

THE POOR ARE LEFT TO THEMSELVES

Relevant for: Governance in India | Topic: E-governance - applications, models, successes, limitations, and potential incl. Aadhaar & Digital power

The first death anniversary of Santoshi Kumar, a Dalit girl from Simdega, Jharkhand, was this week. She died of hunger, at the age of 11, a few weeks after her family's ration card was cancelled by the State government because they failed to link it to Aadhaar.

The Aadhaar judgment of September 26 provided an opportunity for the Supreme Court to make amends for her tragic death. The upholding (by and large) of Section 7 by the majority judges is, therefore, the biggest let-down in the Aadhaar judgment. This is because the judges decided to accept the government's 'assertions' — wrongly — as 'facts'.

In the majority opinion, they state: "The entire aim behind launching this programme is the 'inclusion' of the deserving persons who need to get such benefits. When it is serving much larger purpose by reaching hundreds of millions of deserving persons, it cannot be crucified on the unproven plea of exclusion of some. We again repeat that the Court is not trivialising the problem of exclusion if it is there." (p. 389.) There are many instances of assertions being accepted as facts. This piece seeks to show why they were wrong in believing the assertion about inclusion, identification and exclusion, to illustrate the bigger problem with the majority view.

For instance, the Unique Identification Authority of India (UIDAI) submitted to the court that the 'failed percentage' of iris and finger authentication are 8.54% and 6%, respectively. Later, on Page 384, discussing the issue of exclusion, the judgment notes that the UIDAI is said to have claimed 99.76% "biometric accuracy", suggesting that two different failure rates have been submitted to the court.

Though the UIDAI claims to have taken care of these failures by issuing a circular on October 24, 2017 (after Santoshi's death), to put in place an exemption mechanism, until then there was no exemption. Even after the circular has been issued, there is little evidence of it being implemented. Since 2017, there have been at least 25 hunger deaths that can be traced to Aadhaar-related disruption in rations and pensions, of which around 20 deaths occurred after the aforementioned circular was issued.

The idea that Aadhaar enables inclusion has taken firm root in people's minds, as well as the judges'. This belief, however, is misconceived. If it means that Aadhaar is an easy ID to get, that is perhaps true. Only 'perhaps' because there are many people who have paid to get Aadhaar even though it is meant to be free; many have had to try several times before they succeeded in getting it. Those with any disability have found it very hard to enrol or have failed to enrol.

The number of people excluded from getting Aadhaar may be small (as a percentage of the population), but they happen to be the most vulnerable — bed-ridden old persons, victims of accidents, people with visual disabilities, etc.

Further, it is a misconception that for millions of Indians, it is the only (or first) ID they have. According to a response to an RTI, 99.97% of those who got Aadhaar numbers did so on the basis of existing IDs.

More importantly, no one in government has been able to explain how Aadhaar enables inclusion into government welfare programmes. Each government programme has its own

eligibility criterion. In the Public Distribution System (PDS), there are State-specific inclusion/exclusion criteria. In some States, if you have a government job or live in a concrete/pucca home, you cannot get a PDS ration card — even if you have an Aadhaar card.

Conversely, if you lived in a mud hut or were an Adivasi, you would get a PDS ration card. After the coming of Aadhaar, on top of satisfying the State eligibility criteria, you need to procure and link your Aadhaar number in order to continue to remain eligible for your PDS ration card.

Before Aadhaar was made mandatory, it was neither necessary (you could get subsidised PDS grain without Aadhaar), nor sufficient (possessing Aadhaar alone did not entitle you to PDS grain). With Aadhaar being made compulsory, it has become necessary, but it is not sufficient to get welfare. It is a pity that the majority judges were unable to grasp this point.

The biggest source of exclusion from government programmes (before and after Aadhaar) remains the fact that India's spending on welfare remains abysmally low. Before the National Food Security Act (NFSA), 2013 was implemented, roughly 50% of the Indian population was covered by the PDS. The NFSA expanded coverage to about two-thirds. This expansion of the PDS is what has led to inclusion though exclusion errors persist in some areas (for example, regions such as western Odisha where universal coverage is necessary).

The question that arises is, did the government misdiagnose the source of exclusion by blaming it on a lack of IDs rather than inadequate budgets and faulty selection of eligible households? Or, did the government purposely mislead the public on this issue because fixing the real problem would have entailed an increase in government spending?

Either way, a very successful programme of propaganda was set in motion to convince people into believing that Aadhaar was a project of inclusion and the ultimate tool against corruption in welfare programmes.

The claims about what and how much Aadhaar could do for reducing corruption in welfare were similarly blown out of proportion. For instance, quantity fraud (where a beneficiary is sold less than her entitlement, but signs off on the full amount) continues with Aadhaar-based biometric authentication. A rogue dealer who I cannot easily hold to account can as easily force me to biometrically authenticate a purchase of 35 kg, but give me only 32 kg, as he could force me to sign in a register.

Meanwhile, the propaganda machinery again convinced people by repeating that the welfare rolls in India were full of fakes, ghosts, duplicates, etc. There was no reliable evidence on the scale of this problem ("identity fraud"). Recent independent surveys and government data are beginning to suggest that it wasn't the main form of corruption. Linking Aadhaar cards with the PDS in Odisha led to the discovery of 0.3% duplicates.

Yet, the majority opinion states that "the objective of the Act is to plug leakages" and that "we have already held that it fulfills legitimate aim" (page 386). For those who work on these programmes, it is very puzzling why these straightforward misrepresentations have not been challenged by the media.

This phenomenon appears to be an outcome of the deep social and economic divide in Indian society. Those who benefit from these programmes and who understand why Aadhaar cannot improve inclusion do not have a voice in the media or policy-making. This allows anecdotes (repeated ad nauseam) to become the basis for taking big decisions. Contrary to the rhetoric of evidence-based policy-making, what we have seen in this case is anecdote-based policy-making. The opinion of the majority judges also betrays this deep divide — caste and class — in

society.

Yet, Wednesday's Aadhaar verdict with four judges latching on to the government's version of the story, and one of them applying his mind to the matter independently, reaffirms that you can't mislead all the people all the time.

Reetika Khera is an Associate Professor at the Indian Institute of Management, Ahmedabad

Sign up to receive our newsletter in your inbox every day!

Please enter a valid email address.

Our existing notification subscribers need to choose this option to keep getting the alerts.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com