

## **The RTI and the Unique identification project: Possibilities**

It's a great honour to be here, to give this lecture. I thank the organizers for their invitation.

Let me start off by saying that in terms of governance and growth, we in India are living in very interesting times indeed, and I feel lucky to bear witness to the reforms that have been happening in the country over the last few decades.

In the last few years in particular, we have seen several pieces of landmark legislation emerge in India. The country has put together sweeping welfare legislation –the National Rural Employment Guarantee Act in 2004, and the National Food Security Act that is now being drafted. It is also focusing on more effective education interventions, social security for the unorganized sector, and maternal and child health initiatives. Our legislative agenda in this period is mirroring transformational legislative movements elsewhere - Europe's historic efforts in social democracy in the 1960s and 1970s, the US welfare agenda through the 1940s and 1960s, when it implemented the New Deal, passed social security and Medicare, and implemented the Freedom of Information Act. India's efforts also echo the recent welfare programs that took off in the LatAm region, including Brazil, Argentina, Mexico and Chile in the 1990s. These movements, like India's today, reflected a growing concern among policy makers on poverty reduction, better welfare delivery, and improving public health, nutrition and education.

### **A defining period for the country**

For these nations, the decades in which such legislation came into force turned out to be their defining period; in US and Europe, the policies of that time have shaped their long-term developmental agenda and impact spending priorities even today. I believe that in India, we are now in a similarly decisive time. In parallel to the ambitious welfare initiatives of the last few years, India has also focused on legislation that empowers citizens more effectively in their interactions with governments. In 2005, India passed the Right to Information Act, meant to increase access the public had to information, and improve the accountability and transparency of government functioning in the country.

As a developing nation, the RTI Act was a decisive step for India. In most developing countries, citizen interaction with government is a Rubik's cube of confusing procedure and requirements, and the asymmetry of power citizens face in interacting with governments encourage corruption and reduce the effectiveness of public services. The passing of the Right to Information Act in India was a big step away from this culture. The Act mandated that all citizens *shall* have the right to information, thus making it both a legal and justiciable right. It is a law that acknowledged that information can be a potent empowering force and critical to improving governance, and the public must have access to it.

### **A twin vision: bringing greater accountability in governance**

The Aadhaar project, I believe, intensifies this movement. The RTI Act and the Aadhaar Project have a similar vision at their heart: that the government must be accountable to the people it governs.

While the RTI brings more accountability to governance by enabling better access to information, the UIDAI hopes to do this through the Unique Identification number – the Aadhaar it will issue to individuals across India. The number will allow individuals to clearly establish their identity to any agency in the country. This will be critical in combating the anonymity that impedes access for many of the poor to public benefits and services.

By authenticating their identity – either through biometrics or demographics – with the Aadhaar number in real-time, individuals will also be able to verify whether they have received a particular service or benefit. This will bring last mile transparency to delivery of public services, and would also enable individuals to hold governments accountable when their wages and benefits are denied to them.

Such confirmation of benefit delivery is a particularly urgent requirement across social welfare schemes, since diversion and non-delivery of benefits has been a challenge across India.

### **The demand at the grassroots**

The Right to Information movement was driven by the passion of grassroots activists, and concerned citizens. From that local movement for ‘poora kaam, poora daam’ it became the national, visionary legislation we see now. The constitution of the UIDAI has a less romantic back-story, but has nevertheless, evolved into a project with similar transformational potential. There has long been a grassroots need for identity among India’s underprivileged, especially among the poorest and the most marginalized. Whether it is the anonymous migrants working and living in urban slums from Pune to Kanchipuram to Delhi; poor families unable to get BPL cards; or ordinary villagers who cannot open a bank account since they lack documentation, the demand for identity is palpable across the country, and the lack of it is deeply felt among the millions who work in the shadows of our institutions.

“Pehchaan” one villager said to us during a field visit, “zindagi ka aadhaar hai”. The poor see clear identity is an important ‘base’ to access benefits, services and jobs – it’s an infrastructure, much like the roads they walk on, and without it, the shift out of poverty is a stumbling, difficult one. Like the RTI, the Aadhaar number would be critical for the poor to effectively access public services, and increasing the transparency of government functioning.

### **Building a bigger window: accessing more information**

Since the Right to Information Act and the Aadhaar number have similar objectives for India’s residents, it is reasonable to consider that one can strengthen the other.

