



## A clean-up act

The Supreme Court has signalled there can be no compromise over air quality

The Supreme Court's direction to transport authorities to stop registering vehicles that do not meet Bharat Stage-IV emission standards from April 1 sends out the welcome message that short-term economic considerations cannot supersede public health concerns. Some automobile companies, notably those manufacturing two-wheelers and commercial vehicles, have suffered a blow as they must now deal with unsold inventories of the obsolete models. The 2017 deadline for a nationwide shift to BS-IV had been repeatedly emphasised in various forums, and reiterated by the Parliamentary Standing Committee on Petroleum and Natural Gas in its review of the Auto Fuel Policy nearly two years ago. But there was some confusion about whether April 1 was the deadline for the manufacture of BS-III models or their sale. Significantly, some automobile manufacturers themselves called for a decisive shift in favour of the higher emission standard, since they had invested in upgraded technologies over time. But it would appear that two-wheeler and commercial vehicle manufacturers made a costly miscalculation when they hoped for a repeat of the experience they had seven years ago, when the shift from BS-II to BS-III norms was carried out with a relaxation of deadlines often stretching across months. The Centre must share some of the blame, because it assured industry of a business-as-usual approach on a sensitive issue such as automotive emissions, even though producers were already equipped and meeting the higher norms in the bigger cities.

The court's order means that a little over eight lakh BS-III vehicles will have to be either upgraded or sold abroad. As a total sum, this is a small fraction of the 19 crore vehicles on Indian roads today. It is unlikely that the court's uncompromising approach will have a significant impact on reducing air pollution. But the message it sends out on air pollution is unmistakable. Research reported three years ago estimated that 30% to 50% of total on-road emissions came from vehicles older than 10 years, or about 17% of the fleet. The requirement for manufacturers to adjust to the new reality should serve as a reminder that they, and the fuel companies, must prepare for the next big deadline: an upgrade to the BS-VI standard by April 1, 2020, leapfrogging BS-V. More immediately, the Centre has to ensure that the objective of the Supreme Court's order is met, and the 'one fuel, one country' goal for BS-IV is fulfilled. This is crucial to ensure that the catalytic converters of newer vehicles are not affected by lower-grade fuels. Liquidating obsolete inventory does pose a challenge for manufacturers, but this can be met through exports, technology upgrades or reuse of dismantled parts. The imperative is to shift to a clean fuel pathway.

## Next steps on GST

The spirit of give and take must continue to operationalise the new indirect tax regime

The Lok Sabha has duly given its assent to necessary Central legislation to operationalise the Goods and Services Tax, nearly 17 years after the government began discussions on the prospects for a unified indirect tax regime across the country. It is eyeing a July 1 rollout for the GST, which will replace the multiple Central and State-level taxes and levies that make doing business in India a compliance nightmare today. The long and winding road for this reform, punctuated by political about-turns, has had a fairly straight trajectory in recent months, following the constitutional amendments last August. The GST Council has managed to thrash out a consensus on several issues relating to the administration and the legislative provisions for the new tax system within six months. The fact that apparently intractable positions held by the States as well as the Centre on the sharing of administrative powers, for instance, have been reconciled without the Council resorting to a majority vote inspires confidence. So does the alacrity with which the Centre has moved to secure Parliament's nod for four enabling pieces of legislation within a fortnight of the Council's approval. State Assemblies should do the same to pass the State GST law by holding special sessions if need be.

For Indian businesses that have been seeking the reform, it is now time to come to terms with the fine print and embrace the tax system. The GST Council, meeting again on Friday to clear four pending sets of regulations, must sign off on which of the five GST rates will apply to different products and services. Clarity on the applicable rates will help industry alter their accounting systems, supply chains and pricing strategies. But some provisions in the GST laws have the industry in a tizzy. While the highest GST rate has been pegged at 28%, the integrated GST law has set a ceiling of 40%. Though an enabling provision, it gives the government too much leeway to alter the rate structure in coming years without seeking Parliament's nod. Compare this to the cess ceiling of 15% on luxury cars, for instance, which are likely to see a 12% cess to start with. On several other fronts, the final laws haven't changed much from their draft versions, despite industry red-flagging several provisions. These include the anti-profiteering clauses to curb 'unjust enrichment' of firms, the requirement for branch offices to register separately in each State, and treating all transactions between related parties (including head office and branch offices) as taxable. For the services sector, in particular, compliance requirements could go up multi-fold. It is still not too late for the GST Council to offer some exemptions or resist operationalising some of these provisions through the subordinate rules and regulations in order to address genuine industry grievances.

