

MR. DEPUTY CHAIRMAN: Okay. Thank you. Now, Mr. Jairam Ramesh because that is the consensus of the House. Therefore, I am calling him.

GOVERNMENT BILLS — Contd.

**The Aadhaar (Targeted Delivery of Financial and other Subsidies,
Benefits and Services) Bill, 2016 — Contd.**

SHRI JAIRAM RAMESH: Mr. Deputy Chairman, Sir, thank you for giving me this opportunity. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: That is the House. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: And I thank Mr. Mukhtar Abbas Naqvi for the gesture for allowing me to speak first. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: You thank the House. ...(*Interruptions*)...

Because the House wanted, I am doing that. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: I thank you first, Sir.

MR. DEPUTY CHAIRMAN: Okay.

SHRI JAIRAM RAMESH: Sir, I rise in considerable anguish to speak and support, with amendments, the *Aadhaar* Bill, 2016. Yesterday, we had the ritualistic obeisance to the importance of the Rajya Sabha. Today, we are knocking a nail into the coffin of the Upper House. I say this advisably, Sir, and I am sure that Lord Krishna had Opposition Members of the Rajya Sabha in mind when he advised Arjuna in Chapter 2:

"कर्मण्येवाधिकारस्ते मा फलेषु कदाचन।
मा कर्मफलहेतुर्भूर्मा ते संगोस्त्वकर्मणि॥"

I feel in the same situation today. I am executing only my duty which is enjoined on me by Article 109 of the Constitution. I have no regard to the consequences of this debate because we all know what the end result of this debate is going to be. However, we have to do our duty and that duty has been enjoined on us by Article 109 and I am grateful for small mercies that we are, at least, having the opportunity for having a debate on this Bill in this House.

Sir, let me begin by saying that contrary to what the Leader of the House has tried to portray, I have been a strong, vocal and enthusiastic supporter of the *Aadhaar* idea and the *Aadhaar* legislation from the day it was born in the chamber of the

then Prime Minister Dr. Manmohan Singh. As Union Rural Development Minister, I was the first one to use the *Aadhaar* idea, the *Aadhaar* number in the payment of wages for Mahatma Gandhi NREGA, the payment of pensions under the National Social Assistance Programme and for the delivery of food subsidies beginning in East Godavari district of Andhra Pradesh and then taken up in Chittoor district. So, I need no certificates or lectures on my commitment to *Aadhaar*.

Sir, the Leader of the House has given a detailed exposition on why this is a Money Bill and I will not go over those arguments. I am not a lawyer. I am not a Constitutional expert. But I am a student of Constitutional history. In Article 110, the word ‘only’, as the hon. Leader of the House has mentioned, has a special significance. Unfortunately, the former Attorney General of India, who is a Nominated Member of this House, is not present. I spent long hours with him over the weekend and he has given me a ten page letter, a ten page note, which I am willing to place on the Table of the House which argues that in pith and substance – the same language that the hon. Leader of the House has used – the *Aadhaar* Bill is not a Money Bill. This is the former Attorney General of India, who has said this. However, Sir, the Speaker’s decision is final. We respect that decision. But I do want to raise one question here. The hon. Leader of the House, in this House and in the other House, said, “Who are you to argue about the *Aadhaar* Bill being a Money Bill? The Juvenile Justice Bill in 1986 and the African Development Bank Bill in 1983 were declared as Money Bills. Who gives you the moral authority to argue?” Sir, I was astonished by what the hon. Leader of the House said. Could it be that the Juvenile Justice Bill was a Money Bill? Could it be that the African Development Bank Bill of 1983 was a Money Bill? I went to the Parliament House Library. I read 500 pages of debate on both these Bills. I contacted the officers concerned with both the Bills. And finally, Sir, I asked the Rajya Sabha Secretariat whether they were Money Bills or not. And what do I get from the Rajya Sabha Secretariat? The African Development Bank Bill, 1983 debated in this House on May 9, 1983 was not a Money Bill. The Juvenile Justice Bill debated in this House on the 18th of November 1986 was not a Money Bill. And the Leader of the House is telling us that these are Money Bills! Sir, I don’t know where this information came from. This is a note I got from the Rajya Sabha Secretariat. I will authenticate it and put it on the Table of the House. But I would like the Leader of the House, once and for all, to tell us where this information was manufactured — the Juvenile Justice Bill as a Money Bill and the African Development Bank Bill as a Money Bill. This goes contrary to the information that we have. I may be wrong. But I am going by what the Rajya Sabha Secretariat has told me.

Sir, much has been made in the opening remarks of the Leader of the House

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3.00 P.M.

on the LPG subsidy. The main justification for the *Aadhaar* was ₹ 14,000 crore saving in LPG subsidy in the first year of the introduction of *Aadhaar* based DBT.

Sir, I have here a study that has been done by a London based think tank called the International Institute for Sustainable Development which says the following:

“Publicly available information clearly demonstrates that the *Aadhaar* based DBT was not responsible for identifying and blocking 3.3 crore connections or even a significant fraction of that during any part of the financial year.”

Sir, where from are these numbers being manufactured? Is Make in India going to be on numbers or on goods and services? Here is a study which I will authenticate and place on the Table of the House. If this is wrong, let this be challenged. Here is a study which is calling into question one of the fundamental premises of what the hon. Leader of the House has said that there is ₹ 14,000 crore worth of saving on account of *Aadhaar* and its use for Direct Benefit Transfer in the LPG subsidy.

Sir, the hon. Leader of the House has compared the 2010 Bill and the 2016 Bill. I pleaded with the Chairman of the Standing Committee. The Prime Minister sent me to meet the Standing Committee Members. I pleaded with them but in 2010, the Standing Committee vetoed the Bill lock, stock and barrel.

I am glad six years later this Government is coming forward with a different Bill, similar in some respects, different in other aspects; but they are coming forward with this Bill. The hon. Leader of the House said, “Where I stand depends on where I sit.” Sir, I supported GST when I stood there and I support GST when I am sitting here. I supported *Aadhaar* when I was there and I support *Aadhaar* when I am here. I supported the Land Acquisition Bill there and I support the Land Acquisition Bill here. On all these three, the former Leader of the Opposition and his Party have changed their minds when they have gone from here to there. ...*(Interruptions)*... So, I need no certificates of my intellectual integrity from the Leader of the House.

Sir, I now come to the Bill proper. I support the *Aadhaar* Bill. I want the *Aadhaar* Bill. But, I am proposing some major amendments. Yes, those are amendments even to the 2010 Bill. As the hon. Leader of the House has admitted, we learn from experience. So, what is wrong if the amendments I am proposing go against the 2010 Bill itself?

Sir, much has been said about the Finance Minister’s Budget. But, one thing that struck me in this Budget is his enormous fascination for the number 9, some numerology for number 9. In paragraph 13 in the Budget speech, the Finance

Minister gives 9 objectives for economic policy. In para 90, the Finance Minister gives 9 objectives for financial sector reforms and, finally, in para 117, he gives 9 objectives for tax policy. Sir, I am a great admirer of the Leader of the House. I will give 9 objections to the *Aadhaar* Bill.

Sir, the fundamental departure on the *Aadhaar* Bill, 2016 comes from a recognition that even today *Aadhaar* must be used, but it must be voluntary. It must not be mandatory. Sir, let me backtrack a little, let me rewind a little. What is *Aadhaar*? There is enormous confusion on what is *Aadhaar* and that *Aadhaar* will somehow identify people who are entitled for subsidy. My friend, Shri Rajeev Chandrasekhar, is shaking his head. I hope he will have the courage of his conviction and support me when his turn comes. Sir, *Aadhaar* does not determine who is eligible and who is not eligible. Please let us get rid of this myth. *Aadhaar* is proof of identity. It says if I am eligible, I am who I am. It does not determine that just because I have an *Aadhaar* number, I am entitled to a subsidy. No. That is not the idea. ...*(Interruptions)*... It is proof of identity. It does not. ...*(Interruptions)*... I am sure the hon. Leader of the House agrees with me. ...*(Interruptions)*... It is proof of identity. ...*(Interruptions)*... यह तय नहीं करेगा कि आप सबसिडी के लायक हैं या नहीं। यह कहेगा कि जावेद अली खान, आप जावेद अली खान हैं, आप और कोई व्यक्ति नहीं हैं। यह identity का एक प्रूफ है। So, I am 100 per cent with the hon. Leader of the House. This *Aadhaar* is a subsidy sudhaar programme because fakes, duplicates are a reality. What *Aadhaar* does? My experience shows, is that in NREGA, in PDS, in old age pensions that the fake and duplicate, during my time, ranged anywhere from 8 per cent to 15 per cent, get eliminated. But it does not determine who is entitled for pension. It does not determine who is entitled for wages. It does not determine who is entitled for subsidy. It only determines, who you are. नीरज, आप नीरज हो और कोई नहीं हो। This is what *Aadhaar* does.

Sir, this Government comes out with beautiful phrases. They deserve Bharat Ratna for marketing. Bharat Ratna for labelling. JAM is a big naara of this Government. Let alone the Government is in a jam, but that is a separate issue. But that is a Derek type joke. So, don't laugh. Jan Dhan Yojana, *Aadhaar* and Mobile (JAM) . This legislation is for 'A', not for 'J', not for 'M'. It is for 'A'. But the reform is JAM. Without 'J', without 'M' that 'A' is useless bread. *Aadhaar* by itself does not solve the problem. So, let us understand what we are doing today. We must have a legislation for *Aadhaar*. We must have a legislation for the UID Authority, but let us not go away from here that we have done subsidy sudhaar, that we have somehow managed to solve the problem of delivering subsidies, wages and pensions. We have tackled one part of the issue which is fake identity, duplicate identity. When I complete you can do so.

SHRI ARUN JAITLEY: I think, you will appreciate the intervention. The hon. Member says that with regard to the two legislations where did I get the information from.

SHRI JAIRAM RAMESH: I know it from where you got it. On the website of Parliament of India, Sir, websites can be wrong. Websites can be wrong. *...(Interruptions)...* I want to tell the Leader of the House that I browsed the same website. I click the same button. I got the same Money Bill. I want to believe the website of the Rajya Sabha Secretariat.

