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Title: The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016.

HON. SPEAKER: Now, the House will take up Item No.24

Shri Bhartruhari Mahtab.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, on Item No. 24, I am raising an objection. This is a very important Bill. ...(*Interruptions*)

माननीय अध्यक्ष : एक मिनट। आप सब बैठिये। वह बात हो गई।

...(*Interruptions*)

SHRI BHARTRUHARI MAHTAB: Madam, I am raising an objection regarding up Item No. 24.

It is a very important Bill which was listed as the last item of Government Business in today's agenda, but it is being preponed and coming at a time when Budget is now being discussed. Today is Friday and not a single Member from the Trinamool Congress is present. Three hours have been allocated for discussion on this Bill. Some amendments have also been moved. We have less than three hours today because Private Members' Business will start at 3.30 p.m. Already ten minutes have passed. It cannot be completed today. It has serious repercussion and implications. Some are of the view that there is a need and some are of the view that there is no need because it impinges on the privacy of every citizen.

When this is the case, some Amendments have been moved, right or wrong, the House will take a decision on it.

Many of us are still in doubt whether this is a Money Bill or not. As far as my information goes, it is a Money Bill. So, the Upper House is not going to deliberate on this Bill threadbare. What is the hurry? I have my own observation on this. This was a creation of the UPA Government. Mr. Nilekani -- if I can take his name -- also presented himself in the case of Aadhaar before the Standing Committee not only once but twice and the Committee -- whether it was headed by Mr. Ananth Kumar or subsequently headed by Mr. Yashwant Sinha -- had also given the Report and some corrections have been made in this Bill.

But the Government as such, whether it was the UPA Government or the NDA Government, are in favour of Aadhaar. The political parties have differed when they are out of power, but we, sitting in the Opposition since last 15 years, are aware that where the shoe pinches. My only concern here is that as this is a totally new Bill where new provisions have been added and some firewall has been created, but still the option that a citizen has to opt for or not to opt for this provision still does not find place in this Bill.

Therefore, my request to you, Madam, is to refer this Bill to the Standing Committee. Do not rush it through and that too on a Friday. Refer it to the Standing Committee and let them be told that within two months time, that is, by the Monsoon Session this Report can come and the House can take up this Bill in a proper manner.

SHRI MALLIKARJUN KHARGE: Madam, we all support this suggestion. ...(*Interruptions*)

HON. SPEAKER: Yes, Mr. Minister. You can move the Bill now.

SHRI MALLIKARJUN KHARGE: I am saying this because it is very essential. They have brought nearly 10 new Amendments to the old Act. Therefore, it is necessary to send it to the Standing Committee so that all will participate and all political Parties will also be there. We are not against this, but we want to show you some flaws in nearly 10 Amendments and how they are going to hurt. As Mr. Mahtab said, the privacy question is there and other things are there. This card is not only for identification, but it is also for other things. One has to give many personal information. Therefore, what harm is there if you refer it to the Standing Committee? Every time, bypassing the Standing Committee is not good.

Madam, for the smallest Act you always insisted to refer it to the Standing Committee. Why not refer this Bill, which is going to affect nearly 130 crore people? Therefore, I fully support the suggestion that it should go to the Standing Committee.

DR. P. VENUGOPAL: Madam, we are not opposing the passing of this Bill. But only three working days are left and we need to have a thorough discussion on this subject. So, kindly send this Bill to the Standing Committee. This is my humble submission to you.

HON. SPEAKER: It needs three hours only. So, we have to see about it.

Yes, Mr. Minister.

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY): Madam, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 was introduced by me before this hon. House last week.

The discussion with regard to such an institution was really started when the UPA Government was in power. The Unique Identity Authority itself was setup on 28 January 2009. The UPA Cabinet approved the idea of a legislation on 24 September 2010. Thereafter, a legislation, which was the legislation to deal with unique identity, was introduced in the Parliament on 3 December 2010.

We have since also, as Mr. Mahtab rightly mentioned, had the benefit of the Standing Committee of Parliament making certain recommendations and suggestions. There has been an extensive public debate also on this issue. The matter has also been agitated before the Supreme Court where the principal challenge, as was mentioned rightly by the hon. Member, has been in relation to the right of privacy, which can allegedly be violated and that is a possible view if this information becomes public with regard to the unique identity of any individual.

Now, this entire discussion which has taken place over the last seven years has now culminated; and this is something which does not only concern the Central Government, it also concerns almost every State Government in the country; it will also eventually concern a large number of local bodies because as technology has evolved and as the wisdom of society itself is evolving, how do we use this institution gifted to us by technology for the optimum benefit of the society itself? For example, the initiative which was started when the UPA was in power, today you have 99 crore people who already have an Aadhar Enrollment. So, a lot of work has taken place and it is continuing by the day. Ninety-seven per cent of adults in India today have an Aadhar Enrollment. The number of children is a little less; it is about 67 per cent. Every day, five to seven lakh new people are being added to it, and that is the pace at which the work itself has been going on.

Though the institution remains the same that you will have an Aadhar Enrollment, but there are two or three distinct differences that it has with the earlier idea. The earlier Bill which was conceived by the UPA, I am not saying that it was a wrong Bill or anything. At that stage, that was the kind of thinking in the society which was on that every individual in India, every resident in India must have a Unique Identity; that Unique Identity can be used in crime detection; that Unique Identity can be used by various institutions and, therefore, a lot of benefit could accrue to the society as a result of this. Now, that went into a side debate relating to privacy of individuals and it becoming public, and we became wiser by this because a lot of people collectively feel that the right of individual's privacy that is an inherent part of his own liberty is also to be protected. But then we have a second set of problems before the society.

We have a lot of weaker sections in India, both socially and economically. We have a large number of people who are still below the poverty line. One of the issues which has been confronting both the Central and the State Governments, and the local bodies, has been that there is a large part of our national resource which is earmarked for these weaker sections and this resource must be targeted. Therefore, in the last one or two years, a discussion has started in the society as to who are the people who are entitled to the benefit of this resource. Now, the focus of the Bill which was originally introduced in 2010 was a single point focus. ...(*Interruptions*)

SHRI MALLIKARJUN KHARGE : You can give this argument afterwards. The question is whether it should be referred to the Standing Committee or not.

HON. SPEAKER: There is already a decision and that is the reason why we have taken up this today.

SHRI MALLIKARJUN KHARGE: But very politely, the Minister is going on putting across his views, which is not necessary. Otherwise, it means that he has started the discussion.

SHRI ARUN JAITLEY: I would only respond to Shri Kharge since he has been fair enough to say that his Party was the pioneer and they support the idea. I think, the earlier we implement the idea, the better it would be in the overall interest of the country.

SHRI MALLIKARJUN KHARGE: It should not be done in a distorted form. Why have you brought in those ten amendments?

SHRI ARUN JAITLEY: If you point out a distortion, I will certainly correct the distortion. Please point it out; let us start the discussion.

SHRI MALLIKARJUN KHARGE: The Standing Committee will point that out.

SHRI ARUN JAITLEY: We have already had the wisdom and the benefit of a Standing Committee in a different context -- of the idea of a Unique Identity. So, the focus of this Bill, unlike the UPA Bill -- I am just for convenience sake calling it like that, and there is no political difference because after all the identity is the same, and the institution is the same -- was how this body is to be created and the idea of having a Unique Identity. That was the focus of the Bill. This Bill deals with only one primary focus and that primary focus is that whoever gets a benefit from the Consolidated Fund of India in terms of subsidies, in terms of any form of resource, either from the Centre or the State Government, or from any other State institution, this person is entitled to have an Aadhar Card.

Therefore, for him to get that benefit, either the Aadhaar card or any other document so prescribed will be necessary for the purposes of taking that benefit. Now the advantage of this would be this. I just give an example. We started using this entire initiative which you had started. We added to it the Jan Dhan data, the mobile data and the LPG money started going in on the basis of this entire data directly into accounts. Now the total amount the Central Government has saved is this. Every poor man who is entitled to it, every person whose income is less than Rs.10 lakhs is today entitled to it unless he has voluntarily given up. Today, by just using the technology and targeting the subsidy, in the initial stages itself, the saving for the Central Government has been Rs.15,000 crore. â€¦ (*Interruptions*)

SHRI TATHAGATA SATPATHY (DHENKANAL): Has the discussion on the Bill started?

SHRI ARUN JAITLEY: Yes, of course, it has started

HON. SPEAKER: Yes, it has started.

SHRI ARUN JAITLEY: It has been Rs.15,000 crore. Four States, Andhra Pradesh, Telangana, Puducherry and Delhi have had some pilot schemes with regard to the PDS. The saving of these four States already has been Rs.2,346 crore. So, nobody is able to use the benefit twice over. People in the LPG could be detected as a result of it who were wealthy enough and were taking the benefit of four or five connections each. So, you have been

able to screen them out. Scholarships are now reaching the right people because a lot of scholarships have been put on to it. Similarly, pension has been rightly put on this. Today you have an apparatus. You have approximately about 25 crore families in India. I am just saying approximately by including all families, if you take the average size as about five. The bank accounts of 24.89 crore families have already been linked to Aadhaar; 11.80 LPG connections have already been linked to Aadhaar; 10.83 crore ration cards, including every BPL and some above that, have already been linked to Aadhaar; 6.08 crore MGNREGA cards have been linked. This is going to enable the direct payment. Today you have the MGNREGA payment being sent to the States, from the States to the District Collector, then to the Panchayat and then to the people. Everybody including your own leaders in the past have said that a lot of money gets pilfered in the process. Today using this, the entire MGNREGA money will directly go into the bank accounts of the farmers or the people who work into this. Every State Government and every individual at the Centre itself is going to save a lot of resource because of this. As far as you are entitled to have an Aadhaar card, to get a benefit you need a presentation of Aadhaar card or any other document which must be so notified. Shri Mahtab's concern is about privacy ...(*Interruptions*)

SHRI BHARTRUHARI MAHTAB: My concern is relating to the option, whether I have that option.

SHRI ARUN JAITLEY: It is an entitlement. If you see the language, the word is that every person shall be entitled. It is an entitlement. Therefore, the privacy and data protection is such that there will be no sharing of data from Aadhaar data base without the consent of the resident. No biometrics is to be shared even with the consent of the resident. Disclosure of information is only in the interest of national security pursuant to a certain level of officer coming to that satisfaction. Any unauthorised disclosure is liable for punishment.

A concern has also been expressed particularly, some of the friends in my Party ask: Does it confer a right of citizenship? The Bill itself says that it does not confer a right of citizenship itself. Therefore, if you see the prime focus of this Bill, the focus entirely is about the usage of money belonging to the Consolidated Fund of India whether of the Centre or the State Governments. In order to spend that money by way of a subsidy and in order to make sure that it is targeted, production of this card is necessary. The rest, how the card is to be issued itself, is incidental provision. That is why it squarely comes within the language of article 110, sub-clause (c) to be particular, which defines the Money Bill. Therefore, the procedure with regard to the Money Bill itself should be followed.

With these few initial observations, Madam, I commend this Bill to this House for discussion and acceptance.

SHRI MALLIKARJUN KHARGE: He wants to avoid Rajya Sabha.

SHRI ARUN JAITLEY: It will go to Rajya Sabha.

HON. SPEAKER: Mr. Minister, would you like to say something?

SHRI ARUN JAITLEY: Yes, Madam, since he said that.

The Money Bill does not bypass the Upper House. After we pass it, it goes for the wisdom of the Upper House itself. It will certainly go there.

SHRI MALLIKARJUN KHARGE: But no voting, it will come back.

SHRI ARUN JAITLEY: I did not make the Constitution. Those who made the Constitution provided for article 110, who has a right to vote, who does not have a right to vote.

I mentioned this last time. You passed the Juvenile Justice Bill in 1986 as a Money Bill. The South African Bank was passed as a Money Bill. The Workmen's Injury Compensation was passed as a Money Bill. I have got a whole list of Money Bills. If you want, I will share that list with you.

HON. SPEAKER: A decision has to be given by me. I am sorry.

SHRI ARUN JAITLEY: I can only propose. It is for the hon. Speaker to decide whether it is a Money Bill or not.

HON. SPEAKER: Thank you. That is all.

SHRI MALLIKARJUN KHARGE: The earlier Bill was not a Money Bill. You have converted it into a Money Bill because suppose voting takes place there and the Bill gets defeated, â€

माननीय अध्यक्ष : गरीबों तक पैसा नहीं पहुंचेगा। हो सकता है।

SHRI MALLIKARJUN KHARGE: I do not say that Constitution can be changed â€

SHRI ARUN JAITLEY: The earlier Bill was not a Money Bill because the earlier Bill only dealt with one issue – the idea of having a unique identity. In this Bill that is an incidental issue. The core focus of this Bill is spending government money. I think the experience which we have had in the last seven years had made us wiser to draft the Bill in this manner.

I beg to move :

"That the Bill to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto, be taken into consideration."

HON. SPEAKER: Motion moved:

"That the Bill to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto, be taken into consideration."

श्री राजीव सातव (हिंगोली) : अध्यक्ष महोदया, आपने मुझे इस महत्वपूर्ण आधार बिल पर अपनी बात रखने का मौका दिया, इसके लिए धन्यवाद। अभी पार्लियामेंट्री अफेयर्स मंत्री जी बात कर रहे थे कि परम्पराओं का पालन होना चाहिए, सचमुच आप उसी परम्परा का पालन कर रहे हैं। जिस प्रकार आप यू.टर्न पर यू.टर्न लेते जा रहे हैं, शायद यू.टर्न लेना हमें आपकी परम्परा दिख रही है, क्योंकि जो बात आप पहले करते थे, सत्ता में आने के बाद पूरे बदल रहे हैं। जब विपक्ष में थे तब बार-बार कहते थे कि कोई भी बिल रैफर होना चाहिए, आज स्टैंडिंग कमेटी की बात ही नहीं हो रही है। शायद कुछ दिनों बाद स्टैंडिंग कमेटी का कोई महत्व रहेगा, ऐसा मुझे नहीं लगता।

हमने बीच में देखा कि यह सरकार यू.टर्न सरकार के रूप में काम कर रही है। एक साल पहले 27 फरवरी, 2015 को प्रधान मंत्री मोदी जी ने कहा था कि मेरी राजनीतिक सूझबूझ कहती है कि मनरेखा कभी बंद मत करो। मैं ऐसी गलती कभी नहीं कर सकता क्योंकि मनरेखा आपकी विफलताओं का जीता-जागता स्मारक है। वित्त मंत्री जी ने उन विफलताओं के जीते-जागते स्मारक के लिए 38,500 करोड़ रुपये की निधि का आवंटन किया है। गलत कौन है - प्रधान मंत्री जी गलत रहे या वित्त मंत्री जी गलत रहे, इस बात की चर्चा भी होनी चाहिए। आप यू.टर्न की बात कर रहे हैं। जब आप आधार के बारे में बात करते थे, यहां कई सांसद बैठे हुए हैं। उन्होंने आधार के बारे में उस वक्त क्या कहा था, इसकी चर्चा भी आपको करनी चाहिए।

