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Title: Motion to consider amendments made by Rajya Sabha to the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 (Motion Rejected).

(Amendments made by Rajya Sabha)

HON. SPEAKER: The House shall now take up Second Supplementary List of Business.

Hon. Minister to move that the amendments recommended by Rajya Sabha in the Aadhaar Bill, 2016 be taken into consideration.

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):

Madam, I beg to move:

"(a) that the following amendments recommended by Rajya Sabha in 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:-

CLAUSE 3

1. That at page 3, ***after*** line 35, the following proviso be ***inserted***, namely:-

"Provided that if an individual so chooses and does not wish to continue as a holder of Aadhaar number, such individual shall be entitled and permitted to have his Aadhaar number deleted from the Central Identities Data Repository and on such deletion, all his data including the demographic and biometric information as well as all his authentication records shall be destroyed forthwith and a certificate to that effect shall be issued by the authority within fifteen days from the making of such request".

CLAUSE 7

2. That at page 4, ***for*** lines 17 to 19, the following be ***substituted***, namely:-

"Provided that if an Aadhaar number is not assigned to or if an individual chooses not to opt for enrolment, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service".

CLAUSE 33

3. That at page 12, line 1, ***for*** the words "national security", the words "public emergency or in the interest of public safety" be ***substituted***.

CLAUSE 33

4. That at page 12, line 5 ***after*** the words "Oversight Committee consisting of", the words "the Central Vigilance Commissioner or the Comptroller and Auditor-General and" be ***inserted***.

CLAUSE 57

5. That at page 17, clause 57 be ***deleted***.'

(b) that the recommendations made by Rajya Sabha be rejected."

HON. SPEAKER: Motion moved:

"(a) that the following amendments recommended by Rajya Sabha in 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:-

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5. That at page 17, clause 57 be ***deleted***.'

(b) that the recommendations made by Rajya Sabha be rejected."

PROF. SUGATA BOSE (JADAVPUR): Madam Speaker, there are four wise recommendations that have come from the Upper House. I rise to speak at 7.40 p.m. on the last day of the first part of this Budget Session. As you can see, many of my colleagues have had to go back for the elections in Bengal. But I speak for all of them.

Now, what are these four wise recommendations? First of all, the Upper House recommends that there ought to be an opportunity to opt out of the Aadhaar scheme. Secondly, clause 7 has also been amended by the Upper House because the original Clause 7 gave the impression that the Government can insist on Aadhaar as a condition for availing Government subsidies, benefits or services.

And the language provided by the Upper House, I think is much better. It says that provided that if an Aadhaar number is not assigned to or if an individual chooses not to opt for enrolment, the individual shall be offered alternate and viable means of identification for delivery of the subsidy benefit or service. This entire Bill is meant to deliver benefits and services to the poorest and the most disadvantaged sections of the population. And the altered language of Clause 7, I think serves the poor and obscure in our country much better.

Third, Clause 33 has also been amended by the Upper House. This is an extremely important recommendation. It strikes exactly the right balance between our security concerns and our concerns about civil rights. Here the language is sought to be changed from 'national security' to 'public emergency or in the interest of public safety'. I think national security was not properly defined in the original Bill. It would be open to abuse and misinterpretation. The new language suggested by the Upper House would be much better for our country at large.

There is also of course a further suggestion under Clause 33 that the Oversight Committee should have an independent member – Central Vigilance Commissioner or the Comptroller and Auditor General. I think the change in this composition of the Oversight Committee would also be extremely important.

Finally, there was the Clause 57. This is the most important recommendation that has come from the Upper House. If you look at the original Clause 57 it said, "Nothing contained in this Act shall prevent the use of Aadhaar number for establishing the identity of an individual for any purpose whether by the State or any body corporate or person." Now, 'for any purpose' certainly goes far beyond the purpose of government expenditure. If this clause remains in the Bill, then it will always be open to questioning that it is not properly a Money Bill even though you have of course certified this as a Money Bill. I think that the Upper House has recommended that this clause should be deleted and I agree also with this very wise recommendation that has come from the Upper House.

Madam Speaker, our founding fathers decided to have a bicameral legislature for a particular reason. We have the Upper House because we ought not to be passing any law in haste, we do not want any mistakes to remain in legislation. I would appeal to this Government, I would really beseech them that this recess that is going to be announced by you in a very short while gives the Government the opportunity to ponder and carefully consider the thoughtful recommendations that have come from the House of Elders.

We must not only abide by the letter of the Constitution, we should also respect the spirit of the Constitution. That is why I ask the Government to show genuine and substantive respect for democratic principles by not pushing for the passage of this Bill and this summary rejection of the recommendations from the Upper House today. Let us think through this. Let us come back. This can be taken up on the 25th of April, 2016.