SHRI ARUN JAITLEY: Therefore, making a sound and dance about the fact that the information is incorrect. Regarding the information for your knowledge, the information comes from the Lok Sabha website. At four minutes past three, again I took a print from the Lok Sabha website. It says, *...(Interruptions)...*

SHRI JAIRAM RAMESH: Mr. Leader of the House, it is completely wrong. No website. I will give you *...(Interruptions)...*

SHRI ARUN JAITLEY: The information provided to the world by the Lok Sabha may be wrong *...(Interruptions)...* Since you *...(Interruptions)...* you should have been fair enough and candid enough to come out with the *Aadhaar* factor. *...(Interruptions)...* At four minutes past three, just now, the website contains the information that this is a Money Bill. *...(Interruptions)...*

SHRI JAIRAM RAMESH: I have been restrained in my manner, but you are forcing me to say that you have deliberately misled the House. *...(Interruptions)...*

SHRI ARUN JAITLEY: How? You have the information that you got from the website. Even now it is on the website saying that it is a Money Bill.

SHRI JAIRAM RAMESH: In your usual way you have misled the House. *...(Interruptions)...* You should have verified it. I have verified it.

SHRI ARUN JAITLEY: You can accuse me of being misled by the Lok Sabha website. But you are misleading the House by half truths. *...(Interruptions)...* You use the Lok Sabha website just now. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Jairam Ramesh, let me make it clear. The hon. Finance Minister has received the information from the website of either Rajya Sabha or Lok Sabha. Then, you can't say that he has misled the House. *...(Interruptions)...* Now you proceed.

SHRI JAIRAM RAMESH: But I am saying on full authority that the website of the Lok Sabha is wrong. It is completely wrong. It is not a money Bill. *...(Interruptions)...* Anyway that is a separate issue. That is a separate issue.

MR. DEPUTY CHAIRMAN: Okay, okay. Now, proceed.

SHRI JAIRAM RAMESH: Sir, if, in fact, the website of the Lok Sabha is right, I am prepared to tender an unconditional apology.

MR. DEPUTY CHAIRMAN: No need of apology. He is not saying that. A mistake can either be here or there. You proceed with your speech.

SHRI ARUN JAITLEY: Fair enough to say, perhaps, we have all been misled by the Lok Sabha website. Then, don't say that I have manufactured this. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Now, you proceed with your speech.

SHRI JAIRAM RAMESH: Sir, because the hon. Leader of the House, I know, usually has his facts right, sometimes he gives it a spin. That is why when he said it, I went to cross-check... ...(Interruptions)... आप बैठिए ...(व्यवधान)... you will soon take over his job. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Jairamji, you also said that in the Lok Sabha website, it is so. So, it is okay. There is no deliberate misleading. You proceed now.

SHRI JAIRAM RAMESH: Sir, it is an important point because allegation was made against us.

MR. DEPUTY CHAIRMAN: All right. You proceed.

SHRI JAIRAM RAMESH: Sir, I said that I will take a leaf out of the hon. Leader of the House's book and with his fascination for nine, I will give nine objections.

MR. DEPUTY CHAIRMAN: You already said two. Now, seven.

SHRI JAIRAM RAMESH: Yes, Sir. I am glad, you have got your sense of humour back, Sir.

Sir, the fundamental difference is mandatory versus voluntary. We do not believe — I do not believe and my Party does not believe — that *Aadhaar* should be made mandatory across the board from day one. However, this Bill, if you look at clause 57 and clause 7, certainly gives the interpretation and opens the door for mandatory use of the *Aadhaar* Number. The Bill is being brought to target subsidies. So, let the Bill be confined to the targeting of subsidies. Sir, I don't have an *Aadhaar* Number. And I don't need one, because I am not a beneficiary of a subsidy. But tomorrow if I were to want a mobile connection, if I were to go and buy an airline ticket, or if I were to go somewhere and the guy asks for my *Aadhaar* Number, then, you have made it mandatory. The whole idea of *Aadhaar* is subsidy reform. The whole idea of *Aadhaar* is to remove fake, duplicate identities, which we support. Now, I

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believe that if you read this legislation, as currently drafted, it certainly widens this ambit of *Aadhaar* and it certainly makes it a mandatory proposition as opposed to a voluntary proposition, which was the intention of the UPA from day one.

Sir, I have some specific amendments. At the time of taking up amendments, I will go into these changes. Every individual must have the flexibility to opt out of *Aadhaar*. That is what the essence of the voluntariness means. The legislation, as currently drafted, does not allow the room for manoeuvre to somebody to either opt out of *Aadhaar* or somebody who does not desire an *Aadhaar* Number.

Sir, my next problem with this legislation is on privacy aspect that has been dealt with extensively by the Leader of the House. This is engaging the attention of the Supreme Court; so, I will not say much on this. There are some amendments that I have proposed which will take care of some of the privacy concerns. In 2012, the hon. Leader of the House knows, the then Planning Commission set up an expert committee under the chairmanship of Justice A. P. Shah, a former Chief Justice of the Delhi High Court and a former Chairman of the Law Commission. Justice A. P. Shah Committee enumerated a large number of principles which the *Aadhaar* legislation must follow to make it privacy-compatible, and the amendments that I am proposing are basically anchored in the recommendations of the Justice A. P. Shah Committee. Sir, the law, as presently stands, gives sweeping powers under the name of national security. The Indian Telegraph Act of 1885 does not use the word 'national security'. It uses the words 'public emergency' and 'public safety'. What I am suggesting is that we must be consistent because the word 'national security' is very broad, very amorphous, which can be misused. We have seen how it is being misused. What I am suggesting is that instead of 'national security', there should be 'public emergency' and 'public safety'. The Supreme Court has ruled on this in 1996. It has given a series of guidelines which were incorporated in this legislation. What I am suggesting is that the presence of another independent member like the CVC or the CAG should also be there when the *Aadhaar* information is being shared in the name of 'public emergency' and 'public safety'. Sir, I have already mentioned the fact that Clause 57 widens the scope of *Aadhaar*. I want, my Party wants, the *Aadhaar* to be confined to the targeting of subsidies. Clause 57 opens a Pandora's box for the widespread use of *Aadhaar* for any purpose to be determined, and we certainly want Clause 57 to be dropped.

Sir, there are a number of clauses which I will come to when I speak on the amendments, which give power to the UID Authority under regulation. I am opposed to this and we are opposed to this collectively. Whatever is to be done, must be done and passed by Parliament. No power should be delegated to the UID Authority

because then the UID Authority will decide tomorrow that DNA is required, and they will then have the powers to take DNA information as well. My premise and my assumption, I hope all Members will agree, is that whatever the UID Authority wants to collect, should be empowered by Parliament. There should be no delegated legislation, no delegated regulation, no *suo motu* powers to the UID Authority to even collect the information because we do not believe that this will be done in a manner that will inspire public confidence on all occasions. Therefore, in order to remove any ambiguity, in order to remove any doubt, whatever the UID Authority needs to do, whatever the UID Authority needs to collect, should be a part of the main law that is being passed by Parliament.

Sir, these are, in broad terms, the differences that we have. Let me straightaway concede that the 2016 law has improved on the 2010 law in many respects. But in many respects of the 2010 law, it is silent. Obviously, in 2016, we are wiser than we were in 2010. We have listened to different points of views; we have listened to different stakeholders. We have practical experience on the ground. I do not know whether the hon. Finance Minister knows that yesterday one of the leading newspapers of the country, reported on the conclusion of a study, a survey that was done, that 40 per cent of the Jan Dhan Account holders, which had *Aadhaar* Numbers, have not been able to access their accounts. I am giving the study here. I will give a report of the study here. Forty per cent of the Jan Dhan Account holders faced problems and hiccups on account of the *Aadhaar* Number. This is not an argument for not using *Aadhaar*; this is just an argument for caution for moving slowly because we have problems of connectivity, we have problems of biometrics, we have problems associated with old people and their biometrics becoming unreliable. So, I think anybody who raises questions on *Aadhaar* is not anti-national, anybody who raises questions on *Aadhaar* is not anti-technology, and anybody who raises questions on this legislation, it is not that he does not want subsidy *sudhaar*. We want to reform the regime of subsidies. If you use the *Aadhaar* properly, the Government stands to save anywhere between ₹ 40,000 crores and ₹ 45,000 crores a year. That was an estimate which was made when Dr. Manmohan Singh was the Prime Minister and that was the impetus, Sir, that led to the creation of *Aadhaar*. Let me also say this, Sir, that even though the Civil Society was deeply skeptical of *Aadhaar*, even though the National Advisory Council was deeply apprehensive on *Aadhaar*, the *Aadhaar* Programme would not have seen the light of the day had the Congress President Shrimati Sonia Gandhi not given her full backing to *Aadhaar*. The then Prime Minister is witness to this. The then Prime Minister Dr. Manmohan Singh, the President of the Party Mrs. Gandhi, and the Vice-President Mr. Gandhi, went to Kotkasim in Rajasthan when the first *Aadhaar* experiment was launched for Direct Benefit Transfer. And even though, there was a lot of opposition, coming from

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different segments of society, the then Prime Minister, the Congress President and the Congress Vice-President held firm. The technocrats of UID deserve full credit for what they have done. But let us be very clear, Mr. Nilekani could not have done what he did without Dr. Manmohan Singh, Mrs. Sonia Gandhi and Mr. Rahul Gandhi. Let us be very clear on this. So, Sir, as I said, I stood in anguish because we are presented with a *fate accompli*. However, I am going to move certain significant Amendments. I hope to get the support of the House for these Amendments. I know it is a formality. I know this Bill will go back to the Lok Sabha and be*.

MR. DEPUTY CHAIRMAN: How do you say that? Why should you comment like that?

SHRI JAIRAM RAMESH: Let me end by saying, Sir,.....

MR. DEPUTY CHAIRMAN: They can also accept your Amendments. Don't think like that.

SHRI JAIRAM RAMESH: If only the Leader of the House had been a little more magnanimous, and brought this Bill as a non-Money Bill, all we would have done is to refer it to a Select Committee, chaired by either Mr. Anil Madhav Dave or by Mr. Bhupender Yadav, whose track record, ...(Interruptions)... whose track record of coming out with Reports is 100 per cent. Whatever Committee they have Chaired, we have agreed.

SHRI ARUN JAITLEY: I am more worried about your track record.

