central Commission had planned to create NATGRID also known as the

National Integration Grid which connects the database of eleven agencies like investigation bureau, research analysis wing, Central Bureau of Investigation etc.(The Business Standard, 30 May 2011)¹ in order to combat terrorism and could bring together agencies with three sets of concerns: security and intelligence, social protection (managing PDS and NREGA databases) and financial regulation and verification of customers (by the private sector) (Sarkar, 2011:7).

Efficiency in Governance Argument

The Unique Identification Programme or also known as the National Identity Bill draws from concept like the Social Service Scheme taken from western countries for eg United States of America. Such types of ID identification Programmes that already been functional in the developed countries is now being adopted by the developing countries like Africa, Latin America, Malaysia, Pakistan etc (Zelazny: 2012:3).

Zelazny claims that ‘the lack of identity documents and identity systems has contributed to a poverty cycle and societal exclusion that limits access to education, health, banking, and opportunities for personal economic growth. Many countries with low GDPs do not have national identity systems in place, and many of the ones that do suffer from high rates of under-registration. This means that citizens in those countries have no standard means to verify who they claim to be. This becomes problematic because social programmes, banking and aid interventions are based largely on claimed identities, which may or may not be valid, and these interventions may not be reaching the people who need it most’(Zelazny: 2012:1).

Even in the case of India, India’s subsidy programmes have historically amounted to nearly 14% of GDP (<http://en.wikipedia.org>). In fact, for the 2011-2012 Budget, there was \$10B allocated for fertilizer subsidies, \$12B towards food subsidies and \$4.2B for petroleum subsidies (Zelazny, 2012:6). Yet, with all the resources that the government

¹ It has been widely reported that the Ministry of Defence and Ministry of Finance “apparently think that if the [NATGRID] project comes into operation, the MHA [Ministry of Home Affairs] would have uninterrupted access to all information under their jurisdiction” (*The Business Standard*, 30 May 2011) and thereby become more powerful than the other ministries.

was pouring into food subsidies, including running approximately 499,000 Fair Price Shops across the country, an Asia Development Bank study found that the actual impact on the poor was minimal (approximately 5% of incremental spending). One reason was poor participation; another reason was that the subsidies were not actually reaching the intended beneficiaries – the poor makes up 55.4% of the population in India (645M people) (www.ophi.org.uk), whereas approximately 330M (or 27.5%) people were participating in the Public Distribution System (PDS) (Zelazny,2012:6). This was mainly due to fraud and excess costs, which accounted for as much as 71% of total public spending (ibid). A 2008 Planning Commission Report demonstrated that more than one third or 36.7% of grain intended for poor households was instead sold to non-poor households, and that 58% of subsidized grains did not reach intended recipients due to various errors in delivery and identification (Jha et al, 2011 cited in Zelazny, 2012:6). From a policy perspective, finding ways to save resources that could be used to increase the participation rate in the various subsidy programmes, and shed the waste, became a top priority.

The above reasons provide the basis for the Government of India for the introduction of the Unique Identification (UID) programme in India. As such kind of the 'identification system required an authority or a statutory authority for carrying out the functions of issuing unique identification numbers to the residents in India, the National Identification Authority of India Bill, 2010 (NIDAI) was introduced for the purpose of issuing identification numbers (which has been referred to as aadhaar number) to individuals residing in India and to certain other classes of individuals and manner of authentication of such individual to benefits and services to which they are entitled to facilitate access.

Formation of the Unique Identification Programme

It was in 2006 that the concept of UID programme was formulated when administrative approval for the scheme 'Unique ID for BPL families' was given on 3rd March, 2006 by the Department of Information Technology, Ministry of Communications and

Information Technology. Thus UID is said to be the origin of the national e-governance plan (NeGP). Under the NeGP, 27 Mission Mode Projects (MMPs) have either been rolled out or are in the process of being rolling out. These MMPs are “high priority citizen services” offered by various government departments (like income-tax, company affairs, pension, passport, etc.), whose mode of delivery would change from manual to e-delivery (i.e. electronic delivery). The Ne-GP, as suggested, is purported to offer “a seamless view of Government” and bring service delivery to the doorstep of the citizens.

In 2008, the Planning Commission and the Empowered Group of Minister formed to look over the UID programme. However in that period, the National Population Register came into effect which later was joined with the UID programme because NPR would collect the data of the population and on the basis of data collection the UIDAI would issue UID number to the individual. And finally as a result the UIDAI was constituted on 28th January, 2009 under the Chairmanship of Nandan M. Nilekani as an attached office under the aegis of the Planning Commission. The UIDAI was *inter-alia* given the responsibility to lay down plan and policies to implement the UID scheme, own and operate the UID database and be responsible for its update and maintenance on an ongoing basis. As the NIDAI Bill was presented in the parliament on 2010, the bill was met with certain criticism and the committee ordered for recuperation of the bill (Standing Committee Report, 2010:7)

National Identification Authority of India Bill, 2010

The National Identification Authority of India Bill, 2010 was introduced in the *Rajya Sabha* on 3rd December. The Speaker, *Lok Sabha* in consultation with the Chairman, *Rajya Sabha* referred the Bill to the Standing Committee on Finance. The Standing Committee presented the Report to the *Lok Sabha* and laid it in *Rajya Sabha* on 13th December 2011. In the meantime, the UIDAI (Unique Identification Authority of India) has been functioning under an executive order issued by the Government in January 2009, establishing it as an Attached Office of the Planning Commission.

The main objective of NIDAI Bill is to issue *Aadhaar* number to every resident on providing her/his demographic and biometric information as specified under regulations, secondly, the NIDAI states that payment of fees is required in order for authentication of the *Aadhaar* number of an *Aadhaar* number holder in relation to his demographic and biometric information and, thirdly, the authority exercises powers and discharges functions which, *inter alia*, include:

- specifying the demographic and biometric information for enrolment for an *aadhaar* number and the processes for collection and verification thereof.
- collecting demographic and biometric information from any individual seeking an *aadhaar* number in such manner as may be specified by regulations.
- maintaining and updating the information of individuals in the CIDR in such manner as may be specified by regulations.
- specify the usage and applicability of the *aadhaar* number for delivery of various benefits and services as may be provided by regulations.

The other important objective features of the NIAI views that the authority would not acquire information on the basis of religion, caste, ethnicity, language, health and income. As some of the information of the populations is stored in CIDR (Central Identification Repository) .The authority is entrusted with the responsibility for safeguarding the information stored in CIDR in order to prevent from unauthorized access.

Since its inception, the UID authority had to face limitation. The Ministry of Law opined that ‘the Authority can continue to function under the executive order issued by the Government and the scheme that may be prepared by the UIDAI. It was also opined that the Authority can collect information/data for implementation of the UID scheme. Such implementation can be done by giving wide publicity to the scheme and persuading the agencies/individual to part with necessary information’. And in response to them the Attorney General of India argued that ‘the competence of the

Executive is not limited to take steps to implement the law proposed to be passed by Parliament. Executive Power operates independently. The Executive is not implementing the provisions of the Bill. Thus it seems that under the constitutional provision UID which was said to be considered as the executive authority would not be able to function as a legislation (Standing Committee Report, 2010:12-13).

However in 2013, the Union Cabinet approved the National Identification Authority of India Bill that gave statutory status to the UIDAI. Besides this, the Bill sought to provide legal backing to *Aadhaar*, which is used in to disburse subsidies. The UIDAI, which issues 12-digit *Aadhaar* numbers to residents, currently operates through an executive order. The new law created a National Identification Authority of India, which oversees the implementation of the *Aadhaar* project. It defines penalties in case of misuse of data collected under the project (Business Standard, 2013)

Unique Identification Programme and National Population Register

On 2009, Mission Mode Project was conceptualised to register citizens under the National Register of Indian Citizens (NRIC) for the purpose of issuing them with National Identity Cards. Hence, it was decided that “all the usual residents in the country” would be registered, rather than all citizens and thereby create a National Population Register (NPR). The NPR would collect “information on specific characteristics of each individual along with their photographs, finger biometrics and IRIS. The NPR shall thus result in creation of a biometrics based identity database in the country.” This database would “become a robust source of authentic real time data which would help in better targeting of the benefits and services under various Government schemes/programmes, improve infrastructural planning and strengthen security of the country and prevent identity fraud” (DOIT, 2011 cited in Sarkar, 2012:3).

Accordingly, it has been specified that NPR would fall under the provisions of the Citizenship Act, 1955 and the Citizenship Rules 2003. It is *mandatory* for every usual

resident in India to register in the NPR as per Section 14A of the Citizenship Act, 1955, as amended in 2003.²

According to National e governance plan 'the data collected in the NPR will be subjected to de-duplication by the UIDAI. After de-duplication, the UIDAI will issue a Unique Identification Number (UID)[called *Aadhaar*, which means foundation]. This UID Number will be part of the NPR which is associated with the UID Number. The maintenance of the NPR database and updating subsequently is done by the Office of Registrar General and Census Commissioner, India. The UID of each individual in the database becomes the link number between the sectoral databases, thus bringing about a host of conceivable benefits. The NPR database would be updated and maintained on a continuous basis by setting up of NPR centres at each of the Tehsils/Taluks/wards [units of administration] (DoIT, 2011 cited in Sarkar, 2012:4).