Thank you very much, Madam Speaker, for giving me this opportunity to make a submission.

SHRI TATHAGATA SATPATHY (DHENKANAL): Madam, as the previous speaker has pointed out the matter is before us right now. Just about ten minutes ago when I received this I was wondering whether this is going to be passed right now today itself or not and I asked the Chair. Some of the hon. Members from the Treasury Benches smirked and smiled not understanding what I was talking about. They thought I was talking about the MMDR Bill. Well, what can I do about their presence in the House!

Madam, these are important amendments by the Upper House of which the Finance Minister, who is moving the Bill, himself is a very respected and senior Member. So, I am sure he respects the House to which he belongs. I am not a knowledgeable lawyer. So, I will not be able to go into details and meanings of every word. But If we give a cursory look, all these amendments including the deletion of Clause 15 seem very reasonable which our party the Biju Janta Dal has been trying to implement in the Aadhar process.

As you know, quite a few private companies have now sprung up which has come out in the media, saying that if you send a particular Aadhar number of somebody who is already enrolled, they are able to get all the details that are with the Government, which are supposed to be private and secret. They will give you all the details for a mere Rs 50. If any of our Members are enrolled in Aadhar here, I can get their details by paying Rs 50 per person. That is already available and this is there in the market and everybody knows about it. This is a democracy and this is a country that loves freedom. I guess all of us here are direct beneficiaries of that process of democracy. Therefore, I would suggest like earlier the hon. Member did that let there be no hurry. We are not opposing you for the sake of opposition. We are in consonance in certain things that you are doing and we think that since many hon. Members of my party have already left for Odisha and so have the Members of other parties, it is improper to push through something so important and so vital in a hurry in a test of ego and 'I have got it done'. I would request you to keep this for after the recess. But, in spite of my request, if it is still pushed forward, I would request my leader that in protest we would like to walk out of the House.

श्री मोहम्मद सलीम (रायगंज) : अध्यक्ष महोदया, सबसे पहले मैं आपकी प्रशंसा करना कि आप शुद्ध हिन्दी में बोलती हैं और मैं उससे प्रेरित होकर आजकल अंग्रेजी में कम बोलता हूँ और हिन्दी में ज्यादा बोलता हूँ। एक बार फिर ताली बजाइएगा, संसद के नियम के अनुसार हिन्दी और अंग्रेजी दोनों में पढ़ाए जाते हैं उसे पढ़कर संसद पास करती है लेकिन आजकल आप हिन्दी को इग्नोर कर रहे हैं, हिन्दी को लेकर इतना लड़ते थे, तो क्यों नहीं हिन्दी की प्रति मिलती है? क्या समय का अभाव है? मेरे लिए कोई परेशानी नहीं है।

माननीय अध्यक्ष : सलीम साहब, आप इस पर क्यों बोल रहे हैं?

श्री मोहम्मद सलीम : महोदया, मैं आईना दिखा रहा हूँ, अपनी राजनीतिक महत्वाकांक्षा के लिए आप क्या कर सकते हैं, वह देश को मालूम होना चाहिए। इसी कारणवश संसद में कई बार अनेक महत्वपूर्ण विषयों को रोक दिया गया, हिन्दी है, लेकिन मैं इस कारण नहीं रोकना चाहता, मैं इसे स्पष्ट कर रहा हूँ। हमारे संविधान बनाने वाले और संसदीय लोकतंत्र बनाने वालों की दूरदृष्टि थी, हमारे वित्त मंत्री हमेशा कहते हैं Directly elected or indirectly elected, tyranny or the elected or non-elected बाईकैम्ब्रल इसलिए है, सुगत बोल भी बोले हैं, दोबास नजरसानी करनी पड़ती है; हमारे जैसे कम पढ़े-लिखे लोगों को भी दो-तीन बार अवलोकन करना पड़ता है। उस पर 500 रुपये फाइन भी हो जाता है, ...(व्यवधान)

अध्यक्ष महोदय, मैं मंत्री महोदय की पूरासा करता हूँ कि उन्होंने, कानून के तहत यह ताजिमी है कि हाउस ऑफ एल्डर्स के मशविर को, जो संशोधन दिये और पास किये, उसे आपने इस संसद के समक्ष रखा। आधार बहुत महत्वपूर्ण है। हमारे देश में उससे ज्यादा महत्वपूर्ण विषय हो रहा है कि हम कुछ विषय को, जो वालंटरी है, उसे हम कम्पल्सरी कर रहे हैं। यह एक दिशा की ओर जाता है, ... (व्यवधान)

माननीय अध्यक्ष : मोहम्मद सलीम जी, आप अमेंडमेंट पर बोलिये।

â€¦ (व्यवधान)

श्री मोहम्मद सलीम : यह गवर्नेंस का सवाल है। ... (व्यवधान) मैडम, आप क्यों बोल रही हैं? ... (व्यवधान)

This shows how we are moving from a state of affairs where in most of the cases citizens are required to comply voluntarily, we are trying to make it compulsory. There are so many other things. Okay, I am not arguing.