13.00 hours

दो-चार दिन पहले प्रधानमंत्री जी ने राज्य सभा में भाषण दिया। प्रधानमंत्री जी ने कहा कि यह सदन हाऊस ऑफ आइडियाज है, हमारा अपर हाऊस वेम्बर्स ऑफ आइडिआज है, यहां से देश को मार्गदर्शन मिले, दिशा मिले इसलिए दोनों सदनों के बीच तालमेल होना बहुत जरूरी है। मोदी जी ने कहा कि राज्य सभा महाजनों की सभा है और वही मोदी सरकार राज्य सभा को बाइपास करके आधार बिल को मनी बिल बनाकर लाए हैं, राज्य सभा को बायपास करने की बात हुई है। राज्य सभा से इतनी परेशानी क्यों है? जेटली जी सदन के भी नेता हैं और राज्य सभा से बाईपास करके इस बिल को यहां लाया गया है। जब इस बिल पर बात चल रही थी तो उस समय सरकार ने कहा था कि At the time of introduction of the Bill, the Government stated that the Bill confines itself only to Government expenditure. लेकिन इसके वलाऊज 57 में लिखा है कि Any public or private person may use the Aadhar no. for establishing the identity of any individual for any purpose. मामला यह है कि आप प्राइवेट एजेंसी को अलाऊ कर रहे हैं, आधार की पूरी इन्फॉर्मेशन आने वाले समय में कोई भी प्राइवेट इन्टिटी चाहे एयरलाइन हो, टेलीकॉम हो, इन्श्यूरेंस हो, रिअल स्टेट की कोई कंपनी हो आधार को पूफ ऑफ आइडेंटिटी के रूप में यूज करेगी। आपका पहला कन्टेंशन था कि इसको It confines itself to the Government expenditure. यह बात सही नहीं है। आपने सदन को गुमराह करके इस बिल को सामने लाया है।

यहां पर जब हम आधार की बात कर रहे हैं, एनपीआर के बारे में सरकार का व्यू.यह था कि एनपीआर पूरी तरह से लागू हो और उस दिशा में होम मिनिस्टर साहब ने कितनी मीटिंग ली और कितना यहां सदन में इस पर कितना काम किया, यह बात है। जब यूपीए की सरकार आई थी तब प्रधानमंत्री मनमोहन सिंह जी की अगुवाई में इस पर विचार हुआ कि कैसे हम एडवांस टेक्नोलॉजी पर विचार करें। जैसे पूर्व प्रधानमंत्री राजीव गांधी द्वारा और सैम पिट्रोदा जी द्वारा भारत टेलीकॉम रेग्यूलेशन लाया गया। उसके बाद यूपीए सरकार ने आदरणीय सोनिया जी और मनमोहन सिंह जी के नेतृत्व में आदरणीय नंदन नीलकण्ठी जी के कंधों पर यह जवाबदेही सौंपी। जब 2010 में जवाबदेही सौंपी गई, 2010 का स्ट्रेटेजी डॉक्यूमेंट मेरे पास है उसमें वे ऑफ विजनरी प्रोग्राम रहा Unique Identification No. will only provide identity. The UID will prove identity, not citizenship, focus on enrolling India's poor and underprivileged communities. Enrolment will not be mandated, process to ensure no duplicates. Technology systems will have a major role across the UIDAI infrastructure. यह बात सही थी और 5-6 साल काम किया गया। जब 5-6 साल काम किया गया तब इस बात को इतना इम्पोर्टेंट दिया गया कि नंदन नीलकण्ठी जी रिपोर्ट को सीधे पीएमओ को सौंपा करते थे और कैबिनेट मंत्री का रैंक भी हमने उस समय उनको दिया। इस सरकार के आने के बाद क्या किया, उस कमेटी को भंग करने की कोशिश की।

मैं आपके माध्यम से सदन को बताना चाहता हूँ कि यह बहुत ही हास्यास्पद लगता है कि आप इस प्रोग्राम की तारीफ कर रहे हैं, आज आधार के बारे में बड़ी अच्छी बातें कर रहे हैं लेकिन इलेक्शन के दौरान और उसके पहले जिस प्रकार से आपने इसके बारे में आलोचना की, प्रधानमंत्री जी ने खुद कहा कि For the first time, I want to tell public I asked several questions on Aadhar project. I asked them questions related to illegal migrants, national security. They do not have any answers. क्या आज सरकार के पास इसका एंसर है? हमारे विशिष्ट सदस्य महताब जी ने बहुत इम्पोर्टेंट बात रखी कि प्राइवेट के बारे में यह सरकार कोई बात नहीं करना चाह रही है। क्या यह फंडामेंटल राइट है? इस बारे में सुप्रीम कोर्ट ने आलरेडी रिट पड़ी है और उस बारे में चर्चा होने वाली है। इसमें मैं नरेन्द्र मोदी जी का ट्विट भी यहां दोहराना चाहूंगा।

"On Aadhaar neither the team that I met nor the Prime Minister could answer my questions on security threat it can pose. There is no vision, only political gimmick."

उस वक्त आपको यह पोलिटिकल गिमिक लग रहा था। उस वक्त आपको यह नॉटकी लग रही थी, लेकिन आज आपको हमारी नॉटकी कैसे अच्छी लगने लगी है? आज हमारी नॉटकी में कैसे आपको जान दिखाने लगी, इस बात का जवाब भी सरकार को देना पड़ेगा। जब आप विपक्ष में रहते हैं, तो हर बात को क्विंटिफाइज करते हैं। परसों मैंने बजट के भाषण में देखा, जिसमें आपने कहा कि 18 हजार गांवों का इलैक्ट्रिफिकेशन रहा। जब 18 हजार गांवों का इलैक्ट्रिफिकेशन रहा, तब 5-6 लाख गांवों का इलैक्ट्रिफिकेशन हुआ, इस बात की आप चर्चा नहीं करते। ऐसा नहीं चलेगा, क्योंकि 60 सालों में बहुत कुछ हुआ है। यह आधार भी कांग्रेस और यूपीए की देन हम आपके सामने लेकर आये हैं।

जब मोदी जी, प्रधान मंत्री जी इसे क्विंटिफाइज कर रहे थे, तब उन्होंने अपने प्रदेश के 60 प्रतिशत आधार कार्ड बनवा लिये थे। अगर उस वक्त उन्हें लगता था कि इसमें दम नहीं है तो 60 प्रतिशत आधार कार्ड उन्होंने क्यों बनवा लिये? इसका मतलब यह है कि उन्हें पता था कि इसमें दम है, लेकिन विरोध के लिए सिर्फ विरोध करना यह इनका एजेंडा था और यह आपका ... * पैटी पोलिटिक्स नहीं है। यह क्या है? राजनीतिक नॉटकी शायद आपसे ज्यादा दूसरा कौन कर सकता है। ... (व्यवधान)

श्री अश्विनी कुमार चौबे (बक्सर) : अध्यक्ष महोदया, ...* शब्द हटाया जाये, क्योंकि यह गाली है। ... (व्यवधान)

श्री राजीव सातव : जो करैवशन है, वह करेंगे। ... (व्यवधान) हम लोग आपसे तो कम ही बात करते हैं। ... (व्यवधान)

माननीय अध्यक्ष : आपस में बातचीत मत कीजिए।

â€!(व्यवधान)

श्री राजीव सातव : आपसे हम बहुत ही कम बात करते हैं, इसलिए आप हमें यह मत बताइये। ... (व्यवधान) जो करैवशन करना है, वह जरूर करेंगे। ... (व्यवधान) आप चिंता मत कीजिए, ... (व्यवधान) कोई टबने वाला नहीं है। ... (व्यवधान) क्वीत साहब, आपके प्रेशर में कोई आने वाला नहीं है। ... (व्यवधान) आप टैशन मत लीजिए, ... (व्यवधान) हमें पूरा अधिकार है और हमारा हक है। ... (व्यवधान) इसमें आपको बोलने की जरूरत नहीं है। ... (व्यवधान)

HON. SPEAKER: Please address the Chair.

...(Interruptions)

श्री राजीव सातव : एक बार नहीं, हम दो बार बोलेंगे। ... (व्यवधान) इसमें कोई इश्यू नहीं है। ... (व्यवधान)

माननीय अध्यक्ष : आप सब लोग बैठ जाइये।

â€!(व्यवधान)

श्री राजीव सातव: आपका यही मेक इन इंडिया दिख रहा है। ... (व्यवधान)

माननीय अध्यक्ष: राजीव सातव जी, आपस में चर्चा मत कीजिए।

â€!(व्यवधान)

श्री राजीव सातव: हमें पता है कि आप कोई डिलीवरी नहीं दे पा रहे हैं। ... (व्यवधान)

माननीय अध्यक्ष: राजीव सातव जी, आप चेयर को संबोधित करके बोलिए।

â€!(व्यवधान)

माननीय अध्यक्ष: आप उनकी बातों के उत्तर मत दीजिए।

â€!(व्यवधान)

श्री राजीव सातव: अध्यक्ष जी, मैं तो बात कहना चाह रहा हूँ, लेकिन इन्होंने आर्ग्यूमेंट्स ही करने हैं, तो मैं क्या करूँ? ... (व्यवधान)

HON. SPEAKER: You are not supposed to answer.

...(Interruptions)

श्री राजीव सातव: अध्यक्ष जी, आप उन्हें बैठने के लिए कहिए। ... (व्यवधान)

माननीय अध्यक्ष: मैंने उन्हें बैठने के लिए बोला है। आप कृपया चेयर को संबोधित कीजिए।

â€!(व्यवधान)

श्री राजीव सातव: यह आपका मेक इन इंडिया न होकर ब्रेकिंग इंडिया हो रहा है। ... (व्यवधान)

माननीय अध्यक्ष: यह क्या है? तीन घंटे में डिबेट पूरी करनी है। आप सब क्यों बार-बार उठते हैं? आपकी तरफ से जवाब आयेगा।

â€!(व्यवधान)

श्री राजीव सातव: अध्यक्ष महोदया, भाजपा की पूर्वका मीनाक्षी लेखी जी आज सदन में नहीं हैं। लेकिन वे नंदन नीलकेणी जी के यहां जब केम्पेन के लिए गयी थीं और बाद में जब उन्होंने प्रैस कॉन्फ्रेंस एड्रेस किया था तब कहा था कि

"Aadhaar implementation - a threat to nation's security. CBI should probe into various aspects of the Aadhaar project including the manner in which finances have been allocated for it. I will be ashamed to take credit for such a project. "

आपकी पूर्वका कह रही थी कि मैं ऐसे आधार का क्रेडिट लेने के लिए अशैम्ड महसूस करूंगी। लेकिन आज आप बड़ी ताकत से उसका क्रेडिट लेने के लिए जा रहे हैं। आप आज कह रहे हैं कि खड्गे जी, इसे आपने शुरू किया था, हम उसे लेकर जा रहे हैं। जबकि सदन आपसे यह मांग कर रहा था कि इसे आप दो महीने स्टैंडिंग कमेटी के पास भेजिये। आपने बीस महीनों में कुछ नहीं किया, लेकिन अब आप दो महीनों में इतनी बात करना चाहते हैं। आप दो महीने भी नहीं रुकना चाहते। इससे दिखता है कि आप अपनी बात रखने और कितने ... * के एंगल से आपकी सरकार चल रही है। ... (व्यवधान)

माननीय अध्यक्ष: यह क्या होता है? आप यह शब्द न कहकर दूसरी बात कहिये।

â€!(व्यवधान)

श्री राजीव सातव: अध्यक्ष जी, जो शब्द संसदीय नहीं है, उसे आप निकाल दीजिए, क्योंकि मैंने अपने सामने बैठे हुए कई साथियों से ही सीखा है कि कई सारे वर्ज्ड इस्तेमाल किये और बाद में उसे निकाल दो। भाजपा के तब के अध्यक्ष और अभी के गृह मंत्री राजनाथ सिंह जी ने 11 अप्रैल, 2014 को डेकन हेराल्ड को जो इंटरव्यू दिया था, उसमें उन्होंने कहा था कि

"We will review Aadhaar project if BJP led NDA comes to power and look into its flaws. Instead of Aadhaar National Population Register should be the basis of distributing direct cash benefits to targeted people"

आपके अध्यक्ष ने जब यह कहा था फिर अब क्यों बदल गए? अब क्यों यू टर्न लाए हैं? यू टर्न इसलिए लाए हैं क्योंकि हमने दो, चार, पांच साल मेहनत की, हमने यह ढांचा रखा और सिर्फ यही ढांचा नहीं रखा बल्कि इस देश में जितनी जरूरी बातें हैं वह कांग्रेस और यूपीए के समय में हुई हैं। 60 साल में क्या किया, बार-बार कहा जाता है। यह 60 साल में किया है। यह हमारा 60 साल का कन्ट्रीव्यूशन है। इस बात को इस देश की जनता और आपकी सरकार भी नकार नहीं सकती है। जाम में ए और एम है, ए आधार है और एम गोबाइल है। यह कांग्रेस और यूपीए की देन है। जे आपका हो सकता है लेकिन एम हमारा है।

SHRI ARUN JAITLEY: You take all three but pass this Bill.

श्री राजीव सातव: आप यह बात माननीय प्रधानमंत्री जी से भी कहिए कि इस बारे में बात करें। यह कांग्रेस की उपलब्धि है, यह कहने के लिए माननीय प्रधानमंत्री जी को बताइए। 60 साल में कुछ नहीं हुआ, ऐसी बातें आपने बार-बार कही हैं। 60 साल में हुआ है, माननीय वित्त मंत्री जी, आप इस बात को यहां कन्फर्म कर रहे हैं, मैं इसके लिए आपको धन्यवाद देता हूँ।

यहां पर जिस प्रकार से एनपीआर के बारे में राजनाथ सिंह जी ने मीटिंग्स ली और एनपीआर को फोर्स करने की बात कही। राजनाथ सिंह जी ने 18 जून, 2014 को टवीट में कहा था -

"Instructed the MHA to update the NPR data base and asked for proposal on issuance of National Identity Cards to Indian citizens at the earliest."

इसमें दो साल में क्या प्रोग्रेस रही? वित्त मंत्री जी की एक सोच, गृह मंत्री जी एक सोच, ऐसे इस सरकार का काम चल रहा है। यहां पर जो प्रस्तावित संशोधन आए हैं, इस पर पार्लियामेंटरी स्टैंडिंग कमेटी की बात आई। पार्लियामेंटरी स्टैंडिंग कमेटी का काम यशवंत सिन्हा जी की अध्यक्षता में हुआ। उसमें उन्होंने कहा था डाटा प्रोटेक्शन तॉ, सडटू प्राइवसी के बारे में आधार का कोई भी

तेजिसलेशन ताने से पहले सरकार को पहले बिल ताना चाहिए, सरकार को पहले पढत करनी चाहिए। पार्लियामेंटरी स्टैंडिंग कमेटी जो यशवंत सिन्हा जी की अध्यक्षता में बनी थी, आप उनके रिपोर्टिंग को यहां फॉलो नहीं कर रहे हैं।

माननीय अध्यक्ष जी, नेशनल सिविलिटी का वर्ड यहां इस्तेमाल किया गया है, लेकिन उसकी कोई डेफिनेशन नहीं है। यहां पर आपने 2010 के बिल की बात कही। 2010 के बिल में अच्छे प्रोवीजन थे। मेहताब जी ने कहा कि इसकी पूरी स्कुटनी अभी तक हुई नहीं है। 2010 के बिल में कई सारे ऐसे प्रोवीजन हैं जिसके बारे में सरकार ने यहां पर कुछ नहीं सोचा है। 2010 के बिल में एक करोड़ रुपए के फाइंड का प्रोवीजन था, अब उसे इस बिल में 10 लाख पर ले आए हैं। गलती करने वाले को एक करोड़ का फाइंड लगना चाहिए या दस लाख का? आपने 90 लाख फाइंड कम कर दिया यानी एक करोड़ का फाइंड दस लाख कर दिया। क्यों कर दिया? क्या आप लोगों को छोड़ना चाहते हैं? आप कहते हैं कि न खाऊंगा, न खाने दूंगा, जबकि यहां पर पूरी तरह से बदलाव लाए हैं।

माननीय अध्यक्ष जी, 2010 के बिल में तीन साल इंप्रूजमेंट की बात थी। इस बिल में आपने इसे एक साल कर दिया। क्यों कर दिया? इसके पीछे लॉजिक क्या है, जल्दी कोई छूट जाए या गलती करके जल्दी छूट जाए, इसके पीछे क्या सोच है, हमें समझ में नहीं आ रहा है।

कई साथियों ने अमेंडमेंट्स दिए। आपने कहा है कि नेशनल सिविलिटी के लिए किसी की भी इन्फार्मेशन मांगेंगे। आपने नेशनल सिविलिटी वर्ड डिफाइंड नहीं किया। किसकी इन्फार्मेशन मांगेंगे, कन्हैया की मांगेंगे या राजीव सातव की मांगेंगे? किसकी इन्फार्मेशन मांगेंगे, कुछ पता नहीं है। That is the discretion of the Government. ऐसे नहीं चलेगा। आपको स्ट्रीम लाइन करके बताना पड़ेगा कि आप किसकी इन्फार्मेशन लेना चाहते हैं। नेशनल टेलीग्राफ एक्ट जिसमें सुप्रीम कोर्ट की गाईलाइन थी। सुप्रीम कोर्ट ने बहुत विलयस्ती कहा था कि किस प्रकार से इन्फार्मेशन ले सकते हो - Even a five-judge Bench of the Supreme Court is examining whether right to privacy is a fundamental right. इसके बारे में कोई डिस्मिशन नहीं हुआ है। आप यह आधार का बिल लेकर आये हैं। 1996 में अगर आप देखेंगे: The Supreme Court interpreted provisions under the Indian Telegraph Act with regard to the State being allowed to tap phone. आप उसको भी फोले नहीं कर रहे हैं। आपके दिल में जो आ रहा है, उस प्रकार से आपने इस बिल को बनाया है। There are certain rules. But there are no rules and no provisions in this Bill. जिसके दिल में जो आएगा, वह सूचना लीक होगी और देश की सुरक्षा के लिए यह खतरा हो सकता है। यहां पर यह लिखा है: The Bill differs from the guidelines for phone tapping in the following two ways. First, the Bill permits sharing in the interest of national security rather than for public emergency or public safety.