However there is a difference between UID and NPR. The UID is an identity infrastructure designed to establish a person's identity, not to confer rights and privileges. NPR is an example of an agency that would establish an individual's right to citizenship in the country and all the benefits that go along with that. The authentication mechanism at the time of service would still occur via the UID system (Daily Mail, 2012.)

² Insertion of new section 14A.- After section 14 of the principal Act, the following section shall be inserted, namely:- Issue of national identity cards." 14A. Issue of national identity cards.- (a) The Central Government may compulsorily register every citizen of India and issue national identity card to him.

(b) The Central Government may maintain a National Register of Indian Citizens and for that purpose establish a National Registration Authority.

(c) On and from the date of commencement of the Citizenship (Amendment) Act, 2003, the Registrar General, India, appointed under sub-section (1) of section 3 of the Registration of Births and Deaths Act, 1969 (18 of 1969) shall act as the National Registration Authority and he shall function as the Registrar General of Citizen Registration.

(d) The Central Government may appoint such other officers and staff as may be required to assist the Registrar General of Citizen Registration in discharging his functions and responsibilities.

(e) The procedure to be followed in compulsory registration of the citizens of India shall be such as may be prescribed. (<http://indiankanoon.org/doc/949775/>)

Aadhaar Card

The function of the Unique Identification Programme is also determined through *aadhaar* card. It is through the *aadhaar* card that UID would perform its function. *Aadhaar* is entirely voluntary and the *Aadhaar* number is used as a proof of identify or proof of address or both by several programmes and schemes run by Central and State Governments. A number of regulatory authorities such as Reserve Bank of India (RBI), Insurance Regulatory and Development Authority (IRDA), Securities and Exchange Board of India (SEBI) and Pension Fund Regulatory and Development Authority (PFRDA) have declared *Aadhaar* number as a valid 'know your customer' (KYC) and 'electronically know your customer' (eKYC) for purposes under their respective domains. This has led to *Aadhaar* being leveraged not only as tool for financial inclusion and empowerment, but also as a major convenience for *Aadhaar* number holders in their dealings with banks, insurance companies, and other providers of financial services. The UIDAI presumes that in the near future authentication and identification would become crucial issues, if not central, but in the economy.

The Rise of Biometrics

Biometrics is the science of establishing the identity of an individual based on the physical, chemical or behavioural attributes of the person. (<http://searchsecurity.techtarget.com>). The concept of UID has been used in the early 60's and 70's in the west but now the programme is used only for the purpose of security, which is clearly linked with biometrics. Thus it becomes important to understand the rationale of governing the population through biometrics.

Biometrics is a form of discourse, Discourse which has evolved or developed through scientific discovery and later given as the status of knowledge. Biometrics is also a form of truth revealed by the history. Biometrics is a mechanical device or a mechanical technology used mostly in the fields of research in science, industrial and

agricultural, or measuring population, climate and also used in education sectors for its development purpose.

The UID programme aims to identify the population through the help of the number generated from the biometric device. The biometric device would identify the population through iris and face and finger print scan. The influence of the use of biometrics was there much before in western countries, For example the use of biometrics on social security scheme in America, but in most of the developed countries there is resistance to such type of identity programme due to the problem associated with the biometric, or regarding the legal matters like privacy. But still national identity programme is being widely influential in the developing countries, according to the UIDAI report.

The Biometrics Standards Committee set up by the UIDAI has recognized in its report that a fingerprints-based biometric system is the core of UIDAI's de-duplication efforts. It has further noted and is conscious of the fact that de-duplication of the magnitude required by the UIDAI has never been implemented in the world. In the global context, a de-duplication accuracy of 99% has been achieved so far, using good quality fingerprints against a database of up to fifty million. Two factors however, raise uncertainty about the accuracy that can be achieved through fingerprints. First, retaining efficacy while scaling the database size from fifty million to a billion has not been adequately analyzed. Second, fingerprint quality, the most important variable for determining de-duplication accuracy, has not been studied in depth in the Indian context. So the UIDAI have included iris and facial recognition (UIDAI Committee on Biometrics, 2009:4). Moreover it is the biometrics that is used by UIDAI for verification or de-duplication. In the process of verification and de-duplication the biometrics committee argues that though ten finger biometrics and photograph can ensure accuracy higher than 95% depending upon quality of data collection, but the committee also suggest that finger, photo and iris biometrics would prove ninety nine percent accuracy(ibid:5).

According to Zelazny, 'From a security standpoint, iris was beneficial because it could not be altered in the way that facial features could, and could not be masked in a way that fingerprints could be if they had cuts or bruises. Iris would also help with expediting the de-duplication process since it can be de-duplicated faster than fingerprints. Finally, iris has increasingly become common in national security and military and border control applications, and having the database established with all three biometrics could prove to be very valuable later on (Zelazny:2012:9)

The Role of Biometric Technology in Aadhaar Enrolment Report issued by UIDAI, January 2012 include: (Zelazny: 2012:11)

1. Each biometric capture device is required to have a built-in auto capture capability which ensures that biometric images are captured only when deemed to be a valid fingerprint slap or iris image and are of sufficient quality.
2. Biometric data quality is measured using standardized automated algorithms, and thresholds are utilized to decide whether a captured sample is insufficient quality to warrant immediate re-capture.
3. The enrolment client performs a number of consistency checks. For instance, it makes sure that each biometric capture attempt comes from the same resident (instead of coming from operator, family member or previously enrolling resident).
4. The client software confirms that all 10 captured fingerprints are distinct as well as the two irises are distinct. It ensures that no repeated biometrics is captured.
5. The captured biometric is checked against that of the operator and the residents who enrolled previously on the same computer to avoid any chance of mix-ups.
6. Any biometric exceptions such as missing fingerprint or iris are logged and supervisor verification is required. In extreme cases such as missing both hands

and/or missing both eyes, an additional photograph of the hand and face is taken for proof of disability.

7. Operator overrides of the policies set in the software are logged to facilitate further investigation of the capture process and operator actions.

8. The images from all attempts (up to four) are included in the resident data packet and sent to server for processing.

Therefore the biometrics is the heart of UID Programme. It can also be ensured that the future of the UID programme would also rest upon its biometrics.

UID and Its Linkage with Welfare Schemes

The *Aadhaar* or UID programme has mainly portrayed as a pro-poor because it provides them identity and welfare services. It has been projected as a weapon for ensuring effective and efficient delivery of various social welfare schemes to those who were deprived from accessing these benefits due to lack of identity – a powerful means to bring in better access for the poor (Das,2011: 7). It is linked with the welfare schemes like PDS, NREGA and other social service schemes. According to Rajanish Dass, ‘the only responsibility of UIDAI is to offer an online technology platform that can provide a yes/no answer to authenticate whether x is x, while the responsibility of ensuring effective and efficient delivery of the services have been left on the shoulders of the respective departments (ibid)

The UID link with the PDS would help by eliminating the Bogus (ration cards belonging to fictitious families) and Shadow (genuine ration cards used by someone else) ration cards in the system. In the proposed scheme, the state government expects to create a high quality beneficiary database, preferably commencing from a house-to-house survey and enroll the identified family members into the UID programme. UIDAI would then de-duplicate the details of the enrolled members and the state government would then be able to take appropriate action against the individuals appearing in multiple cards (UIDAI, 2010).

The other important dimension of UID programme is its linkage with the MIS system. The MIS system would allow the residents to collect ration from any shop of their choice which may induce competition among the fair price shop owners. The aims of the centralized MIS is to resolve the issue of exclusion of the poor but however turns out due to denial of services both at the time of registration for the cards and purchase of goods (ibid, 2010) UIDAI also claims that the issue of exclusion would be further addressed for the residents who do not get a PDS card due to non-availability of proper documents. As UID would be distributed by various agencies (registrar organizations), the citizens are assumed to fetch their UID from some other agency and furnish the same to PDS for getting hold of a PDS card (Dass, 2011:9).

An Aadhaar-linked MIS would enable the PDS to address broader procurement, storage and monitoring challenges. Registration and procurement orders could be managed online, enabling decentralized, and more local procurement. Inventory management could be streamlined and handled online in real-time. This would also enable the PDS to implement state wide information systems that link all ration shops in a state, and give beneficiaries more flexibility in how they collect their entitlements, and from which ration shop.

UID and NREGA

The National Rural Employment Guarantee Scheme (NREGS) is an attempt to transform the rural economy through legally guaranteed employment for up to 100 days per household. UIDAI proposes to integrate the Aadhaar scheme with NREGS in order to ensure that the benefits of the scheme reach the poor by bringing in more transparency at various levels. According to the proposal, UID would be integrated within the job cards, muster rolls, and bank accounts of the beneficiaries. The UID is expected to be authenticated at various citizen touch points which would ensure tracking of activities at the grassroots level and thus allow greater transparency within the system. (http://uidai.gov.in/UID_PDF/Working_Papers/UIDandNREGA.pdf).