Now, national security is a special aspect. ... (Interruptions) मैंने सोचा कि आप सब अंग्रेज हो गये हैं। ... (व्यवधान) टाइम्स स्केचर में जाकर आप सब अंग्रेज हो गये हैं, इसलिए अंग्रेजी में बोल रहा हूँ। ... (व्यवधान) आप हिन्दी को समझ नहीं रहे थे। ... (व्यवधान)

माननीय अध्यक्ष : आप किसी भी लेंग्वेज में बोलिये।

â€¦ (व्यवधान)

श्री मोहम्मद सलीम : राष्ट्रीय सुरक्षा के विषय पर यह कहा गया, जब हम यहां इस विधेयक पर चर्चा कर रहे थे, कि यह बहुत वेग है, इसे स्पष्ट होना चाहिए, क्योंकि किसी भी कारण से इस देश में राष्ट्रीय सुरक्षा संबंधी कितनी बार लोकतंत्र के ऊपर प्रहार हुआ। आपके द्वारा नहीं, लेकिन समय-समय पर सरकारें ऐसा करती हैं। ... (व्यवधान) आप देखिये, वलाज 33 में यह कहा गया कि राष्ट्रीय सुरक्षा की आप थोड़ी व्याख्या कर दें। पब्लिक इमर्जेंसी और इन दी इंस्ट्रूट ऑफ दी पब्लिक सेप्टी, तो आप जब सुरक्षा की बात करते हैं, पब्लिक सेप्टी की बात करते हैं, आपको क्या आपति है? आप जब यह कह रहे हैं ऑपर साइड कमेटी, तो वहां कहा जा रहा है कि सीवीसी और सीएजी। इसमें क्या आपति है? यह कांस्टीट्यूशनल बॉडीज हैं? मैं एकदम अमेंडमेंट्स पकड़-पकड़ कर बोल रहा हूँ। वलाज 7 में ... (व्यवधान)

श्री आर.के.सिंह (आरा) : नेशनल सिक्योरिटी के बारे में कुछ भी मतलब नहीं है। ... (व्यवधान) नेशनल सिक्योरिटी के बारे में चीफ रिजिलेंस कमिश्नर को कोई जानकारी नहीं है। ... (व्यवधान)

श्री मोहम्मद सलीम : क्या सब जानकारी आपको है?

HON. SPEAKER: Shri Mohammad Salim, please address the Chair.

... (Interruptions)

श्री मोहम्मद सलीम : आप जानकारी का आधार लेकर बैठे हैं। ... (व्यवधान)

माननीय अध्यक्ष : आप दोनों आपस में चर्चा मत कीजिए। जब मैं बैठी हूँ तब कम से कम आपस में चर्चा मत कीजिए।

â€¦ (व्यवधान)

श्री मोहम्मद सलीम : किसी भी समय कोई भी अंदर आ सकता है, कुछ भी बोल सकता है और रिकार्ड में जा सकता है। ... (व्यवधान)

माननीय अध्यक्ष : वह नहीं जायेगा। केवल आपकी बात रिकार्ड में जायेगी। वहां व्यवधान आ जायेगा।

â€¦ (व्यवधान)

श्री मोहम्मद सलीम : मैं यह भविष्य के लिए मालूम कर रहा हूँ, क्योंकि यह एक दिन का मामला नहीं है। ... (व्यवधान) वलाज 3 का मैं आपके लिए अनुवाद कर रहा हूँ। ... (व्यवधान)

मैडम, नागरिक का यह अधिकार है या नहीं? पिछली बार जब हम इस पर बात कर रहे थे, तब मंत्री महोदय का कहना था कि यह सिटीजनस का मामला नहीं है। सरकार के जो टारगेटेड ... (व्यवधान) आप बैठो, क्योंकि आपको सजा दी गयी है। ... (व्यवधान) कुछ नहीं समझकर आपको केवल हाथ हिलाने के लिए बैठाया गया है और हमें समझा कर हाथ उठाने के लिए कह रहे हैं, केवल इतना फर्क है।

HON. SPEAKER: You conclude now. Otherwise, I will call out another name.