यहां पर मेरा आपसे आग्रह रहेगा कि कम से कम आपकी सोच जो इंडियन टेलीग्राफ एक्ट है, उसके आधार पर तो कम से कम यह होना चाहिए और इन सब बातों के बारे में स्टैंडिंग कमेटी में चर्चा हो सकती है। इसलिए मेरी भी आपसे विनती है कि 30-40 दिन का समय आप रखिए लेकिन यह बिल आपको स्टैंडिंग कमेटी को रैफर करना ही पड़ेगा। बाकी यहां पर कई सारे ऐसे मसले हैं, कई सारे ऐसे मुद्दे हैं जिनके बारे में हम डिस्कस कर सकते हैं। यहां पर संसदीय स्थायी समिति की जो संस्तुतियां थीं, उसके बारे में कोई यहां पर डिस्कशन नहीं हुआ है। अगर सरकार यह नहीं करना चाहती है तो कम से कम आधार की ऑथोरिटी में कैब की ऑडिट की शक्तियां बढ़ाने के बारे में तो सोचना चाहिए... (व्यवधान)

HON. SPEAKER: The time for your Party is 15 minutes. But you have already taken more than 20 minutes. If you consume the entire time of your Party, then other Members for your Party will not get time.

SHRI RAJEEV SATAV: Madam, I will conclude in one minute.

HON. SPEAKER: You will have to conclude. Please keep it in mind.

श्री राजीव सातव: माननीय अध्यक्ष जी, मैं अपनी बात एक मिनट में समाप्त कर दूंगा। मैं यहां पर एक बात रखना चाहूंगा, जैसे मंत्री जी ने कहा कि 90-95 करोड़ तक आधार का एनरोलमेंट हो चुका है और 30 अप्रैल 2014 तक 57.5 करोड़ आधार नम्बर बन चुके हैं। इसका मतलब 60 प्रतिशत काम इस सरकार ने शपथ लेने के पहले ही आधार के नम्बर के बारे में किया है। इसलिए जो नींव मजबूत सिंध जी ने और आदर्शनीय सोनिया जी ने रखी है, उसी दिशा में हम इस काम को आगे लेकर जा रहे हैं। लेकिन यह जो काम लेकर जा रहे हैं, इसमें जो प्रॉब्लेम की बात है और कई सारी बातें जो अभी खड़े हैं और मेहताब जी ने बताई, उसके बारे में कोई भी चर्चा यहां पर नहीं हो रही है।

आजकल प्रधान मंत्री जी राजीव गांधी जी और इंदिरा गांधी जी के कोटेशन इस्तेमाल कर रहे हैं। बड़ी खुशी की बात है कि बहुत दिनों के बाद उनको राजीव जी और इंदिरा जी के कोटेशन इस्तेमाल करने की कहीं न कहीं सोच और समझ उनमें इस प्रकार से आई है लेकिन उन्होंने जो इंदिरा जी का कोटेशन इस्तेमाल किया, उन्होंने राज्य सभा में कहा कि कुछ लोग काम करते हैं और कुछ लोग उसका श्रेय लेते हैं। काम करने वाले बनिए ताकि श्रेय लेने वालों में तो बहुत कम्पटीशन है लेकिन काम करने वाले में कम्पटीशन नहीं है। मेरा सरकार से यह आग्रह रहेगा कि यह बिल आप स्टैंडिंग कमेटी को रैफर करिए और थोड़ा काम करने वाले बनिए और श्रेय लेने की होड़ में मत जाइए। यह मेरा आपके माध्यम से सरकार से आग्रह रहेगा। मैं फिर से आपको धन्यवाद देता हूँ कि आपने मुझे इस बिल पर बोलने का अवसर प्रदान किया। धन्यवाद।

श्री गणेश सिंह (सतना) : माननीय अध्यक्ष जी, मैं आधार विधेयक 2016 के समर्थन में अपनी बात रख रहा हूँ। यह विधेयक धन विधेयक के रूप में यहां पर प्रस्तुत हुआ है। इसका उद्देश्य सरकार की नीतियों को अधिकृत करना और विशिष्ट पहचान यूसार्इडी स्कीम को आगे ताना था। विधेयक में इसकी सुरक्षा और इसके दुरुपयोग को रोकना अत्यंत जरूरी है। विधेयक में यह महसूस किया गया है कि नामांकन, अधिप्राणन, प्रतिभूति, गोपनीयता की प्रकृष्टा और आधार संबंधी जानकारी को कानूनी बनाया जाए तथा भारत सरकार की संविदा निधि से अलग किया जाए। अभी राजीव सातव जी यहां पर कह रहे थे कि इसको स्टैंडिंग कमेटी को भेजा जाए, मैं समझता हूँ कि आज कांग्रेस की जो सबसे बड़ी विनता है कि सरकार इतना बेहतर काम क्यों कर रही है, इसको कैसे रोका जाए, कैसे इसमें व्यवधान पैदा किये जाए ? यह बात सभी को मालूम है कि सब्सिडी का लाभ वास्तविक लाभार्थी को मिलना चाहिए लेकिन ऐसा नहीं होता है। पात्रता के आधार पर जिन्हें फायदा मिलना चाहिए, उन तक फायदा पहुंचाने में बहुत कठिनाइयां होती हैं। इस वजह से इस विधेयक में प्रवधान किया गया है कि दुरुपयोग को रोका जाए और वास्तविक लाभार्थी को लाभ मिल सके।

अभी तक 95 करोड़ लोगों को आधार कार्ड मिल चुका है और लगभग 13631 करोड़ रुपये इसमें खर्च हो चुके हैं। विश्व बैंक के मुख्य अर्थशास्त्री श्री कौशिक बसु ने कहा है कि भ्रष्टाचार रोकने में आधार कार्ड बहुत कारगर साबित हुए हैं और एक साल के अंदर 650 करोड़ रुपयों की सरकार को बचत होगी। मैं मानता हूँ कि आज जिस तरह से सरकार ने नई-नई योजनाएं शुरू की हैं और योजनाओं का लाभ घर-घर तक पहुंचाने के प्रयास चल रहे हैं, लोगों की सब्सिडी सीधे उनके खाते में जाए और बिचौलियों पर शक लगे, इस दृष्टिकोण को ध्यान में रखकर हमारी सरकार ने यह काम शुरू किया है। विधेयक की धारा-34 में गलत जानकारी देना या आधार नम्बर के लिए फर्जीवाड़ा करने की कोशिश करेगा तो उसे तीन साल की सजा का प्रवधान भी है। अभी सातव जी कह रहे थे कि मोदी जी की सरकार उनकी सरकार की नकल कर रही है। वे शायद भूल रहे हैं कि आज जिस हालात में देश है अगर उसका सही आकलन हम करें तो सचमुच लगता है कि हम बहुत पीछे हैं। यह बात न मैं कह रहा हूँ और न हमारी सरकार कहती है कि पिछली सरकारों ने कोई काम नहीं किया है लेकिन जो वास्तविक काम थे, जिसके लिए प्रजातंत्र आया, जिसके लिए सरकारें बनाई जाती हैं उनका वास्तविक काम था कि गरीब आदमी को डिफाजत देना, गरीब आदमी को सरकार की योजनाओं के साथ जोड़ना, गरीब आदमी को कैसे आर्थिक दृष्टि से मजबूत बनाया जाए। यह बात अलग है कि नारा वर्ष 1951 में लगा था कि गरीबी मिटाओ, रोटी-कपड़ा-मकान देने का लेकिन दुर्भाग्य से यह काम केवल नारा ही रह गया। आज यह काम श्री नरेन्द्र मोदी जी की सरकार को इसलिए करना पड़ रहा है क्योंकि आज सचमुच देश में जिस तरह से गरीब की हालत है, जिस तरह से उनकी परेशानी है, उसे दूर करने का उपाय यदि सरकार नहीं करेगी तो कौन करेगा।

आज जन-धन योजना के माध्यम से जिस तरह से 21 करोड़ से ज्यादा खाते खोले गए, 15 करोड़ से ज्यादा खाते अभी भी चल रहे हैं, उन्हें पांच हजार रुपए ओवर ड्राफ्ट की सुविधा दी गई। इससे जनता के बीच में आशा की लहर बंधी है कि हम गरीबी से बाहर निकल सकते हैं। लगभग पांच करोड़ बीपीएल परिवार के लोगों को एलपीजी गैस निशुल्क देने की योजना बनी है। इस साल अफेले डेढ़ करोड़ गरीबों को सब्सिडी मिलेगी। अगर आधार कार्ड नहीं होगा तो निश्चित तौर पर उसका लाभ वास्तविक उपभोक्ता के पास नहीं पहुंचेगा, इसलिए इसे कानूनी मान्यता देना जरूरी है। इसी तरह

से पीडीएस सिस्टम है। इसमें जिस तरह से खाद्य सुरक्षा की गारंटी है लेकिन अभी भी बहुत बड़ी संख्या में ऐसे लोग हैं, जिन्हें इस योजना का लाभ नहीं मिल रहा है। कुछ फर्जीवाड़े भी होता है और गलत लोगों को फायदा मिलता है। आधार कार्ड की सुविधा के बाद इस फर्जीवाड़े में रोक लगेगी और वास्तविक व्यक्ति तक सरकार की योजना का लाभ पहुंचेगा तथा योजना का लाभ सीधे उनके खाते में पहुंचेगा।

आज जरूरत इस बात की है कि सरकार ने जिस तरह से योजनाएँ चलायी हैं, वह योजना वास्तविक व्यक्ति तक पहुंच जाए और वास्तविक व्यक्ति की पहचान हो जाए। आज इसकी जरूरत है और उस दिशा में यह विधेयक बहुत ही कारगर साबित होगा। मैं मानता हूँ कि आज आधार कार्ड की सुविधा 100 प्रतिशत परिवारों तक पहुंच जाए, अभी तक यह 95 करोड़ लोगों तक पहुंची है, इसे 125 करोड़ लोगों तक पहुंचाने का उद्देश्य है। हमारी सरकार इसमें पूरी तरह से सक्षम है। नीचे तक सिस्टम में जो गड़बड़ियाँ थी, उसे कैसे सुधारा जाए, उस दिशा में काम कर रही है।

कांग्रेस पार्टी और हमारे दूसरे साथियों को इस बात की तकलीफ है कि मोदी जी की सरकार बहुत अच्छा काम क्यों कर रही है। वे तो चाहते थे कि यह सरकार फेल हो जाए, यह सरकार अच्छा काम न करे। चूंकि हमारे प्रधानमंत्री जी ने पहली बार इस बात को कहा था कि यह सरकार गरीबों की सरकार होगी और देश के खजाने पर पहला हक इस देश के गरीबों का है। उन्होंने इसे साबित करके दिखा दिया। उन्होंने इस बात को प्रमाणित कर दिया कि हमारी सरकार की क्या प्राथमिकता है और इस दिशा में वे तेज गति से आगे बढ़े हैं। इस बार का बजट हमारे वित्त मंत्री जी ने पेश किया है, वह सीधे-सीधे गरीबों का है, गांवों में रहने वाले लोगों का है, गांवों के विकास का, किसानों के लिए यह बजट है। उनका लाभ हितग्राहियों तक पहुंचे, इसके लिए कोई न कोई पहचान होना जरूरी है। आधार कार्ड इसमें एक बहुत ही महत्वपूर्ण भूमिका निभा रहा है। मैं मानता हूँ कि सरकार का यह कदम काफी सराहनीय है। अब इसके बारे में सुप्रीम कोर्ट ने भी कहा है। पहले तो इसमें एलपीजी और पीडीएस को जोड़ा गया था। अब सुप्रीम कोर्ट ने भी सरकार को सहयोग दिया है। मनरेगा, पेंशन, ईपीएफ और जन-धन योजना को भी इसमें शामिल किया गया है। मैं समझता हूँ कि हमारी जितनी भी जन-कल्याणकारी योजनाएँ हैं, उनको भी इसमें शामिल किया जाना चाहिए और यह एक प्रमुख आधार बनें। यह बात सही है कि कोर्ट ने यह भी कहा है कि इसकी अनिवार्यता नहीं होनी चाहिए। अनिवार्यता भले ही न हो, लेकिन कोई न कोई आधार तो बनाना ही पड़ेगा, जिसके चलते दुरुपयोग को रोक जा सके और इसका सीधा लाभ वास्तविक लोगों तक पहुंचा सके। मनरेगा में भी देखा गया था कि इसमें गलत तरीके से भुगतान होते थे, जो लोग वास्तविक मजदूर थे, उनके स्थान पर दूसरों को मजदूरी मिलती थी। लेकिन आधार कार्ड के आने के बाद मैं समझता हूँ कि इस रोक लगेगी। इसी प्रकार से सरकार की जो अन्य योजनाएँ हैं, उनका लाभ पूरी तरह से वास्तविक लोगों तक पहुंचेगा।

मैं निवेदन करना चाहता हूँ कि इस विधेयक में जो प्रावधान किये गये हैं, उसमें पूरी तरह से, आज मैं कह सकता हूँ कि योजनाओं का लाभ सीधे लोगों तक पहुंचेगा। इसमें अभी तक जो गड़बड़ियाँ हुई थीं और उसमें गड़बड़ी होने की जो गुंजाइश है, उस पर तत्काल रोक लगेगी।

मैं इस विधेयक का पूरी तरह से समर्थन करता हूँ। आपने मुझे बोलने का मौका दिया, इसके लिए मैं आप सबका धन्यवाद करता हूँ।

13.27 hours

(Shri Anandrao Adsul *in the Chair*)

SHRI B. SENGUTTUVAN (VELLORE): Mr. Chairman, Sir, thank you. I may please be permitted to speak from here.

HON. CHAIRPERSON: All right.

SHRI B. SENGUTTUVAN: Thank you Sir for affording me the opportunity to speak on this important and crucial, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 that was introduced in the Lok Sabha by the hon. Finance Minister on 3.3. 2016.

