

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



**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

Hansdehar - Microsoft Internet Explorer


File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Refresh Print Mail Stop Taskbar

Address <http://www.smartvillages.org/hansdehar/people.htm> Go Links




HANSDEHAR -

The first knowledge village of India



- HISTORY
- BASIC STATISTICS
- LEGISLATIVE SETUP
- GOVERNMENT SETUP
- VILLAGE PANCHAYAT
- INFRASTRUCTURE
- PEOPLE
- RELIGIOUS PLACES
- TOURIST ATTRACTIONS
- LOCAL FACILITIES
- TRANSPORT FACILITIES
- ONGOING DEVELOPMENT SCHEMES
- PUBLIC ANNOUNCEMENTS
- THE TEAM
- VILLAGE PROBLEMS
- CONTACT US

PEOPLE

	Citizen Directory
Voters List	
	Pensioners List

Done Internet

start <http://www.indiad...> Hansdehar - Micro... Baseline report on... ROWENA ER (D:) Microsoft PowerPo... SV 12:30

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

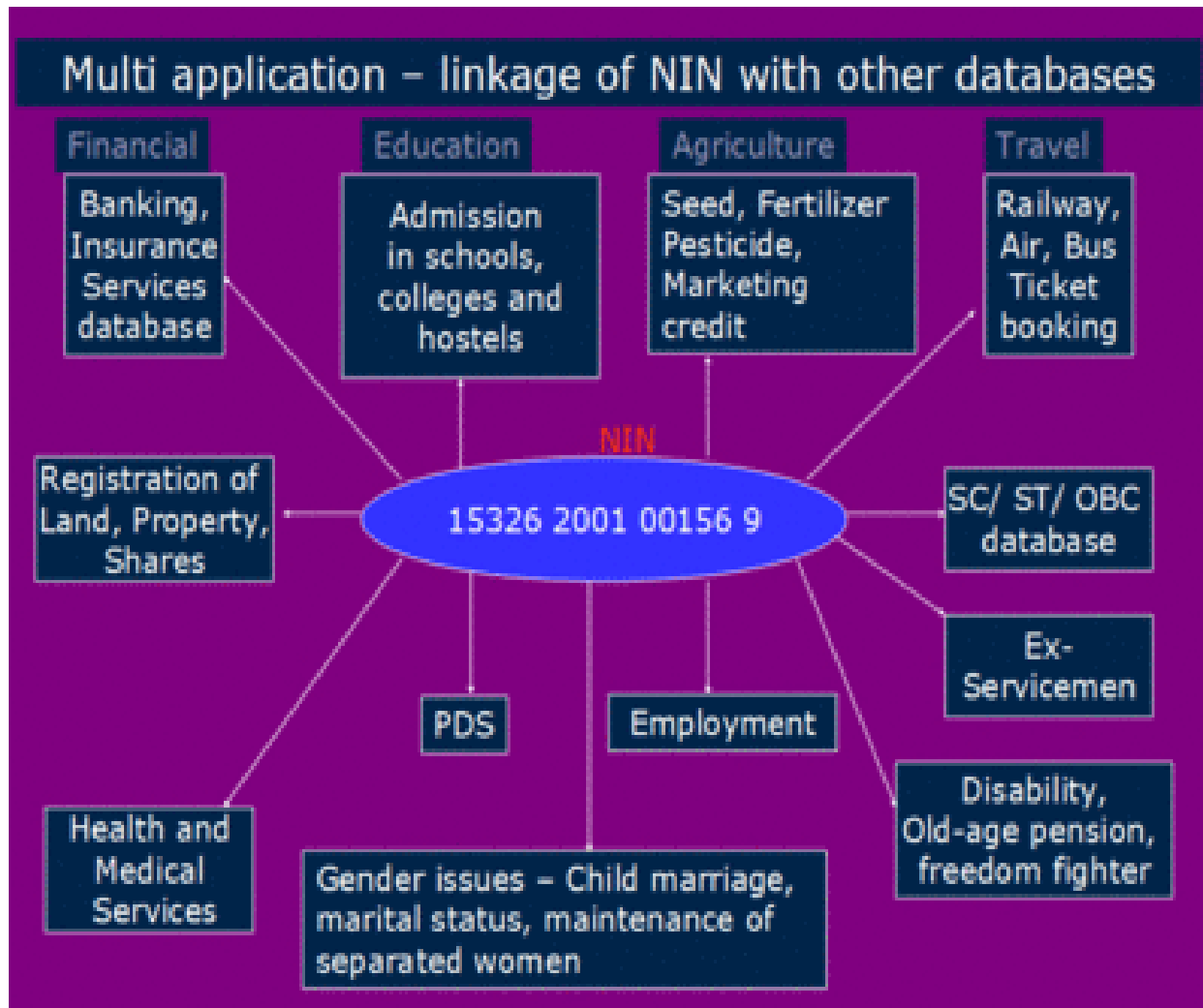
- The Information Technology Act 2000
- Relevant cases:
 - The case of the Cyber Stalker*
 - State of Tamil Nadu v S Katti*
 - NASCOMM v Ajay Sood (phishing)*
- *Government attempts to regulate:*
 - Introduction of photo-id requirement for cyber café users (2006)*
 - Priority Reporting Tool with Orkut*

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



The MNIC – legal mandate and issues

Citizenship Act 1955 amended – compulsory registration for all (2003)

- ❖ 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