The other important aspect of the UID is financial inclusion. The unique ID number or “Aadhaar” number is envisaged to act as a valid document for opening a bank account making the Aadhaar number an officially valid document to satisfy the Know Your Customer. (KYC) norms for opening bank accounts is expected to promote financial inclusion in the country by making it possible for the financially excluded to easily establish their identity and open bank accounts. UIDAI claims to have partnered with various banks that would facilitate opening of bank accounts for the residents at the time of enrolment for Aadhaar (Pandit 2010, PTI 2010).

The UIDAI has adopted both the KYR³ (Know Your Resident) and KYC⁴ (Know Your Customer) from both the public and the private sectors which would require (i) a proof of identity and a proof of address. The significance of the use of KYR and KYC is applicable mostly within the service sector where the provider and the subscriber enter into a (long-term) relationship for servicing (e.g. electricity or telephone) and payment. Sarkar argues that the need for KYR arises because of the information asymmetry between a service provider and a service seeker, where it is assumed that the service provider would not know the customer personally and therefore, both KYC and KYR verification is also eventually done by UIDAI. Thus it

³ According to UIDAI, KYR has been introduced to reduce the risk of fraud and money laundering. Banks in India are required to follow customer identification procedures while opening new accounts. The strong authentication that the UIDAI would offer, combined with its KYR standards, can remove the need for such individual KYC by banks for basic, no-frills accounts. It will thus vastly reduce the documentation the poor are required to produce for a bank account, and significantly bring down KYC costs for banks. The UIDAI will ensure that the Know Your Resident (KYR) standards don't become a barrier for enrolling the poor, and will devise suitable procedures to ensure their inclusion without compromising the integrity of the data. See, (<http://www.iaadhaar.com/residence/>)

⁴ Know your customer (KYC) is the process used by a business to verify the identity of their clients. The term is also used to refer to the bank regulation which governs these activities. Know Your Customer processes are also employed by companies of all sizes for the purpose of ensuring their proposed agents', consultants' or distributors' anti-bribery compliance. Banks, insurers and export credit agencies are increasingly demanding that customers provide detailed anti-corruption due diligence information, to verify their probity and integrity. Know your customer policies are becoming increasingly important globally to prevent identity theft, financial fraud, money laundering and terrorist financing (http://en.wikipedia.org/wiki/Know_your_customer)

can also be observed that the UIDAI itself wants to play a larger role in the commercial sector and become economically viable (Sarkar, 2012: 7-8)

Therefore, methods like “financial inclusion” would inject financial resources in the (rural) economy and will bring a large number of people to the financial market, either as recipients of cash from the government or as consumers of newer financial as well as material commodities (Sarkar,2012:10). Therefore, the financial companies and service providers would face a large number of unknown individuals and the conventional model of paper trail would increase the transaction cost and thus the UID becomes important as it establishes the identity of the person with whom a financial company would deal; a ‘business correspondent’ of the company can use a handheld electronic device to complete the transaction and record the necessary information. Second, cash or coupons would be provided by the state to avail services like education and health, which were ‘supplied’ by the state, from the market. This market of education and health would require means to connect the ‘beneficiaries’ with the ‘service providers’ or ‘government-supported-entrepreneurs’, to identify the beneficiary and authenticate his/her/their entitlements. Again, the UID becomes crucial in bridging the gap (ibid)

Conclusion

The programme, in the beginning, was promoted as important from the national security perspective. Later, the programme was linked with providing welfare to the population. It can be observed that the rationale of the programme changes as per the requirements and purpose of the government. There are techniques associated with the UID programme like biometrics and welfare scheme, the policy of financial inclusion and KYC, KYR technique gives an account of productive aspects of the programme. The method of identification and verification which is used in schemes like PDS makes the programme even promising, and highlights UID potential credibility towards strengthening the countries economics.

Thus, it is observed that UID tends to become a consumer oriented programme more focused towards building the public private partnership. UID tends to be driven more by the market forces especially by incorporating digital technologies which would become a mode of identifying the bearer. Though the modern technology of biometrics seems to be fascinating or is viewed as the futuristic advanced technique, it is also subjected to questions regarding the violation of the privacy laws of the citizens. Even the NIDAI Bill of 2010 has been much criticised for not being backed by constitutional bodies. The programme is now a subject of debates and contestation on various issues.

CHAPTER III

Neoliberal Governmentality and the Unique Identification Programme (Aadhaar) in India

Governmentality addresses strategies and procedures for controlling regulating and managing national and local problems that extent beyond the traditional formulation of state purview (Nadesan, 2008:6). In governmentality, governmental rationality is the reasoned way of governing or also called as the practice of the government. It is also observed that governmentality had undergone through a series of historic transition. The transition occurred in accordance to the changing necessities and demands of the state which would eventually also effect governmental rationality. Power is one of the important aspects in the study of governmentality. In earlier days power was considered to be repressive, but in the study of governmentality power is viewed as productive, fruitful and useful. There are different forms of power. The chapter would focus on biopolitics as one of the features of neoliberal governmentality. The proposed study argues that Unique Identification Programme as biopolitics can be understood under the framework of neoliberal governmentality. The study would also argue that UID as a form of Biopolitics has brought changes in governing from citizenship to population.

Understanding Governmentality

Governmentality is a shift from the exercise of sovereign power, the shift was not in any simple sense a change from a preoccupation with sovereignty, but rather shift in emphasis. Rule as a 'mentality' of government, as a particular way of problematizing social relations, emerged historically, in this account, with the breakup of feudalism and the appearance of a new order of competition and conflict among states. Such conflict made it imperative both to know and to work to increase the internal forces of states, thus giving rise to the new rationality of 'reason of state (Curtis 2002:520).

One of the major accomplishments of the governmentality literature is to focus attention on the relatively mundane practices through which political power is exercised. This has

given rise to an innovative reading of neo-liberalism, in which neo-liberalism is not understood as a philosophy or an ideology, nor as the most recent manifestation of a capitalist agenda, but rather as an assemblage of rationalities, strategies, technologies and techniques that allow 'government at a distance' (ibid).

Governmental Rationality

According to Foucault, 'governmentality' is the art of government or the reasoned way of governing, or the practice of government. Foucault argues that government general rules, and objectives are established to govern and this study is called as the rationalization of governmental practice in the exercise of political sovereignty (Foucault in Senellart, 2008:2). Foucault use the term *Rasion d'Etat* for rationalization of governmental practice, and this type of governmental practice is performed on state (ibid 2008:3). However Thomas Lemke adds that Foucault does not pose the question of the relation between practices and rationalities, their correspondence or non-correspondence in the sense of a deviation or shortening of reason. His "main problem" is not to investigate if practices conform to rationalities, "but to discover which kind of rationality they are using" (Lemke, 2000:7).

In neoliberal governmentality, Foucault designated a specific form of power targeting a 'population', which came to predominate over other types of power in Western Europe between the sixteenth and nineteenth centuries. The social theorist Mitchell Dean defines it more expansively as a "novel thought-space across the domains of ethics and politics, of what might be called 'practices of the self' and 'practices of government,' that weaves them together without a reduction of one to the other. Governmentality encompassed the 'conduct of conduct', the art and rationality of all forms of governance (Curtis: 2001)

In governmental rationality, there must be limitation on the activities or the practice of government. The art of government was opposed to the theory and practice of sovereignty; it invoked not law or the imposition of rules, but rather 'the right disposition of things (Curtis 2001:522). Foucault views that placing limitation would provide a fundamental means in identifying the objectives of the government, and such objective was eventually the 'population and became one of the rationale of governmentality.

Governmentality or governmental rationality is widely explained with regard to the historical conditions of its emergence. The literatures in the sixteenth and eighteenth centuries explained that the main purpose of the government was to strengthen the ruler's relationship with his territory and subject. However by the eighteenth century, government was seen as having not a single but multiple ends, such as the increase of wealth and population. Through new forms of knowledge such as political economy, population itself was rendered visible both as an object and as an end of government (Gunn, 2006:709). The management of population and maintenance of its wealth and security became an essential part of the art of government and its rationality. At the same time, 'politics' and 'economy' came to be understood as distinct, the former dealing with the techniques of government, the latter with a sphere of activity increasingly viewed as autonomous and self-regulating (ibid). These shifts were themselves linked to successive modes of rule: 'reason of state' associated with the rationalisation of the principles of state government; 'police' with its apparatus of surveillance which first constituted population as an object of knowledge; and subsequently with liberal governmentality (Burchell cited in Gunn).

According to Foucault, the principle of rationality is determined by three bodies' .i.e. the mercantilism, police state and balance or diplomacy. The three bodies are interdependent bodies and function on the basis of state in accordance with the principle of rationality. Foucault thinks mercantilism (economic) as a form of government in which the states strengthen its power through monetary accumulation and second is the police state, he argues that the objectives of the police are infinite as they do not target particularly one group but they look up to different types of individual, the third way of governing in terms of rationality is the development of diplomacy, with its objective of maintaining equilibrium, and making the states free from imperial manipulation (Snellart, 2008:5).