While on the whole we may support this Bill since it enables better identification of beneficiaries for various Government programmes and also offers residents of India an easier means of establishing their identity, the Bill in its present form does raise certain grave concerns. Our reservations are that it is not a Money Bill *per se* and subsidies should not be linked to Aadhaar so as to take away the powers of the State Governments in giving away the subsidies to the poor. ...(*Interruptions*)

The Bill has been introduced as a Money Bill perhaps to avoid the anticipated logjam in the Rajya Sabha. But the hon. Finance Minister explained that this is a Money Bill in view of the fact that the Government money is being spent for the subsidies. But such an argument does not convince us. Such Bills which raise substantive concerns going well beyond the financial matters ought not to be taken up as Money Bills.

We have taken a similar stance with the Public Debt Management- related provisions which had been included in the Finance Bill, 2015 presented with the Union Budget for 2015-2016.

The present Bill has been brought in with certain modifications in the National Identification Authority of India Bill, 2010. The Standing Committee on Finance chaired by Shri Yashwant Sinha had presented a detailed report on the Bill in December, 2011, and raised critical concerns including the possibility of illegal possibility of illegal immigrants obtaining Aadhaar numbers, possible contradictions with the Citizenship Act, 1955, the risks related to engaging private agencies to collect and maintain large data bases relating to individuals, the over dependence on private vendors, technical issues relating to possible errors in the collection of biometric information, and privacy and security concerns as well. Some of these issues have been partially addressed in the new Bill but many of those concerns remain, which will need to be discussed and debated in detail.

The Tamil Nadu Government has repeatedly raised a concern that such measures as those that enable easier, direct cash transfers should be taken up only with the categorical assurances from the Government of India that subsidies on commodities which are supplied like food, fertilizers and kerosene are not converted into cash transfers under the Direct Benefit Transfer (DBT) Scheme and further that the DBT Scheme will be operated only through the State Government and not directly by the Government of India. since it is a State Government machinery that carries out the identification of beneficiaries. Such a stance was taken on the National Food Security Bill as well. This has been the stand taken by other States including some that are ruled by the BJP Party.

Although State Government Departments and agencies will have an important role to play in the implementation of the Aadhaar scheme, the Bill does not explicitly provide for a role for State Government agencies. The Government of Tamil Nadu is developing a State Residents Data Hub. There should be a provision in this legislation enabling assured access to State Governments to the Aadhaar database for the purpose of better implementation of programmes. Decisions on the schemes the Aadhaar database would be used and the manner in which it would be used, should be left to the State Governments.

Just as there is a provision under clause 33(2) for certain data to be released in the interest of national security under the authority of a Joint Secretary to the Government of India, similar powers ought to be given to the State Government since maintenance of 'Public Order' is a State subject.

This is similar to the power to authorize interception of telephones under the Telegraph Act which is given to both Central and State Government authorities.

As there are still key questions and concerns in the Bill which need to be addressed in detail, the Bill should not be rushed through in this manner. Therefore, I would request the Government to take a more adjustable stand in referring the Bill for discussion in the Standing Committee, which alone would do justice to our reservations. With this I conclude.

SHRI TATHAGATA SATPATHY (DHENKANAL): Mr. Chairman, Sir, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 being discussed today in the House shows how much interest we, Members, are taking in such a serious discussion; the emptiness of both the Treasury and the non-Government side shows that apart from the Biju Janata Dal, people do not understand the import of this Bill. This is a classic example of function creep, which means when a technology designed for use in a particular fashion for a particular purpose is misused or used for something else for which it was not intended. That is function creep.

I am surprised how in this country people, even educated, conscious, aware people, are bending over backwards to get an Aadhaar Card. I do not know what kind of a hurdle this will bring up in the future for me, but I am proud to say that I and my family, till today, have refrained from getting registered in the Aadhaar process. I not only oppose this Bill in entirety; I not only give it as an opposition in a speech, but I am actually implementing it in my life.

It has been showcased as a tool exclusively meant for disbursement of subsidies and we do not realize that it can also be used for mass surveillance or, to take it a step further, to a very much more dangerous proposition for genetic or ethnic cleansing.

KUNWAR BHARATENDRA SINGH (BIJNOR): Why are you saying cleansing? All Indians are racially the same.

SHRI TATHAGATA SATPATHY : No. You may not have read recent findings.

KUNWAR BHARATENDRA SINGH: There are no blacks and whites in this country.

SHRI TATHAGATA SATPATHY: No. There is this misconception that we are ethnically one. But recent studies in the Calcutta University and in other places have proved that Indians come from four definite ethnic backgrounds. There is the Burman-Tibeto background, there are Dravidians and there are different ethnic groups. If we do not wish to recognize them and we think everybody is an Aryan, I would like to submit I am not an Aryan, I am a Dravidian, I am an Adivasi. So, we are not the same. There are ethnic groups in India. Let us admit it. If we not recognize, we are closing our eyes to certain facts of life which have been proven by science, by research into DNA in this country, in this Century, in the recent past.

Sir, we have seen how biometric data has been mis-utilised even by an organisation as important as the United Nations which used the data that was collected in the Refugee Camps of Iraq, Syria and other Middle East countries. When these refugees are moving into Europe, the UN is supplying this data to the Governments of the concerned countries to keep a tap on the refugees who are going there.

I do not know why India needs this system. We have a multiple layering of cards. When the UPA had moved it, I had spoken at that time also and I had opposed it because I do not see much of a difference between the UPA or the NDA; just the individuals have changed, but the mindset sits at that corner, where the bureaucracy sits and they are the one who are constant. I am happy that the Prime Minister recognised this fact and also spoke about it in so many words in his speech when he was replying to the debate on the Motion of Thanks on the President's Address. He recognises the fact because he has probably encountered this being an administrator himself and being an implementer. But the Government has to – not the Prime Minister individually – realise that if they want to break free of the yoke of the past then they have to take the call themselves. These have to be political decisions. These cannot be bureaucratic decisions. We have, for example, the election ID card; we have the BPL card, the APL card. There is a whole set of cards which we have given to our countrymen. We have even given income tax payers and non-income tax payers the PAN card. So my point here is, this is an ongoing process. All these cards are ongoing process. Every day, new children are born and after a certain period of time, they will require a card. So, Aadhaar is not going to stop, say, after a certain period of time. Like in the Bill, they have said that the mistakes in the card shall be rectified within a period of three years ending 2019. That means, they themselves are admitting that after 2019, they will not be there in the Treasury Benches. It is because, if that would not have the Government's belief, they should have made it over a period of time that for the next decade this will be an open-ended legislation where whatever mistakes take place, can be rectified.

We are seeing, every day this august House is getting amendments. What are the amendments for? It is because, somebody in the past had legislated something, written something; it is being corrected. So, here, there is no justification, when you already have a plethora of cards, to dump another very expensive card on the citizens of this country just because you want to have biometric. More dangerous, Sir, they are collecting biological data also.

The problem that I face is this. Why is the BPL card a failure? All of us are aware of it. At the panchayat level, the sarpanch finds out that "You have not voted for me when I contested for sarpanch. I will ensure neither you, nor your family, nor your relatives, nobody, will get the BPL card. If you do not get the BPL card, you will not get the MGNREGA benefits. So, I will stop you." This is the problem that we should have addressed. If we are actually concerned about the poor of this country, then we should have ensured that the BPL card reaches the real beneficiary in a very honest and effective manner which we have not tried to do. What are we trying to do? We have a cake; we are putting one layer of icing, another layer of icing. So, this is an endless process and it is taxing on the taxpayer. You have some 2.38 per cent of the people of this country paying taxes. How much more do you want to tax them? Why do you tax them for this kind of unproductive, non-productive useless work? So, to this thing that Aadhaar is meant to deliver only benefits, I do not agree because there are enough superstructures at the ground level. All that you have to do is streamline those superstructures so that you get a better result and the real poor are identified by you and identifiable by somebody who wants to reach benefits to them.

As for this being a money Bill, Sir, you are aware, the whole House is aware, this is not a money Bill. Every expenditure, majority of expenditure is taken from the Consolidated Fund of India. What are we being taught? I mean, are we not aware of what happens in this House? We have been here for so long now. What are we being taught about the Consolidated Fund of India? Every thing you are bringing here, the money is from the Consolidated Fund. All that you are trying to do is subvert the process, not to take this to Rajya Sabha and suddenly this urgency. It is because, some *babu* has told you that this is very urgent; let us get it done. So this is still the same attitude that is continuing and we are kowtowing to that very idea. First of all, this Bill should not have been brought in as Budget discussions were going on.

Sir, you have been in this House for long enough. You have enough experience. You know that the Budget discussions are never interrupted in the manner that Aadhaar Bill has done it. This is a very wrong thing the Government has done. So, you have to give me time because I have heard everybody else patiently. I am not making a political issue.

HON. CHAIRPERSON: Hon. Member, as decided in the BAC Meeting, we have allotted two hours' time to this discussion. Accordingly, you have got seven minutes only. Now, you have spoken for more than 10 minutes. Please finish your speech in three or four minutes.

...(Interruptions)

SHRI TATHAGATA SATPATHY: Sir, I will quickly finish it. I will run through it.

Further, there are many contradictions in the Bill. For example, take Clause 4, bracket (3), which says, Aadhaar can be used as identity for any purpose. That contradicts Clause 7 and narrative around the Bill that Aadhaar will be used only for delivering benefits in subsidies. So, you are contradicting yourself.

Sir, our Prime Minister said that people come to power and people will go out of power. He also is magnanimous enough to recognize that the beauty of democracy is 'nobody is permanent'. These people thought they will be there in power for ever. You saw what the people did to them. Now, they are thinking they will be in power for ever. You will be right there; you will see what will happen to them. So, we are very used to it. I would like to ask the Government or the Finance Minister one question. Can he, under any circumstance, assure us that this law, this Aadhaar Card and the data that will be collected under it – biometric, biological, Iris scan, finger print, everything put together – will not be mis-utilised as has been done by the NSA in the US? US is a burning example. Snowden is a great example. He exposed about what happened in the US. They collected all kinds of data. But, what happened? It goes to construct or de-construct a citizen. When you base everything on that – your bank account, your income, your tax including your health history, everything on one single thing – then what happens? Our system is much weaker than the US system. When anybody can break into the US, where would we be as Indians?

Now, I am coming to the end. I will give you another example. We have lot of competent systems and laws. But, who are the people handling it? They are extremely incompetent people. There is an instance which I would like to state here. There is one University called IIPM. When it had some tough stands with the Government, the Government said: "You stop all their URLs". The duty was given to a *babu*. What did he do? He must have searched for IIPM. Whatever came up first were the UGC URLs and IIPM was mentioned in them. He blocked all of them. So, UGC websites went off the net for two days. Now, you expect from these people to guard your data. How, will they guard it? Here, what are you saying is that there will be some little punishment and they will pay a tax of Rs. 10 lakh.

Another important thing is that you are saying that unless authorised by the authority, nobody will have access to plant a virus or take out the data. Why should the authority authorise anybody to put in a virus? It is there in the Bill. This is not something I am saying out of my own free will. People may think this Bill has been very-well drafted. Yes, it has been very-well drafted. The effort has been to make it watertight. But, in the watertight process also, in a State which is ruled by one of their allies, 25000 fake Aadhaar ID Cards have been unearthed because some of these contractors took money and started issuing Aadhaar Cards. So, when you are saying that you will sublet or you will give out sub-contract to other private parties, what will happen is that if they get influenced, they will be able to manipulate all the data that the Government will be accessing or will be having.

Sir, before I wind up, I would refer to page 2, Clause 2 (g) where it says:

" "biometric information" means photograph, finger print, Iris scan, or other such biological attributes of an individual as may be specified by regulations;"

Sir, this definition is vague. Since you have mentioned that this is subject to regulations in the future, 'biometric information' might even include DNA information. By leaving the definition so open ended, you have kept the provision to include other ethically unacceptable biometric information. As seen in other countries, even medical information and scanning of organs might be included because you have added the word 'biological' in the definition, which is a very dangerous one.

Now, please see page 2 Clause 2 (x). The definition of 'subsidy' is too broad. Will this Bill cover only subsidies for the poor or even other types of subsidies which even a middle-class gets. Suppose, Sir, you want to buy a land, tomorrow for registering your deed, they will say: "Give your Aadhaar card". Now, they are asking for PAN card. Sir, the Government is not the danger. The dangers are these sub-contractors, who will have access to all these data.

Sir, I will mention two other points before I really wind up my speech. ...(Interruptions)

Sir, now-a-days, I see a lot of people have their hands shaking in the House; maybe that is what is happening to me and that is why, my hands are also shaking. Sir, now my hands are steady.

Please see Clause 33. If information is to be revealed for national security, consent of the individual shall be sought. Kindly see page no. 12. Clause 33 (2) says that just like our sedition laws – this is something important – 'national security' can be interpreted in a number of ways in any given situation. Tomorrow, somebody can say: "Shiva Sena or BJD is an anti-national Party or AIADMK is trying for sedition and they want to breakaway

Tamil Nadu and join Sri Lanka". If that happens, this Clause can be misused by the Government in power to stifle dissent. You will probably ask for the biometric information of the next Johny that raises a voice against the Government.

HON. CHAIRPERSON: Please conclude now.

SHRI TATHAGATA SATPATHY: Now, I have come to the last point.

The Government has put in a lock down period, which I mentioned about. Please see page no. 17 – Clause 58 puts in a lock down provision. Up to three years, the BJP Government can revise the Bill through Gazette Notification by the Government. Bureaucrats will have a role over this Bill after this Bill is passed by Parliament. What is the rationale behind keeping three years is what I wonder? What will happen after 2019?

So, Sir, at the end, I would like to thank you very much for allowing me to speak on this Bill. I wish to categorically state that I oppose this Aadhaar Bill. I do not support the collection of such sensitive data from individuals of this nation.

Sir, we are multi-cultural, multi-lingual State. We have a plethora of cards that we can rely on. We can make the Election Vote Card successful. The Aadhaar Card should be stopped. It should be given ...(*Interruptions*)

HON. CHAIRPERSON: Please conclude now.

SHRI TATHAGATA SATPATHY : Sir, your Party Member will speak after I complete my speech. ...(*Interruptions*)

HON. CHAIRPERSON: Already he is standing. Please conclude now.

SHRI TATHAGATA SATPATHY: All I am asking for is that this Bill should be sent in for further scrutiny. I oppose this Bill and I want it to be noted that the Biju Janata Dal and Tathagata Sathpathy oppose this Bill.

Thank you.

SHRI ARVIND SAWANT (MUMBAI SOUTH): Hon. Chairperson, Sir, let me welcome this Bill wholeheartedly. There is a conflict whether this Bill is a Money Bill or not. I think, in the opening speech, the hon. Finance Minister has categorically mentioned that this Bill is brought for the benefit of the poor people who are availing subsidies in different ways and these subsidies should directly go to the poor people. The whole motive is that the subsidy should go directly to the concerned person who is supposed to avail this facility.

The preceding Prime Minister has said it earlier also that the money never reaches a man, who deserves it, who desires it. It filters out. Out of one rupee sent, he used to get 10 paise only. To prevent all that, this Bill has been brought.

The Statement of Objects and Reasons is very clear. The caption of the Bill itself says:

"to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto."

This itself clarifies what exactly the Government intends to do or what the hon. Finance Minister intends to do. But while doing so, I have some doubts to be clarified. What we have observed is that Aadhaar Card is being misused or sometime being prevented. On one side, we say that we are giving him a unique identity; and when that persons goes for voting with his unique identity, the Presiding Officer says that it is not valid. If it is not valid, then what is the sanctity of this Aadhaar card?

It is said that a requesting entity shall, unless or otherwise, provided in this Act, obtain the consent of an individual before collecting his identity information for the purpose of authentication in such a manner as may be specified by regulation.

Now, he wants to disclose his identity; and he wants to take the support of the Aadhaar card. But when he has gone to the polling booth and he is being prevented to vote.

