

19132 India's Top Court Limits Sweep of Biometric ID Program

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MUMBAI, India —

In a landmark ruling on Wednesday, India's Supreme Court placed strict limits on the government's national biometric identity system while also finding that the sweeping program did not fundamentally violate the privacy rights of the country's 1.3 billion residents.

A five-justice panel of the court decided by 4-1 to approve the use of the program, called Aadhaar, for matters involving the public purse, such as the distribution of food rations and other government benefits and the collection of income taxes. But the panel struck down Prime Minister Narendra Modi's efforts to require the digital ID for other purposes, including verifying the identity of students taking exams, and established new protections meant to prevent the government from misusing the data in the name of national security.

The justices also threw out a powerful provision in the 2016 Aadhaar Act that had allowed private companies like banks and cellphone companies — sometimes at the government's behest — to use the ID to verify customer identities. That was at least a temporary blow to the dreams of technology billionaires who saw the system as crucial to a new generation of digital businesses like online vehicle insurance and pre-employment background checks.

Aadhaar, a Hindi word meaning "foundation," was conceived as a difficult-to-forge ID that would reduce fraud and improve the delivery of government welfare programs. The intention was to scan the fingerprints, irises and faces of every Indian and then use those unique biometric attributes to check identity when someone picked up subsidized rice or joined a government work program.

Writing for the majority, Justice A.K. Sikri said "we find that the Aadhaar Act has struck a fair balance between the right of privacy of the individual with right to life of the same individual as a beneficiary." But the court also urged the government to further clarify those rights through a new national data protection law that is currently being debated.

The ruling on Wednesday affects a vast swath of Indian life, from who can collect benefits like food assistance and pensions to how mobile phone providers create new accounts. Some states had planned to integrate the ID system into far-reaching surveillance programs, something that will now be difficult, given the court's restrictions on how the data can be used.

Rahul Gandhi, who is challenging Mr. Modi in the 2019 national elections, said the court had rejected the current government's use of Aadhaar as "a tool of oppression and surveillance."

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