Thus rationality seems to be one of the fundamental aspects of governmentality which provide for a logical method of governing mostly in the modern state. Thomas Lemke also states that the analytics of government not only concentrates on the mechanisms of the legitimisation of domination or the masking of violence, beyond that it focuses on the knowledge that is part of the practices, the systematisation and "rationalisation" of a

pragmatics of guidance (Lemke, 2000:7). In this perspective, rationality does not refer to a transcendental reason, but to historical practices.

Therefore referring to the logic of governmentality, the unique identification Programme is also an art of government. UID is also a new technique adopted and provides a logical method in governing the modern state. The evolution of UID is due to the process of historical conditions of its emergence. UID main purpose or rationale is the management of the population. It takes population as its object and moreover it is concerned with building the wealth and security of its state. It is focused more on enriching or building the economics of the state by providing welfare services to its population.

Understanding Power in Neoliberal Governmentality

The concept of power is one of the most important attributes of governmentality. Therefore, in understanding the neoliberal governmentality the idea of power becomes imperative. As it has been observed that governmental rationality has undergone through different historical phases similarly is the case is with the power.

According to Foucault 'power must not be understood in-terms of juridico –discursive¹, in which sovereignty is considered as capable of overarching and unitary standpoint and addressing political question in terms of legitimacy and lawfulness' (Foucault in Lemke, 2012:10) The juridico concept of power still seems to be relevant and effective in the functioning of the modern state, but, however Foucault is not satisfied with the traditional concept of power.

To elucidate the idea of power it becomes important to identify some of Foucault's important conception of power. In Foucault's opinion, power is not something that can be owned, but rather something that acts and manifests itself in a certain way; it is more a strategy than a possession (Foucault cited in Lemke, 2012). Power is not perceived as an independent force and must be studied in terms of power relations because power is not exclusive to certain individual or groups or classes but power targets its object and is exercised through networks and pass through individual, but not applied to them but the

¹ Juridico-discursive in (Society must be defended 1975-76) implies sovereign power at the apex. The concept is taken from the western juridical system in the middle age which was centered on the royal power and was considered as sovereign which had the power to make laws.

individual are the effect of the power which determines the importance of power relations (Lemke, 2012:10).

The other important conception of power relations that need to be stressed on in this study is that it entails a productive dimension, it would lead to development of an individual, promote new forms of knowledge and practice and further states that power produces, it produce reality, it produce domains of objects and rituals of truth (Foucault cited in Lemeke,2012:11). Similarly in the case of UID Programme, it is obvious that there entails a power relations between the state and the individuals.

Moreover, knowledge is also important in the study of power relations. Foucault also insists that knowledge and power are always interdependent. Foucault believes that knowledge arises from power, or the emergence of power leads to the creation of knowledge. Foucault argues that both power and knowledge are integrated. Nor it is possible for power to be exercised without knowledge and neither for knowledge not to take in power. For example the dominant power and knowledge of the western concept of administration, values or ideas becomes significant knowledge and discourse for developing countries

Forms of Power

Power is one of the important component in the working of Governmentality. Foucault argues that state, market and population get constituted and articulated within three distinct arts and technologies of government which are found in regimes: (a) laissez-faire or classical liberalism; (b) welfare-liberalism or the welfare state; (c) neoliberalism. It is important to stress that it is the power of the regimes which produces the state, market and population and thus function according to the orders of those regimes. The regimes in government are not static but are changing (Nadesan, 2008:6). Foucault argues that shifting regimes of government can be identified as the shifting technologies and strategies of power. Foucault's analysis organizes around the emergence of the sovereignty-discipline-government triad and argues that is not the substitute of one another and should be understood as a triangle of interconnected systems of government, or governmentality, aiming at security by targeting the population (ibid: 7).

Power, according to Foucault, was understood in different forms: (Nadesan, 2008:7-8).

1) Historically, the Sovereign power is considered as the specific or the legitimate form of power. It was associated with monarch however after the abolition of the king's rule the sovereign power increasingly became subjected to juridical concerns pertaining to the rationalization and administration of law and was exercised through the juridical and executive arms of the state through the mechanisms of laws, constitutions, and legislative bodies (Dean, 1999 cited in Nadesan). Thus, in the modern state system sovereign power works for welfare of the people by providing them economic and social security.

2) The other important form of power is the disciplinary power. It was developed in the context of institutions such as monasteries, schools, factories, and armies to regulate the bodies of institutional subjects, this form of power was ultimately employed which aimed at managing and regulating populations within specific territories (Foucault, 1979a cited in Nadesan). Disciplinary power implies some framework of knowledge about its human subjects and thus is intimately connected with biopolitics as "anatomo-politics. The process of discipline implies like solitary confinement, rehabilitation, etc.

3) While the third is Biopower addressed by Foucault as a form of power and strategies of knowledge which controls or governs the life of the population. Emerging in the eighteenth century, biopower is expressed as biopolitics and anatomo-politics.

Biopower and Governmentality

The concept of biopower incorporates both the individualizing role of discipline and the collectivizing role of the politics of population, to embrace all the historical processes that have brought human life and its mechanisms into the realm of knowledge-power, and hence amenable to calculated transformation (Rabinow and Rose, 2003:24). By referring to the above statement made it becomes important to understand the idea of Bio-power and Bio-politics and its relevance in the modern state system.

Bio-power is a distinct regime of power, its objects and its method are given shape within a particular type of rationality. Foucault thinks that biopower rationality is different from sovereign rationality and biopower rational way of governing the population is different

from sovereign power, as it employ different technologies and mechanism in governing the population (Rose and Rabinow: 2003:24). According to Foucault, Bio-power consists of two different modes i.e. disciplining the individual body and controlling the population. Foucault thinks the latter as a technology of security or also termed as biopolitics. Nadesan argues that, in the neoliberal form of state, biopower offers the best strategic technique in governing the population as this power represents, explain and regulates the life of the population, the biopolitical force adapted to liberalism seeks to ensure the well being of the population through scientific engineering and individual technologies of the self. Foucault in his lecture 'The birth of Bio-politics, argues that liberalism is not only to be conceived as the economic or the political ideology but an art of governing or the reasoned way of governing, or a governmental practice. Biopower also aims for the self government which is the core value of neo-liberalism. Thus in the 20th century the modern liberal state also adopted biopolitical knowledge and expanded biopolitical powers towards its population through the technologies of self or self government. Neoliberal state manages to govern its populations or subjects by promoting the idea of self government. It is also apparent in the present era that neoliberal market technique, policy, Programme or the neoliberal rationalities of market governing seems to have been taken up or been widely disseminated to the other nation states or throughout the world.

The studies of governmentality reveal that the neo-liberal forms of government do not simply lead to a shift in the capacity to act away from the state and onto the level of society, to a reduction in state or its limitation to some basic functions. On the contrary, the state in the neo-liberal model not only retains its traditional functions, but also takes on new tasks and functions.

The neo-liberal forms of government feature not only direct intervention by means of empowered and specialized state apparatuses, but characteristically develop indirect techniques for leading and controlling individuals without at the same time being responsible for them (Lemke,2001:201). The strategy of rendering individual subjects 'responsible' (and also collectives, such as families, associations, etc.) entails shifting the responsibility for social risks such as illness, unemployment, poverty, etc., and for life in society into the domain for which the individual is responsible and transforming it into a problem of 'self-care'(ibid). The key feature of the neo-liberal rationality is the

congruence it endeavours to achieve between a responsible and moral individual and an economic-rational actor. It aspires to construct prudent subjects whose moral quality is based on the fact that they rationally assess the costs and benefits of a certain act as opposed to other alternative acts. As the choice of options for action is, or so the neo-liberal notion of rationality would have it, the expression of free will on the basis of a self-determined decision, the consequences of the action are borne by the subject alone, who is also solely responsible for them. This strategy can be deployed in all sorts of areas and leads to areas of social responsibility becoming a matter of personal provisions (ibid).