SHRI JAIRAM RAMESH: Even now, I am requesting them, refer it to a Select Committee, have Mr. Madhav Dave or Mr. Bhupender Yadav to chair it, give them time till the 25th of April. By 25th of April, we can come up with a better Bill, a Bill which all of us can be proud of. This is my humble request to the hon. Leader of the House. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Mr. Jairam Ramesh, you expressed an apprehension that the Lok Sabha may do it in a particular way. That is why I am expunging it, and I am also telling you that the Lok Sabha can very well accept your Amendments. Why do you say that it will not? Okay, now Dr. Chandan Mitra.

श्री मुख्तार अब्बास नकवी: सर, एक मिनट, आधार विधेयक के बाद, चूंकि जनरल बजट पर ऑलरेडी हमारा डिस्कशन चल रहा था, इसलिए हमारी रिक्वेस्ट यह है कि हम लोग 4.00 बजे तक आधार विधेयक के डिस्कशन को कंक्लूड कर लें, उसके बाद हम जनरल बजट पर कंटीन्यू करेंगे।

*Expunged as ordered by the Chair.

श्री उपसभापति: सुनिए, प्रॉब्लम यह है, मेरे पास जो रिकॉर्ड है, उसके हिसाब से आधार विधेयक के तीन घंटे एलॉट किए हैं, इसलिए कांग्रेस पार्टी को इतना टाइम दिया है। If you want to curtail, the House has to decide. If you want to limit the time, the House has to decide whether it should be for one hour or more. The House has to decide then.

श्री मुख्तार अब्बास नकवी: सर, मुझे लगता है कि बहुत से ऑनरेबल मेम्बर्स ऐसे हैं, जो जनरल बजट पर डिस्कशन करना चाहते हैं, इसलिए हमारी रिक्वेस्ट है कि हाउस इसे accept करे।

MR. DEPUTY CHAIRMAN: If we say, 'total one hour', then, there is only a very little time left. So, one hour from now. ...(Interruptions)...

SHRI D. RAJA: The Finance Minister has spoken enough. So, the Government side need not speak. Let the others speak.

MR. DEPUTY CHAIRMAN: Let us make it 4.30 p.m., so that you will all get some time. So, before 4.30 p.m., the Bill is to be disposed of, including the reply. This will enable you to take up the discussion on the General Budget after that. Now, Dr. Chandan Mitra. ...(Interruptions)...

SHRI T. K. RANGARAJAN (Tamil Nadu): Sir, you must give time for every Member who has given the name. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: What is the fun of taking up the business in this way?

MR. DEPUTY CHAIRMAN: Now, Dr. Chandan Mitra. Please take just five minutes.

DR. CHANDAN MITRA: Sir, thank you very much for finally allowing me. After the Leader of the House and Finance Minister made a complete exposure of the *Aadhaar* Bill, there is, frankly, not much to talk. I believe there is not much to talk either for that side or for this side. And, this has also been proved by Mr. Jairam Ramesh who, I found today, was very uncharacteristically, confused and contradicting himself in an argument. He is, normally, a very good speaker and I have great respects for his writings and speeches. But today, Sir, on the *Aadhaar* Bill, I think, the Opposition is confused. So, I find no harm in having a very short discussion and returning the Bill to the Lok Sabha.

Sir, I am surprised by some of the observations that Mr. Jairam Ramesh made, while speaking on this. Firstly, he mentioned that anybody, who criticises *Aadhaar*, should not be deemed as an antinational. I do not know how this thought entered his mind. But, Sir, ..

श्री नीरज शेखर (उत्तर प्रदेश): चंदन जी, आपकी आवाज नहीं आ रही है। आप थोड़ा जोर से बोलिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Dr. Mitra, I can hear you. You speak.

DR. CHANDAN MITRA: Perhaps the mike is not on. मैं नॉर्मल आवाज में बोल रहा हूँ। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I can hear your speech.

DR. CHANDAN MITRA: But the hon. Members don't seem to hear.

MR. DEPUTY CHAIRMAN: Why do you worry? It will go on record.

DR. CHANDAN MITRA: I don't think he will read the record.

MR. DEPUTY CHAIRMAN: He will read it. You speak. Don't worry.

DR. CHANDAN MITRA: Thank you, Sir. As I was saying, Mr. Jairam Ramesh's comment that anybody criticising *Aadhaar* should not be considered as anti-national, I wonder how this thought came to his head. There is a saying in Hindi, "चोर की दाढ़ी में तिनका।" This means that if you are guilty, then, that shows and reflects somewhere on your persona and in your speech. Of course, anybody, criticising *Aadhaar*, is not an anti-national person at all. How does the issue come up at all? This paranoia of the Opposition is really showing up in a large number of things and this paranoia is also reflected in this *Aadhaar* Bill. A much better and a qualitatively superior *Aadhaar* Bill has been brought by the NDA Government, under the leadership of our Prime Minister, Shri Narendra Modi, which has improved upon the *Aadhaar* Bill that was brought by the UPA Government. We have no hesitation in admitting that the Bill was, first, brought by the UPA and we give full credit to the UPA for this. But, now, the debate that has started about the purpose of the Bill is not proper. Sir, the purpose is two-fold and they are related. It is, unless you first establish the identity of the individual and the targeted beneficiary, how do you reach the intended benefits from the Government of India's Consolidated Fund. How do you reach to that person? So, you must first identify the person who is intended to be the beneficiary and then monies will have to be transferred. And, as you see in the Bill, money is to be transferred directly, not through a process of intermediary ...(Time-Bell rings)...

MR. DEPUTY CHAIRMAN: Your five minutes is over. I told you five minutes.

DR. CHANDAN MITRA: Sir, 3-4 minutes lost in din.

MR. DEPUTY CHAIRMAN: No, no.

DR. CHANDAN MITRA: Sir, my time starts now.

MR. DEPUTY CHAIRMAN: There are 12 speakers. Even if each speaker takes five minutes, it comes to one hour. What do I do?

DR. CHANDAN MITRA: Sir, I have hardly begun.

MR. DEPUTY CHAIRMAN: You only wanted to reduce the time.

DR. CHANDAN MITRA: Sir, I just want to point out a few things that have been raised by the Opposition.

Now, this Bill is intended to identify and enable people to draw funds from the Consolidated Fund of India to which the Government will transfer directly.

I, again, want to recall something which I think the hon. Leader of the House also indicated. But, it was not stated in so many words. The former Prime Minister and leader of the Congress Party, the late Shri Rajiv Gandhi, had once said a very famous thing which, I am sure, everybody here knows. He said that of every rupee that goes out from Delhi, only fifteen paisa reaches people in the villages. Sir, eighty-five paisa is siphoned on the way. What does the *Aadhaar* Bill intends to do? It wants to stop the siphoning of money midway. This is the biggest service that *Aadhaar* is doing ...(Time-Bell rings)...

Secondly, it is going directly to the people and, as you have seen, and Mr. Ramesh mentioned this, 25 crore families have already received *Aadhaar* Numbers. I am sure, sooner or later, Mr. Jairam Ramesh, would also have to get one. This Unique Identity Number is something on the basis of which. ...(Interruptions)... The countries all over the world are doing this. Those who talked about the United States and other countries I lived in the United Kingdom. So, I know how this number is crucial for various benefits.

MR. DEPUTY CHAIRMAN: Chandan Mitraji, it is okay. Your Minister has explained it very well.

DR. CHANDAN MITRA: Sir, I stop it today, because I have no doubt...

MR. DEPUTY CHAIRMAN: No doubt, your Minister has explained it very well. Nobody can explain better than your Minister. He has done it.

DR. CHANDAN MITRA: This Bill, as passed by Lok Sabha, helps the Indian countryside and will stop corruption to a significant extent. Thank you.

MR. DEPUTY CHAIRMAN: No, no. We are friends. Why are you saying all this? नरेश जी, नाराज मत हो, आपका टाइम 5 मिनट बढ़ा दूंगा। अगर आप नाराज हो जाएंगे तो मैं बहुत दुखी हो जाता हूँ।

श्री नरेश अग्रवाल: अगर मेरी किसी बात से आपको कष्ट हुआ हो तो मैं * चाहता हूँ।

MR. DEPUTY CHAIRMAN: No, no. एक्सपंज कर दिया। That is expunged. No question of asking apology. That is expunged. We are friends. No problem.

श्री नरेश अग्रवाल: सर, मैं श्री जयराम नरेश जी और हमारे दूसरी साथी, जिन्होंने अमेंडमेंट्स रखे हैं, उन अमेंडमेंट्स के पक्ष में बोलने के लिए खड़ा हुआ हूँ। श्रीमन्, हमने शुरू में ऑब्जेक्शन उठाया, हमने शुरू में यह बात कही कि यह बिल मनी बिल है ही नहीं, किसी कारण भी नहीं हो सकता है। श्रीमन्, ये क्यों इसको मनी बिल बनाकर लाए? इनकी इसी आशंका से हम लोगों को शंका बनी हुई है कि एक बिल को, जो जनरल बिल था, अगर ये मनी बिल बना रहे हैं तो इसका मतलब कहीं न कहीं पर्दे के पीछे कोई खेल है और उस चीज को मैं चाहता था कि कहीं स्पष्ट होना चाहिए। लेकिन हां, चोर की दाढ़ी में तिनके वाली बात हो गई। कहीं न कहीं शंका जरूर है, नहीं तो इसको मनी बिल क्यों बनाते? जैसा जयराम रमेश जी कह रहे थे कि इसको सेलेक्ट कमेटी में भेज देना चाहिए था। सेलेक्ट कमेटी में जाने के बाद एक-एक चीज सेलेक्ट होकर आ जाती और हमारे दवे भाई को महीने, दो महीने के लिए आराम हो जाता। लेकिन यह तो वही लोग कर रहे हैं। श्रीमन्, "जन-धन योजना" जब लागू की गई थी, तब भी इस बात को बड़े जोरों से कहा गया था कि जब "जन-धन योजना" के अंतर्गत लोगों के अकाउंट खुल जाएंगे, तब सब्सिडी गलत लोगों को जानी बंद हो जाएगी और यही इसमें भी कहा जा रहा है। यह मैं नहीं समझ पा रहा हूँ।