... (Interruptions)

HON. SPEAKER: No long speeches please.

... (Interruptions)

SHRI MOHAMMAD SALIM: "Provided that if an individual so chooses and does not wish such individual member shall be entitled and permitted to have â€¦" ... (Interruptions) मैंने जो कम्प्लेसरी की बात कही। सरकार को क्या आपति है? सरकार इसे रिजैक्ट कर रही है। मैं समझता हूँ कि ... (व्यवधान) आप तोग दोपहर में आराम से सोकर आये हैं। ... (व्यवधान) अभी अपनी एनर्जी यूज कर रहे हैं। ... (व्यवधान)

HON. SPEAKER: Shri Mohammad Salim, please conclude now.

... (Interruptions)

श्री मोहम्मद सलीम : जब पठानकोट पर चर्चा हो रही थी तब आप कहां थे?

शहरी विकास मंत्री, आवास और शहरी गरीबी उपशमन मंत्री तथा संसदीय कार्य मंत्री (श्री एम. वैकेंटर्या नायडू) : इन लोगों ने आपसे सीखा है। ... (व्यवधान) आप हर दिन वही करते हैं। ... (व्यवधान)

श्री मोहम्मद सलीम : जब राष्ट्रीय सुरक्षा पर, पठानकोट पर चर्चा हो रही थी, तब आप कहां थे। आप सिर्फ वोट के लिए हाथ उठते हैं। ... (व्यवधान) जब राष्ट्रीय सुरक्षा के मामले में यहां पठानकोट पर चर्चा हो रही थी, तब आपका चेहरा देखने को नहीं मिला। सिर्फ हाथ उठाने वाले इकट्ठे किये हैं। क्या यह नागरिकों के लिए इम्पोर्टेंट नहीं है? ... (व्यवधान) पूरा देश सब कुछ देख रहा है। ... (व्यवधान) हम शुरू से वही कह रहे हैं, जो सुप्रीम कोर्ट ने कहा है। ... (व्यवधान) अगर यह हमें डिस्टर्ब करेंगे ... (व्यवधान)

HON. SPEAKER: You conclude now; I will take the next name.

...(Interruptions)

HON. SPEAKER: You do not have any point. If you do not have, it is okay.

Shri Konda Vishweshwar Reddy.

श्री मोहम्मद सलीम : अध्यक्ष महोदया, मैं अपने चरित्र को नहीं बदल सकता। ...(व्यवधान)

This House must agree with what has been recommended by the Rajya Sabha and we should reject what the hon. Minister is proposing.

SHRI KONDA VISHWESHWAR REDDY (CHEVELLA): Madam Speaker, all the apprehensions and some allegations made by the Members in the past when the Bill was discussed relating to why this Bill was introduced as a money Bill is actually proving to be true. But, anyway, our problem is not how the Bill is introduced. Actually, the Finance Minister gave precedents of so many cases where non-money Bills by the past Government were introduced as money Bill. But, anyway our problem is not how the Bill is introduced. If the Bill is in the interest of the country and if it is in the interest of Telangana we will support it.

Last time also we supported it although we saw various reasons, various risks and landmines in this Bill and those too were expressed by various Members. There were broadly two categories, one is privacy and the other is identity risk. These are, of course, a little futuristic in my opinion. We agreed to support the Bill primarily because the immediate risks are much lower than the immediate benefits and for our State the immediate benefits are very-very significant.

But, I humbly request the Finance Minister to tell us the need for such urgency. Please explain us the reason for such urgency. Can it not wait? I do not think anyone can disagree with the argument that the hon. Member Sugata Bose has mentioned. One is, what was the urgency and the second thing is the language used here. Actually, some of it reduces the risk, Madam. In Clause 3 the changes made, both the identity risk as well as the privacy, some of these risks are reduced by the language and also the language is much better. So, I would humbly request the Finance Minister to consider these two.

Thank you.

HON. SPEAKER: Yes, the Finance Minister.

SHRI ARUN JAITLEY: Madam, I will deal with each one of the...(Interruptions)

SHRI DINESH TRIVEDI (BARRACKPUR): Madam, I have given my name.

HON. SPEAKER: Not, now. I am sorry, he has started speaking now.

...(Interruptions)

SHRI DINESH TRIVEDI: This is not fair. My Party has got time also. This is absolutely unfair. There is no Opposition here...(Interruptions)

HON. SPEAKER: Nothing, except whatever the hon. Minister says, will go on record.

...(Interruptions)â€™ *

HON. SPEAKER: Mr. Minister, I have not allowed him to speak.