# It's time for Africa

A far wider cultural engagement with the continent is necessary to combat the latent racism among Indians



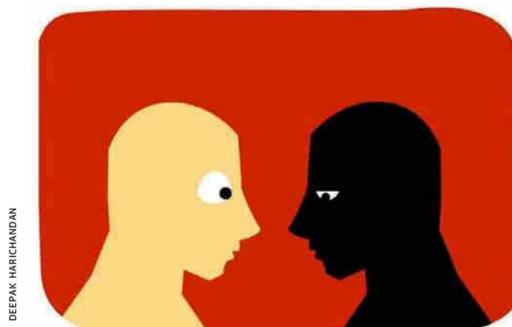
JAEL SILLIMAN

After a teenage boy went missing in Greater Noida on March 26, locals accused five Nigerian students of cannibalism. Residents of the enclave barged into the home where the Nigerian students were staying and searched the fridge for the remains of the youth, who died in a hospital after being found in a nearby park. Following unsubstantiated complaints from the victim's family, the police charged the students with murder but did not detain them for lack of evidence. It was later reported that the boy died of drug overdose. This incident, followed by further violence against African students in Noida, marks a new low in the racism faced by Africans in India.

This vicious race crime is a clear sign of terrible ignorance, arrogance and the recycling of old tropes of Africans as "uncivilised". Indians, with their preference for "whiteness" and their total lack of information and exposure to Africa's rich cultural heritage and its contemporary politics, have denied Africans in India their basic humanity which is demonstrated in their accusations of "cannibalism" — the ultimate denouncement of the "inhuman other".

### A spate of incidents

There have been several atrocious cases of racism in the last year towards Africans in India. Masonda Ketada Olivier, a young Congolese man who was a French teacher in South Extension, was murdered while returning home from a party when he tried to get an autorickshaw home and got into an argument with three men who wanted to hire the vehicle. He was brutally pulled out of the auto, assaulted, and struck on the head with a



DEEPAK HARIKANDAN

stone. He was rushed to the AIIMS trauma centre but was pronounced dead on arrival.

The aggravated hate crimes against Africans are not limited to Delhi and its environs. Three months before the Olivier tragedy, a 21-year-old Tanzanian woman was driving in Bengaluru when a mob stopped the car, dragged her out, beat her and stripped off her shirt. Local papers reported that the police stood by while she was beaten and paraded around naked. The car was set ablaze.

Apparently the young Tanzanian student was beaten to avenge the death of a woman who had allegedly been run over by a Sudanese man less than an hour before the attack. The student pleaded with the police for help insisting she had nothing to do with the fatal accident. In her filed complaint, she alleged that a policeman told her: "You all look alike and you should get the black man who ran over a woman in the area."

While these monstrous incidents hit the headlines, Africans in India face everyday racism that makes them feel very unsafe. The attitude of the police reflects and exacerbates this racial violence and discrimination. African students are mostly left to protest the hate crimes, and the government, keen to placate the African governments, offers the obligatory sorry and promises to look into the incident and bring about justice. However, no serious attempts to ad-

dress racism towards Africans in India have been undertaken.

There were 42,420 foreign students in India in 2016. The top sending countries were Nepal (21.3%), Afghanistan (10.3%), Bhutan, (6.6%), Sudan (4.8%), Nigeria (4.7%), indicating that after the three SAARC partner countries, Sudan and Nigeria send the most students to study in India. Students come from many African countries to India as many universities offer quality education in English that is much more reasonably priced than in the West. The University of Mysore, for instance, has 2,000 foreign students, many from African countries.

Thus Indian students have an opportunity to meet African students and learn about a part of the world of which they know little. This is despite the fact that India has had trading connections with Africa over the centuries and many people of Indian descent live and have lived in Africa for centuries.

### Engaging is knowing

Nana Peasah, a Ghanaian student, has returned recently to Accra after studying at the University of Mysore for two years. He was the international students' co-coordinator at the university in 2015-16. He sought to learn about India and joined the Rotary Club East of Mysore. He also attended the Destiny International Church, a Pentecostal Church, where many international students are made to feel

welcome. While Mr. Peasah had a lot of foreign student friends from around the world, it was harder to make friends with Indian students. To make friends with women students was almost impossible, as Indian men were quick to accuse Africans of making advances at 'their' women even if they were merely studying together.