Foucault's views that the issue of biometry as "life measuring" as individual identification is the most direct consequence and outcome of the biopolitical discourse as a wider context and the way of carrying out the depoliticization of the political sphere going back to the 18th century (Koljevic: 2012:72). Koljevic also states that in earlier period power was linked with sovereignty and was not given much importance to the paradigm of life as such, i.e. the category of life. Thus the paradigm of life was developed in the period of liberalism or neoliberalism- as biopolitics. Biopolitics, therefore, is not a term denoting just any discipline, but a rather specific tendency, a conceived technique used to start regulating the life of the entire populations accompanied by understanding that they are susceptible to management and control is an exceptional instrument of power which become the subject of political government (ibid:72)

The Rule of Governmentality on Population

According to Foucault, population comes to appear above all else as the ultimate end of government. In contrast to sovereignty, the purpose of government is not the act of government itself, but looks for the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, and so on; and the means the government uses to attain these ends are themselves all, in some sense, immanent to the population; it is the population itself on which government will act either directly, through large-scale campaigns, or indirectly, through techniques that will make possible, without the full awareness of the people, the stimulation of birth rates, the directing of the flow of population into certain regions or activities, and so on' (Foucault, 1978 Cited in Legg)

It is important to determine that the concept of population for Foucault was a central analysis of state formation which is adequate for contemporary politics. Foucault argued that population as a pivot on which turned the transition from rule based on sovereign authority to a 'governmentalized' rule which decentres the state under liberalism. Curtis argues the modern concept of population is central to the creation of new orders of knowledge, new objects of intervention, new forms of subjectivity and new state forms. Population makes it possible to identify regularities, to discover things which hold together, and such things may be both analytic tools and objects of intervention, such as birth, death, or marriage rates (Curtis, 2002:509)

Foucault also quotes that population also appeared on the sovereign power and its presence could be felt especially in busy populated towns and markets. He further adds that population is characteristic feature of the sovereign's power on two supplementary conditions that, on the one hand, it is obedient, and, on the other, it is animated by zeal, by a taste for work, and by activity, which enable the sovereign to be really strong, that it is to say, obeyed, on the one hand, and rich on the other. All of this belongs to the most traditional way of conceiving the population.

The regulation of the population referred to as 'biopolitics' was first achieved through diagnosing and dealing with a population that was conceived in the abstract, such as by birth rates, infant mortality and longevity. While governing the population, governments seek to exercise influence not through the individual and intense technologies of discipline, but by the distant and calculative means of governmentality. The governmentality work links back to the power/knowledge focus through the concept of information and calculation. Data gathered in the domains of biopolitics, society and economy had effects on defining what constituted 'truth' through positing academic disciplines as the gatekeepers to knowledge (Legg, 2005:139).

In the modern state system politics have adopted different new techniques, one such technique is the "numericisation of politics" that initiates the politicisation of numbers, which is countered by questioning them for accuracy, adequateness, abuse, privacy and ethics. As such, numbers need not just be tools of rule, but can be mobilised against a state to demand justification, explanation or provision (Legg, 2005:143) In this context Rose

argues that “numbers are thus not univocal tools of domination, but mobile and polyvocal resources” (Rose cited in Legg). Numbers also rely upon people accepting their authority, establishing the norms that are the pervasive power at the heart of governmentalities.

UID also influenced by the politicisation of numbers as it provides identity number to the population. The Programme too has been criticised with regard to privacy, accuracy and ethics. However by referring to Stephen Legg, number provides justification to the population by giving them numeric identity and through this identity they would receive their required benefits they are entitled to without any discrimination.

UID as Biopolitics

UID seems to have adopted the biopower rationality in governing the population. UID Programme (aadhaar) has adopted the biometrics mechanism and technique in governing the population. According to Bogdana Koljevic , biopolitics, therefore, is not a term denoting just any discipline, but a rather specific tendency, a conceived technique used in regulating the life of the populace. UID also sought to discipline its population not through coercive manner but by the method of using governmental technique. To put in another way, one of the best examples of this power’s functioning is Bentham’s idea of panopticon² (a system of prison surveillance and observation), Foucault takes this model metaphorically, presenting it as a paradigm of something he calls development of disciplinary i.e. government techniques whereby the entire society, the whole populace, is placed in an invisible prison and under observation where everybody is always potentially guilty (Koljevic, 2008:73). The other feature of UID is its linkages with welfare services like pension, scholarship and other funds. Thus, these sorts of welfare through the identity number would reach to its preferred beneficiaries through the banking system and thus the beneficiaries would not be deprived of its welfare services provided by the government. Thus is the UID technique of controlling and disciplining the population.

² Panopticon is mentioned in the Foucault ‘Discipline and Punish: The Birth of the Prison (1977). It is a modern type of prison in which the prisoner are kept in a visible prison cell as they being constantly watched by the concerned authority but from the cell one cannot see the position of a watcher. Thus the prisoners are left in uncertain situation of whether they are being watched or not. Such uncertainty would infuse discipline among inmates in such a way that they start behaving in a manner as if they are being watched. See Foucault: 1977).

Michael Foucault's notion of biopower offers an insight into the interest of governments in having a centralised system of identification. Biopower, or the use of technologies that "address the management of, and control over, the life of the population" by offering tools for realising the fantasy of a "society of self-regulating individuals", it is suggested, also serves the interests of market forces by maximising the capacity of the population to serve as human resources utilised for market capitalisation (Shukla,2010:32).

The modern state has been one of the most important agents of identification and categorization. It is the state that adopts modern technique like biometrics, surveillance and census, in identifying the population³.

Unique identification Programme or the unique identification number is also a categorization of people made by the state. Thus in terms of the Foucault power knowledge relations, the modern state is powerful as it has legitimacy in the formation of UID Programme in India. UID has been considered as one of the new technologies or techniques of knowledge made by the state. It is the state decision to make the Programme important enough to be followed by its citizens. It is under the supervision of the state that UID Programme would categorize individuals according to the number and are identified. People would be given a unique identity number and it would become an identity infrastructure and the foundation over which multiple services and applications could be built for the resident.

The state is a powerful identifier not because it can create identities. It has the material and symbolic resources to impose the categories classificatory schemes and modes of social counting and accounting. Foucault argues that biopower ensures the possibility of movement, changes of place, and processes of circulation of both the people and things and thereby it reframes the question of freedom. Thus referring to above context, Sarkar argues that UID support such possibilities by not only dissolving territorial coordinates

³ In culturalist extension of the weberian sociology of the state, notably those influenced by Bourdieu and Foucault the state monopolizes or seeks to monopolizes not only legitimate physical force but also legitimate symbol force. This includes the power to name to identify to categorize and to state what is what and who is who. Some scholar has looked identification quite literally as the attachment of definitive markers to an individual via passport photograph finger print and the amassing of such identifying document in state repositories. Other scholar emphasise the modern state effort to inscribe its subjects onto a classificatory grid to identify and categorize people in relation to gender religion property ownership and ethnicity. It is through the census which categorizes people. To Foucauldians identification and classification defines governmentality in a modern state.

and redefining space, but also by reimagining economy and state citizen relations as the series of transaction (Sarkar, 2014:8).

UID Programme: Distinguishing Citizens from Population

According to Partha Chatterjee, 'Citizens inhabit the domain of theory, and populations the domain of policy. Unlike the concept of citizen, the concept of population is wholly descriptive and empirical; it does not carry a normative burden. Populations are identifiable, classifiable and describable by empirical or behavioral criteria and are amenable to statistical techniques such as censuses and sample surveys (Chatterjee: 2004:34). Unlike the concept of citizen which carries the ethical connotation of participation in the sovereignty of the state, the concept of population makes available to government functionaries a set of rationally manipulable instruments for reaching large sections of the inhabitants of a country as the targets of their "policies" – economic policy, administrative policy, law and even political mobilization. Indeed, as Michel Foucault has pointed out, a major characteristic of the contemporary regime of power is as certain as "governmentalization of the state. This regime secures legitimacy not by the participation of citizens in matters of state but by claiming to provide for the well-being of the population. Its mode of reasoning is not deliberative openness but rather an instrumental notion of costs and benefits and moreover its apparatus is not the republican assembly but an elaborate network of surveillance through which information is collected on every aspect of the life of the population and which is to be looked after (Chatterjee, 2004:35).

Similarly UID Programme imbibes identification, classification and description by using empirical or behavioral criteria and statistical techniques like biometrics. UID Programme makes available to government functionaries a set of rationally manipulable instruments for reaching large sections of the inhabitants of a country as the targets of their "policies" – economic policy, administrative policy, law and even political mobilization. As said by Chatterjee UID aim is to provide network of surveillance through which information is collected on every aspect of the life of the population.

However, it is through the citizenship which makes possible the regulation of the population because it function as the social closure of the nation state and the society Bio-power has developed from the 18th century onwards and can be described as the situation

in which the control of the 'social body' becomes the end of political power (Houdt:2008). Political power means for Foucault not only the power of the state, he therefore goes beyond Marx and Weber because the state is merely one manifestation of political power: 'power constitutes and expresses itself through multiple sources, of which the state is merely one of them' (Cohen cited in Houdt). Bio-power works both on a micro-level where it tries to influence the individual body (anatomic-politics) as well as on a meso/macro-level where it influences the 'socialbody' (bio-politics).

Conclusion

Foucault's idea of neoliberal governmentality is mostly seen in the modern state system. The relationship between state population and market is one of the important features of neoliberal governmentality as it aims to bring both the public and private sector together which seems that government tends to move towards the consumer and market. In the neoliberal governmentality, new techniques are now being actively invented, deployed and disseminated across the social sector, and are now beginning to have implications for the broader workings of the state system. Thus, such type of new techniques in this age has been widely accepted amongst all the stakeholders, their use is proliferating, and they are increasingly institutionalized.

