Digital identity, anonymity, pseudonymity and law in India

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Digital India

- Increase in Internet usage and penetration
- Cyber cafés
- Telecentres
- Home Use
- Other applications
- Popular uses: email, chat, social networking, blogging, gaming, digital radio, matrimonial websites, video conferencing, digital radio
A country like no other

- Religion
- Invasions
- Culture
- Colonisation
- Tradition
- Supercomputers
- Assimilation
- Class
- Caste
- Family
- Satellites
- Secular Democratic Social Republic
The concept of identity

• Influenced by history, geography, culture, tradition, caste, class

• Identity as a whole and a sub-set:
  * regional identity
  * state identity
  * religion
  * language
  * caste and class
  * family
Development of identity

- Unity in pluralism (Brahmannical triad)
- Swaraj (self-rule)
- Influence of reservation policies
- Judicial developments

  KM Patil v Addl Commissioner Tribal Development and Ors (1994)
  Mrs V Paul v Cochin University & Ors (1996)
Anonymity and Pseudonymity

- Renunciation of identity – normal and traditional phenomena
- Assumption of pseudonyms
- Abandonment of identity for socially and economically beneficial reasons
  - gender, caste, class distinctions
Manifestations

- Email
- Newsgroup, bulletin boards, chat rooms
- Social networking sites e.g. Orkut, matrimonial sites
- ID cards e.g. Voters cards, MNIC
- Rural networking e.g. India’s knowledge village Hansdehar
India’s knowledge village
Manifestations

Anonymity and pseudonymity on the web

- Multiplicity of email addresses
- Lack of use of anonymisers and anonymous surfing services
  - time constraint
  - non-perception of need
  - awareness
  - general social mindset built on openness and information sharing
  - single sign on, multiple identities
Regulation and effects

- The Information Technology Act 2000
- Relevant cases:
  - The case of the Cyber Stalker
  - State of Tamil Nadu v S Katti
  - NASCOM v Ajay Sood (phishing)
- Government attempts to regulate:
  - Priority Reporting Tool with Orkut
THE MNIC

- Rolled out in May 2007
- Individual identification system
- Purposes: prepare a NPR (National Population Register) and NRIC (National Register of Indian Citizens); provide a national identification number;
- Mandate: deal with illegal migration and for efficient e-governance
THE DATABASE AND ITS LINKS

Multi application - linkage of NIN with other databases

- Financial: Banking, Insurance Services database
- Education: Admission in schools, colleges and hostels
- Agriculture: Seed, Fertilizer, Pesticide, Marketing credit
- Travel: Railway, Air, Bus Ticket booking
- Registration of Land, Property, Shares
- Health and Medical Services
- Gender issues - Child marriage, marital status, maintenance of separated women
- SC/ST/OBC database
- Ex-Servicemen
- Disability, Old-age pension, freedom fighter

NIN: 15326 2001 00156 9
The MNIC – legal mandate and issues


- No express legislative safeguards to deal with consequential problems
- Control to the bureaucracy and government
- Lack of documents to prove residence, birth (common problems)
- Has not been subject to informed public debate and its pros and cons have not been thoroughly weighed
More issues

• Input and data correction
• (Fear of) misuse, function creep
• Lack of transparency
• Lack of redressal mechanisms
• Positive discrimination
• Database security and maintenance
• Privacy and DP fallout of the linkage of databases
The future

• DI, anonymity and pseudonymity will develop and grow as Internet usage increases so will issues
• Judicial activism and precedents
• Need for increased awareness, informed academic interdisciplinary contributions to this area of research
• Legislators and policy makers need to take into account the interests of the different stakeholders