श्रीमन्, इस देश में जब वोटर आईडी बनने की बात आई थी, उस समय इलेक्शन कमिशन ने कहा था वोटर आईडी जरूर बनना चाहिए, तब भी यह बात आई थी कि जो वोटर आईडी बनाई जाएगी, वह पूरे वर्ल्ड में मान्यता रखेगी। लेकिन यहां जब वोटर आईडी बनी, तो मालूम पड़ा कि वोटर लिस्ट में हमारा नाम नहीं है, लेकिन वोटर आईडी हमारे पास है। जब हम उस वोटर आईडी को लेकर गए, चूंकि वोटर लिस्ट में हमारा नाम नहीं था, इसलिए हमें वोट डालने नहीं दिया गया। ऐसा ही हो रहा है। इस पर कितने रूपए खर्च हुए? मैं यह जानना चाहता हूँ कि जो आधार कार्ड बनाए जा रहे हैं, उन पर कुल कितना इन्वेस्ट हो रहा है और इसमें किसको oblige किया गया? यह भी पता चलना चाहिए कि कहीं यह किसी को oblige करने के लिए तो नहीं किया जा रहा है, क्योंकि इससे पहले वोटर आईडी में बहुत लोगों को oblige किया गया। मेरा आधार कार्ड नहीं बना है। अगर इन्होंने इसको mandatory कर दिया, तो चाहे मेरे पास पैन कार्ड है, बर्थ सर्टिफिकेट है, वोटर आईडी है, बैंक की पासबुक है, तो भी ये कह देंगे कि ये सब बेकार हैं। अगर आपके पास आधार कार्ड नहीं है, तो आप इस देश के नागरिक भी नहीं हैं। यह तो ऐसी चीज हो रही है, जो कहीं न कहीं कुछ और संकेत कर रही है कि इसके पीछे कुछ और बड़ा खेल करने की आपकी योजना है। आप यह बता दीजिए कि जिसका आधार कार्ड बनेगा, उसके लिए कितने दिनों तक हिन्दुस्तान में रहना या हिन्दुस्तान का नागरिक होना compulsory होगा? आखिर यह भी तो पता लगे। कल अगर बंगलादेश या नेपाल से कोई आदमी आ जाए, तो क्या उसका आधार कार्ड बन जाएगा? इसके लिए कितने दिन की essentiality है? यह कैसे सर्टिफाई होगा कि यह इस देश का नागरिक है? आधार कार्ड बनाने से पहले उसको कौन सर्टिफाई करेगा? इन्होंने इस संबंध में कहीं कुछ बताया ही नहीं है। कहीं इसको शुरू नहीं

*Expunged as ordered by the Chair.

किया। हो सकता है कि नेशनल सिक्वोरिटी के नाम पर तमाम लोगों को इस देश से बाहर कर दिया जाए, तमाम लोगों की नागरिकता पर प्रश्न चिह्न खड़ा कर दिया जाए। ...**(व्यवधान)**...

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के राज्य मंत्री (श्री प्रकाश जावडेकर): ऐसा कुछ नहीं है।

श्री नरेश अग्रवाल: आपका जो एनजीटी है, कहीं उसकी तरह नेशनल सिक्वोरिटी के नाम पर जो कमेटियां बन रही हैं, जैसा कि अभी माननीय वित्त मंत्री जी बता रहे थे कि एक कमेटी होगी, उसके ऊपर केबिनेट सेक्रेटरी की अध्यक्षता में दूसरी कमेटी होगी। ऐसे आपने एनजीटी बनाया और जब एनजीटी बनाया गया था... ...**(व्यवधान)**...

श्री प्रकाश जावडेकर: हमने नहीं बनाया, उन्होंने बनाया था।

श्री नरेश अग्रवाल: जिसने भी बनाया, जो सरकार में थे, उन्होंने बनाया। इन्होंने जो पाप किए थे, वे पाप आप क्यों ढो रहे हैं? आप तो यहां कहते हैं कि आधार कार्ड भी इनका बनाया हुआ है, यह भी इनका बनाया हुआ है। सब इन्हीं का बनाया हुआ है, तो आपने क्या बनाया? ...**(व्यवधान)**...

श्री के. सी. त्यागी: यह सरकार भी इन्हीं की बनाई हुई है।

श्री नरेश अग्रवाल: यह सरकार भी आपकी बनाई हुई है। ...**(व्यवधान)**... त्यागी जी ठीक कह रहे हैं कि सरकार भी आप ही की बनाई हुई है। इन्होंने ने ही सरकार बनवाई है और आप ऐसा कर रहे हैं कि इन्हें फिर लाने की कोशिश कर रहे हैं। यह दोनों की मिलीभगत है।

श्रीमन्, कहीं ऐसा न हो, जैसे एनजीटी बना था... जब एनजीटी बनाया गया था, तब यह कहा गया था कि पर्यावरण को बचाया जाएगा। पर्यावरण में कहीं भी छेड़छाड़ होगी, तो कोर्ट में अपील की जाएगी। आज एनजीटी ने ऐसे-ऐसे आदेश पारित कर दिए कि गरीब आदमी अपने खेत में मिट्टी भी नहीं खोद सकता है। अब तो यह है कि गंगा के किनारे अगर मकान है और गलती से पॉलिथिन गंगा में पहुंच गया, तो हमारा मकान भी सील कर दिया जाएगा। ये तो इस स्टेज पर आ गए हैं।

श्रीमन्, मेरा यह कहना है कि इस पर बहुत बड़ा प्रश्न चिह्न है और यह सुप्रीम कोर्ट में विचारधीन है। आप कह रहे हैं कि पार्लियामेंट का अधिकार है, लेकिन हमने National Judiciary Appointment Commission बनाया, इस संबंध में हमने बिल पास किया, एक्ट बनाया, उसको सुप्रीम कोर्ट ने रिजेक्ट कर दिया, लेकिन आपकी हिम्मत नहीं हुई कि दोबारा इस पार्लियामेंट में चले आए। आप क्या बात कर रहे हैं? आप जजों से डर गए। ...**(समय की घंटी)**... इस पार्लियामेंट ने, जिसने खुल कर आपका साथ दिया और एक्ट बनाया, उस पार्लियामेंट के अधिकार को जजों ने चुनौती दे दी और वह खत्म हो गया। ...**(समय की घंटी)**... श्रीमन्, मैं समाप्त कर रहा हूं। कहीं ऐसा न हो कि उसी तरीके से फिर हो कि सुप्रीम कोर्ट की पांच जजों की बेंच इसको रिजेक्ट कर दे और इस पर पैसा खर्च हो जाए, इसलिए मैं फिर से जयराम रमेश जी के द्वारा जो संशोधन प्रस्तुत किए गए हैं, उन पर बल देता हूं और चाहूंगा कि उन पर वोटिंग हो, जिससे सही चीज देश की जनता के सामने आए।

श्री के. सी. त्यागी: सर, मैं अपनी चिन्ताएं जयराम रमेश जी के साथ शेयर करते हुए यहां जाहिर करना चाहता हूं। हमारे बेहतरीन दोस्त, प्रकाश जावड़ेकर जी जब भारतीय जनता पार्टी के स्पोक्समैन थे, तब लोक सभा चुनाव से पहले उन्होंने कहा था कि इस आधार कार्ड को लेकर भारतीय जनता पार्टी की दो चिन्ताएं हैं, जिनमें से एक कानूनी है, और दूसरी सुरक्षा से संबंधित है। इन्होंने यह भी कहा था कि अगर श्री नरेंद्र मोदी के नेतृत्व में हमारी सरकार आई, तो हम इसकी समीक्षा करेंगे। सर, मेरा आपसे निवेदन है कि मैं पिछले कई सालों से यह देख रहा हूं कि जो बिल इनके बनाए हुए हैं, वे पड़े हुए हैं और अब वे आपके सामने कंसिडरेशन के लिए आते हैं। यहां जयंत सिन्हा जी बैठे हुए हैं। इनके काबिल पिता जी हम लोगों के साथ लम्बे समय तक रहे। वे स्टैंडिंग कमिटी के चेयरमैन थे। उनका लिखित नोट है कि यह बिल्कुल गलत है, यह बिल्कुल पास नहीं होना चाहिए। यानी, जब आप उधर होते हैं तो आपकी चिन्ताएं भिन्न होती हैं और जब आप इधर होते हैं, तो आपकी चिन्ताएं भिन्न होती हैं।

सर, मैं आपसे कहना चाहता हूं कि यूरोप और अमेरिका समेत तमाम विकसित देशों ने बायोमीट्रिक डाटा पर आधारित विशिष्ट पहचान पत्र बनाने का फैसला किया, लेकिन जब उन्हें इसके खतरे का एहसास हुआ तो उन्होंने इसके प्रोजेक्ट को बीच में ही रोक दिया। सर, मेरे पास ये आधे दर्जन अखबार हैं और दिल्ली के हमारे नेता चंद्रशेखर जी थे, उनके मित्र द्वारा संचालित यह अखबार है। यह लिखता है, "आधार कार्ड एक विशिष्ट घोटाला" नम्बर वन। नम्बर टू— "यूआईडी कार्ड नाजियों की याद दिलाता है, कार्ड खतरनाक है।" नम्बर तीन— "मोदी सरकार इन सवालियों का जवाब दे। आधार कार्ड खतरनाक है।" नम्बर चार— "देश में कानून का राज खत्म हो गया है।"

सर, पहली बात है कि इस संबंध में सुप्रीम कोर्ट का आदेश है और उसकी स्पष्ट व्याख्या है कि आधार कार्ड अनिवार्य नहीं है। दूसरा, सरकार इसे सबके लिए अनिवार्य करने का आदेश वापस ले। मैं इस संबंध में मुम्बई हाई कोर्ट के एक आदेश के बारे में भी दोनों तरफ के माननीय सदस्यों को बताना चाहता हूं। मुम्बई हाई कोर्ट ने आतंकवादियों को लेकर एक आदेश जारी किया था कि वे फॉरेन कंपनीज़ के साथ आतंकवाद के मामले में डाटा शेयर कर सकते हैं। आतंकवाद माने क्या? सर, यह यहीं तक नहीं है। यह नाज़ीज़ के टाइम पर भी हुआ था। मैं किसी की दूसरे से तुलना करना नहीं चाहता हूं, लेकिन वहां भी ये कार्ड बने थे। अभी 1938 का ये जिक्र कर रहे थे, तो नाजियों ने भी, हिटलर ने भी कार्ड बनाए थे। वॉशिंगटन डी. सी. के म्यूजियम में एक Hollerith D-11 machine रखी हुई है, जिसमें जर्मनी में यहूदियों की अलग से पहचान कराई गई थी। उस समय वह आईबीएम के द्वारा उपलब्ध कराई गई थी और अब नंदन नीलेकणी की जो कंपनी इसकी मैनुफैक्चरिंग का काम कर रही है, उसका आईबीएम से भी रिश्ता है।