Concerned by the racism faced by many African students, Mr. Peasah helped organise a peace march to raise awareness about racism in India. He also helped launch a campaign to clean Rajkumar Park to show that foreign students, including Africans, were also part of the Swachh Bharat effort and could contribute to the country's mission to create a cleaner India. While very few fellow students from the University of Mysore joined the peace march, Mr. Peasah appreciated the fact that over 40 students came in a bus from Vikram Nursing School to join it and even provided first aid back-up support for the walkers.

Mr. Peasah thinks it is critical that proper orientation be given to African students coming to study in India. It is perhaps as or more critical for Indian students and members of communities where African students live to have a better understanding of Africa. This would require discussions and exposure to the many cultures and diversity of Africa.

To date there are few efforts even among artists and intellectuals to address this issue of blatant racism so rampant in India and among Indians abroad. The work of Bengaluru-based photographer Mahesh Shantaram is an exception. 'The African Portraits', a photo exhibition in conjunction with Tasveer, has been mounted in Bengaluru, Ahmedabad, Mumbai and Kolkata. Mr. Shantaram's very direct and intimate portraits of African students studying, relaxing, or taking a nap underline the familiarity and everydayness of their lives. He briefly describes each of the personalities with respect and sensitivity and thus chal-

lenges the viewer to see the multidimensionality of each individual photographed. The stunning colour portraits also speak to the diverse faces of the continent. These nuanced portrayals force the viewer to move beyond stereotypes to see each person portrayed; their lives are no different from our own.

In addition, an exhibition of Africans in India was launched last year that has travelled to Delhi and Vadodara. Curated by an American art collector, Kenneth X. Robbins, the exhibition was first held in 2013 at the Schomburg Center for Research in Black Culture, New York. It portrays the trading and political relations between several African groups starting from the fourth century AD, and particularly examines the role that Muslims from East Africa played as slaves and traders in India, with a few — such as Malik Ambar from Ethiopia, who was a prominent noble in the Ahmadnagar Sultanate in the 17th century — rising to become important military generals.

A much more concerted effort must be made by the Indian government, and Indian citizens, intellectuals, and artists to make Africans feel safe in India. The police too, who are often implicated in these racist incidents, must be trained, and issues of racism within the force seriously prosecuted. Students on Indian campuses must be made aware of racism towards foreign students and shown that it is no different from the racism faced by Indian students abroad, which India so vehemently denounces. In addition, for a country of India's size and given the increasing number of Africans coming to India to study and for medical tourism, a far wider cultural engagement with the continent is necessary not only to combat the malevolent racism, but also to expand the global horizons of the Indian public.

Jael Silliman is an author, scholar, and women's right activist

# Say no to Westinghouse

Assurances notwithstanding, India must not enter into a contract with a bankrupt company



A. GOPALAKRISHNAN

With Japanese conglomerate Toshiba announcing that Westinghouse, the American nuclear major it bought in 2006, has filed for bankruptcy, the road map of the India-U.S. nuclear deal is in jeopardy. Under the deal, Westinghouse is slated to set up six AP1000 nuclear reactors in Kovvada, Andhra Pradesh. The National Democratic Alliance government, after assuming power in 2014, had stood by the contours of the deal signed under the previous government and a preliminary work agreement between Westinghouse and Nuclear Power Corporation of India Limited (NPCIL) to build two reactors in Kovvada was being finalised at the time of the bankruptcy filing.

The U.S. embassy in New Delhi has reaffirmed the commitment to

civil nuclear cooperation with India, and Westinghouse is reported to have indicated that it continues to stand behind the reactor delivery model that it presented in its Technical Commercial Offer to India and looks forward to progress on an agreement in 2017. But these assurances notwithstanding, India must not enter into a contract involving billions of dollars with an American company that has already declared bankruptcy.

### A history of project delays

Westinghouse had taken the contractual responsibility of two projects to build four AP1000 nuclear reactors in the U.S. Both these projects are delayed by three years or more and the costs have escalated by 40-50%. It has also been party to two Chinese reactor projects for the construction of four similar AP1000 reactors at two sites, and these too are behind schedule, and costs have also similarly exceeded much beyond the original estimates. In China, the first of these reactors was to have been set up in 2013. As of 2017, none of these reactors is near



completion, and it may take another two years to finish all four.

For the reactors envisaged for Kovvada, no site work has started yet, and the local population is opposed to the nuclear power project.