...(Interruptions)

HON. SPEAKER: Mr. Minister, nothing is going on record.

...(Interruptions)â€™ *

SHRI M. VENKAIAH NAIDU: Madam, Speaker, Prof. Sugata Bose has said 'I am speaking for my entire Party'. If there are differences in their Party, I leave it to them...(Interruptions)

HON. SPEAKER: Mr. Minister, I do not understand why you are not speaking.

...(Interruptions)

19.58 hours

(At this stage, Shri Dinesh Trivedi left the House.)

SHRI ARUN JAITLEY: I would only urge Prof. Sugata Bose, because he has raised five significant points...(Interruptions) Why don't you stay back and listen to the response? Why don't you wait and listen to the response? You will be deemed to have walked out. I would like your presence here because I would like you to consider the disastrous consequences of one of the amendments that you have supported. And, therefore, I want you to be very much here...(Interruptions)

AN HON. MEMBER: But his friend has walked out. What can he do? (Interruptions)

SHRI ARUN JAITLEY: It is for the Chair, whether the Chair allows one speaker from a Party or two.

Madam, under Article 109 of the Constitution when a Money Bill is transmitted from the Lok Sabha to the Rajya Sabha, it can come back with suggestions and amendments or it can come back as it is. This one has come back with suggestions. I am glad that Members, particularly Prof. Sugata Bose, has detailed.

माननीय अध्यक्ष : आप सबकी सहमति हो तो बिजनेस डिस्पोजल तक हाउस का समय बढ़ा दिया जाए।

कुछ माननीय सदस्य: जी, हाँ।

...(Interruptions)

20.00 hours

(At this stage, Prof. Saugata Bose left the House.)

SHRI ARUN JAITLEY: Madam, the objections which have been raised both by Mr. Salim and Prof. Bose deal with this very principle issue of privacy.

First of all, I am not concerned with the issue of privacy which is pending before the Supreme Court and whether it is a fundamental right or not, I am assuming let it be a fundamental right. I am developing the argument which is being given in support of these amendments. The argument is that privacy is a part of the right of liberty and therefore, a Bill should not encroach upon it. Now under article 21, a person is entitled to his right of life and liberty which can be taken away by a procedure established by law. That is the Constitution. So privacy in an exceptional case by a fair, just and reasonable procedure can be taken away. That is the law as it stands. It is not an absolute right.

Now I wanted Prof. Bose to be here since he has the distinction of teaching at length in an American University, he knows in 1935 the United States started the Social Security Number. The Social Security since 1935, i.e., last 80 years for each activity, you need to give your Social Security Number. There have been hundreds and hundreds of additions which are made to that. Therefore, every person gets a unique identity. Can you make it compulsory? Does this encroach upon your liberty or your privacy? These are all issues which are not being raised here for the first time. This debate has gone on in the United States for 80 years and every court in the world's most liberal democracy has said that it is a reasonable restriction and it does not violate.

Can you make it mandatory? The courts of the United States have held that if you want the benefit from the Government money, then you have to choose between your identity and getting the Social Security Number. आप यह नहीं कह सकते कि मैं सोशल सिक्योरिटी नंबर भी नहीं लूंगा और मुझे बेनीफिट भी दो। यह पूरी दुनिया की परिस्थिति है। जब यूपीए इस कानून को लायी और मैं इस वजह से इन पांच संशोधनों को स्वीकार करता हूँ कि यूपीए का जो बिल वर्ष 2010 में आया और ये पांच प्रस्ताव जिनमें संशोधन के लिए यूपीए के सदस्यों ने संशोधन प्रस्तावित किया है, इन पांचों में से एक भी उस बिल का हिस्सा नहीं थे। So in effect, this was something with a political motive. This was a UPA Bill. These provisions were identical. मैंने प्रिविजी के संबंध में यह किया है कि यूपीए के बिल के जो प्रिविजी प्रोविज़न्स थे, उसमें कहीं न कहीं उल्लंघन की गुंजाइश थी, मैंने उसको टाइटन किया और वह कैसे किया, यूपीए के बिल में था कि इसके लिए एक अथोरिटी होगी कि नेशनल सिक्योरिटी के आधार पर वह किसी भी एजेंसी को दे सकती है। कोई व्यक्ति चाहे तो वह स्वयं कह सकता है कि मेरी यूनिक आईडेंटिटी किसी और को दे दी जाए। So, with consent it can be given; on grounds of national security, any authority can give and the third was any court in India can ask for it. इस बिल की अलोचना इस बात के लिए हुई कि Is it violating the right of privacy? Now expert groups went into this question and we became wiser by that. Now what have we done?