In neoliberal governmentality power is one of the important characteristics. Power targets the population. Here power is taken to be studied more as a productive power rather than a repressive power. Powers are of, or categorized in different types but this chapter has focused mainly on the notion of biopower. Biopower seeks to control or govern the life of the population. Thus, the Unique Identification Programme also focuses on targeting and controlling the population.

CHAPTER IV

Issues and Debates on Unique Identification Programme

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Unique identification Programme (UID) aims in giving identification to 1.2 billion populations of India. Unique identification Programme is one of the ambitious projects proposed by the government. In fact, the UIDAI has done remarkably well when it comes to meeting its enrolment target: it has already crossed the 600 million mark - a goal it had set for itself when it first started out. Moreover, the Cabinet has also expanded the mandate of the UIDAI to enroll more than 600 million people. Over 60 million bank accounts have been seeded with Aadhaar already, and over 100 agencies are using it for authentication services. (Surabhi, 2014)

UID aims in bringing transformation in the system of governance. In the beginning some of the bureaucrats viewed the Programme as visionary and futurist. Nilekani's writings on "Imagining India: The idea of a renewed nation", eloquently traces that in the first few decades of post-colonial period, governments were driven by the development imperative and led to industrialisation efforts and other technology intensive government Programmes aimed at eradication of hunger, unemployment, poverty. Thereafter, followed a transitory period which led to the development of the telecommunication infrastructure that laid the foundation of the information revolution.

The end of the cold war and the opening up of the economy in the early 1990s saw the rise of newer corporations such as Infosys while the older bureaucratic structures and institutions continued to exist along with the pro-liberalisation and the voices that initiated the change. A significant outcome of this process was the emergence of India's middle class and its promising presence in the global marketplace.

It is a fact that India is developing immensely, especially Urban India is developing at a rapid pace. However rural India is still lacking with facilities like health, food and education. In some of the remote rural areas there is still no water connectivity, road and electricity. Though government had launched various types of schemes and Programme for the betterment of the people living in the rural areas, people in some of the remote

rural areas are deprived of their basic needs. Thus, UID was projected to put an end to it. Though the main aspect of the Programme is for providing welfare services to the beneficiaries but in most states the implementation of such schemes has not been up to the mark. There have been problems on regarding the delivery of the services.

UID and Its Critique

Before the introduction of UID card, the Multipurpose National Identity Card (MNIC) project was created as a national ID for Indian citizen with the objective of increasing national security, managing citizen identity and facilitating e-governance. On 22 July 2004, the Home Minister gave a go ahead to the Registrar General of India to start work on the pilot project concerning the Multipurpose National identity card, and in this context under the recommendation of Madhave Godbole Committee /Task Force set up by the Government of India, non-citizens was to be issued identity cards of a different color and design, but later on January 2007, the Working Group on Integrated Smart Card System, proposed in converting all unique IDs in a household into a single unit. Even after seven years, the pilot project approved and undertaken by RGI has not resulted in clarity regarding the process, standards and use of technology for the same (Tyagi, 2012).

UID Programme has been relentlessly criticised before its implementation. The 42nd Reports of the Standing Committee on Finance have listed a series of criticisms on National Identification Authority of India Bill 2010. One of the important criticisms made by the report pertaining to UID is the violation of the privacy law. The report later made recommendation of recuperating the NIDAI Bill. In October 2013, the Supreme Court made a judgment making aadhaar 'non- mandatory' in availing government services. The debates on Aadhaar or Unique Identification Programme and more particularly the Supreme Court order has made the potential expectations, sustainability and credibility of the Programme in frail. Thus, the ambitious Programme has been going through challenges from various quarters. The study discusses the issues and debates surrounding UID Programme.

It is also important to note that the techniques and idea of UID has been motivated or borrowed from United States and other western countries. In 1990, there was an increase mobility of people and also led to the growing complex integration of system of delivery

of services both by the market and by the state. This led governments world over to introduce new system of identification and generation of data that can inter-operational across a multitude of local system. However, such initiative was met with anxieties and resistance. This type of initiative had already been taken out in USA and England. In 1990, the US government developed medical database about its citizen; and in 1995, the British government issued an identity card which contained potential benefits and would also provide convenience in matters of overseas travel, proof of age, banking and commercial transactions, emergency medical and donor information, state services and personal identification in the fight against crime. However, the Programme has been criticised on various grounds. (Maringanti, 2009:37)

Parliamentary Standing Committee on Finance and the Critique of the NIDAI Bill

The 42nd report of Parliamentary Standing Committee on Finance talks about the National Identification Authority of India Bill 2010. In its report the Committee has shown severe restrictions to the bill and the functioning of the Unique Identification Authority of India (UIDAI). The major points of criticism are listed below. (Economic Times, December 10; 2011,)

- No Comprehensive Feasibility Study including cost benefit analysis has been carried out.
- Absence of data protection law would make it difficult to deal with issues relating to the misuse of personal information, profiling, tracking and linking of databases.
- The provision of verification of information of individuals by the registrars to ensure that no fake residents get enrolled into the system may lead to adverse consequences as far as national security is concerned.
- There is lack of clarity of purpose in the scheme and is being implemented in a directionless way and may get dependent on private agencies in future.
- There is uncertainty of the technology which is also untested, unreliable and built on several assumptions. The UIDAI is collecting biometrics information in spite of the adverse observations regarding the error rates of biometrics by the UIDAI's biometrics standards committee.

- There is lack of coordination among the government agencies which is leading to duplication of efforts and expenditure

Besides, the other important argument made by the Standing Committee is on the absence of any parliamentary approval for carrying out a scheme of a scale of UID. Although, the Government and the UIDAI have repeatedly argued that this is well within the powers of the Executive, the arguments have not satisfied the Standing Committee and while reviewing the NIDAI Bill, the Committee has made following observation in this regard: ‘The clearance of the Ministry of Law & Justice for issuing aadhaar numbers, pending passing the Bill by Parliament, on the ground that powers of the Executive are co-extensive with the legislative power of the Government and that the Government is not debarred from exercising its executive power in the areas which are not regulated by the legislation does not satisfy the Committee. The Committee are constrained to point out that in the instant case, since the law making is underway with the bill being pending, any executive action is treated as unethical and violative of Parliament’s prerogatives as promulgation of an ordinance while one of the Houses of Parliament being in session’ (Standing Committee on Finance, Forty Second Report, 2011-12: 28).

Issues on Biometrics

Biometrics (or biometric authentication) refers to the identification of humans by their characteristics or traits. Biometrics is used in computer science as a form of identification and access control. It is also used to identify individuals in groups that are under surveillance. Unique Identification is a form of electronic governance. “With the advent of new digital technology like biometrics it is easier to track a person which is a new way of governing the population or new form of governance (Sarkar, 2011: 6).

Biometrics is an important component in the proposed UID Programme as individuals are identified with process like finger prints and iris scan etc. These are collected as data and stored for future identification. Regarding the storage of the data itself, there are several issues to be considered, for instance there is a trade-off between data redundancy and security. Data redundancy is having more than one copy of the same data – for example, name, father’s name, address, etc. The risk is of the data being available to unauthorised personnel. In effect this means that the more interfaces the UID database has with other

external systems such as the PAN card system, voter id, or even banking systems, driving licences, etc, the more vulnerable it is. Having fewer interfaces on the other hand implies having multiple and possibly conflicting copies of the same data. The LSE “Identity Report” albeit in the context of the proposed system in the UK finds the security of the system “substantially – perhaps fatally – flawed as one of the reasons quoted for this are the volume of data (50-60 million people), the number of enrolment centres and the number of staff required. In the case of India – with a number of people in the database equalling 10 times that number (600 million) and with a larger more diverse geographical area, it would be safe to assume a higher security risk (Shukla,2010:35).

The architecture as suggested by UIDAI would be a massive project for implementation, but there are still many technological challenges in creating and managing the database of such a huge population. Around five megabytes of data will be required to store the compressed fingerprint images (of all the 10 fingers) of each individual, requiring the size of the entire database to be at least six petabytes (6,000 terabytes, or 6,000,000 gigabytes), making it among the world’s largest databases. This even raises a question on the authenticity and security of the central repository considering the fact that UIDAI can authorize any person to maintain it. Another major concern which raises serious doubts is that this architecture would make available vast amount of personal data, integrated at a single place, to the government agencies with few restrictions. There is still no answer as to what steps the UIDAI will take to face these security challenges. (Rajanish Dass, 2011:10-12)

Issues of Privacy in UID Programme

Unique identification Programme has been criticized on the matter relating to privacy. Privacy denotes that personal information or details of an individual is always kept private and confidential and are not disclosed. Privacy has always been one of the pertinent issues in India and has become more prominent with relation to unique identification Programme. In October 2011, when the NIDAI Bill was introduced the members of the standing committee like R. Ramakumar Rao, Usha Ramanathan raised objection on NIDAI Bill against the violation of the privacy laws. Nandan Nilekani argues that

information of the individual can be acquired in the form of passport, voter ID, ration card and thus states that India does not have clarity with regard to the privacy laws (Punj, 2012).