सर, मैं इसमें एक और बात जोड़ना चाहता हूं कि ऐसी तीन कंपनीज़ हैं, जो यूआईडी के लिए चुनी गई हैं—(i) Accenture, (ii) Mahindra Satyam और (iii) Morpho L-1 Identity. इसमें जो तीसरी कंपनी है, उसके मैनेजमेंट में सीआईए से जुड़े हुए लोग हैं। यह मैं नहीं कह रहा हूं। इसके अलावा, अमेरिका की जो सैन्य खुफिया एजेंसी है, जो पूरी दुनिया में बदनाम हैं, उसकी जो होमलैंड यूएस सिक््योरिटी है, उसका काम देखिए। सर, जॉर्ज टेनेट नामक सीआईए के डायरेक्टर हैं, जो अब इस कम्पनी के डायरेक्टर हैं। इसके साथ-साथ, इस्रायल की जो खुफिया

एजेंसी है, वह भी इससे जुड़ी हुई है। सीआईए, इजराइल, मोसाद, थर्ड वर्ल्ड कंट्रीज़, डिज़ास्टर इस कम्पनी ने इराक के अंदर रासायनिक हथियार पाए जाने जैसी झूठी जानकारी सीआईए के जरिए पूरी दुनिया को दी थी। हमारे आदरणीय राम गोपाल जी यहां बैठे हैं और कांग्रेस पार्टी के भी बहुत सारे नेता हैं जो थोड़े दिनों के लिए इंदिरा जी की गिरफ्तारी पर जेल गए थे, हम तो लम्बे दिनों वाले हैं। यह वास्तव में जेल मैनुअल की तरह है। यहां आपातकाल के समय के भी कई लोग बैठे हुए हैं। जब हम जेल में जाते थे ...(समय की घंटी)...

MR. DEPUTY CHAIRMAN: You have only one more minute.

श्री के. सी. त्यागी: सर, मैं जल्दी खत्म कर रहा हूं। जिस दिन हम जेल में घुसते हैं, उस दिन हमारा थम्ब इंप्रेशन लिया जाता है और हमारी सारी ऐक्टिविटीज़ जेल मैनुअल के हिसाब से थम्ब के इंप्रेशन के जरिए ली जाती हैं, जैसे इसमें ली जा रही है। जिस दिन हम जेल छोड़ते हैं, उस दिन वे सारे रिकॉर्ड बन्द हो जाते हैं, जो अब इसके अन्दर अंकित होंगे। सर, मैं यह कहना चाहता हूं कि यह मनी बिल है या नहीं, यह चिन्ता मेरी नहीं है, लेकिन मैं यह पूछना चाहता हूं कि इसके जरिए हमारे जितने भी सीक्रेट्स हैं, उन्हें क्या हम अमेरिका की या जो दूसरी कम्पनियां हैं, उनके हवाले करेंगे and which will become a potential threat to the national security.

सर, अगर मेरे आंकड़े गलत हों तो आदरणीय मनमोहन सिंह जी माफ करेंगे कि ये हजार करोड़ रुपये बगैर कैबिनेट की मंजूरी के उस समय इस कम्पनी को बनाने के लिए दिए गए थे... जिसका आपने और हमने इकट्ठे विरोध किया था और ठीक कह रहे हैं, रमेश जी, मेरे पास दस्तावेज हैं कि आपकी भी कैबिनेट के कई मंत्रियों ने आपके इस प्रोजेक्ट को अच्छा नहीं माना था। मैं उनके नाम नहीं लेना चाहता। शैलजा जी बराबर में बैठी हुई हैं, मैं उनका जिक्र नहीं करना चाहता, लेकिन मैंने अखबारों में देखा है। इस पर आपके यहां भी एका नहीं था, लेकिन आधार कार्ड ...(समय की घंटी)...

MR. DEPUTY CHAIRMAN: What can I do?

SHRI K. C. TYAGI: Sir, you can do a lot of things. सर, जब मैं intervene करना चाह रहा था तो आपने मुझे इजाज़त नहीं दी। यह जो गुस्सा है, यह आपके स्वास्थ्य के लिए इसलिए खतरनाक है कि अभी एक Presiding Officer, जो आपकी ही तरह किसी राज्य में बैठे हुए थे, उनको अपने मेंबर को संभालते समय दिल का दौरा पड़ गया। मेरी आपसे करबद्ध प्रार्थना है, कि गुस्से को आप शांत रखें। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I know you are my very good friend.

श्री के. सी. त्यागी: जया जी बैठी हैं, इनके पास ऐसी गोली है जो दिमाग की बत्ती खोलती है। इनके यहां से आप एक गोल मंगवा लिया करें, आप दिन भर फ्रेश रहेंगे। इनके यहां ऐसा ही वातावरण है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I am sorry, if I got angry. Okay.

श्री के. सी. त्यागी: हमारा सारा गुस्सा खत्म हो जाता है। मैं इनके यहां से एक गोली आपके पास भिजवाऊंगा, तो आपकी प्रॉब्लम भी ठीक हो जाएगी।

श्री उपसभापति: आप अब समाप्त कीजिए। You are my friend. So, you please conclude.

शहरी विकास मंत्रालय में राज्य मंत्री तथा आवास और शहरी गरीबी उपशमन मंत्रालय में राज्य मंत्री (श्री बाबुल सुप्रियो): आप उपसभापति जी को गोली दे रहे हैं।

श्री के. सी. त्यागी: सुप्रियो जी, मैं ऐसी कोई गोली नहीं दे रहा हूँ। यह जया दीदी की गोली है। It is very useful for the health. आप देखिए, ये जो बीच में बैठने वाले हैं, उधर वाले गड़बड़ करें, उधर वाले गड़बड़ करें बीच वाले लोग बिल्कुल ठीक रहते हैं। उधर से लेकर यहां तक, जितना disciplined crowd है, उसमें गोलियों की बड़ी भारी भूमिका है। सर, मेरा यह कहना है कि इस कार्ड का अंतर्राष्ट्रीय स्तर पर दुरुपयोग होने की पूरी संभावनाएं हैं। यह data, चाहे अमेरिका की सीआईए हो, चाहे इज़राइल की कम्पनी हो...

श्री उपसभापति: ठीक है।

श्री के. सी. त्यागी: इसी तरह से हमारी सारी आबादी है, उनके हर तरह के impression अमेरिका के पास होंगे, उनसे शेयर किए जाएंगे। मैं इनकी बात से सहमत नहीं हूँ इसीलिए जो भी अमेंडमेंट्स आप ला रहे हैं, उनके हम टोटली खिलाफ हैं, लेकिन आपका साथ देने के लिए अमेंडमेंट्स में भी आपका साथ देंगे, बहुत-बहुत धन्यवाद।

MR. DEPUTY CHAIRMAN: Now, Shri Md. Nadimul Haque. You have four minutes.

SHRI MD. NADIMUL HAQUE (West Bengal): Sir, I thank you very much for giving me this opportunity to speak on this Bill.

MR. DEPUTY CHAIRMAN: Thank me for 'four minutes'.

SHRI MD. NADIMUL HAQUE: Sir, this Bill intends to provide for targeted delivery of subsidies and services to individuals residing in India by assigning them unique identity numbers called *Aadhaar* numbers. We appreciate that the Government has finally brought in a legislation to give statutory backing to the UID Project. While the idea of *Aadhaar* is good, the implementation has been flawed and inadequate.

At the outset, Sir, I would like to say that questions have been raised whether it is an ordinary Bill or a Money Bill. This House is not barred from recommending amendments to a Money Bill and returning it to the Lok Sabha within 14 days. The Lok Sabha may choose to accept or reject such recommendations. However, Sir, there are some serious concerns which I want to raise here. The first aspect of the Bill, over which concerns and doubts have been raised, is the question of privacy violation. Sir, people's apprehensions about their privacy being violated are well-founded. We do not have a strong privacy protection law in the country nor a data

protection regime. Sir, the Standing Committee, in 2011 had stated that the enactment of a National Data Protection Law is a pre-requisite to implement *Aadhaar*. Though it is good that the Government has taken such positive measures under the Bill to protect privacy, under Clauses 28 and 29 of the Bill, it also provides exceptions to these protections. Sir, Clause 33 permits the sharing of information by an order of a court or in cases pertaining to national security. However, Sir, the Bill does not give any guidelines for judges to issue orders suspending the privacy restrictions.

[THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE) *in the Chair*.]

It is not made clear for what purpose the confidentiality and the security Clauses can be lifted and with whom this information can be shared. Therefore, the question arises whether access to Government services must come at the cost of one's right to privacy. Legislating such a tradeoff could set a very dangerous precedent.

Secondly, Sir, Clause 7 of the Bill makes *Aadhaar* registration compulsory in order to avail subsidies, benefits or services from the Central Government. Sir, at this juncture, a substantial number of people in India is not enrolled in *Aadhaar*. Until we achieve universal coverage, how can *Aadhaar* be made mandatory to access critical benefits, including ration, wage payments, old-age pensions and more? Sir, I would say that give people all the basic benefits with or without twelve *Aadhaar* digits.

Thirdly, in order to be eligible for an *Aadhaar* number, a person needs to be a resident of India for 182 days. What about foreigners, who might be staying in India? Even if they get an *Aadhaar* number, what will they use it for? Will they be getting subsidy on LPG gas? I want to put this question pointedly.

Sir, ideally, any organization, whether private or public, can use *Aadhaar* to establish identity. The Government could potentially access information for any organization and for any transaction authenticated with *Aadhaar*. Without substantive protections, incorporated in the law, widespread use of *Aadhaar* puts significantly better individual figures and lead to the creation of a surveillance State.