There are two kinds of information. One is personal data and the other is core biometrics. किसी का डीएनए है, किसी की फिंगरप्रिंट्स हैं, किसी की आंखों का है, अब उससे आगे बढ़कर पांच की ऐंडी, अगर आप दो साल के बच्चे के फिंगरप्रिंट्स लेंगे तो 50 साल बाद उसके फिंगरप्रिंट्स बदल जाएंगे। लेकिन पांच की ऐंडी बदलती नहीं है। इसको समय-समय पर एड करते रहेंगे। These are core biometrics. Core biometrics cannot be shared with anyone even with consent. जो उसकी पर्सनल इनफार्मेशन है, so we have tightened the privacy provision. It cannot be shared even with consent. दूसरा, यह नेशनल सिक्योरिटी वर्ड इसमें कहां से आया? यूपीए के बिल से आया। आज तमाम यूपीए खड़ा हो जाए और कहे कि हम इसे नहीं मानते। Now, when I said what is being suggested is dangerous, it means that now the amendment proposed for the sake of amendment is to replace the word 'national security' with 'public emergency' and 'public safety'. So, I ask a question and I will sit down if Shri Salim can answer the question right now – what is the definition of public emergency? Is it a legally defined phrase? Public emergency is not Emergency under article 352 which your new friends in the Congress Party imposed in 1975. That was Emergency declared under article 352. कानून में पब्लिक इमरजेंसी जैसा कोई शब्द नहीं है। पब्लिक सेफ्टी और पब्लिक इमरजेंसी में अंतर क्या है? Under this Bill national security is the only ground. So, it is a narrow ground. जो राष्ट्र की सुरक्षा, साफ्टवेयर, इंटेग्रिटी का उल्लंघन है। It is a defined ground. अब नेशनल सिक्योरिटी शब्द कहां से आया? कांस्टीट्यूशन के आर्टिकल 19 में भी है, नेशनल सिक्योरिटी एक्ट में भी है, ऑफिशियल सीक्रेट्स एक्ट में भी है। It is a defined phrase. Public emergency पब्लिक इमरजेंसी-किसी शहर में पानी का संकट आ गया, there is a public emergency. तो क्या आप लोगों को बायोमीट्रिक्स बांटेंगे? पब्लिक सेफ्टी-हरियाणा में आन्दोलन हो गया। So, this amendment that has been suggested by the Upper House, though I concede to the wisdom of the Upper House, actually has dangerous consequences. It is dangerous because it gives a very wide power to the Government to share biometric information. It bases it on a phrase which is not defined in law; whose definition is not available; which is capable of being stretched. This was not there in the UPA Bill, so, why is it that the Members of that group suggested this amendment? In fact, in every sense from privacy point of view this is more secure. Then, what is the procedure I follow? The UPA procedure was देश की कोई भी अदालत कह सकती है कि इसको पब्लिक कर दो। We said nothing, it has to be higher than a District Judge so that some senior court can do it.

Thirdly, you can create authorities all over the country who can say make it public but we said that you cannot do that. You will have one authority created in Delhi whose decision is reviewable by a Committee headed by the Cabinet Secretary. पहले एक अथोरिटी तय करेंगी कि किसी की जानकारी देनी है या नहीं। Then the Cabinet Secretary will head a Committee. That Committee will decide नेशनल सिक्योरिटी के इंस्ट्रुमेंट में इसे देना है या नहीं देना। So, we put safeguards. इसका अवधि काल तीन महीने रहेगा। अब इसमें अमेंडमेंट दे दी कि नेशनल सिक्योरिटी का डिटरमिनेशन कौन करेगा? सीएंडएजी और सीवीसी करेंगे। आर.के.सिंह साहब होम सेफ्टिटी रहे हैं, अभी कह रहे थे, सीएंडएजी और सीवीसी का ऑडिट एंड भ्रष्टाचार से संबंध है, राष्ट्रीय सुरक्षा के साथ संबंध कैबिनेट सेफ्टिटी का हो सकता है, होम सेफ्टिटी का हो सकता है, डिफेंस सेफ्टिटी का हो सकता है। इसमें सीएंडएजी और सीवीसी का क्या मतलब है? So, the wisdom of the Upper House, I bow to that wisdom, the wisdom is that the national security should be handled by anti-corruption authorities; national security should be handled by auditors and instead of national security you have an undefined phrase – public safety and public emergency which are undefined phrases. It is for this reason that I have suggested that these

amendments which are being proposed, I will just deal with the five amendments, the first amendment is a person who does not want to be a member should not become a member; should not get an Aadhar. I have no difficulty. Section 3 uses the language you are entitled to have an Aadhar number. अब यह शब्द इंटरडिफेंड कहां से आया, यू.पी.ए. के बिल से आया। आज वे मुड़कर कहते हैं कि नहीं मेरे बिल में भाषा गलत थी। I follow 'entitled' from their Bill....(Interruptions) आपका उनके साथ नया रिश्ता बना है।

SHRI MOHAMMAD SALIM: It is UPA-III and not NDA-II.