Westinghouse going into bankruptcy causes much larger problems than just the financial consequences. With the bankruptcy filing, no creditors will come forward to lend the approximately \$7 billion needed to bankroll the India project in the first phase. During the time of the Barack Obama administration, India had hoped to get a U.S. Export-Import (Exim) Bank loan for the Kovvada project. But with Donald Trump assuming the

U.S. presidency and Westinghouse perilously in the red, there is little chance that the new American administration will favourably consider an Exim Bank loan for an Indian nuclear project to be technologically executed by a bankrupt U.S. company. Even if the Trump administration is willing, the project is definitely not in the interest of the people of India.

### Potential losses on all fronts

From personal contacts, I understand that senior and mid-level Westinghouse managers and technical staff have already started looking for other jobs. The company will find itself hard-pressed to handle the completion of the eight AP1000 reactors for the U.S. and China that it is committed to, let alone competently take on and complete a new two-reactor project in Kovvada. Besides, six-eight years from the start of construction, which competent Westinghouse engineering team will be around to help India start up these reactors and provide periodic assistance thereafter?

In terms of capital costs, each

Westinghouse 1000 MWe reactor will cost approximately three times the cost of two 500 MWe India-designed heavy-water reactors today, and perhaps eight times the cost of equivalent coal-powered supercritical power plants. Lastly, not a single AP1000 Westinghouse reactor is in operation anywhere in the world today. Even when one of the eight reactors of this type which are under construction today starts operation, we have no guarantee how many years it will take from then to reach an assured level of reliability and safety before we can confidently deploy them in India.

In view of these difficulties, it is best to completely keep away from agreeing to purchase the Westinghouse AP1000 reactors. In fact, the current status of world energy technology does not warrant the inclusion and consideration of nuclear power of any kind in the energy basket of our nation.

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## LETTERS TO THE EDITOR

Letters emailed to [letters@thehindu.co.in](mailto:letters@thehindu.co.in) must carry the full postal address and the full name or the name with initials.

### Banning BS-III vehicles

The Supreme Court ruling, though in public interest, is a knee-jerk reaction to the problem of pollution ("SC bans sale of BS-III vehicles from April 1", March 30). We need not one reform but a parcel of reforms to holistically address the problem of emissions. Power plants are also largely responsible for air pollution; thus we must make mandatory ultra supercritical thermal power generators in Tier-I cities. The entire discourse is currently on big cities, but with lax standards, smaller cities are also becoming largely unliveable due to severe pollution. We need robust air monitoring systems and strict enforcement of pollution abatement guidelines.

GAGAN PRATAP SINGH, Noida, U.P.

■ The court's clampdown on the registration and sale of BS-III fuel compliant vehicles with immediate

effect is uncharitable to the auto industry. The observation that health hazards are of primary importance is no answer to the massive financial loss suffered by motor vehicle manufacturers. The court should have given them substantial time so that ready-to-deliver vehicles could have been sold. The pollution issue has been raging for a while, so the court had enough time to send the message across.

V. LAKSHMANAN, Tiruppur

### Attacks on Africans

At a time when India has been expressing outrage at hate crimes being perpetrated against its people in the U.S. and Australia, it is condemnable that Africans are facing a similar situation in India ("Another African national attacked in Noida", March 30). The two reported incidents have taken place not far from Delhi. Samuel Jack, the president of the

Association of African Students in India, has reportedly urged Africans to stop making India their destination of study "until and unless there is proper security". This is a stain on our international image. The Central and U.P. governments should work together to nab the culprits immediately.

R. SAMPATH, Chennai

### India, China and NSG

India's efforts to be part of the Nuclear Suppliers Group will continue to be scuttled by China, at least for now ("The Dragon at the NSG high table", March 30). Given that China's One Belt, One Road project runs through Pakistan, the latter is China's valuable ally. The China-Pakistan Economic Corridor (CPEC) will be an alternative route for critical oil supply from West Asia, bypassing the Malacca Straits choke point. The CPEC is meant to safeguard China's economic interests.

China finds a militarily strong Pakistan to its advantage as it forces India to guard two borders, and Pakistan's location allows it to access the Indian Ocean through Gwadar, a port that China has largely financed. It will also be a shorter route for moving its exports to the Gulf and to Africa. China may be willing to back India's entry to the NSG if there is a clear route for Pakistan to join too.

H.N. RAMAKRISHNA, Virginia, U.S.

