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Title: Introduction of the Aadhaar and Other Laws (Amendment) Bill, 2019.

**THE MINISTER OF LAW AND JUSTICE; MINISTER OF COMMUNICATIONS AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD):** Sir, I beg to move for leave to introduce a Bill to amend the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and further to amend the Indian Telegraph Act, 1885 and the Prevention of Money-laundering Act, 2002....(*Interruptions*)

**HON. SPEAKER:** Motion moved:

“That leave be granted to introduce a Bill to amend the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and further to amend the Indian Telegraph Act, 1885 and the Prevention of Money-laundering Act, 2002.”

**SHRI N.K. PREMACHANDRAN (KOLLAM):** Sir, I rise to oppose the introduction of the Aadhaar and Other Laws (Amendment) Bill under Rule 72 (2) of the Rules and Procedure and Conduct of Business on the following grounds.

The first ground is that the Bill violates the Supreme Court judgement dated 26<sup>th</sup> April, 2018.

The second ground is that the Bill allows private entities to hold Aadhaar data whereas the Supreme Court has specifically

directed all Aadhaar agencies to delete Aadhaar identification data.

The third objection is that it violates the fundamental rights, namely, the right to live, the right to livelihood and the right against discrimination.

Sir, on these three grounds, I oppose the introduction of the Bill. I would like to substantiate these three grounds. The number one is the judgement of Justice K.S. Puttaswamy vs. the Union of India. On 26.9.2018, it has restricted the use of Aadhaar for only such schemes that have the colour of subsidy and which are paid out of the Consolidated of India.

Here, the Government intends to amend three laws – the Aadhaar Act, 2016; the Indian Telegraph Act, 1885; and the Prevention of Money-Laundering Act, 2002. Clause 5 of the Amendment Bill proposes to amend Section 4 of the Aadhaar Act, 2016 to say that mandatory authentication of an Aadhaar number holder for the provision of any service shall take place if such authentication is required by a law made by Parliament. This means that it is against the spirit of the judgement of the hon. Supreme Court. The Supreme Court has very specifically directed and stated that the right to privacy is a Fundamental Right which comes under Part III of the Constitution of India. That is a historic judgement delivered by the full Constitution Bench of the Supreme Court. That historic judgement says that Aadhaar can be implemented only where subsidies and some benefits are given to the people of India, but here, if you want to get any service which comes under the Prevention of Money-laundering Act and if you want to get any service which comes under the Indian Telegraph Act, you have to

have this authentication of Aadhaar data. This means that it is against the soul and spirit of the judgement dated 26.09.2018.

Further, clause 24 of the Amendment Bill, which seeks to amend Section 4 of the Indian Telegraph Act, is allowing licensed telecom service provider to conduct Aadhaar-based authentication or offline verification and it is very specific. As rightly mentioned in Part II, the Bill allows the private entities to hold Aadhaar data, which the Supreme Court has opposed. The private entities have no authority to hold Aadhaar data for their own use. That is a specific direction which has been given by the Supreme Court. So, clause 24 of the Bill is also against the spirit of the Constitution.

Clause 25 of the Bill seeks to insert a new section, Section 11A, in the Prevention of Money-Laundering Act, 2002, which allows the banking companies to conduct Aadhaar-based authentication or offline authentication.

Sir, all these provisions violate the Fundamental Rights of the people of this country, the citizens of India. Hence, I strongly oppose the introduction of this Bill. I am raising a formal objection to the introduction of this Bill.

Finally, since the hon. Prime Minister is also here, I would like to suggest to the Government that since long, a commitment is there, but so far the Personal Data Protection Bill has not been brought to the Parliament. That is

also a part and parcel of the judgement of the Constitution Bench of the Supreme Court. Instead of bringing the Personal Data Protection Bill,

the Government is coming, day by day, with so many legislations so as to have Aadhaar-based authentication. So, the personal rights of the people have to be protected by bringing a legislation - Personal Data Protection Bill. That is a suggestion which I would like to make before this House.

With this suggestion, I oppose the introduction of the Bill. ...  
(Interruptions)

**माननीय अध्यक्ष :** माननीय सदस्य, इसके लिए नोटिस देना पड़ता है ।  
माननीय सदस्य प्लीज ।

...(व्यवधान)

**माननीय अध्यक्ष :** माननीय सदस्य, आपको पहले नोटिस देना पड़ता है ।

SHRI RAVI SHANKAR PRASAD: Sir, I would meet all the objections raised by Mr. Premachandran.

First of all, all the issues that he has raised have been dealt with elaborately by the hon. Supreme Court. Aadhaar is a valid law; Aadhaar is in national interest; and Aadhaar does not violate privacy. They have said this very clearly.

Now, I come to the second point about the Prevention of Money-Laundering Act and the Indian Telegraph Act. What has the Supreme Court said? It said 'You are coming by a rule or by a circular. Do not come by a rule or a circular; come by law.' Therefore, those two amendments are there.

Sir, I want to just assure that there is no mandatory compliance. A SIM card can be taken either by Aadhaar or any other document. The same is the case with money-laundering. I would let this House know, with great respect, that today, 68 crore people have taken SIM cards through Aadhaar and 65 crore bank accounts are linked through Aadhaar. People of India are accepting Aadhaar. I cannot satisfy Mr. Premachandran on that score.

Coming to the third part of it, let me tell you what we have proposed in this law. ...(*Interruptions*)

**माननीय अध्यक्ष :**माननीय मंत्री जी जवाब दे रहे हैं ।

SHRI RAVI SHANKAR PRASAD: In this law, we have proposed that the child's consent will be taken after he becomes major. Secondly, there is a provision for offline verification also. Thirdly, just to allay the concerns of Mr. Premachandran, I may tell you that if any other body seeks authentication, it will be allowed either if a law permits or if the UIDAI permits them, having due regard to security, privacy and any State interest. Therefore, all the Supreme Court directions have been complied with.

I would request this House to kindly permit me to introduce the Bill.

**माननीय अध्यक्ष:** प्रश्न यह है:

“कि आधार (वित्तीय और अन्य सहायिकियों, प्रसुविधाओं और सेवाओं का लक्षित परिदान) अधिनियम, 2016 का संशोधन करने तथा भारतीय तार अधिनियम, 1885 एवं धन शोधन निवारण अधिनियम, 2002 का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए ।”

प्रस्ताव स्वीकृत हुआ ।

**SHRI RAVI SHANKAR PRASAD:** I introduce\* the Bill.

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