श्री अरुण जेटली: आपने उनसे रिश्ता छिप-छिपकर बंगाल में बनाया। अब आप हमारा और उनका रिश्ता बना रहे हैं।

श्री मोहम्मद सलीम : चोरी-चोरी से अच्छा है, छिप-छिपके। ð€! (Interruptions)

SHRI ARUN JAITLEY: At least do not kill their Youth Congress leader in Kerala if you have a relationship with them now. That is what you have done yesterday. That is what you are accused of doing.

DR. A. SAMPATH (ATTINGAL): The Youth Congress leader was not killed by anybody from my Party. Madam, you know it. In Kerala, everybody is in politics. In a family itself, husband and wife may be in different political parties. If the child intervenes, then it could be a political risk....(Interruptions)

SHRI ARUN JAITLEY: What kind of an alliance is this? They are romancing in West Bengal and murdering each other in Kerala....(Interruptions)

HON. SPEAKER: Okay.

...(Interruptions)

SHRI ARUN JAITLEY: So, the first point is, a man must have a right not to join. Do not join, it is an entitlement. Do not avail of that entitlement. The second is, if I do not join, I should still be entitled to a benefit. The consistent jurisprudence all over the world is....(Interruptions)

SHRI BHARTRUHARI MAHTAB (CUTTACK): Ours is a welfare State. By making an entitlement, you are denying a citizen of this country. And that is our concern.

SHRI ARUN JAITLEY: Mahtab Ji, with respect, on your first statement, we are desiring of becoming a welfare State. There are other States which have social security and which have already become a welfare State. Therefore, all those countries which have become a welfare State insist that, to avail of the welfare, you must give a proof of identity. Otherwise, what will happen? If you follow this anarchic provision which has been suggested, एक गरीब आदमी आएगा, उसे कहेंगे कि आपके हिस्से का मिला नहीं, दलित या बी.पी.एल. वाले को मिला नहीं। आपको यह बात मातूम है कि जब एल.पी. गैस डी.बी.टी. में डाली तो एक घर में 20-20 कनेक्शन थे। पहले वर्ष में उसमें से 14,000 करोड़ रुपये बचे। उन 14,000 करोड़ रुपयों में से 8,000 करोड़ रुपये डाइवर्ट करके 5,000 करोड़ रुपये बी.पी.एल. परिवारों को दिया जाएगा। बिना पहचान पत्र के सबूत के कोई व्यक्ति बेनिफिट लेता रहे, वह गरीब आदमी के हित में है या कोई अमीर आदमी उसे न ले पाए और जो उससे बचत हो, वह गरीब के हिस्से में जाए। LPG is a living example. We have deleted the wealthy and we are giving it free to the poor, जो अफोर्ड नहीं कर सकते। इस सोशल सिक्योरिटी इंस्टिस्टेंस या आधार इंस्टिस्टेंस से उस उद्देश्य की पूर्ति होगी या नुकसान होगा, जो आप सजेस्ट कर रहे हैं? मैं दूसरा उदाहरण देना चाहूंगा।

श्री भर्तृहरि महताब : बांग्लादेशी ले जाएंगे। भारतीय जनता पार्टी की तरफ से जो प्रस्ताव है...

श्री अरुण जेटली: हमने इसीलिए इसमें यह प्रावधान डाल दिया कि यह किसी सिटीजनशिप का पूरा नहीं है।

अब आप तीसरे संशोधन पर आएंगे। नेशनल सिक्योरिटी की जगह पब्लिक सिक्योरिटी डाल दो, यह बात आई। पब्लिक सेफ्टी तो बहुत बड़ा फ़ैज है। In fact, public safety may render this law capable of challenge and national security would not because national security is a reasonable ground for some sacrifice of privacy.

उसके बाद अगला प्रावधान आया कि ओवरसाइट कमेटी में एंटी करप्शन और ऑडिटिंग अथोरिटीज को डालो। जब नेशनल सिक्योरिटी इश्यू है तो जो रक्षा से डील करते हैं वे आएंगे या ऑडिटर्स आएंगे। You cannot have a chartered accountant sitting and auditing national security.