### Language barrier

The Centre's replacement of English signs on highway milestones with ones in Hindi is bound to stir a hornet's nest in Tamil Nadu ("Vaiko against Hindi signages on highways", March 30). This ill-advised move is being silently carried out in roads passing through Vellore, Gudiyatham and Thiruvannamalai in Tamil Nadu. Medical tourism has grown significantly in the

recent past in Vellore and many patients from abroad flock there for treatment. They will blink at milestones that are not in English. It will also inconvenience those who don't know Hindi. I hope the Centre will refrain from introducing Hindi surreptitiously.

S. VAITHIANATHAN, Madurai

■ National highways are used by people from different States speaking

different languages. One can't expect drivers to know English. This 'imposition of Hindi' argument that Mr. Vaiko has brought up is unnecessary now. It's only because of this argument being thrust on us every now and then on us that an entire generation in Tamil Nadu did not learn an extra language, which is useful.

S. VAIRAMANI, Karakkudi

MORE LETTERS ONLINE: [www.hindu.com/opinion/letters/](http://www.hindu.com/opinion/letters/)

**CORRECTIONS & CLARIFICATIONS:** >>A sentence in the Business page report headlined "80 million EPF retirees may soon get healthcare benefits" (March 30, 2017) read: "Workers drawing salary up to ₹15,000 per month are entitled to medical benefits for treatment during incidences of sickness, maternity, disability and death due to injury during work." Actually, the wage ceiling for ESIC Act coverage was recently increased to ₹21,000 from ₹15,000 per month.

>>An "In Brief" headline "Micromax Dual 5 phone priced at ₹20,000" (March 30, 2017, Business page) should be amended to read: "Micromax Dual 5 phone priced at ₹24,999".

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: [readerseditor@thehindu.co.in](mailto:readerseditor@thehindu.co.in); Mail: Readers' Editor, The Hindu, Kasturba Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on [www.thehindu.com](http://www.thehindu.com)

LEFT, RIGHT, CENTRE

# Is Aadhaar a breach of privacy?

Aadhaar is very poorly designed. The technology needs fixing today; the law can wait for tomorrow



SUNIL ABRAHAM  
is Executive Director,  
Centre for Internet and  
Society

← Aadhaar is mass surveillance technology. Unlike targeted surveillance, which is good and essential for national security and public order, mass surveillance undermines security. And while biometrics are appropriate for targeted surveillance by the state, they are wholly inappropriate for everyday transactions between the state and law-abiding citizens.

When assessing a technology, don't ask, "what use is it being put to today?" Instead ask, "what use can it be put to tomorrow and by whom?" The original noble intentions of the Aadhaar project will

not constrain those in the future who want to take full advantage of its technological possibilities. However, rather than frame the surveillance potential of Aadhaar in a negative tone, I want to propose three modifications to the project that will reduce but not eliminate its surveillance potential.

## Shift to smart cards

In January 2011, the Centre for Internet and Society had written to the Parliamentary Finance Committee that was reviewing what was then called the National Identification Authority of India Bill 2010. We provided nine reasons for the

government to stop using biometrics and instead use an open smart card standard. Biometrics allow for identification of citizens even when they don't want to be identified. Even unconscious and dead citizens can be identified using biometrics. Smart cards, on the other hand, require pins and thus citizens' conscious cooperation during the identification process. Once you flush your smart cards down the toilet, nobody can use them to identify you. Consent is baked into the design of the technology. If the Unique Identification Authority of India (UIDAI) adopts smart cards, we can destroy the centralised database of biometrics just like the



The Aadhaar (Authentication) Regulations 2016 specifies that transaction data will be archived for five years after the date of the transaction. Even though the UIDAI claims that this is a zero-knowledge database from the perspective of "reasons for authentication", any big data expert will tell you that it is trivial to guess what is going on using the unique identifiers for the registered devices and time stamps that are used for authentication.

That is how they put Rajat Gupta, former McKinsey boss, and Raj Raratnam, former hedge fund manager, in prison for insider trading. There was nothing in the payload — voice recordings of the tapped telephone conversations; the conviction was based on metadata. Smart cards based on open standards allow for decentralised authentication by multiple entities and, therefore, eliminate the need for a centralised transaction database.