Just one more point, my party, the Trinamool Congress, believes that the concept of *Aadhaar* is good. It is useful to transmit benefits and prove identity verification. But the Bill needs serious re-consideration, particularly when a significant portion of the population remains unenrolled and is facing difficulties in getting an *Aadhaar* Card. It is not advisable to tie people's pension, salaries and rations to the *Aadhaar* when neither universal coverage, nor perfect implementation has been achieved on the ground. सर, मैं आखिर में इतना ही कहूंगा,

"पब्लिक की यही पुकार

अभी तक सभी को नहीं मिल रहा है आधार"

† سر، میں آخر میں اتنا ہی کہوں گا،

"پبلک کی یہی ہے پکار،

ابھی تک سبھی کو نہیں مل رہا ہے آدھار۔

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Now, Mr. A. Navaneethakrishnan. You have only four minutes.

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Okay, Sir, I will not waste the time. ...(Interruptions)...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Fine. Carry on. ...(Interruptions)... No disturbance please. ...(Interruptions)...

SHRI A. NAVANEETHAKRISHNAN: Thank you, Sir. I also thank hon. Amma. I would like to highlight this issue from the State Government's point of view.

The State Government, headed by hon. Amma, is developing a State Residents' Data Hub, which is going to be foolproof and error proof. Nobody can find fault with that State Residents' Data Hub. No role has been contemplated in this Bill for the State Government with regard to implementation of the beneficiaries' schemes, which require *Aadhaar* Card. My humble submission is that anything and everything by the Government of India must be implemented only through the State Governments because the real beneficiaries can be identified only by the State Governments. Only the State Governments have got the requisite infrastructure. But this is absent in this Bill.

Secondly, for whichever scheme the *Aadhaar* Card is required, the decision must be taken only by the State Governments.

Thirdly, The State Governments must be given an authority to access the Central Identities Data Repository. But this provision is not there in this Bill to enable the State Government to access the Central Identities Data Repository. So, this provision must be there to enable the State Governments to access the Central Identities Data Repository.

Fourthly, as per clause 33(2) of the Bill, a Committee or some Central Government's agency is empowered to release the information, the data in the interest of the national security. Our plea is that the State Governments must also be given this power to release the data wherever it is required because the issue of law and

† Transliteration in Urdu script.

order is in the domain of the State Government. The Telegraph Act gives the right to access everything, to intercept the phone calls by the Central Government as well as the State Governments. Such a power must be given to the State Government in this Bill also. But this is absent.

Sir, our plea is that the Direct Benefit Transfer Scheme must be implemented only through State Governments, not directly by the Central Government. So, that should not be done because the real beneficiaries will not get the benefits. Further, we need an assurance from the Central Government that subsidies for commodities which are supplied, like food, fertilizers and kerosene, are not converted into cash transfers under the Direct Benefit Transfer Scheme. So, an assurance must be given. Our hon. Chief Minister Amma is very much interested to protect the State autonomy. So, I hope that the Central Government will give these assurances. Thank you.

उपसभाध्यक्ष (श्री वी. पी. सिंह बदनौर): सतीश चंद्र मिश्रा जी, आपको 3-4 मिनट में ही समाप्त करना है, क्योंकि सभी को इतना टाइम दिया गया है। पता नहीं आप जैसे eminent lawyer भी कर पाएंगे या नहीं, आपको 3-4 मिनट के अंदर जस्टिस तो करना पड़ेगा।

श्री सतीश चंद्र मिश्रा: सर, मैं कोशिश करूंगा, लेकिन there are certain things, which, probably, Mr. Jairam Ramesh....

उपसभाध्यक्ष (श्री वी. पी. सिंह बदनौर): आप तो सीधे प्वाइंट्स पर ही आ जाइए।

SHRI SATISH CHANDRA MISRA: But, Sir, I will come straightaway to the points that I think have been left out.

उपसभाध्यक्ष (श्री वी. पी. सिंह बदनौर): जो बातें हो गई हैं, उन पर नहीं आना।

SHRI SATISH CHANDRA MISRA: Because the hon. Minister is not here.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): No, no; the MoS is writing.

SHRI SATISH CHANDRA MISRA: The hon. Leader of the House has brought forward this Bill.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): He will reply to you.

SHRI SATISH CHANDRA MISRA: He stressed on one aspect and he impressed the House. He wanted to impress the House. He said that they have brought so many safeguards with respect to disclosure of the privacy; — an apprehension which was in our mind — so, we should not keep that in mind. Sir, he referred to clause 33. He referred to a provision which says under what circumstances disclosures can be done. Now, I will straightaway come to clause 33. Clause 33 says that any Court of District Judge, the District Judge ranking court can give an order that, all right, you

[Shri Satish Chandra Misra]

4.00 P.M.

get this disclosure. Sir, there is a proviso, which says that no order of this court, under the sub-section, shall be made without giving any opportunity of hearing to whom, to the authority and not to the person concerned, the affected person whose identity is being disclosed. He does not have any opportunity to say before the District Court, saying to the learned District Judge, that you cannot disclose this because of these, these reasons. Sir, no reasons have been assigned in this Bill, as to under which circumstances the District Judge will disclose it. Therefore, this is a very dangerous provision and it, mainly, hits Article 21, and also Article 14 of the Constitution of India; a challenge before the Court. What will be done there is something different, but, since we are enacting the Act, we should look into it, that whether the person concerned, whose identity is being disclosed, is being given an opportunity or is being denied an opportunity. Not only this, he is being denied an appeal also! There is no provision of an appeal against the order of the District Judge. Anybody can go to the Court of District Judge, get an order and that is final. Therefore, on the apprehension which appeared in various news items, other places and also expressed by the Members before the hon. Leader of the House, and which he wanted to dispel with, I would like to know what comes from the Government side to dispel that apprehension.

My second point is this. Sir, I will confine only to this clause; I will not go beyond this, because this is the only thing he spoke on. Subsection (2) says that in the case of national security, it can be disclosed. If the disclosure is done, it is permissible. Now, what is national security? Sir, I have gone through this Bill, the definition clause. There is nothing mentioned about what national security will mean, as far as clause 33 is concerned, or what will be the criterion for deciding that whether it is a national security issue or not? There is no such definition in the Indian Penal Code, and there is no definition in the National Security Act, which also I have gone through. That also does not define the national security. So, this is a word which has been used. But, Sir, it can be not only used, but it can totally be misused in whatever manner and authority. Today, they are in power. Some day, they will be this side. The others might misuse it. So, whoever is there, the misuse should not be permitted.

Sir, the other thing which I would like to point out is that as far as clause 37 is concerned, it is a very dangerous provision.

Now, Section 37 says that 'anybody who is preparing this data, if he discloses this data to any unauthorized person, he will be liable to pay ten thousand rupees'. So, it is so easy. If the persons who are preparing it — they can prepare it — hand

it over to someone, they can get away with ten thousand rupees. The other side can say that it says, 'or three years imprisonment'. The word here is 'or', and not 'and', and, therefore, it is again at the discretion that you pay ₹ 10,000 and you disclose this. ...(Time-bell rings)... So, I would like to know why the word 'or' is there, whereas, in the same Section and the Section next below it, *i.e.*, Section 38, you have said that 'Whoever, not being authorized by the Authority, intentionally does all these acts — up to (i) — shall be punishable with imprisonment for a term which may extend to three years and shall also be liable ...' The words over there are 'and also', and in the previous Section, you have said, '... ten thousand rupees or ..' Therefore, I would like to know why this discrepancy is there. I do not know why this was got omitted. ...(Time-bell rings)...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Thank you.

SHRI SATISH CHANDRA MISRA: I will just conclude. ...(Interruptions)... I still have one minute.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): No, no, you had got only three minutes because we have cut down ...

SHRI SATISH CHANDRA MISRA: The clock shows 'one minute'.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): No. That is not the ...(Interruptions)... The time has been cut for everybody, not just for you.

SHRI SATISH CHANDRA MISRA: Sir, I will conclude by saying that not only with Section 38 but Section 39 also provides for punishment, and, there again, the words used are '... three years and shall also be liable ..' So, why is this difference?

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): You are exceeding the time.

SHRI SATISH CHANDRA MISRA: At two places, you are saying 'and' and in one place you are saying 'or'. So are you giving leverage to the persons at the level who prepare the data that they can release it and get away with it? So that is very dangerous and that requires to be answered.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Shri Tapan Kumar Sen. You have only three minutes. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: You better say, 'not to speak, only sit down.' ...(Interruptions)... You better say, not to speak. ...(Interruptions)...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): It is for everybody. ...(Interruptions)...

SHRI T. K. RANGARAJAN: Take the sense of the House. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Okay. Let us ...
...(*Interruptions*)...

SHRI TAPAN KUMAR SEN: You better say, 'not to speak'. It is such an important Bill. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): I think, instead of arguing with me...

SHRI TAPAN KUMAR SEN: We are ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): The whole House decided on this. ... (*Interruptions*)...

SHRI TAPAN KUMAR SEN: It is going on since 3 o'clock. It is anybody's property. ...(*Interruptions*)... We are dealing with a legislative work. Anyway.

Thank you, Mr. Vice-Chairman, Sir, for giving me this opportunity. At the outset, I rise to reiterate my objection to the manner in which this Bill is being made a Money Bill and placed here just as a *fait accompli* in the Rajya Sabha undermining the legislative competence, authority, intellectuality of the Rajya Sabha as a House itself. The hon. Finance Minister and the Leader of the House has given explanation. His explanation is not at all convincing and not at all acceptable. I need not go into the detail of it because there is no time and this has already been spoken of.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): I think, you straightway come to the points of substance.

SHRI TAPAN KUMAR SEN: Number two, I would like to reiterate — and I think that point needs a reiteration — that an impression is being passed on that once the *Aadhaar* Bill is passed, there would be a subsidy regime. Everybody will get a subsidy. That is not the case. *Aadhaar* is only fixing the identity. The targeted subsidy system till now is in operation in our country for the last four, five, six years, till the time the Public Distribution System from 'universal' is diluted. Our experience is that more genuine people are excluded, and this will increase the exclusion further if the *Aadhaar* is being made mandatory for the subsidy regime. Instead of targeting, it will lead to exclusion because it is not only *Aadhaar*, it is also a bank account, and linkage of the *Aadhaar* with bank account can only entitle a person, who is otherwise entitled for subsidy because of his income level and other things, only for these benefits. *Aadhaar* will be only a first part of it, and you can see the manner of the *Aadhaar* coverage that is there. It is there for quite

some time. The *Aadhaar* is operating in our country for quite some time but till now the character of coverage is quite low. But till now, its coverage along with coverage through banks, of persons to whom the direct benefit transfer would be made available, is so low that if *Aadhaar* is made mandatory for being entitled to subsidy, it would lead to more exclusion and, without doubt, more saving of money for the Government, to the tune of about ₹ 45,000 crore. It may even go up to one lakh crore rupees. If the entitled population is not properly covered through bank accounts and also without *Aadhaar* coverage to all the population and linkage between the *Aadhaar* card and the banks, this benefit transfer is not possible. So, if it is made mandatory, then there would be more exclusion. Even though the Bill is named 'The *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill', it would just work in the opposite direction if it is made mandatory before setting up an appropriate administrative machinery and expanding it to cover the entire population through *Aadhaar*, bank accounts and a linkage between the two. So, my first point is that it should not be made mandatory.