आखिरी यह है कि सेक्शन 57 को डिलीट कर दो। आप जितने लोग क्षेत्रीय दलों से हैं, जैसे आंध्र प्रदेश और तेलंगाना के माननीय सदस्यों ने कहा, जहां यह कुछ क्षेत्रों में लागू हुआ है। राज्य सरकारें जैसे ही यह स्कीम बनाएंगी, अपनी योजनाओं में भी इसका इस्तेमाल करेंगी, तो उनके साधन बढ़ेंगे। जब उनके साधन बढ़ेंगे तो इसमें वह प्रावधान डाल दो कि कोई दूसरे पर्पज के लिए उद्देश्य के लिए इसका प्रयोग ही न हो पाए।

कल अगर आपकी राज्य सरकार चाहती है कि मैं दो-तीन चीजों के लिए इसका प्रयोग करूं। गरीब को मैंने जमीन का आवंटन करना है, किसी को मैंने कृषि का लाभ देना है तो वह न कर पाऊं या किसी अन्य परपज के लिए न कर पाऊं। इसलिए यह कहना कि सेक्शन 57 को डिलीट कर दो, इसलिए मुझे यह शोक है कि अनुच्छेद 109 के तहत मैं राज्य सभा के उन सुझावों से सहमत नहीं हूँ और माननीय सदस्यों से आग्रह करूंगा कि उनको अस्वीकार किया जाए।

SHRI BHARTRUHARI MAHTAB : Madam Speaker, we are walking out in protest.

20.15 hours

(At this stage, Shri Bhartruhari Mahtab and some other

hon. Members left the House.)

SHRI MOHAMMAD SALIM: Hon. Speaker, we are walking out in protest.

20.15 ½ hours

(At this stage, Shri Mohammad Salim and some other

HON. SPEAKER: The question is:

"(a) that the following amendments recommended by Rajya Sabha in 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:-

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CLAUSE 3
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1. That at page 3, ***after*** line 35, the following proviso be ***inserted***, namely:-

"Provided that if an individual so chooses and does not wish to continue as a holder of Aadhaar number, such individual shall be entitled and permitted to have his Aadhaar number deleted from the Central Identities Data Repository and on such deletion, all his data including the demographic and biometric information as well as all his authentication records shall be destroyed forthwith and a certificate to that effect shall be issued by the authority within fifteen days from the making of such request".

CLAUSE 7

2. That at page 4, ***for*** lines 17 to 19, the following be ***substituted***, namely:-

"Provided that if an Aadhaar number is not assigned to or if an individual chooses not to opt for enrolment, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service".

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CLAUSE 33
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3. That at page 12, line 1, ***for*** the words "national security", the words "public emergency or in the interest of public safety" be ***substituted***.

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CLAUSE 33
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4. That at page 12, line 5 ***after*** the words "Oversight Committee consisting of", the words "the Central Vigilance Commissioner or the Comptroller and Auditor-General and" be ***inserted***.

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CLAUSE 57
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5. That at page 17, clause 57 be ***deleted***.'

(b) that the recommendations made by Rajya Sabha be rejected."

The motion was adopted.

HON. SPEAKER: We shall now take up the amendments recommended by Rajya Sabha.

The question is:

CLAUSE 3
-

1. That at page 3, **after** line 35, the following proviso be **inserted**, namely:-

"Provided that if an individual so chooses and does not wish to continue as a holder of Aadhaar number, such individual shall be entitled and permitted to have his Aadhaar number deleted from the Central Identities Data Repository and on such deletion, all his data including the demographic and biometric information as well as all his authentication records shall be destroyed forthwith and a certificate to that effect shall be issued by the authority within fifteen days from the making of such request".

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CLAUSE 33

-

4. That at page 12, line 5 **after** the words "Oversight Committee consisting of", the words "the Central Vigilance Commissioner or the Comptroller and Auditor-General and" be **inserted**.

-

CLAUSE 57

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5. That at page 17, clause 57 be **deleted**.'

The motion was negatived.

HON. SPEAKER: The Minister may now move that the amendments recommended by Rajya Sabha in the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha be rejected.

SHRI ARUN JAITLEY: I beg to move:

"That the amendments as proposed by Rajya Sabha in the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, be rejected. "

HON. SPEAKER: The question is:

"That the amendments No. 1 to 5 recommended by Rajya Sabha in the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, be rejected."

The motion was adopted.

HON. SPEAKER: In accordance with clause 4 of article 109 of the Constitution, the Bill is deemed to have been passed by both the Houses in the form in which it was passed by Lok Sabha without any of the amendments recommended by Rajya Sabha.