## KYC requirement

We must, as a nation, get over our obsession with Know Your Customer (KYC) requirements. For example, for SIM cards there is no KYC requirement in most developed countries. Our insistence on KYC has only resulted in retard-

ation of Internet adoption, a black market for ID documents and unnecessary wastage of resources by telecom companies. It has not prevented criminals and terrorists from using phones. Where we must absolutely have KYC for the purposes of security, elimination of ghosts and regulatory compliance, we must use a token issued by UIDAI instead of the Aadhaar number. This would make it harder for unauthorised parties to combine databases. This will enable law enforcement agencies to combine databases using the appropriate authorisations and infrastructure like the National Intelligence Grid. Even as a surveillance project, Aadhaar is very poorly designed. The technology needs fixing today; the law can wait for tomorrow.

Aadhaar protects privacy by design. It uses the best possible technology relating to data protection



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is Chairman, TRAI.  
The views expressed  
are personal

→ Since its inception, Aadhaar has been criticised as a project which violates privacy. India does not have a law on privacy. In fact, then chairman of UIDAI, Nandan Nilekani, wrote to the Prime Minister as early as in May 2010 suggesting that there was a need to have a data protection and privacy law.

In a digital world, search and aggregation of data have become relatively easy. Aadhaar was designed as a digital identity platform which is inclusive, unique and can be authenticated to participate in any di-

gital transaction. This has transformed the service delivery in our country, conveniencing residents and reducing leakages. Direct benefit transfer, subscription to various services and authentication at the point of service delivery are some of the benefits which have accrued.

## In-built privacy

Aadhaar followed the principle of incorporating privacy by design, a concept which states that IT projects should be designed with privacy in mind. Collection of biometrics has often been quoted as one of the means of violating privacy. Bio-

metrics are essential to ensure uniqueness, a key requirement for this project. Additionally, these biometrics can be used for authentication for financial transactions, getting mobile SIMs and various other services using electronic KYC (e-KYC).

Another principle of privacy by design states that you should collect only minimal data. As UIDAI was creating identity infrastructure, it was decided that only a minimal set of data, just sufficient to establish identity, should be collected from residents. This irreducible set contained only four elements: name, gender, age and communication address of the resident.



Another design principle was to issue random numbers with no intelligence. This ensures that no profiling can be done as the number does not disclose anything about the person. The Aadhaar Act has clear restrictions on data sharing. No data download is permitted, search is not allowed and the only response which UIDAI gives to an authentication request is 'yes' or 'no'. No personal information is divulged.

When a biometric-based authentication takes place, it is the individual who must participate in the process by submitting his or her biometrics, typically at the service delivery point to prove his identity.

Typical examples are at the time of lifting ration from a PDS shop, opening a bank account to provide eKYC to the bank or submission of Digital Life Certificates by pensioners. The basic purpose of authentication is to facilitate residents in getting service in a digital, paperless and convenient way. As no information is divulged to any agency without the consent of the concerned individual, it cannot be construed to violate any privacy.

## Purpose of authentication

Besides the minimal data which UIDAI has about a person, it does not keep any data except the logs of authentication. It does not know the purpose of authentication. The transaction details remain with the

concerned agency and not with UIDAI. This is the best model of keeping data where each data-owner has the responsibility of data confidentiality and security.

Aadhaar authentication and e-KYC ensures that documents cannot be misused. Physical papers are amenable to misuse. We know of situations where multiple SIMs are issued based on some document, and the real owner is not even aware. On the other hand, e-KYC ensures that the document cannot be used for any other transaction. UIDAI has also built a facility wherein one can 'lock' the Aadhaar number and disable it from any type of authentication for a period of one's choice, guarding against any potential misuse.

Aadhaar is necessary but we also need a robust data privacy and data protection law



BAJAJANT JAY PANDA  
is a Lok Sabha MP and  
frequently pens articles  
on socially relevant  
issues

↑ I see many people taking what I call a black-and-white position on Aadhaar. Either they support or red-flag it. I am for Aadhaar but I also feel very strongly about a robust data privacy and data protection law. As a matter of fact, a bill to this effect will be introduced by me in the Lok Sabha. Having said that, I have for long maintained that Aadhaar was the United Progressive Alliance government's best idea; they were not enthusiastic about it and I wish they had done more. I am also glad that

Prime Minister Narendra Modi, who had earlier opposed Aadhaar, listened to Nandan Nilekani with an open mind and has emerged as its strongest votary.

