

Will biometrics help fight crimes, asks SC

Kapil Sibal

The Supreme Court on Wednesday questioned the argument put forth by petitioners in Aadhaar cases that collection of personal information of citizens by the state would lead to totalitarianism. It asked whether the state's access to personal and biometric data was necessary to combat terrorism and crimes such as money-laundering.

Justice D.Y. Chandrachud, one of the five judges of the Constitution Bench led by Chief Justice of India Dipak Misra hearing the challenge to the Aadhaar scheme as a violation of the fundamental right to privacy, said an individual ought to have no objection if the state accessed his or her personal data to check if he was paying taxes. What would be the problem if personal information was used only for the limited purpose for which it was collected, he asked.

But senior advocate Kapil Sibal said that at present, a citizen who had parted with his personal data and biometrics was in the dark about how the state was using them and whether or not these were safe at all. "By the time the citizen gets to know, the Big Brother would have become a 'Bigger Brother'," he said.

Senior advocate Shyam Divan and advocate Vipin Nair, for the petitioners, argued that the whole idea was to prevent such a situation.

Google Maps analogy

As for state surveillance, Justice Chandrachud compared it to Google Maps. An individual accepted the fact that the application was tracking him, he said. "Google is not the Indian state," Mr. Divan responded. He said there was a difference between persons giving an informed consent and opting for services and being compelled into it.

Mr. Divan submitted that cancellation of Aadhaar now would amount to turning off the switch on a person. The authorities could do this if Aadhaar appeared fraudulent to them. Justice A.K. Sikri asked what was wrong in cancelling an Aadhaar number procured through fraud.

But Mr. Divan said there should be other alternatives to Aadhaar and a person's very existence should not hinge on just one source. He said a situation had arisen wherein a person ceased to exist and became a ghost, if his biometrics did not match. The arguments will continue on January 25.

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