The Constitution of India does not explicitly recognize or mention the right to privacy but time and again its existence has been accepted through several Supreme Court rulings (Kak, Malik:505). The Court stressed that privacy rights must be read into the constitutional guarantee under Article 21. To support this statement one can refer to cases like 'the Nakheeran case [R. Rajagopal vs State of Tamil Nadu (1994) 6 SCC 632], the court said:

'The right to privacy is implicit in the right to life and guaranteed to the citizens of this country by Article 21. It is a 'right to be left alone'. A citizen has a right to safeguard the privacy of himself, his family, marriage, procreation, motherhood, child-bearing and education, among other matters'

Thus the above example show that rights relating to privacy is key concern or issue in India. However, the main argument with relation to UID Programme is that the responsibility of data collection of each population has been given to the private agencies across the state and this has created controversies and tension in the UID Programme. To further add, when data collection is entrusted to such private agencies there is the possibility of leakage of data. The biometric Programme associated with UID impinges upon the security, privacy and protection of an individual. Thus such types of access to data would become easy for the offenders to locate any individual.¹ However, UIDAI

¹ Standing Committee on Finance, Forty Second Report, 2011-12, P.22-23. Usha Ramanathan stated that the right to dignity, the right to privacy, personal security and safety, the protection against surveillance, are constitutionally protected. The production of a number accompanied by the use of methods such as fingerprinting and iris scanning is even more invasive than is permitted to be applied to alleged offenders. Article 20 (3) provides protection against compulsory extraction of personal information. Denying services, and rights, to persons because they are unwilling to part with the information in a manner that is more than likely to result in convergence and commodification of their personal information, surveillance, profiling, tagging and tracking is compulsory extraction that clearly reduces the constitutional rights of an ordinary citizen to less than that of an alleged offender. And that this is being done without the protection of law renders the exercise, per se, illegal. Apart from its 'uses', the potential for abuse is undeniable. In a similar context, another court – the Philippines Supreme Court – said:the data may be gathered for gainful and useful government purposes; but the existence of this vast reservoir of personal information constitutes a covert invitation to misuse, a temptation that may be too great for some of our authorities to resist.

discounts such fear about the breach of privacy alleging that ‘the moment the data is keyed in it is encrypted with the highest level of security, so we believe that it is not possible for that agency to extract that data even a second after it is encrypted. Secondly, there are definite conditions for the enrolment agency that or how long it can even keep the encrypted data package and they are not allowed to replicate it. So, the agency has absolutely no control over it.’ (Excerpted interview of Ashok Pal Singh)

However, it has been reported that the Home Ministry was not satisfied with the quality of data collected by the UIDAI stating the UID data was not secure and that ‘the possibility of fake identity profile in the UID data is real’ (Jain,2011). Later again when the NIDAI Bill was submitted in December 2013, the standing committee report gave an ultimate statement, after the Supreme Court verdict, that aadhaar card should not be made as mandatory. This issue was brought up in its 77th report. The committee observed that in the context of the Supreme Court’s interim order, stating that no person should be devoid of any welfare scheme due to the lack of Aadhaar card, the Government should instruct the State Governments that it (Aadhaar) should not be mandatory under any circumstances. The panel also pointed out that UIDAI was entrusted with the responsibility of enrolling 60 crore residents by March 2014 but it was seen that only 36.58 crore has been enrolled till now. (<http://egovreach.in>)

In the current context of UID, the matter of concern is that it seems to act as a bridge between the silos of information, further facilitating the convergence of databases. It is quite possible that the information will become vulnerable to access by the state and private agencies, thus leading to privacy breaches. Such information, on the one hand can become a tool of surveillance for the security agencies of the state, while on the other hand it can also be used as a commodity by the profit targeting private players of the market. In a neo-liberal economy where the private players are equal participants in the basic service deliveries, this is indeed an issue of concern (Chandra Sao, 256-57).

Overlap between UID and NPR (National Population Register)

Another controversy in UID Programme is its association with the National Population Register (NPR). There is a difference between the NPR and UID Programme which are as follows. First, UID collect data of the population, and NPR collects data of citizens.

Second, the enrollment of individuals for the NPR is legally backed by the Citizenship Act, except in relation to the collection of biometrics, while the UID as proposed has not been passed for the legal backing of the scheme. Third, the UID number would serve as an authenticator during transactions while the NPR seeks to have a National Resident Card that would signify a resident status and citizenship. Fourth, the Unique Identification Authority of India is responsible for enrolling individuals in the UID scheme, and the NPR is responsible for enrolling individuals in the NPR scheme and in the process of enrolment, individuals will have to go to an enrolment center and register for the UID. The UID is based on prior forms of documentation and identification, while the NPR will be based on census information (Hickok: 2013).

One of the prominent controversies between UID and NPR is their legality of sharing data. The legality of the UID and NPR collecting data and biometrics has been questioned. For example, it has been pointed out that the collection of biometric information through the NPR is beyond the scope of subordinate legislation. (<http://bit.ly/Y638JS>.) Collection of any information under the UID scheme is being questioned as the Bill has not been approved by the Parliament. The UIDAI's use of multiple registrars and enrolment agencies, the reliance on 'secondary information' via existing ID documents for enrollment in the UID, and the original plan to enroll individuals via the 'introducer' system has raised questions about the accuracy of data collected by the UID (Economic Times, 2013). To this extent, the UIDAI has changed the introducer system to a 'verifier' system. In this system, Government officials verify individuals and their documents prior to enrolling them. Though biometrics are mandatory for the UID scheme, according to information on the NPR website, if an individual has already enrolled with the UID, they will not need to provide their biometrics again for the NPR. Application of this standard has been haphazard as some individuals have been required to provide biometrics for both the UID and the NPR, and others have not been required to provide biometrics for the NPR. (Times of India, February 2013)

The controversy between NPR and UID is that UID falls under the Citizenship Amendment Act 1955 and NPR comes under the Census. Census does not permit

information or data collected from the citizens to be disclosed. Therefore UID lacks clarity with regard to the Citizenship Act.²

Unique Identity Programme after the Supreme Court Verdict

UID card was considered indispensable in order to avail public distribution services, health services etc. One important debate relating to aadhaar was when the Punjab and Haryana High Court bench headed by Chief Justice A K Sikri passed an order on March 2, 2013 after hearing a matter challenging a circular making Aadhaar mandatory. The moment Court raised questions of law, the circular was withdrawn by the central government. The decision underlined that UIDAI is legally assailable and indefensible. The PSC report and the Statement of Concern dated September 28, 2010 issued by 17 eminent citizens including Justice VR Krishna Iyer, Prof Romila Thapar, SR Sankaran, Justice AP Shah, KG Kannabiran, Bezwada Wilson, Aruna Roy and Prof Upendra Baxi sought for halting of the project. The Parliamentary Standing Committee on Subordinate Legislation was also seized with the compliant on “Subordinate Legislation for Biometric Identity Card NRIC and Aadhaar/UID as illegal & illegitimate and had imposed Constitutional, Legal, Historical & Technological Reasons against UID/Aadhaar Scheme on 18.3.2013.” (Patil and Desai: 2014)

The entire debate on UID turned, after the Supreme Court declared aadhaar as non mandatory. The Unique Identification Authority of India was challenged ‘that no person should suffer for the lack of an Aadhaar card despite the fact that a government authority had issued a circular making it mandatory to submit the Aadhaar card to avail of certain facilities’³. The High Court had also observed that the UIDAI ought to ensure that

² According to Usha Ramanathan ‘this exercise is being carried out not as per the provisions of the Census Act 1948 but under the Citizenship Act of 1955 of 14A and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules 2003 which surprisingly lack the terms of confidentiality of the data unlike the census. Evidently, ‘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 NPR sets to strictly enrol only the citizens of India thus excluding the non-citizens. More importantly it is to be mentioned here that enrolment under the NPR is mandatory and every individual and the ‘head of the family’ is expected to provide updated information about the family members along with the biometrics, and failure to do so will lead to penalty (Ramanathan, 2010).

³ Challenged by former Chief Judge of High Court from Kerala in a Writ Petition No. 494/2012: *Justice K. S. Puttaswamy v. Union of India*, a bench comprising Justice Chauhan and Bobde in the ad-interim order of September 23, 2013 made the order.

Aadhaar cards are not issued to illegal immigrants. Thereafter, in subsequent orders in the petition the Supreme Court made all states and union territories parties.