Sir, the second point is on the question of privacy. The hon. Finance Minister has assured us that enough safeguards have been put in place, but still, many things are left out. Accordingly, we have moved some small amendments.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): When the amendments are moved, you would get a chance to speak. You will get a chance to speak.

SHRI TAPAN KUMAR SEN: Sir, please let me make my points.

These amendments have been further explained in the amendments proposed by Mr. Jairam Ramesh too. There are certain clauses which need to be totally deleted, because they would infringe upon the privacy of the people and it may be utilized for other purposes. So, there too, I have serious objections. Those changes and amendments that are moved may be recommended by the Rajya Sabha to the Lok Sabha for acceptance.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): You would get a chance to speak then. Thank you very much.

SHRI TAPAN KUMAR SEN: The third point, Sir...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): It is the last, I suppose!

SHRI TAPAN KUMAR SEN: Please, Sir; please.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): I am also saying 'please'!

SHRI TAPAN KUMAR SEN: Sir, I think I have the right to express my feelings and my understanding of the Bill, and I may be corrected.

Sir, given the situation, if these issues are not addressed, if it is made mandatory and all those concerns, in addition to the security concerns, are not appropriately addressed, we would be entering into a much messier situation. Please underline the word 'messier'. I would like to quote and conclude. I quote, "We are now entering the era of *Aadhar* Number. The Government has recently made the existence of the *Aadhar* Number as a condition precedent for undertaking several activities, from registering marriages to execution of property documents. Will those who encroach upon the affairs of others be able to get access to bank accounts and other important details by getting into the system? If this ever becomes possible, the consequences would be far messier." In the case of *Aadhar*, this is an observation, and let me disclose whose observation it is. With all due apologies, this was the observation made by the Leader of the House when he was the Leader of the Opposition, in April, 2013, while commenting on the *Aadhar*.

SHRI JAIRAM RAMESH: Read it again! ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): This is his Bill and I think you would get an answer from him. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: Also, while commenting on the complaint of surveillance, we had complained. ...*(Interruptions)*... We have also complained about it while talking about surveillance on the Opposition, and we are also a part of the Opposition. ...*(Interruptions)*... This was his comment on *Aadhar*. I think, the situation would be made messier if this is not taken care of. If you want, I can ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): No. Thank you. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: The Minister has heard it. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Shri Bhupinder Singh. ...*(Interruptions)*... Mr. Bhupinder Singh, you have only three minutes. Everybody's time has been curtailed. ...*(Interruptions)*...

SHRI BHUPINDER SINGH (Odisha): No, Sir. I have given nine amendments. ...*(Interruptions)*... Be reasonable. ...*(Interruptions)*...

THE VICE-CHAIRMAN: Everybody's time has been curtailed; you are not an exception. ...*(Interruptions)*... Carry on, please. ...*(Interruptions)*...

SHRI BHUPINDER SINGH: Mr. Vice-Chairman, Sir, I have given from my party's side nine amendments to this Bill. सर, यह जो आधार बिल, 2016 है, इसे मंडेटरी करने की बात क्यों सोची गई है? अगर आप इस देश के मानचित्र को देखेंगे, हमारे यहां ऐसी-ऐसी स्टेट्स हैं, जैसे हमारा राज्य ओडिशा है, जहां 53,000 से ज्यादा गांव हैं। ऐसे स्थानों पर कम्युनिकेशन पहुंचाने में अभी 20 साल और लग जाएंगे, चाहे हम कितने भी स्लोगंस क्यों न देते रहें। हम अपने नेशनल बजट को चाहे जितना भी बढ़ा लें या कुछ और भी कर लें, तब भी हम वहां तक कम्युनिकेट नहीं कर सकते हैं। हमारे यहां 15-15, 20-20 किलोमीटर तक एक बैंक भी नहीं है और बहुत सारे लोग ऐसे हैं, जिनका कभी बैंक में एकाउंट खुला ही नहीं है।

अभी बहुत सारे सदस्यों ने बायोमेट्रिक की बात कही। हमारे यहां रूम नं. 67 में अभी बायोमेट्रिक चल रहा है। हमारे यहां जो सीनियर सिटिजंस हैं या अन्य मेम्बर्स ऑफ पार्लियामेंट हैं, उनका जब थम्ब प्रिंट देखा गया, तो वह भी सही नहीं निकला है। कंप्यूटर में आ रहा था कि वह व्यक्ति नहीं है। यह सिस्टम यहीं, इस हाउस की बिल्डिंग के ऊपर के रूप में लगा हुआ है। So, this is the situation. सर, इसलिए मेरा कहना यह है कि इसको न माना जाए।

अभी तक हम लोगों के पास जितने भी आईडी कार्ड्स हैं, ड्राइविंग लाइसेंस से लेकर दूसरे बहुत सारे कार्ड्स, तो क्या अब आप यह कहना चाहेंगे कि हमें पार्लियामेंट ने जो आईडी कार्ड दिया है, यह आधार कार्ड उससे भी बड़ा हो जाएगा? क्या अब हमारे इस कार्ड की कोई वैल्यू नहीं रहेगी? हम इस प्रश्न का जवाब चाहते हैं। आप अपनी ही बात को कंट्राडिक्ट कर रहे हैं। क्लॉज 4 में आप बोल रहे हैं 'Identity for individual' लेकिन वहीं क्लॉज 7 में आप इसको कंट्राडिक्ट कर रहे हैं। हमारे कहने का यह मतलब है कि आप ...(व्यवधान)... सर, अगर आप ऐसा कहेंगे, तो मैं बोल नहीं सकूंगा।

उपसभाध्यक्ष (श्री वी. पी. सिंह बदनौर): मैंने तो कुछ बोला ही नहीं है।

श्री भूपिंदर सिंह: सर, आपकी बॉडी लैंग्वेज यह बता रही है। यह मैं आपके लिए ही बोल रहा हूं, क्योंकि डिजिटल चेकिंग का काम आपके रूप के पास वाले रूम में ही हो रहा है। ...(व्यवधान)... सर, मेरे कहने का मतलब यह है, आज अगर कोई मेम्बर ऑफ पार्लियामेंट अमेरिकन एम्बेसी में चला जाए और अगर आप वहां पर अपना आधार कार्ड लेकर जाएंगे, तो they are not accepting it. अगर मेरी बात गलत है, तो मैं चाहूंगा कि सरकार इसके ऊपर अपनी राय दे।

सर, अगर आप चाहते हैं कि हम इसको सपोर्ट करें, तो हम सपोर्ट करेंगे। हम तो सोच रहे थे कि आप इसे मनी बिल बनाकर, राज्य सभा को इससे वंचित कर देंगे, लेकिन मैं इसके लिए सरकार को धन्यवाद दूंगा कि कम से कम आप इसी सेशन में इसे लेकर आए हैं, नहीं तो यह वहीं से होकर वापस चला जाता और हम लोगों को इस पर बोलने का मौका भी नहीं मिलता। ...(समय की घंटी)... लेकिन मैं यह जानना चाहता हूं कि जब आपने यह बिल बनाया, तो पिछली सरकार की स्टैंडिंग कमेटी के चेयरमैन की जो रिपोर्ट थी, उसकी रिकमंडेशंस के ऊपर आपने कितना गौर किया? वे आपकी पार्टी, बीजेपी के, एनडीए के बहुत बड़े लीडर रहे हैं।

सर, हम यह चाहते हैं कि कम से कम आप इसको देखें। इसमें क्लॉज 57 है, जो मंडेटरी, प्रोविज़न है, इसको वहां रखा जाए और हम लोगों को अपनी बात रखने का एक मौका दिया जाए। हम लोग आज यहां जो अमेंडमेंट लाए हैं, उनमें ऐसी कोई बात नहीं है, तो सरकार हमारे इन अमेंडमेंट्स पर राजी क्यों नहीं होगी? कम से कम इस हाउस में इसके ऊपर चर्चा होनी चाहिए।

उपसभाध्यक्ष (श्री वी. पी. सिंह बदनौर): उसके ऊपर चर्चा करने का आपको मौका मिलेगा।

श्री भूपिंदर सिंह: जब अमेंडमेंट्स आएंगे, तब ऐसा मौका नहीं मिलता है।

उपसभाध्यक्ष (श्री वी. पी. सिंह बदनौर): बिल्कुल मौका मिलेगा।

श्री भूपिंदर सिंह: जो अमेंडमेंट्स हम मूव करेंगे, वे हमने क्यों मूव किए, उसका कारण क्या है, यह बताने का मौका बाद में नहीं मिलता है।

उपसभाध्यक्ष (श्री वी. पी. सिंह बदनौर): उस वक्त आपकी बात सुनी जाएगी।

श्री भूपिंदर सिंह: हम उम्मीद करते हैं। यह सरकार और इसके मंत्री महोदय, श्री जेटली जी बहुत ही सूझबूझ के मंत्री हैं, हम उनका सम्मान करते हैं और उनसे कुछ आशा करते हैं। हमारे ओडिशा जैसे राज्यों में, जहां आज पंचायतों तक, दूर-दूर तक बैंक नहीं हैं, पहाड़ियों में लोग अभी तक यह कार्ड नहीं बनवा पाए हैं, क्योंकि वहां तक हम पहुंच ही नहीं पाए हैं, इसलिए वहां इसको 20:30%, 30:20% करके, phased manner में कीजिए। मैं आपके माध्यम से सरकार से यही निवेदन करता हूं, क्योंकि छत्तीसगढ़, झारखंड से लेकर बिहार तक, यूपी, बुंदेलखंड से लेकर विदर्भ तक पूरे देश में ऐसा है, आपके राजस्थान में भी ऐसा ही है। आज राजस्थान हिन्दुस्तान का सबसे बड़ा राज्य है। यूपी डिवाइड होने के बाद Rajasthan is the largest State, वहां तक सब के घर में 'आधार' पहुंचना सम्भव नहीं हो पाया है। इसलिए मैं उम्मीद करता हूं कि सरकार इसको phased manner में करने पर राजी होगी, धन्यवाद।

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Prafulji, you were not in the House. Actually, everybody's time has been curtailed. So, I don't know if you will be able to speak within three minutes.