One sentence, which the hon. Finance Minister had said, was that 'this Aadhaar card does not mean that he has got the citizenship.' Now, I have a query. I am saying what I have observed during the election. It is not directly related to this Bill, but it is relevant as it is going to reflect as to how it is going to have an impact. A man, staying on a footpath, and we do not know whether he belongs to this country or not, whether he has come from Bangladesh. But during the election, the Election Commission's Authority, whichever is appointed, goes and sees that a person is staying on the footpath. One day, the Authority says that this man 'A' is staying on the footpath. Then, that fellow or the Authority is asked to go there three times, may be after a week or after a month. Then, that fellows certifies that man 'A' is staying here on the footpath. But what is his residential area? It is nothing. Residential area is 'opposite the Parliament footpath.' That is all. But he gets name enlisted in the Voters' List. Based on his name appearing in the Voters' List, he gets the Aadhaar card in his name. It is the reverse procedure. As he has his name enlisted in the Voters' List, ultimately, he gets the Ration Card in his name; ultimately he gets all the other facilities. How are we going to prevent this? That is what my major concern is. It is because the people who are not the citizens of this country, are being empowered to vote during the elections. This is how the Aadhaar card is being misused.

There are some conflicts in the Bill. On the one side we say that in view of this and to provide for the effective, secure an accurate delivery of benefits, subsidies and services from the Consolidated Fund of India to targeted beneficiaries and authenticating their identity through Aadhaar numbers. We may underline these words 'Consolidated Fund of India.' These words have made it a Money Bill because the money is being used from the Consolidated Fund of India to give subsidy directly to the poor.

It is felt that the process of enrollment, authentication, security, confidentiality, and use of Aadhaar related information be made statutory and to

facilitate the use of Aadhaar number for the delivery of various benefits, subsidies and services, the expenditure of which is incurred from the Consolidated Fund of India.

Now, we are saying that the confidentiality will be maintained.

14.00 hours

Clause 57 says:-

"Nothing contained in this Act shall prevent the use of Aadhaar number for establishing the identity of an individual for any purpose whether by State or anybody corporate or person, pursuant to any law for the time being in force or any contract to this effect, provided that the use of Aadhaar number under this section shall be subject to the procedure and obligation under Section 8 and chapter 6".

Section 8 says that the person is requesting. Now are you going to give information to any Tom, Dick and Harry? Tomorrow, a private telecom company will ask the information. Are we going to give this information? So, when confidentiality is maintained, we have to make it clear what that security aspect is. What do we mean by security? What do we mean by confidentiality? What do we mean by privacy? Privacy of a person cannot be intervened or interfered by any agency except the Government which desires to have this information from the person and that is to be clarified, particularly, in this clause. The hon. Prime Minister, the other day said, how the bureaucrats incorporate the clause. Look at this. This is the most important clause for me.

No suit prosecution or other legal proceeding shall lie against the Central Government or the authority or the Chairperson or any member or any officer or other employees of the authority for anything which is done in good faith or intended to be done under this Act or the rule or regulations made thereunder.

How can you define whether it has been done with good intentions or not? We feel that the Government servant must work with a good intention, with faith, and with integrity but still it has been proved time and again that misuse of powers has been done by so many people. We, in Mumbai, found that the people from Bangladesh have been empowered with voters' right. Tomorrow, they can contest the Municipal Corporation election. They can contest even the Legislative Assembly election. This is what they are misusing. Recently, when the Election Commission conducted one programme, I asked them. The programme was as if they are giving some new I-cards or new enrolment to the people who have crossed eighteen years of age. You are giving I-cards. Now, in the voters' list, his name has not appeared. But he has got the voter I-card and he is not allowed to vote because his name is not there in the voters' list. What is the use of that card? Therefore, we have to be very specific about this. Some small clarifications are required over here. I feel, otherwise, the Bill is outstanding. It is really like what the late Prime Minister, Rajiv Gandhi had said once that the money does not reach the deserved person. This Bill will definitely deliver results and if you see to it, the poor man will get all the subsidies directly in his bank and, therefore, I welcome this Bill.

On behalf of Shiv Sena and on behalf of myself, I welcome this Bill.

SHRI RAM MOHAN NAIDU KINJARAPU (SRIKAKULAM): Thank you Chairman Sir for giving me an opportunity to speak on the Aadhaar Bill.

Sir, I stand here on behalf of Telugu Desam Party and our leader Nara Chandrababu Naidu garu and I would like to express my support to this Bill. Sir, being a young guy, a young person and a tech savvy person, I was really excited about this Bill. But then I thought to myself that I am not just a young man right now, I am a young parliamentarian. So, I have to go through the Bill, look at the pros and cons, advantages and disadvantages but still I would admit that this is a wonderful Bill which is required today for a country like India and for the problems that we are facing. I would like to requote what the other Members also have said before. हमारे पूर्व प्रधानमंत्री राजीव गाँधी जी ने एक बार बोला था कि सरकार से अगर एक रुपया आम आदमी के लिए जाता है तो उसके पास सिर्फ 15 पैसे पहुँचते हैं।

So, it is a matter of deep concern for the country and for the Government also. It has been 20 years since that happened, and we are fighting for the same concerns today.

Sir, I would like to mention once again that in India the problem has never been about good laws. It has never been about money. It has never been about good leaders also. It has always been about having good systems and good mechanisms in place to spend this kind of money, that too for the poor and everything. That is something which is the core essentiality of this Bill and what it targets. It also says that the Bill in itself is targeted for efficient delivery of financial and other subsidies, benefits and services. This is something which has been made keeping in mind the poor people, the people at the ground level in the villages, in the rural areas.

I would like to mention the fact that after the NDA has formed the Government under the leadership of hon. Narendra Modi Ji, he has come up with certain schemes, Digital India, the JAM trinity--Jan Dhan, Aadhaar and Mobile, and also concepts like 'Minimum Government and Maximum Governance'. So, if we integrate all these into one kind of scheme, I think this Aadhaar Bill is a very good representation of all these kinds of schemes. The ultimate benefit is also there for the poor people. That should be the utmost priority of any Government of India.

One of the main points that I would want to touch upon regarding this Bill is this. If we judge the Bill, what is the purpose of collecting this kind of data? What is the advantage of having this kind of system or this Bill or anything? It enables the Government to prevent fraud, corruption and also leakages that have been a huge matter of concern for the Government of India. If this gets into effect, on preliminary estimate, it is estimated that this could eliminate Rs.2,000 crore worth of paper. Sir, 300 million daily seekers of Government services will save at least two hours every day in availing these Government benefits. It could eliminate fraud in Government subsidies of at least Rs.50,000 crore every year. This is a humongous amount of money.

So, these are some of the important things that we have to keep in mind regarding the importance of this Bill, especially, the kind of amount of money that we save and the hassles that we remove. Governments after Governments have put in more systems and more people to ensure that their money is sent properly from the Central Government to the State Governments. उससे तो दिक्कतें बढ़ी हैं, पर कभी हमने सफलता हासिल नहीं की है। So, this Bill will ensure that the benefits reach to the ultimate individual. It is done in a very proper and secure way.

What all does it safeguard? We are all talking about taking finger prints, privacy issue and everything. I would like to take an example. मेरे पास एक फोन है। उस फोन में फिंगरप्रिंट स्कैनर रहता है। So, I use this finger print scanner. I thought that it is a very secured way of handling my phone. I use it. I do not know where the information is stored. I do not know where it goes and what it does but I have a good faith in my phone that it is giving me good amount of service. That is why, I have done that. Sir, if you see, if I travel out of this country and if I travel to any other place, my finger print is taken. Even my country takes the finger print and it does the iris scan. If I go to US, they do it when I enter their country which is an alien country to me. If I go to US or UK or any other country, they take it from security point of view, and I should not question that. If my Government is asking me to give my finger prints and my iris scan to give me such good benefits, then I should not be worried at all. That is what I want to tell the people of this country that when I am not questioning the phone authorities or I am not questioning the other countries which are taking these things, when my own country is asking me for giving me good benefits, for bettering the systems of the Government, then I should not be worried. That is what I want to tell the people of my country.

HON. CHAIRPERSON : Your time is five minutes. You have spoken seven minutes.

SHRI RAM MOHAN NAIDU KINJARAPU: Sir, please give me five more minutes.

Also, the only concern that I have is regarding Section 10 of the Bill. Sir, I will mention just two concerns and I will be done. Section 10 in the Bill says, "The Authority may engage one or more entities to establish and maintain the Central Identities Data Repository and to perform any other functions as may be specified by the regulations." One good thing which we have in this Bill is the protection system. Under Articles 28 to 47, they have got good legal systems in place to take action on anyone who is engaged with this data. But, here it does not mention what kind entities you have to engage with when somebody uses this data. Once you have done wrong, you have all effective systems in place. But why do you not ensure before hand that you have good system coming into effect? That thing has not been given much clarity.

My other point is that Article 47(1) is slightly a matter of conflict of interest. It says: "No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it." If I understand it in the right way it says that the authority has to complain on the authority itself. No other person will have any right to complain. So, this will be a conflict of interest when officer within the same authority is doing it on the authority. There has to be more clarity on this kind of a subject.

I would also like to mention some facts about the State of Andhra Pradesh. We have seen that Andhra Pradesh is the best performing State today in terms of Aadhaar, linking of Aadhar, Direct Benefit Transfer and the kinds of other schemes. We have established the e-PDS system at all fair price shops. They have all been electronically connected with the system. Today we are saving around Rs.800 crore per year, which have been going in leakages before. So, this is a very wonderful scheme.

The whole point of the scheme, if you see, is that it is not mandatory. That is the very good way of respecting the consent of individual and also the decision of the Supreme Court. Approximately 100 crore people have been registered to the Aadhaar Card right now and they are all very enthusiastic of linking up to a system which says that the Government of India is giving you a card, a representation. If you look at the ground level, no body has any kind of identity. They have the ration card, जिसमें सिर्फ नाम लिखा होता है। उसको ही अपना आई.डी. कार्ड लेकर घूमते रहते हैं। I would say that this is a good way of ensuring that they have a valid ID card. But the system has to be strengthened in future.

I have one more concern and I request you to please change the cameras of the ID card. हम अपना आई.डी. कार्ड बनाते हैं, फिर उसमें फोटो देखते हैं, we even do not identify ourselves with them. So, please change the cameras. Thank you, Sir.

SHRI JITENDRA CHAUDHURY (TRIPURA EAST): Thank you very much, Sir. Our Party CPM has a mixed reaction on this Bill. Of course, there have been some noble intentions in introducing this Bill like avoiding unnecessary delays and delivering benefits of Government schemes directly to the identified and targeted people.

I would like to mention here that I have some association with the implementation of Aadhar scheme. I was the Rural Development Minister in my State Tripura. I think Tripura is the first State which has enrolled more than 95 per cent of the adult population under the Aadhar scheme and linked it with the Direct Benefit Transfer scheme.

Sir, we have some observations also. There are some positive as well as some negative things. I want to mention the negative things first. I would like to remind the hon. Finance Minister that on July 4, 2015 he along with hon. Rural Development Minister released the provisional data of Socio-Economic Caste Census Report. The data released was not of the entire country but of rural households of only 500 districts of our country.

In that provisional data, it was revealed that out of 17.9 crore rural households, 56 per cent of the households are landless. It means that they do not have land in their possession. Then, 90.3 per cent of the rural households do not have a single salaried person in their family. They survive on casual or very unstable income. Around 10.69 crore families are deprived of all-weather houses. Out of these 17.9 crore households, 23.5 per cent families do not have even a single literate adult member. This is the Report of the Socio-Economic Caste Census from which the provisional data has been published by the hon. Finance Minister. So, before we go for Unique Identity Card (UID), the important thing is to conduct an impartial and authentic survey of families which are Below Poverty Line. It is very important to identify the people to whom the benefits of either MGNREGA or subsidy on LPG or any other scheme would go. So, a proper survey of BPL families and needy families should be conducted.

Further, there is a provision which says that if any person lives in the country for 182 days, he is entitled to have the Aadhar Card. What will it do? We are opening up the Pandora's box. By this anyone may come and claim for these benefits and subsidies, which will be credited to his account. So,

it requires the proper scrutiny.

That is why instead of hurrying it up, I request that this Bill may be sent to the Standing Committee for further consultation with public as well as Members of both the Houses of Parliament. Then, I am sure that we will be in a position to get the noble goal. Thank you, Sir.

SHRI KONDA VISHWESHWAR REDDY (CHEVELLA): Mr. Chairman, Sir, this Bill is important to the nation, but it has significant flaws and risks embedded in itself. But nevertheless, very reluctantly, we should pass this Bill.

Let me tell you why we are compelled, despite the flaws and risks embedded in the Bill, to support the Government on this Bill. It is important to the nation and it is extremely important to our State of Telangana. We are a newly formed State. We are a backward State. Except for the city of Hyderabad, we are, by and large, drought prone and there are poor farmers.

After forming the Government, our Chief Minister KCR has taken a two-pronged approach. One is the development and other is the welfare schemes. There are welfare schemes – Kalyan Lakshmi, Shaadi Mubarak, six-rupee rice scheme, two-bedroom scheme. There is a whole range of schemes for the handicapped, for the widows etc. That is what has made us closer to our people and they have the belief that we are going in the right direction. So, for all the schemes, we are already using the Aadhaar Card. It is benefiting us just as the Finance Minister mentioned how the LPG scheme is benefiting the nation.

Sir, the pilot project for Aadhaar was implemented in my constituency. Its office was in the Hitech city, Hyderabad. The officer in charge was actually my classmate. Both Andhra Pradesh and Telangana are utilizing it very well, but the efficiency of it has to be looked into. Right now, even in Andhra Pradesh, they are not fully using it, just as we do in Telangana. We use Aadhaar as well as an alternate ID like voter ID, but a significant portion is Aadhaar. If we migrate completely to Aadhaar, it has significant benefits. The risks are huge, but we are supporting the Government in this only because the immediate benefits are greater than the immediate risks. There are a lot of long term risks which we need to review at some other time. Let me go through them.

Sir, I am also an IT professional. I headed General Electric Company and Wipro as CEO and we implemented ID systems in the USA and in India, which are primarily for the health care and it is called the UHID. Let me point out the technical flaws. Typically, in ID systems, there are two risks - privacy and identity theft. None of the technological systems implemented prevented these two risks. So, the current system is biometric based. For implementation, the biometric merely says that these fingerprints belong to this face, but this face and these fingerprints are attributed to or associated with this personality. So, you need what is called as the minimum datasets and in the minimum datasets, some immutable characteristics of the person, besides the face and the fingerprints, have to be there. For example, mother's maiden name is a compulsory minimum dataset field because mother's maiden name cannot be changed and it is immutable. Similar is the birthday, but we do not record the birthday very well. So is the case with mother's age at the time of birth. These are immutable characteristics. These are some of the technological things. There are many, many more.

Secondly, for identity theft, basically, there is an identified mechanism and a de-identified mechanism. That is done through a mechanism. In UHID, it is called encrypted UHID. So, in Aadhaar, it will be encrypted Aadhaar. So, the sensitive information has to be de-associated with the identity and given on. In health care, if we are transferring health medical records, electronic medical records, the encrypted ID is associated with the clinical data and sent, but not my name and my address. These mechanisms are not there and it can be misused.

I think, clause 57 clearly establishes that it is not a Money Bill. We only wish it was introduced through a different route because it can be used for any other purpose where finance and money are not involved. It is very clear. I know that it will go to the Rajya Sabha, but Article 110 says that you have 14 calendar days. So, in 14 calendar days, it has to go there, they have to send their recommendations and it has to come back. If it is not going to happen, it is going to be pushed through. Let it be pushed through, but I hope that in the next sessions, we will revisit it because there are landmines and risks in it.