The vision of the RTI Act is a monumental one. In practice however, the Act has not been employed to the full extent that is possible. The RTI is most used today when a citizen applies for information from a particular public agency. We have been relatively less successful however, in seeing the provisions of Section 4 enforced. Section 4 of the Act surrounds proactive disclosures – it states that public agencies and departments must release detailed information on operations and service delivery regularly to the public, and computerise records where possible for easier access. It requires public authorities to publish the matter of execution of subsidy programs, including amounts allocated and the details of beneficiaries. In addition, it states that public authorities must maintain records as far as possible, in a computerised format, and connected by network all over the country

to enable easy access for the public. For most public agencies and departments in India however, computerizing and releasing vast amounts of data, which now largely remain on paper, has proven to be a difficult task. Most departments therefore, simply don't do it.

The spirit behind Section 4 and proactive disclosure is that individuals should have to resort, as little as possible, to the Act in order to access information on public schemes. The Aadhaar-enabled applications the UIDAI envisions can turbo-charge the enforcement of these Section 4 provisions across our subsidy and welfare schemes, particularly within programs such as the Public Distribution System and the NREGS. The availability of electronic records within such programs would be a natural outcome of the applications that the UIDAI would implement in the coming years.

In the PDS for example, public access to records through the RTI have been largely limited to the stock and sale registers of PDS outlets. The Aadhaar application in PDS would help enable broad-based computerization of the PDS supply chain, making much of the available information across the various stakeholders electronically available. The Aadhaar application would enable every PDS beneficiary to confirm that they've received the grain by verifying their identity through Aadhaar. Such verification would be linked to an online MIS system. This would bring end to end accountability for every bag of grain – information on the movement of food grain that could be tracked online and in real-time, and published.

Both the use of Aadhaar auth and the MIS infrastructure are integral parts of the Aadhaar-PDS application; the UIDAI would have a standardized, tested template which governments could use to computerize their systems and implement the application.

### **Petitioning the state: enabling the underprivileged**

An important vision of the Right to Information Act was that it would bring the power of information to people most deprived of it in the country. However, the RTI application requires paperwork as well as follow-up in case it is rejected at the first level of appeal, which many of the poorest find difficult to do, due to the travel and additional filings that are required. BPL applicants face additional encumbrances – in order to waive the RTI application fees, they must provide documentation to prove that they are below the poverty line, which many of the poor don't have.

Aadhaar could enable a mobile-based application, through which individuals could file an Aadhaar-linked RTI application through a mobile phone. Money could be debited either through the mobile phone or through an Aadhaar-linked bank account. The Aadhaar number could also be used to verify whether an individual falls into the BPL category. Follow up RTI requests and appeals could also be done remotely through mobile, reducing the travel and other practical constraints that the individual has to face. In addition, the status of the Aadhaar-linked RTI application could be tracked on a centralized, online database. Such a database would also enable the public and independent organizations to view the number of RTI applications that are pending, information that has been released, and so on.

Easing up the RTI process through Aadhaar applications would make the Act more accessible to millions more across the country, particularly the poor.

The access to information is in itself, a message: by enabling this, governments acknowledge that they are answerable to the people that elect them. By easing such information access to include the

poor, we would strengthen the objectives of the Act, help further reduce the inequalities that now exist between the 'information rich' and the 'information poor', and give the poor the tools to ensure that they receive better, fairer services.

### **Transforming India's state-resident relationship**

What is perhaps the most defining feature of poverty is not just the absence of good housing and sufficient food, but the lack of access the poor have to the resources they need to change their circumstances – resources such as education, health, information and employment.

The RTI and Aadhaar are most fundamentally, about empowering the individual, and enabling such access for the poor. They do this by building a stronger, clearly acknowledged and accountable relationship between the state and the citizen. They give people the opportunity to form a direct relationship with their governments: through which they can request information necessary for them, demand individual recognition, get access to the services they need, and confirm to governments when they received an entitlement, and when they did not.

In the last few years, we have received a clear message in the recent policy efforts and reforms: that the path to development must be an inclusive, pro-poor one. The RTI and Aadhaar are potent, indispensable parts of this effort. Together, they can have a powerful impact on our broader reform movement: one that aims for a developmental agenda that is fairer, more equitable, and acknowledges and enables access for even its weakest citizens.