## Plugging loopholes

In my constituency and in other places which I visit frequently, I see enormous leakages in social schemes. Aadhaar can plug these loopholes. I will quote former Prime Minister Rajiv Gandhi who said that out of every rupee spent by the Indian government, barely 15 paise reaches its citizens. A Plan-

ning Commission study done six years ago on the Public Distribution System found 27 paise reaching the citizens. The remaining 73 paise went on payments of salaries, administrative costs and corruption. MPs are required to chair a quarterly review of their constituencies. I do this often and when I ask for an audit, I invariably discover that the district authorities are faced with large number of fake names or fake roll numbers, either for PDS or the mid-day meal scheme. That's where Aadhaar can help. Look at how Aadhaar assured transparency in LPG allocations. Of course, this was



largely achieved by a concerned campaign spearheaded by the Prime Minister himself. Similarly, there are States where PDS has worked comparatively well, but not on all fronts. In Odisha, the rice scheme by the Chief Minister has worked well but the same cannot be said about, say, kerosene distribution.

While that's one half of the debate, it is also true that we are rapidly becoming a digital economy. We are a nation of billion cell phones and yet we have antiquated laws for data protection and privacy. Problems of ID theft, fraud and misrepresentation are real con-

cerns. We submit ourselves knowingly or unknowingly to personal information sought online, even without Aadhaar. In the U.S., there is a legal battle on to make a case for better informed consent. Let me give an analogy here. In the case of medical emergencies we are required to sign a consent form, often running into pages. In the U.S., it has been decided that it is not enough to sign the consent form; the doctor must explain to the patient the consequences of a medical procedure about to be performed.

## Safeguards needed

Similarly, we need to educate people on the risks involved, and highlight examples of ID thefts and

fraud. We have a multiplicity of laws which overlap. Our IT laws have to be modernised and we have to put the liability on the company handling the data so that it is not stolen or shared without consent.

This century comes with certain risks. If we want a risk-free environment, as extreme as it may sound, we have the option to go back to the stone age. It is like saying ban cars as driving has become risky. Cars are essential and we create road safety norms to mitigate their risk. Similarly, we need to take a level-headed approach and ensure that ample safeguards are put in place for data protection and privacy.

As told to Anuradha Raman

## SINGLE FILE

### Wake up, companies

Making cyber breaches public should be mandatory for companies in India

SRIRAM SRINIVASAN



GETTY IMAGES

"Good Cybersecurity Can Be Good Marketing". So went the headline of a *Harvard Business Review* article written by academicians James Lucas, Laurence Minsky and Ben DiSanti in 2016. Their point was that "leveraging online security measures as a way to build trust

with shoppers" would ultimately lead to more sales. By the same token, bad cybersecurity practices ought to hurt a company, right? Yes, but only if users come to know of the security breaches at the companies and brands they have signed up for, with or without sensitive information.

What if the users have no clue? This scenario isn't an imagined one. In India, companies aren't legally bound to make public such breaches.

This issue came to the fore a few weeks ago, when fast food chain McDonald's India asked users to update its app as a "precautionary measure." It further said that the app doesn't store sensitive financial information of its users, and that it is safe to use. The McDonald's statement didn't come from nowhere. It came on the back of a blog post by cybersecurity start-up Fallible, which had noted that the McDonald's app is "leaking personal data for more than 2.2 million of its users which includes name, email address, phone number, home address, accurate home co-ordinates and social profile links." In the end, McDonald's neither rejected the report nor accepted the breach.

## Reasons to worry

In India, there is a relative silence when it comes to public acceptance of cyber breaches by individual companies though there is relentless ambient noise about everything from the big Indian debit card hack to the breach at Yahoo. Don't be fooled by the silence. This is a country that ranked fourth among countries most targeted for Web application attacks, in a report by content delivery network services provider Akamai Technologies. Juxtapose this with the fact that India has been adding millions of Internet users every year, who have been more than nudged into the world of digital money in recent months, and you know why Indians have reasons to worry.

That isn't all. Fallible in an earlier post had called the security of Indian payments infrastructure "a joke". It said: "Vulnerabilities in major payment gateways and wallets include multiple ways of data leak, monetary loss, private keys leak and more." This isn't different from many other risk assessments.

It does seem some corporates are taking note. In its 'Path to Cyber Resilience' report earlier this year, a result of a survey of 124 Indian companies, consultancy firm EY noted that three-fourths of "board members and C-level executives have said they lack confidence in their organisation's level of cybersecurity." But then, the report also noted how cybersecurity hardly gets top management attention in India, as it is viewed merely as an "IT issue".

Making breaches public should be mandatory and is the wake-up call companies need. It would then become a customer-facing issue, and the management will be all ears. The more proactive ones will also realise that good cybersecurity can be good marketing.