In the United States, it is called the Social Security Number and the Social Security Number is a skeleton key, which is able to unlock the kingdom of unrolled riches for identity theft. Just now, my friend said that Aadhaar helps the Government to eliminate fraud, but it also helps criminals to indulge in fraud through identity thefts. So, that is what we need to prevent.

It steals the central piece of data needed to hijack a credit or steal a health insurance and use it as human shields and generally wreck havoc. This is written by a columnist in the USA that : "Everyday, two branches of the US Government, the Executive and the Legislative, put our identities and sometimes even our life at risk because of mismanagement of the Social Security Number."

In a Bill, there are penalties if somebody steals identity or encroaches on privacy. A Bill may be good on paper, but it should be implementable on streets and in the agencies. This is the flaw. However much penalties are there, it may not be implemented well.

In 2008, the Defence Department in the USA ordered all branches of the US Military to stop using the Social Security Number for their soldiers because it was putting the US soldiers at risk. So, are we going to put our Indian soldiers at risk with this Aadhaar Number?

Another major risk is that the identity theft is more prone for children because children are given Aadhaar Number only after they go to school or may be they reach 18 years and things like that and not on the day they were born. So, in the US and other countries, more theft happens for the identity of children than for adults.

The other point that our friends from the BJD mentioned was about ethnic cleansing, genetic profiling and so many other issues that are there and about which we need to be very careful. Recently, the National Institute of Biomedical Genomics discovered that there are not two races in India, but there are three more races in India, namely, Austro-Asiatic, Tibeto-Burman and I do not know the scientific name for it, but this creates some of the problems.

Lastly, we recently passed the Enemy Property Bill and we called the enemy's children and grandchildren all enemies and they will be associated with ID cards and Aadhaar cards. These are the potential misuse as they will live their whole life with the social stigma. So, we have reservations, but we agree with the Government. Thank you, Sir.

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SHRI MEKAPATI RAJA MOHAN REDDY (NELLORE): Thank you, Mr. Chairman, Sir, for giving me an opportunity to speak on this important Bill, namely, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016.

The proposed legislation is a welcome move on the part of the Government as it provides statutory backing to Aadhaar, the unique identity number, through which there is a proposal to target delivery of subsidy, benefits and services. It is also laudable to establish Unified Identification Authority of India (UIDAI) and establishment of operation and maintenance of the Central Data Repository.

The Bill is expected to provide good governance, efficient, transparent and targeted delivery of subsidies, benefits and services, the expenditure of which will be incurred from the Consolidated Fund of India to individuals residing in India through assigning of unique identity numbers to such individuals.

Aadhaar legislation is hoped to be the most important ones in the recent times as it can be used to transform India's appalling quality of governance. It is unique in a way that it gives every resident an opportunity to possess a portable national identity and also because it anchors demographic attributes such as name or gender to biometric attributes.

When this unique identity will combine with the universalization of banking and communication through mobile phones, it is likely to be an historic opportunity to transform the leaky and corrupt distribution of welfare. It will also have an opportunity for the Government to transfer cash or food stamps instead of physical distribution of bags of fertilizers or sacks of rice that mostly never reach the concerned ones.

The proposed legislation is also likely to benefit in price distortions in the economy, and poor people most likely will be liberated from local power brokers. With the advent of new hybrid banks piggybacking on communications technology, every village may be brought within the ambit of formal financial system. This may also improve delivery of welfare to build support for reforms in markets like land and labour.

Since most of the Government's social security schemes and digital initiatives are critically dependent on use of Aadhaar, the unique identity number is likely to form the cornerstone of India's move towards a cashless economy along with the opening of bank accounts as part of Jan Dhan Scheme.

Aadhaar is also becoming the fulcrum of many Government projects, and one or few mistakes can demolish the trust, so extra care is needed. It has also become extremely useful for a variety of aspects and the most important is the ability to build credit histories.

However, there is a fear of misuse or stealing for profiling or spying on citizens. This has become a cause of worry for the people, which needs to be addressed. It is important to maintain confidentiality. The move to address privacy concerns is also welcome. But Aadhaar by itself cannot help in identifying beneficiaries. It has the name, age and biometrics of a particular individual and can help in identification, but it may not be able to tell if a particular person should be receiving Government subsidies or not. For this, it would be worthwhile if Aadhaar is linked to some other proof like BPL card. Moreover, it is seen that the people are not receiving the Aadhaar card after they change their particulars like change of address or other relevant details. In that case, the poor people suffer. The officials concerned need to be directed that they should handover the Aadhaar card to everyone, even if he or she has applied for change of particulars.

While it is a smart move to have a good infrastructural framework and delivering benefits to the poor people, it should not be mandatory for them to forego their freedom to avail these benefits. It is also believed that UID Authority

of India may find it difficult to capture the fingerprints of lakhs of workers like beedi workers or miners working in coalmines because of their nature of work, according to its own biometric authentication standards. Government needs to look into this issue; otherwise, the purpose will fail.

However, I welcome and support this Bill. Thank you.

श्री राजेन्द्र अग्रवाल (मेरठ): सभापति महोदय, आपने मुझे इस बिल पर बोलने का अवसर प्रदान किया, इसके लिए धन्यवाद। मैं अपनी बात का प्रारंभ पूर्व प्रधान मंत्री जी के कथन से करूंगा। राजीव गांधी जी ने यह बात कही थी, सारा देश इस बात का बार-बार उल्लेख भी करता है कि दिल्ली से एक रुपया चलता है लेकिन वहां 15 पैसे ही पहुंचते हैं। लेकिन स्वयं प्रधान मंत्री जी द्वारा अनुभव की गई इस बात को दुरुस्त करने की कोशिशें उनके द्वारा या उनकी पार्टी द्वारा चलाई गई सरकारों द्वारा नहीं की गई। यदि हम चाहते हैं कि वहां पूरे पैसे पहुंचें, तो दो चीजों की आवश्यकता होती है - व्यक्ति चाहिए और व्यवस्था भी चाहिए। यदि किसी सरकार के वित्त मंत्री ऐसे हों कि उनके परिवार के लोग, उनके पुत्र काले धन की व्यवस्था करने के लिए दूसरे देशों में इंताजाम करें, तो कोई भी कल्पना कर सकता है कि उस स्थिति में किस प्रकार रुपये का छीजन होगा, भ्रष्टाचार की क्या स्थिति होगी। मैं इस पर ज्यादा टिप्पणी नहीं करना चाहता। एक रुपये के 15 पैसे हुए, उसका एक कारण यह भी था जिसका मैंने अभी व्यक्ति के नाते उल्लेख किया। साथ ही व्यवस्थाएं भी बनानी पड़ती हैं। यदि व्यवस्थाएं नहीं होंगी तो ऐसे हो जाएगा जैसे ऊपर से पानी गिर रहा है, लेकिन घड़ा उल्टा रखा हुआ है तो पानी उसके अंदर नहीं पहुंचेगा। जब से नरेन्द्र भाई मोदी की सरकार बनी है, तब से पारदर्शिता का एक लक्ष्य लेकर प्रत्येक क्षेत्र में उस प्रकार की व्यवस्था बनाने की कोशिश हुई है।

जन धन योजना का उद्देश्य यही था कि देश के गरीब लोगों तक सरकारी मदद पहुंच सके, जिनको हम देश के विकास यात्रा में सहभागी बनाना चाहते हैं, जिनका हम साथ लेना चाहते हैं कि वह व्यवस्था से जुड़े, जो कुछ हम उन तक पहुंचाना चाहते हैं वह उन तक पहुंचे। उसी का दूसरा हिस्सा है कि उस व्यक्ति की पहचान स्पष्ट हो। यहां जिस बिल पर चर्चा हो रही है वह पहचान को लेकर हो रही है। हमने बैंक में खाते खुलवाए और अब पहचान को स्पष्ट करके टारगेटेड व्यक्ति तक सुविधा, लाभ और सब्सिडी को पहुंचाना चाहते हैं, यही इस बिल का उद्देश्य है। इस व्यवस्था के अभाव में

वया हुआ? मन्त्रेणा की बहुत चर्चा होती है, व्यवस्था के अभाव के कारण ही मन्त्रेणा भ्रष्टाचार के लिए ज्यादा प्रसिद्ध हुई। पीडीएस के बारे में मैं एक छोटा सा उदाहरण देना चाहता हूँ क्योंकि समय बहुत कम है। नएसएसओ के 68वें सत्र के अनुसार पीडीएस में 2011-12 का आंकड़ा है, इसमें लगभग 46.7 हिस्सा उस व्यक्ति तक नहीं पहुँच पाता जो उसका पात्र था। समस्याएं हैं और उनको दूर करने का एकमात्र उपाय है कि आइडेंटिफिकेशन हो और यह उस व्यक्ति तक चीज पहुँचे और उसकी सहभागिता देश की विकास यात्रा के अंदर हो सके। कांग्रेस के मित्रों का कहना रहता है कि ये सब चीजें उन्होंने शुरू की हैं, गरीबी हटाओ का कार्यक्रम उन्होंने शुरू किया था। वह अभी तक दूर नहीं हो पाई वह अलग विषय है। वह खुश रहें, इस पर हमें कोई एतराज नहीं है। जगजीत सिंह ने एक गजल गाई है " तुम इतना जो मुस्कुरा रहे हो, वया गम है जिसको छुपा रहे हो " गम तो बहुत गहरा है, सारा देश इस गम को जानता है, सब जानते हैं इसको कठने की जरूरत नहीं है, चूंकि आप गहरे गम में हैं इसलिए खूब मुस्कुराने का आपको हक है, मुझे इसमें कोई एतराज नहीं है। सभापति जी, जीएसटी बिल को लोक सभा ने पास कर दिया है तब भी स्टैंडिंग कमेटी में इसे भेजने के तर्क दिए गए थे। सभी को याद होना कि इसका किस प्रकार उतार दिया गया था। जिस चीज के बारे में स्टैंडिंग कमेटी ने स्पष्ट रूप से उतार दे दिया था, उनको भी पुनः स्टैंडिंग कमेटी में कांग्रेसी मित्रों द्वारा भेजने को कहा गया। उनका विषय चलता रहता है।

यह बात सही है कि भ्रष्टाचार से मुक्त गरीब आदमी को समर्पित सरकार की सफलताएं उनको हजम नहीं हो पा रही हैं कि हम क्यों नहीं कर पाए। इसलिए नहीं कर पाए क्योंकि न उनके पास वैसा व्यक्ति था न उनके पास वैसी व्यवस्था थी। समय 2.40 होने वाला है और साढ़े तीन बजे तक इस बिल को पारित भी होना है। मैं केवल एक शेर कहकर अपनी बात समाप्त करूँगा। मेरे कावित भी परेशां हैं, जब भी वह वार करते हैं, मेरे चाहने वालों की दुआ से खंजर टूट जाते हैं। आपने बोलने का अवसर दिया आपका बहुत-बहुत धन्यवाद।

श्री जय प्रकाश नारायण यादव (बाँका) : सभापति महोदय, मैं आधार कार्ड के बिल पर बोलने के लिए खड़ा हुआ हूँ। माननीय वित्त मंत्री जी और माननीय राज्य मंत्री बैठे हुए हैं, जो संसदीय व्यवस्था और परंपरा है इसमें कोई जल्दबाजी नहीं होनी चाहिए कि आज ही इस बिल को पास किया जाए। इसमें सभी की सहमति हो, बिल में पारदर्शिता हो और जो अंतिम जन है उसको यह महसूस हो कि कोई हमारे साथ बिचौलिया चालाकी नहीं कर सके, हमारे हाथ की संपत्ति हमारे हाथ में रहे, आधार कार्ड मेरे हाथ में रहे, उसकी गोपनीयता भी बनी रहे और कोई फर्जीवाड़ा न हो, यह पहले से चल रहा था। इसे स्टैंडिंग कमेटी में भेजा जाता तो कोई आपत्ति की बात नहीं थी। इस डाटा को हम कैसे कन्फिडेंशियल रखेंगे, इसे कौन कलैवट करेगा, डाटा कहाँ से कलैवट होगा। इन चीजों को भी देखना पड़ेगा, नहीं तो कई तरह की परेशानियाँ पैदा होंगी। इसके साथ-साथ नागरिकों की भी आजादी बनी रहे, क्योंकि गरीब, किसान, अशिक्षित को कई चीजों की जानकारी नहीं रहती इसलिए कोई न कोई चालाकी कर सकता है। इसके लिए आपको सूचना तंत्र को मजबूत करके डाटा को किसी सुरक्षित जगह पर रखना चाहिए। अगर ऐसा नहीं किया गया, तो उसके नतीजे उल्टे हो सकते हैं।

अब मेक इन इंडिया, डिजिटल इंडिया और अच्छे दिन की बात हो रही है, तो यह सही है। लेकिन जन-धन योजना की जब बात होती है, तो यह सरकार उसे कोई आसमान से टूटकर नहीं लायी है। वैसे तो मन्त्रेणा का भी पैसा जमा हो रहा था। लेकिन इन सब बातों को यहां कहां जाता है। ये चीजें हमारी पहचान हैं। लेकिन ये गजल के माध्यम से अपनी बात कहते हैं कि इन्हें क्यों बुरा लगता है? हमें बुरा नहीं लगता, क्योंकि सब अच्छे दिन चाहते हैं। सब चाहते हैं कि अच्छे दिन आयें, लेकिन धीरे-धीरे मेक इन इंडिया की जगह बैंक इन इंडिया की बात जा रही है। यह भी खतरनाक है।

सभापति महोदय, आधार कार्ड विधेयक जो माननीय वित्त मंत्री जी ने प्रस्तुत किया है, उसे हम ठीक मानते हैं लेकिन इसकी पहचान बनी रहनी चाहिए। इन्होंने शब्दों के साथ में अपनी बात समाप्त करता हूँ। धन्यवाद।

श्री कौशलेन्द्र कुमार (नालंदा) : माननीय सभापति महोदय, आपने मुझे आधार कार्ड (वित्तीय और अन्य सहायिकियों, प्रसुविधाओं और सेवाओं का लक्षित परिदान) विधेयक, 2016 पर बोलने का मौका दिया, उसके लिए आपका बहुत-बहुत धन्यवाद।

14.42 hours (Hon. Speaker in the Chair)

मैं इस विधेयक का समर्थन करता हूँ और इसके साथ ही मैं सरकार को कुछ बिन्दुओं पर विशेष ध्यान देने का आग्रह भी करूँगा। मुख्य विषय यह है कि किसी व्यक्ति की व्यक्तिगत जानकारी का उजागर होने से बचने की बात है। अगर यह व्यवस्था इस बिल में नहीं होगी, तो संविधान के प्रदत्त नागरिकों के मूल अधिकार का सीधा-सीधा उल्लंघन होगा। अतः सरकार सुनिश्चित करे कि किसी भी नागरिक की व्यक्तिगत जानकारी का किसी भी स्थिति में किसी प्रकार का दुरुपयोग न हो।

मैं माननीय उच्च न्यायालय के आदेश की तरफ भी आपका ध्यान आकृष्ट करना चाहता हूँ, जो आधार कार्ड के ऊपर टिप्पणी की गयी है। अतः इन विषयों को भी ध्यान में रखना होगा। जहां तक आधार कार्ड हर नागरिक को मिलने का सवाल है, तो कई राज्यों में यह काम काफी हद तक पूरा हो चुका है। बिहार में यह काम लगभग 80 प्रतिशत पूरा हो गया है। अतः यह सुनिश्चित करना होगा कि देश के हर नागरिक को आधार कार्ड उपलब्ध हो और नःशुल्क उपलब्ध हो।

सरकार कुछ नियमों में बदलाव कर फर्जीवाड़ा करने वाले नागरिकों पर दंड का प्रावधान कर रही है। उस पर विशेष रूप से चर्चा होनी चाहिए, किसी विशेष परिस्थिति में इसका दुरुपयोग न हो और हमारे देशवासी किसी प्रकार से तंग-तबाह न हो। सरकार आधार कार्ड का डाटा कम्प्यूटर पर रखे और उसे इंटरनेट से जोड़े। इसके साथ-साथ इस डाटा पर कोई हथ न साफ कर दे, इसे भी सरकार सुनिश्चित करे, क्योंकि आधार ही हर व्यक्ति की बायोमीट्रिक सूचनाएं एवं उनके पूर्वजों तक की जानकारियां रखती है।

अतः कोई भी व्यक्ति इन जानकारियों का दुरुपयोग न कर सके, इसके लिए डाटा को सुरक्षित रखना एक अहम कार्य है। सरकार इसे पूरी तरह सुरक्षित रखने की व्यवस्था करे। इन्होंने शब्दों के साथ में अपनी बात समाप्त करता हूँ और मैं माननीय मंत्री जी से व्यक्तिगत रूप से कहूँगा कि इस विधेयक को स्टैंडिंग कमेटी में भेजा जाये और दूसरे लोगों से चर्चा की जाये। धन्यवाद।

SHRI ASADUDDIN OWAISI (HYDERABAD): Madam Speaker, I stand to oppose the Bill for various reasons which I will list out right now.