Even before, the Supreme Court order put in abeyance the cash transfers for the cooking gas subsidy under UID Programme in the wake of ground-level implementation challenges. The cooking gas subsidy was the showpiece of the Aadhaar-based payment system, covering 291 of the 640 districts in India. According to government statistics, 17 million consumers had received Rs 3,000 crore as cash subsidy for cooking gas by the end of January 2014. (Surabhi, 2014)

Cash transfers were launched in January 2013 for 26 government welfare schemes. The cooking gas project had made as rolled out in June and scaled up gradually. It already constitutes between 80 per cent and 90 per cent of all cash transfers. The scheme is not being pushed by the government after the Supreme Court ruled Aadhaar could not be made mandatory for availing government services (Surabhi:2014:www.business-standard.com)

After the supreme court verdict, UIDAI had claimed that PSU oil companies detected around 45,000 duplicate connections on the basis of Aadhaar numbers, and blocking these would save the exchequer around Rs 23 crore annually. It said the court's interim order had "very serious implication" for implementing various welfare schemes and it insisted that the card should be made a must for subsidies (V Nair: 2014)

As the Supreme Court verdict has kept UIDAI in jeopardy, the Programme got involved in another case where UIDAI was involved regarding sharing of data. The CBI had sought the database, including biometrics of persons from Goa, so that the information could be compared with that obtained from the crime scene for investigating the rape of a minor girl at a school in Vasco. UIDAI had contended the CBI seeking the database order would set a bad precedent and open the floodgates for similar requests by investigative agencies and police for information, including biometric data, for the purpose of investigations. It said biometric data cannot be shared without the consent of the citizen as per its current data sharing policy. An order of the Goa bench of the Bombay High Court upheld UIDAI's position. The bench said biometric or any other data should not be shared with any authorities unless the accuse gives consent in writing. In its plea, UIDAI

said more than 60 crore residents have enrolled themselves for Aadhaar by providing their demographic and biometric information for civilian application only and sharing the data would endanger the fundamental rights of citizens (Krishna:2013)

Conclusion

An important feature of UID is deepening the reach of e governance which can have dramatic consequences for everyday life. The portability, instant transmittability and interoperability reconfigure and rescale the present power relationships. Maringanti observes that Unique ID project is a characteristic of the high modernist state, bound to fail and bound to be subverted. He argues that UIDAI does not necessarily and directly result in enabling the poor to survive and also states that Unique ID Programme does not signal empowerment as it has been insisting, it means the terrain of possible action, the terrain on which there would be a slight change on citizens transaction with the state and market agencies(Maringanti:2009:39)

Thus, the unique identification Programme from the beginning has received more criticism than applause. The Programme has been criticized by the Standing Committee on Finance, academicians and research groups. It has been observed that the Programme contains many flaws—problem related with biometrics and most importantly, the issues relating to the violation of the privacy rights. However, the other confusing fact is the ambiguous relation between the UID and the NPR. Though the UID has been implemented in most of the states but the fate of UID Programme in India has become critical with the Supreme Court statement proving the UID as non mandatory in availing public services. Thus the future of the Programme is at stake.

CHAPTER V

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Governmentality is one fundamental framework of addressing the questions about how human populations are governed in contemporary societies. Governmentality is ruled by the rationality i.e. reasoned way of governing. The method of governing the population, throughout the ages has taken different forms i.e. right from the feudal to the modern state system and the neo liberal state. The modern state system was focused more on sovereign power, but in the later stages, more focus was made on the population of the state rather on territory and conflict.

Here, the controlling of the population is by a distant and calculative means. Foucault used the idea of governmentality to explore the regularities of everyday existence that structure the 'conduct of conduct', ultimately giving expression to distinct historical epochs characterised by particular arts of government (or governmentalities), including the *laissez faire*, social welfare and neoliberal governmentalities. Foucault's understanding of neoliberal governmentality extended beyond popularised definitions that centre *laissez faire* economic policies to encompass the particular logics and technologies of rule operative across varied domains of social life. (Nadesan, 2008: 1)

Foucault developed the idea of biopower to capture technologies of power that addresses the management of, and control over, the life of the population. Although neoliberal strategies of government appropriate and utilise older forms of power—sovereign power, pastoral power and disciplinary power—biopower offers the most effective and appealing set of strategies for governing social life under neoliberalism because it finds its telos and legitimacy in its articulated capacity to maximise the energies and capabilities of all: individuals, families, market organisation and the state. As a kind of power that concerns itself with representing, explaining, and regulating the life forces of populations, biopolitical forces adapted to neoliberal ends seek to minimise societal risk and maximise individual well-being through scientific engineering and individual technologies of self. (ibid: 3)

Thus, one can understand the proposed UID Programme in India as a biopolitical forces adapted to a neoliberal state. In understanding UID under the framework of neoliberal governmentality it has been observed that UID is one of the forces of neoliberal governmentality. UID controls or authenticates population through the help of biometric device which is one of the new techniques or rationale of in neoliberal governmentality. Thus it is possible to understand UID as biopolitics in neoliberal governmentality.

The other important aspect highlighted in this study is the arguments of introducing the UID Programme in India. There have been two motives behind the introduction of UID in India. The first is driven by concerns of national security. Arguments informed by this concern suggest that the introduction of UID and allocation of a unique number to each individual will help prevent the problems of illegal immigration and terrorism. In fact, when we look at the very context in which the UID was conceptualized, it was heavily informed by the national security concern. The second argument was the logic of providing more efficient governance. It is under this logic that the linking of UID with benefits or welfare services to the poor sections of the society was pushed. Thus providing welfare service to the public became the rationale of the UID Programme by distributing subsidies, pension, scholarship etc. Some argue that the lack of identity documents and other reasons like poverty and societal exclusion that limits individuals' access to health education and other opportunities is also one of the rationale of UID Programme in India. However, one can also argue that the very absence of UID card could deprive someone without it the benefits he is due. The recent Supreme Court judgment pronouncing that UID is not mandatory to terms of accessing to such benefits nullified the 'efficacy in governance' logic of UID in India.

The UIDAI claims that UID number or aadhaar will make it convenient for residents to prove their identity and address. However, such a freedom is a limited one, as the very logic of suspicion, i.e. a police mentality has invaded various spheres of life, and the onus of proving identity has been shifted from the state to the individual. A new interpellative structure is being erected, where the authority of the otherwise democratic state overpowers the individual, and positions the individual first, as a subject, then as a citizen (Sarkar, 2014: 14).

There are also arguments that Aadhaar could become the unique variable that helps to map the consumer on to private market data and also to triangulate that data with governmental data to gain consumer and market insights (Sarkar). Thus, governmentality in India may have started to move beyond the institutional domain of the state. The UID Programme has incorporated both the politics and economics, and moreover they also point to the consolidation and intensification of the authority of the state and the grip of the market, especially the financial and service sectors. UID Programme tries to converge security, economic growth and welfare. Within this system, individuals appear more as beneficiaries or consumers than as citizens. With these above aspects it can be said that UID can be said to be the consumer oriented Programme and also strengthening its economy by employing the technique of public private partnership. Here, the very character of the state also changes from a political entity to a more administrative entity.

Another important point is the National Identification Authority of India Bill 2010 introduces biometrics as the key feature of the Programme. But the bill was criticized in the Standing Committee Report on Finance with regard to the lack of its statutory authority, privacy laws and its multifaceted nature of sharing of database through various agencies. UID Programme has been supported by its unique feature or dimension, that is, the identification of the individual through the help of biometrics. The technology of biometrics is one of the newly introduced techniques in India. Biometrics after taking iris and the finger scan is associated with agencies like NATGRID. Thus the Programme is criticized for the convergence of information under various agencies.

Unique identification Programme in the beginning was seen as a new hope for empowering the population and introduced as an ambitious project. Many expectations were built from this Programme. However, the 42nd Report of the Standing Committee on Finance subjected the NIDAI Bill to various criticisms. The major argument raised against UID was that the bill violated the privacy rights. UID Programme imbibes identification, classification and description by empirical or behavioural criteria and use statistical techniques like biometrics. There is also the fear of the biometric data in which the iris, fingerprints and the other information taken from an individual become accessible to other groups or other governmental agencies without individual consent.

And UID doesn't provide any guarantee against the leakage of data although the UID officials argue that information is not supplied without individual consent.

There is always possibility that biometrics do not provide accurate results. Accuracy and error rates published by biometric technology vendors are not trustworthy, as biometric error rates are intrinsically manipulable. Biometric systems fail in two ways—false match (incorrectly matching a subject with someone else's reference sample) and false non-match (failing to match a subject with her own reference sample).

Another issue of UID is its ambiguous relation with the NPR. The main argument is that the Citizenship Act of 1955 and the Census Act of 1948 is slight contradictory to other. Thus there is no proper explanation given with regard to the use of the two different acts. It would therefore become more appropriate if UID would be linked with the NPR which works in accordance with the Census Act of 1948. Again, in a country like India with huge population and diversity, there is always a question on UID and its efficacy.

It has been observed that the UID Programme has brought a transition in the relationship of the state and its citizen and has led to the creation of a new form of governance. Shukla argues that UID scheme marks an evident rather than a tentative shift: from an identity in India that was overwhelmingly concentrated as a political subject (involving rights, duties and obligations) to one that is more explicitly intended to be crafted as a consumer citizen, defined dominantly by debt legibility (Shukla, 2010:31).

Though the UID has been implemented in most of the states, the fate of the UID Programme in India has received a serious setback with the Supreme Court Judgment making the UID as non mandatory in availing public services.

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