## CONCEPTUAL Langue and Parole

LINGUISTICS

Swiss linguist Ferdinand de Saussure sought to distinguish between the system that language represents and the actual manner in which it is put to use. Langue (French for 'language') is the entire system that forms a language, including its grammar, alphabet, collection of words and the manner in which these are arranged to create meaning. Parole (French for 'speech') is the individual and actual use of langue, the set of speech acts and utterances through which language manifests externally. This distinction formed the basis of structuralism in linguistics.

## MORE ON THE WEB

A visit to Sachin's adopted village  
<http://bit.ly/SachinAdoptedVillage>

## ACT ONE

### Rabble-rousers beware

New sections fortify democracy against hate speech

KRISHNADAS RAJAGOPAL

The Law Commission of India has drafted a new law, the Criminal Law (Amendment) Bill, 2017, inserting new sections to fortify democracy against hate speeches. The Commission, in its 267th report on hate speech, said such utterances have the potential to provoke individuals and society to commit acts of terrorism, genocide, and ethnic cleansing. Hate speech is an "incitement to hatred" against a particular group of persons marginalised by their religious belief, sexual orientation, gender, and so on.

The Commission has proposed Section 153C, which penalises incitement to hatred, and Section 505A, which for the first time makes "causing fear, alarm, or provocation of violence in certain cases" a specific criminal offence. Section 153C punishes a guilty person with two years' imprisonment, or ₹5,000 in fine, or both.

Section 505A provides a punishment of one year imprisonment, or ₹5,000 in fine, or both.

In its report, the Law Commission cautioned the government that hate speech is "considered outside the realm of protective discourse".

"Indisputably, offensive speech has real and devastating effects on people's lives and risks their health and safety. It is harmful and divisive for communities and hampers social progress. If left unchecked, hate speech can severely affect right to life of every individual," the Commission warned.

"Hate speech is any word written or spoken, signs, visible representations within the hearing or sight of a person with the intention to cause fear or alarm, or incitement to violence," the report said.

It said even a speech that does not incite violence has the potential of marginalising a section of society, thus contradicting

popular legal and judicial concepts about the ambit of hate speech.

"Incitement to violence cannot be the sole test for determining whether a speech amounts to hate speech or not. Even speech that does not incite violence has the potential of marginalising a certain section of the society or individual," the report said.

It pointed out that in the age of technology, the anonymity of the Internet allows a miscreant to easily spread false and offensive ideas.

"These ideas need not always incite violence but they might perpetuate the discriminatory attitudes prevalent in the society. Thus, incitement to discrimination is also a significant factor that contributes to the identification of hate speech," it said.

The Supreme Court in 2014 had referred to the Law Commission for means to arm the Election Commission to crack down on hate speech.

## FROM THE HINDU ARCHIVES

FIFTY YEARS AGO MARCH 31, 1967

### Stormy scenes in Lok Sabha

Stormy scenes were witnessed in the Lok Sabha to-day [March 30, New Delhi] during which an S.S.P. member from Mysore, Mr. J.H. Patel, insisted and got recognised his right to speak in Kannada without having to submit to the Speaker an advance translation of his speech in Hindi or English. The Lok Sabha thus broke with past practice. The noisy proceedings also witnessed the naming and expulsion, although temporary, of a Congress member, Mrs. Tarakeshwari Sinha, and a walk out by many of her party colleagues. The Prime Minister, Mrs. Indira Gandhi, who came into the House at the height of the storm, appealed to the members to discuss the issue without heat and emotion. She said she did not question Mr. Patel's right to speak in whatever language he wished. But there were certain "practical technical" difficulties regarding simultaneous translation in the various national languages. She would later discuss the matter with the party leaders.

A HUNDRED YEARS AGO MARCH 30, 1917

### Fate of "Asturias"

The hospital ship "Asturias" has been torpedoed (London, March 28). The attack took place at midnight. The torpedo struck the quarter and damaged the rudder, thence went into the engine room damaging the machinery and extinguishing the whole electrical illumination. The vessel had landed nine hundred sick and those on board consisted of the crew, members of the Army Medical Corps and a number of nurses. The distress signals were answered by a patrol boat which towed the "Asturias" in and several boats with survivors.

## DATA POINT

### Green agitations

India tops the list of nations where environmental-related protests linked to land acquisition and impacts such as pollution have been logged by the advocacy group, Environmental Justice Atlas



SOURCE: 2032 ENVIRONMENTAL PROTESTS RECORDED BY EJATLAS