Is Aadhaar mandatory? Justice A.P. Shah Committee of Experts on Privacy recommended that the Bill should specify whether an individual has the right to opt in or opt out of providing their Aadhaar number and the service should not be denied to individuals. The UIDAI said that this is voluntary. But if you read section 7, it makes Aadhaar mandatory. I want the hon. Minister to please enlighten me on this. Section 7 says that if anyone does not have an Aadhaar card, he will be offered alternate and viable means. What does 'viable' mean? Is it viable to you or viable to me? The third point is, UIDAI has suggested that construction and mining workers should be put in the list of exceptions. You have done it and you have made Aadhaar compulsory for them. It was rightly said by the Congress Member as to what is the definition of national security? It is a very subjective understanding which the Government can use against anyone.

Clause 32(1) and Clause 54(w) mention time period for maintaining authentication records. This will be completely misused for activities or profiling individual behaviour.

Section 33(1) speaks about disclosure of demographic information and that too by a District Judge. But no such order shall be made without giving an opportunity of hearing to UIDAI, but not to the person whose data has been disclosed. It means I will not be given an opportunity.

Section 33(2) can be misused and will lead to continuous surveillance without any notification to the user even after surveillance ceases,

violating one of necessary and proportionate principles of communication surveillance.

This Bill lacks provision of giving notice to a person in case of breach of information in case of third party, use of data or change in purpose of data which were among the provisions recommended by Justice Shah Committee on privacy. If there is a breach, the provisions are so weak that the complaint against the disclosure will go to adjudicatory authority who can be IT Secretary in the State who has no knowledge of law, no courts are there and no infrastructure is there. Let me give a classic example. The Cyber Appellate Tribunal has not been made operational in last three years. Civil remedies offered are mere illusionary.

As per section 31, if I want to correct my record, my name or my caste, I can only request the UIDAI authority and the authority has to be 'satisfied'. It is again very subjective. There is no penalty on Authority if it fails to respond. The Bill does not provide for a user even to be able to approach the Court, to ask for his information to be corrected in Aadhar Card.

As for renewal of request for disclosure, data will be revised by a Committee of Cabinet Secretary. The earlier Committee had the nominees of the Prime Ministers, the nominees of the Leader of the Opposition and three nominees of Union Cabinet. That would have been a much tighter control. Let me give you a classic example. We celebrate Women's Day. The Supreme Court has said, 'Allow dance bars in Mumbai.' The Supreme Court also said that the right to privacy of people, who patronize dance bars, has to be protected. It is amazing. What about people outside who don't go to dance bars? We should have brought a Bill in this Parliament saying this is the Right to Privacy and Right to Privacy is a Fundamental Right. We have left it to the Supreme Court.

John Locke rightly said, "The end of law is not to abolish or restrain, but to preserve and enlarge freedom." Last week, we came to know that our public sector banks have written off Rs 1.4 lakh crore loans to corporates. What we are giving as subsidies are crumbs to the poorest of the poor and we are worried about the leakage. How would you stop the leakage of this corporate loot?

Lastly, Clause 7 authorizes the Central and State Government to make conditionality for any person to undergo Aadhar authentication for availing a

service. To file an FIR, I will have to go for Aadhar authentication. To go to AIIMS or Safdarjung hospital, Aadhar authentication is needed. That is why I am of the opinion there are a lot of problems in this Bill. This should be referred to the Standing Committee. Mark my words; we are midwifing a police State. Mark my words. That is why I stand to oppose it. Thank you.

SHRI S.P. MUDDAHANUME GOWDA (TUMKUR): Hon. Speaker Madam, this Bill was originally initiated by UPA under the able leadership of Shrimati Soniya Gandhi and Dr. Manmohan Singh. If it had been adopted by this Government as it is, we would not have had any objections. But you have brought some amendments to this Bill. Who should obtain Aadhar? That is the question. If you read Section 3, every resident shall be entitled to obtain Aadhar. That is the word used. Instead of that, what I am thinking of is why we can't insert 'every resident shall obtain an Aadhar number?' It is because what is happening is that an Aadhar Card holder need not be a PAN Card holder but every PAN Card holder should hold an Aadhar Card.

The hon. Supreme Court in a judgement has held that Aadhaar Number is absolutely not mandatory for opening bank accounts or getting phone connection etc. The very purpose of this Bill will be defeated if everyone in this country is not issued an Aadhaar Card. This will give an account to the country by which it can ascertain or get information regarding the number of citizens and their details. Everything can be obtained if it is made mandatory. The word 'shall be' should be used instead of 'may be' entitled to.

I seek your indulgence to Section 5 which says:

"The Authority shall take special measures to issue Aadhaar number to women, children, senior citizens, persons with disability, unskilled and unorganised workers, nomadic tribes or to such other persons who do not have any permanent dwelling house and such other categories of individuals as may be specified by regulations. "

I agree with it but you have not specifically mentioned the special measures you are adopting to see that everybody obtains Aadhaar Number.

In the same tenor in Section 9 you are saying:

"The Aadhaar number or the authentication thereof shall not, by itself, confer any right of, or be proof of, citizenship or domicile in respect of an Aadhaar number holder. "

On the one hand you are adopting some special measures to see that people mentioned under Section 5 are issued with the Aadhaar Number and on the other hand you are also telling that it will not confer any right of citizenship or domicile to the persons holding Aadhaar Number.

In the original Bill, which the UPA had brought, there was a provision for a Review Committee. A Review Committee is absolutely required. There are some flaws. There is absolutely nobody to review the decision taken by this authority. That is why a Review Committee is necessary. It should have been formed so that if something wrong is done by this Committee or if the Government wants to have its hand in this, through Review Committee the Government can assess the situation and can rectify any mistake committed by this authority. A provision regarding the constitution of a Review Committee, which was originally inserted in the Bill brought by the UPA Government, has been deleted in this Bill.

I wanted to bring some other factors but because of the time constraint I would like to make one last point. I would like you to refer to Section 33, which says:

"Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a District Judge: "

Madam, only the District Judge has got a right to get information or disclosure of information. If you look at Section 47, it says:

"(1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act. "

Chapter 7 deals with some of the punitive provisions. According to that even if there is some unauthorised disclosure by an officer then a Chief Judicial Magistrate or a Chief Metropolitan Magistrate can try that offence, whereas under Section 33 it has been mentioned that a judge not below the rank of a district judge has got right to get information about the card holders. There is some anomaly. Please look into it. The Supreme Court has interfered in some Aadhaar Card matters. That should not happen again as it will definitely be subjected to the scrutiny by the Supreme Court and that is why we must take utmost care while deliberating it. As my senior friends have said, I also urge upon this Government to see that this Bill is referred to the Standing Committee so that this Bill can be discussed more effectively.

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):
Madam, I am extremely grateful to the hon. Members who have spoken at length on this Bill.

I may just add one observation with regard to a suggestion made by several Members. They have asked what is the hurry and urgency. Why should it not go to a Committee? This idea was first conceived by the UPA in 2009.

It is seven years since then. Except for some questions with regard to privacy and disclosure of information which have been raised which I will just answer, most speakers have actually supported this Bill. This gives us an opportunity to really analyse to ourselves including myself who may be responsible for this that the principle purpose of this Bill is to empower the State to distribute the resource of the State to the deserving people and save revenue so that it does not go to undeserving people.

A Bill on which there is almost a near consensus barring one or two discordant voices, it must take us seven years before we can legislate. We have already gone through in some form or the other through the Committee process also. The fact that we have gone through seven years itself is a good reason that now enough is enough and we must go ahead and pass this Bill.

The effect is going to be that both the Central Government and the State Governments are going to save thousands of crores of rupees after having serviced and served the poor people and these thousands of crores rupees that they will save from the undeserving people are further resources which can go to the advantage of serving those people. So, there is an element or urgency as far as this Bill is concerned.

Madam, the speakers from the Congress Party have raised several issues. I would just deal with some of the important ones. In substance I found that there was no principle objection to the idea of Aadhaar. After all it was the Congress Party which conceived of it. They perceived it in a Bill which provided for the establishment of an authority and they gave this idea of a unique identity. What we will do with that unique identity number, the Bill did not speak of it. So, it said that there shall be a unique identity authority; it will issue an Aadhaar number; and there will be biometrics. So identification and personality of each individual and its special features will be identified but to what purpose it will put to use, the Bill did not conceive of that. That is probably the reason that Members had apprehension as to why you want this. The courts also had apprehensions. The citizens' groups had apprehensions and this whole debate of secrecy and privacy arose.

Learning from that experience, we have improved upon that idea and the improvement upon that idea is that the principle purpose of this Bill and the focus of this Bill is now shifted. It is because at the end of the day what are our subsidies? Subsidy is an amount which a Government gives from its own revenues to service the poor and vulnerable sections of the people. But the problem with the subsidy is that it can become an unquantified amount which is given to an unidentifiable section of people.

Till a few months ago if not a year or two ago, people like me were also receiving an LPG subsidy. If I go and buy kerosene, I am entitled to a subsidy. Every time I filled up petrol in my car two-three years ago, I was getting a subsidy from the State.

15.00hours

Every time I bought diesel, I was getting a subsidy. Now, the question which arises is, are people like me who are completely undeserving in this matter should even one rupee of the State be spent on me or should it be spent on the poor and the vulnerable? The answer is very clear. It should be spent on the poor and the vulnerable. Therefore, borrowing from the UPA idea of having a unique identity we have shifted the focus and the focus is that subsidies must now be targeted. Nobody should be able to get it twice over or four times over. You should be able to identify the people who get it and those people in a targeted manner must get the benefit and we have shifted the focus and the focus is that subsidies must now be targeted. Nobody should be able to get it twice over or four times over. You should be able to identify the people who get it and those people in a targeted manner must get the benefit and those who are undeserving must be phased out. The Government and the State will save resources and these resources must further be spent for the welfare of those people who deserve it. That is the principal object. Therefore, why it becomes a

Money Bill, in our submission, that is for the hon. Speaker to take a final view. Under article 110(c) any money going into the Consolidated Fund of India or coming out of Consolidated Fund of India, any legislation that deals with it is substantively a Money Bill. Now, the question was that if there is additional machinery which is being created for enforcement of that, predecessor hon. Speakers had taken a view that machinery is incidentally created, principal purpose is the spending of the money and the targeting of that money in a particular manner so it does not lose its character as a Money Bill. If it is a Money Bill, it must follow the procedure of a Money Bill. Now, if the Congress Party wanted the credit that they gave birth to this idea and they want a copyright on this idea, I give them the benefit of that copyright. That should be a good reason that they should support this Bill. So, please do not oppose a Bill, do not even delay a Bill which you say you gave birth to. It is a coincidence of history that we have the opportunity and privilege of finally being put into Government but any Government, the Congress is in power in many States and it will benefit the Congress ruled States. Hon. Members from Telengana have said how effectively they are using this instrument; hon. Members from the TDP have said how effectively they are using this instrument. From the State of West Bengal to the State of Karnataka, it is going to help each and every State. Money Bill is a rule, whether it is the General Budget or the Railway Budget. Money Bill has a particular procedure in the Constitution. You do not by-pass a particular House. It goes to the other House and it is discussed there and that House votes upon in some Bills and gives its advice and suggestions as far as Money Bills are concerned.

An hon. Member mentioned that this Government scrapped the Unique Identity Authority and Shri Nilekani was forced to go out. We did not scrap the authority. We did not request Shri Nilekani to go out. In fact, much before we were voted to power, he decided to join the Congress Party and contest as a Congress candidate. So he had to resign from a public office. The hon. Members from the Congress may correct their facts as far as that is concerned. I must say to the credit of Shri Nilekani who struggled for five years to see this come through and today at least he is having the last laugh and he is writing articles and saying at least somebody has accepted my idea and this is going to be good for the system. So, if the hon. Members from the Congress wanted his certificate, I think, they already have it as far as this Bill is concerned.

Madam Speaker, two to three other points have been made. How do we get everybody to join? Ninety-seven per cent of the Members are already adults. Children will have to join in a big way. That will take some time. On an average, everyday, five to seven lakh people are joining this. Therefore, time is not very far way when everybody will join in. One of the hon. Members mentioned as to why the Government have said that a person is entitled to. This is exactly the language which was there in the original UID Bill also. You entitle a person and that entitlement enables him to seek subsidy. But for the purpose if he wants a benefit, then he needs to produce this identity. Now the principal issue is, is privacy or security going to the affected? I am not getting into this privacy debate which is before the Supreme Court. It is because a conservative Supreme Court in the 1950s and 1960s had said that privacy is not a Fundamental Right. Subsequently some judges took a view that it is a Fundamental Right. They will resolve that legal issue. But if you look at the Bill, you will find that we have added a whole chapter which is Chapter VI. Chapter VI deals with Secrecy and confidentiality of information. It is very different from what it was in the earlier Bill. The authority shall ensure secrecy, identity of information and authentication of individuals. Then the whole procedure is given.

If you see Section 8, you can find that some data can be shared with the consent of the individual. But biometrics cannot be shared even with his consent. If a person says that his biometrics may be given to any other person, it cannot be shared and so, we have taken a protection against that provision.

Section 29 puts a restriction on sharing of biometrics. No core biometric information collected under this Act shall be shared with anyone for any reason whatsoever. So, there is a complete protection as far as biometric secrecy is concerned.

Shri Satpathy wanted to know whether DNA can be a part of it. The Act does not say so. Regulations can expand it but if ever regulations expand it, the regulations will have to be Tabled here and this House will have the right then to accept those regulations or not because there is a procedure for it. There is a parliamentary control over regulations itself.

Then Shri Owaisi had put a question. He is not here now. These days, Madam, it has become very fashionable that when any action takes place in a college or somewhere, you say that democracy is in danger, and we are becoming a Police State. Why are we becoming a Police State? It is because we are having information about our own people. So, we become a Police State. With whom will it be shared? Section 29(3) says:

"No identity information available with a requesting entity shall be—
(a) used for any purpose, other than that specified to the individual at the time of submitting any identity information for authentication;"

So, information cannot be used for any purpose. Then biometrics shall be stored in a particular manner that you create fire walls around it so that there is no leakage which is possible.

Now, what if a court wants it? I cannot bar the powers of courts. If a court wants it, it has to be somebody above a District Judge who has to ask for that information. Now, you mentioned whether there is going to be a review or not. If the disclosure of information is going to be made for some purpose, there will be a specially directed Joint Secretary like officer and every decision he takes will be reviewed by a Committee headed by the Cabinet Secretary. It is exactly the suggestion that you had made. So, that is also protected for.

Therefore, there is a lot of care which has been taken to make sure that information does not get leaked out as far as informants are concerned.

The hon. Member from Shiv Sena, Shri Sawant, wanted to know as to what is going to be the impact as far as citizenship is concerned. Section 9 itself very clearly mentions in this Bill that since it applies to residents, there is a declaration in law and it does not confer any rights of citizenship on a person of whom the aadhar card is there. The law itself clearly states it.

Section 57 is regarding whether the aadhar card number can be used by any other authorities. I cannot bar other authorities. For instance, if the RBI were to have under its Act a provision that for a bank account, you need a card or for an admission to a Government college, you need a card for identity, or to establish some other proof, you need a card, the Act does not debar that itself.

Private agencies at times, take thumb impression, etc. Even those have been protected as secret information under this Act. So, even if a private agency takes it cannot leak it out. So, the question of fear which the hon. Member, Shri Satpathy, has that it can be used for some form of ethnic cleansing and so on, I do not think is correct.

Shri Owaisi mentioned a point that if disclosures are to be made only on grounds of national security, national security is not defined. I do not think there is any legislation in India which defines national security. Threats to national security may vary from time to time. The National Security Act did not define what national security is but it is for the courts then to interpret on the user for national security. In liberal democracies like England, the word 'national security' is not defined under any Act. But everybody in the given context understands what national security is. I only want to inform this House that the purpose of this Bill is not to identify people for some collateral purpose, but to make sure that the benefits of public revenue reach the right people. That is the only purpose of this Bill at present.

Therefore, I commend this Bill to this House for acceptance.

HON. SPEAKER: The question is:

"That the Bill to provide for, as a good governance, efficient, transparent and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto, be taken into consideration. "

The motion was adopted.

Clause 2 Definitions

HON. SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

Shri Tathagata Satpathy, are you moving your amendment?

SHRI TATHAGATA SATPATHY: Yes, I am moving the Amendment No. 14 to Clause 2. I beg to move:

Page 2, lines 17 and 18, --

omit ", or other such biological attributes of an individual as may be specified by regulations". (14)

HON. SPEAKER: I shall now put Amendment No. 14 to Clause 2 moved by Shri Tathagata Satpathy to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shri N.K. Premachandran – not present.

Shri Rajeev Satav, are you moving your amendment?

SHRI RAJEEV SATAV : Yes, I am moving the Amendment No. 42 to Clause 2. I beg to move:

Page 3, for lines 9 to 11, --

Substitute '(v) "resident" means an individual who has resided in India for a period of three hundred and sixty-five days immediately preceding the date of application for enrolment;'. (42)

मैंडम, मामला इतना ही है कि इस अथॉरिटी में फुल टाइम और पार्ट टाइम वेयरमैन की नियुक्ति के बारे में लिखा गया है, तो आप फुल टाइम के लिए क्यों नहीं कर रहे हैं? दूसरे, आप जो डायरेक्शंस इश्यू कर रहे हैं, जितना डिसवलोजर होगा, क्या आप उसे पब्लिश करेंगे?

HON. SPEAKER: I shall now put Amendment No. 42 to Clause 2 moved by Shri Rajeev Satav to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shri B. Vinod Kumar – not present.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 Aadhar Number

HON. SPEAKER: Shri N.K. Premachandran – not present;

Shri B. Vinod Kumar – not present.

The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

**Clause 5 Special measures for issuance
of Aadhaar number to certain
category of persons**

HON. SPEAKER: Shri N.K. Premachandran – not present.

The question is:

"That clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 and 7 were added to the Bill.

Clause 8 Authentication of Aadhar Number

HON. SPEAKER: Prof. Saugata Roy – not present.

Shri Tathagata Satpathy, are you moving your amendment?

SHRI TATHAGATA SATPATHY (DHENKANAL): Yes, I am moving Amendment No. 15 to Clause 8.

I beg to move:

Page 4, lines 26 and 27, --

omit "in such manner as may be specified by regulations". (15)

HON. SPEAKER: I shall now put Amendment No. 15 to Clause 8 moved by Shri Tathagata Satpathy to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shri B. Vinod Kumar – not present.

The question is:

"That clause 8 stand part of the Bill".

The motion was adopted.

Clause 8 was added to the Bill.

**Clause 9 Aadhar Number not evidence of
citizenship or domicile, etc.**

HON. SPEAKER: Shri B. Vinod Kumar – not present.

The question is:

"That clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 Central Identities Data Repository

HON. SPEAKER: Prof. Saugata Roy – not present.

The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clause 12 Composition of Authority

HON. SPEAKER: Shri Rajeev Satav, are you moving your amendment?

SHRI RAJEEV SATAV: Yes, I am moving Amendment No. 43 to Clause 12. I beg to move:

Page 5, line 14, --

Omit "part-time or". (43)

HON. SPEAKER: I shall now put Amendment No. 43 to Clause 12 moved by Shri Rajeev Satav to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

"That clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

**Clause 14 Term of office and other conditions
of Service of Chairperson and Members**

HON. SPEAKER: Prof. Saugata Roy – not present.

The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15 Removal of Chairperson and Members

HON. SPEAKER: Shri N.K. Premachandran – not present.

The question is:

"That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 Restriction on Chairperson or Members on employment after cessation of office

HON. SPEAKER: Prof. Saugata Roy – not present.

The question is:

"That clause 16 stand part of the Bill".

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17 to 22 were added to the Bill.

Clause 23 Powers and functions of Authority

HON. SPEAKER: Prof. Saugata Roy – not present.

Shri Tathagata Satpathy, are you moving your Amendments Nos. 16 & 17 to Clause 23?

SHRI TATHAGATA SATPATHY: No, Madam, I do not press my amendment.

HON. SPEAKER: Shri N.K. Premachandran – not present.

Shri Rajeev Satav, are you moving Amendment No.44 to Clause 23?

SHRI RAJEEV SATAV: Yes, I am moving my Amendment No.44 to Clause 23. I beg to move:

Page 8, *omit* lines 47 and 48. (44)

HON. SPEAKER: I shall now put Amendment No. 44 to Clause 23 moved by Shri Rajeev Satav to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

"That clause 23 stand part of the Bill".

The motion was adopted.

Clause 23 was added to the Bill.

Clauses 24 and 25 were added to the Bill.

Clause 26 Accounts and audit

HON. SPEAKER: Shri Rajeev Satav, are you moving your Amendment No.45 to Clause 26 ?

SHRI RAJEEV SATAV : No, I do not press my Amendment to Clause 26.

HON. SPEAKER: The question is:

"That clause 26 stand part of the Bill".

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27 Returns and annual report, etc.

HON. SPEAKER: Shri Rajeev Satav, are you moving Amendment No.46 to clause 27?

SHRI RAJEEV SATAV: Yes, I do not press my amendment.

HON. SPEAKER: The question is:

"That clause 27 stand part of the Bill".

The motion was adopted.

Clause 27 was added to the Bill.

Clause 28 Security and confidentiality of information

HON. SPEAKER: Prof. Saugata Roy – not present.

Shri Rajeev Satav, are you moving Amendment No.47 to Clause 28?

SHRI RAJEEV SATAV: Yes, I am moving my amendment. I beg to move:

Page 10, *for* lines 22 to 24,--

substitute "(b) ensure that the agencies, consultants, advisors or other persons appointed or engaged for performing any function of the Authority under this Act work on masked IDs in place of actual Aadhaar IDs and only the Authority shall have the unique key linking masked IDs to Aadhaar IDs; (47)

HON. SPEAKER: I shall now put Amendment No. 47 to Clause 28 moved by Shri Rajeev Satav to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

"That Clause 28 stand part of the Bill".

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29 Restriction on sharing information

HON. SPEAKER: Shri Tathagata Satpathy, are you moving your Amendment No. 18 to Clause 29?

SHRI TATHAGATA SATPATHY: No, Madam, I do not press my Amendment.

HON. SPEAKER: Shri N.K. Premachandran – not present.

The question is:

"That Clause 29 stand part of the Bill".

The motion was adopted.

Clause 29 was added to the Bill.

Clause 30 was added to the Bill.

**Clause 31 Alteration of demographic information
or biometric information**

HON. SPEAKER: Shri N.K. Premachandran – not present.

Shri Rajeev Satav, are you moving Amendment Nos. 48 and 49 to

Clause 31.

SHRI RAJEEV SATAV : No, I do not press my Amendments.

HON. SPEAKER: The question is:

"That Clause 31 stand part of the Bill".

The motion was adopted.

Clause 31 was added to the Bill.

Clause 32 was added to the Bill.

Clause 33 Disclosure of information in certain cases

HON. SPEAKER: Shri Tathagata Satpathy, are you moving your Amendment No. 19 to clause 33?

SHRI TATHAGATA SATPATHY : I wish, I hope and I pray, Madam with folded hands that you would say good this time to me also that you were telling our junior colleague from Congress. Can I have half a minute? I beg to move:

Page 11, line 44,--

after "Authority"

add" and permission from the individual whose data is to be disclosed". (19)

Madam, this one, I am moving. I am only adding – after line 44, which says – provided that no order by the court and this sub-section shall be made without giving an opportunity of hearing to the authority. I am adding – and "permission from the individual whose data is to be disclosed."

Madam, you might know, there is a pharma company which is carrying out very many tests across many States of India. It is giving tablets to girls from the age of seven to 14 – for seven years continuously. It is saying that if girls pre-puberty and post-puberty take this tablet for seven consecutive years, then, at a later stage, they will not have Cancer of the ovary. This is a claim. Nobody knows because this test was started about one and a half years ago. Nobody knows what is the truth? Things like Aadhaar Card would be utilized by such companies to collect data about individuals. So, my request to the Government is that this addition, without any ego problem, and permission from the individual use data is to be disclosed may be added, if found fit. Thank you, Madam. I do not press my amendment.

HON. SPEAKER: Shri N.K. Premachandran – not present.

Shri Rajeev Satav, are you moving Amendment No.50 to Clause 33?

SHRI RAJEEV SATAV : In this Amendment, the only request to the Government is that they should publish a report of total number of directions issued under this sub-section. I am moving my amendment. I beg to move:

Page 12, *after* line10,--

add"Provided also that the Government shall publish a report summarizing the total number of directions issued under this sub-section.". (50)

HON. SPEAKER: I shall now put Amendment No. 50 to Clause 33 moved by Shri Rajeev Satav to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shri B. Vinod Kumar – not present.

The question is:

"That clause 33 stand part of the Bill".

The motion was adopted.

Clause 33 was added to the Bill.

Clause 34 Penalty for impersonation at time of enrolment

HON. SPEAKER: Prof. Saugata Roy – not present.

The question is:

"That clause 34 stand part of the Bill".

The motion was adopted.

Clause 34 was added to the Bill.

**Clause 35 Penalty for impersonation of Aadhar number
holder by changing demographic information
or biometric information**

HON. SPEAKER: Prof. Saugata Roy – not present.

The question is:

"That clause 35 stand part of the Bill".

The motion was adopted.

Clause 35 was added to the Bill.

Clause 36 Penalty for impersonation

HON. SPEAKER: Prof. Saugata Roy – not present.

The question is:

"That clause 36 stand part of the Bill".

The motion was adopted.

Clause 36 was added to the Bill.

Clause 37 Penalty for disclosing identity information

HON. SPEAKER: Prof. Saugata Roy – not present.

Shri Rajeev Satav, are you moving Amendment No.51 to clause 37?

SHRI RAJEEV SATAV: I do not press my amendment.

HON. SPEAKER: The question is:

"That clause 37 stand part of the Bill".

The motion was adopted.

Clause 37 was added to the Bill.

**Clause 38 Penalty for unauthorised access to the
Central Identities Data Repository**

HON. SPEAKER: Shri Rajeev Satav, are you moving Amendment Nos.52 to 61 to clause 38?

SHRI RAJEEV SATAV: I do not press my Amendments.

HON. SPEAKER: The question is:

"That Clause 38 stand part of the Bill".

The motion was adopted.

Clause 38 was added to the Bill.

Clauses 39 and 40 were added to the Bill.

**Clause 41 Penalty for non-compliance
with intimation requirements**

HON. SPEAKER: Shri N.K. Premachandran – not present.

The question is:

"That clause 41 stand part of the Bill".

The motion was adopted.

Clause 41 was added to the Bill.

Clause 42 was added to the Bill.

Clause 43 Offences by companies

HON. SPEAKER: Shri Rajeev Satav, are you moving Amendment No.62 to Clause 43?

SHRI RAJEEV SATAV : I do not press my Amendments.

HON. SPEAKER: The question is:

"That clause 43 stand part of the Bill".

The motion was adopted.

Clause 43 was added to the Bill.

Clauses 44 to 47 were added to the Bill.

**Clause 48 Power of Central Government
to supersede Authority**

HON. SPEAKER: Shri Tathagata Satpathy, are you moving your Amendment No. 20 to clause 48?

SHRI TATHAGATA SATPATHY: Yes, Madam, I am moving. I beg to move :

Page 14, line 33,--

for "by notification"

substitute "after consent from both Houses of Parliament". (20)

I just want a substitution, by notification – I insist that it should be after consent from both Houses of Parliament. As the Minister suggested, it should come to Parliament for changes. Here, you have denied Parliament the right. So, I would request this. As the Minister himself has said and that is why I am insisting. The Minister has stated it right now that it should come back to Parliament. And I am pressing for it.

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):
Regulation is always laid on the Table of the House.

HON. SPEAKER: About regulation he said that it will be laid on the Table of the House.

I shall now put Amendment No. 20 to Clause 48 moved by Shri Tathagata Satpathy to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shri N.K. Premachandran - Not present

The question is:

"That clause 48 stand part of the Bill."

The motion was adopted.

Clause 48 was added to the Bill

Clause 49 was added to the Bill..

**Clause 50 Power of Central Government
to issue directions**

HON. SPEAKER: Shri Tathagata Satpathy.

SHRI TATHAGATA SATPATHY: Madam, I do not press my amendment.

HON. SPEAKER: The question is:

"That clause 50 stand part of the Bill."

The motion was adopted.

Clause 50 was added to the Bill.

Clause 51 was added to the Bill.

Clause 52 Protection of action taken in good faith

HON. SPEAKER: Shri N.K. Premachandran - Not present

The question is:

"That clause 52 stand part of the Bill."

The motion was adopted.

Clause 52 was added to the Bill.

Clause 53 was added to the Bill.

Clause 54 Power of Authority to make regulations

HON. SPEAKER: Shri N.K. Premachandran - Not present

The question is:

"That clause 54 stand part of the Bill."

The motion was adopted.

Clause 54 was added to the Bill.

Clauses 55 to 57 were added to the Bill.

Clause 58 Power to remove difficulties

HON. SPEAKER: Shri Tathagata Satpathy.

SHRI TATHAGATA SATPATHY: Madam, I beg to move:

Page 17, lines 43 and 44,--

for "three years"

substitute "six years". (22)

Madam, here they have stated in page 17, lines 43 and 44 that changes to the rules can be made in the next three years. Now Aadhaar will be a continuous thing. It is not that children would not be born in India and no further enrolment would be required. Therefore, this period of three years, which will expire in 2019, does not seem reasonable. It should be unlimited, if not, at least for six years it should be open for scrutiny and for changes. This is my amendment.

HON. SPEAKER: I shall now put Amendment No. 22 to Clause 58 moved by Shri Tathagata Satpathy to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

"That clause 58 stand part of the Bill."

The motion was adopted.

Clause 58 was added to the Bill.

Clause 59 was added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

HON. SPEAKER: The Minister may now move that the Bill be passed.

SHRI ARUN JAITLEY : Madam, I beg to move:

"That the Bill be passed."

HON. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.28 hours

**MESSAGE FROM RAJYA SABHA
AND
BILL AS PASSED BY RAJYA SABHA – Contd.**