SHRI PRAFUL PATEL (Maharashtra): Sir, I will take two-three minutes. Mr. Vice-Chairman, Sir, I am sorry for not being present. I had just gone for a quick coffee break.

Sir, I compliment Dr. Manmohan Singh, who is present here. He had, during his tenure, launched 'Aadhaar', and we were party to his Cabinet. The opportunity for this country to discuss this Bill today and the genesis of today's discussion is the UIDAI, which was launched during his tenure under the leadership of Shri Nandan Nilekani. I think it is path-breaking. What we are discussing today may be academic, but the substance is something which we, as a country, should be proud of. This will lay the foundation of many good things to happen in the future. I wish it was not an academic discussion in this House because after what the Lok Sabha has decided, what the Speaker has decided, we are nobody to comment on it, but the fact is that after whatever we discuss and whatever may be the amendments, it is just going to be a matter of ritual to pass it in the other House. That notwithstanding, I just want to remind the House of a programme which had been launched by a very vigilant Chief Election Commissioner in the past, when we were all given the

Election Cards. It was a very mandatory exercise at that time. It was very widely propagated that जिसके पास अगर इलेक्शन कार्ड नहीं होगा, उसको वोट डालने का अधिकार नहीं होगा। तो सारे लोगों ने कैसे भी करके अपने इलेक्शन कार्ड बनवा लिए। उस टाइम कैसे भी करके अधिकारियों ने भी अपनी जिम्मेदारी का पूरा निर्वाह कर लिया। कोई है, नहीं है, किसी के पास एक कार्ड है या दो कार्ड्स हैं, किसी के पास बिल्कुल नहीं है, यह सारा हमने इस देश में देखा है। मैं समझता हूँ कि हम लोगों ने इस देश का सैकड़ों करोड़ों हजार का खर्चा उस वक्त इलेक्शन कार्ड बनाने के लिए खर्च किया था। उसके बाद नतीजा क्या हुआ? जब यह मामला सुप्रीम कोर्ट में चैलेंज हुआ, तो सुप्रीम कोर्ट ने कह दिया कि इलेक्शन कार्ड कोई मैनडेटरी नहीं है। अगर किसी के पास है, तो ठीक है और नहीं है, तो उसका मतलब यह नहीं कि उसको वोट डालने से वंचित किया जाएगा। मैं यह बात केवल इसलिए कह रहा हूँ, सबको स्मरण करा रहा हूँ कि यह चीज़ हमने अपने देश में अनुभव की है। आज जब हम फिर से एक कोई भी कार्ड या कोई भी एक अपने आइडेंटिफिकेशन को मैनडेटरी बनाने की बात कर रहे हैं, तो उस वक्त की उस बात को और उस वक्त के सुप्रीम कोर्ट के जजमेंट को थोड़ा स्मरण करा कर हाउस की जानकारी में लाना चाहूंगा। Sir, the Election Cards had become mandatory and then the Supreme Court said, "Nothing doing about it." Anyway, I have a very limited point here. Since the time is short, there is no point going into too much of detail. Today, we are talking of *Aadhaar* card. I just fear one thing. Is the issuance of *Aadhaar* card going to be something which is well thought of and a well-laid-down process? I am asking this because किसी को भी, undesirable element को भी कल आधार कार्ड मिल जाएगा या नहीं मिलेगा, इसको हम कैसे सुनिश्चित कर सकते हैं। आज हमारे देश में सुरक्षा का बहुत बड़ा माहौल है। आज हमारे देश की 7 हजार किलोमीटर से ज्यादा shore line और हमारे बॉर्डर्स हैं। इन सारी परिस्थितियों में हमने यह भी देखा है कि करोड़ों लोग हमारे देश में infiltration करके आए हुए हैं, बसे हुए हैं। मैं किसी भी व्यक्ति, देश या किसी के बारे में नहीं कहना चाहूंगा, लेकिन हम सब बात समझते हैं। ऐसी परिस्थिति में आधार कार्ड किनको मिलेगा, किस प्रोसेस के माध्यम से मिलेगा, इसके बारे में सरकार ज्यादा ध्यान दे, यह मैं समझता हूँ कि यह हमारी एक बहुत बड़ी अहम जिम्मेदारी है। ...**(समय की घंटी)**... मैं इसके आगे नहीं बोलने वाला हूँ। केवल इसी मुद्दे पर कह रहा हूँ कि यह मुद्दा बहुत जरूरी है, क्योंकि मुझे मालूम है कि गांवों में किस तरह से आधार कार्ड्स इश्यू हो रहे हैं। मेरा खुद का भी आधार कार्ड बना, लेकिन मैंने साथ-साथ यह देखा कि कई लोगों के जिस तरह से आधार कार्ड बन रहे हैं, अधिकारी केवल जाते हैं, खानापूर्ति करते हैं, जिनको देना है, देकर निकल कर बाहर आ जाते हैं। So, *Aadhaar* card may be good in concept in whatever the two sides were discussing. We were listening with a lot of enthusiasm, attention, and also a little bit of ...**(Interruptions)**... No; I am talking in terms of the other side.

SHRI JAIRAM RAMESH: You were also on that side.

SHRI PRAFUL PATEL: I said that. I complimented Dr. Manmohan Singh. You come late and start discussion. I complimented Dr. Manmohan Singh and I said that I was a Member of the Cabinet, which started this programme. So, please

[Shri Praful Patel]

do not do this. This is your habit and this is why, we have a lot of problems. I repeat it again for the sake of records. Twice in two days, you made me say this. ...*(Interruptions)*... The fact is that he has been... ...*(Interruptions)*... Many of my own problems, but anyway, we remain the best of friends. ...*(Time-bell rings)*... Sir, let me complete only on this note.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): He disturbed you. ...*(Interruptions)*...

SHRI PRAFUL PATEL: No, no. He disturbed and then you expect me to.. ...*(Interruptions)*... He has disturbed the Government also and now, he is disturbing the House. ...*(Interruptions)*... Sir, I will request the hon. Leader of the House and the Finance Minister that this is a very serious issue as to how the *Aadhaar* cards are made. Sir, a passport is not issued just for asking. There is some verification process. I am not expecting it to be as cumbersome as a passport verification process but certainly it needs to be thought out much more diligently, much more carefully than what is the current practice. Hon. Finance Minister mentioned about the social security scheme which was launched in 1935 in the United States. It is very laudable, very noble, and, I think, it is the genesis of our programme also. If that social security card is an Entry Point, Exit Point even to enter and exit the United States...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): I think, the Finance Minister has taken your point very seriously. ...*(Interruptions)*...

SHRI PRAFUL PATEL: It should become as completely foolproof...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): I think, the Finance Minister has taken your point very seriously. ...*(Interruptions)*...

SHRI PRAFUL PATEL: ...As the social security card of the United States. This is my request. Thank you.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Thank you very much. Now, Shri K.T.S. Tulsi; not here. Shri Rajeev Chandrasekhar. You have three minutes only. You are a pilot, and, I think, you will understand the importance of time.

SHRI NARESH GUJRAL (Punjab): Sir, we give him three minutes' time of our Party also. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Okay. It will make five minutes. ...*(Interruptions)*... But your name was not here, so, you cannot give your time.

SHRI RAJEEV CHANDRASEKHAR (Karnataka): Sir, this discussion is thousands of crores and six years overdue. While I completely support the Government's determination to reform public-subsidy spending, I also welcome the statement by the hon. Finance Minister that privacy is the fundamental right.

So, while I say that, I must say that I find the recent opposition to *Aadhaar* by my friends in the Opposition, both in the Congress and the Left, slightly amusing and somewhat perplexing because since 2010, when *Aadhaar* was being rolled out, I did not hear a beep from them on issues of privacy, lack of debate, lack of legislation. While there were a few who kept raising this issue, I did not find any voices from that side. But be that as it may, Sir, I will quickly make a few broad points.

First of all, I congratulate the Government for doing what the UPA Government did not do, that is, to have a debate that will cut through the hyperbole, the spin and the Will Durant 1930's revolution that has characterized *Aadhaar*. I think, it is important that we have a reasonable, rationale, decent conversation about what *Aadhaar* really is. And, I think, Sir, it is important that the House knows that the *Aadhaar* is simply a biometric data base that contains three pieces of information. It contains name, age and address, and, it contains his or her bio-metric information. Sir, somebody in the UPA must explain why is it that even after spending thousands of crores on this database, this still cannot identify a citizen or a non-citizen. Is it the contention that the taxpayers' funded subsidies would be given to illegally staying migrants in the country and non-citizens? It is a question that needs to be answered, and, while we will go round and round in circles about 15 per cent, 20 per cent illegality, the fact is that non-citizens and illegal migrants are going to be allowed to avail subsidies under the *Aadhaar* scheme. The question that I pose to the Government on this issue is: What is the Government's contention on the issue of non-citizens getting taxpayers' funded subsidy? I would like the Government to clarify that this is not their intention but rather forced on them due to how the *Aadhaar* was built.

Sir, the second point relates to the issue of identity proof. Clause 4(3) and clause 57 implies that *Aadhaar* would be used as identity proof for nonsubsidy related issues. That is how I read it. Sir, this is very, very dangerous. And, as Praful bhai was saying, given the fact that the verification process in *Aadhaar* has been, I am using a politically-correct phrase, 'loose'. Large parts of that database are fake as many Members know. To use the *Aadhaar* database as an identity proof into further upstream documents like passport, driving licence, election ID is essentially creating a trapdoor in the *Aadhaar* database to create identity laundering. We heard of black money laundering, but currently, if *Aadhaar* is used as an identity proof

[Shri Rajeev Chandrasekhar]

under Section 4(3) or 57, it will be identity laundering. And there is nothing to prevent David Headley from getting *Aadhaar*, and if *Aadhaar* is used as identity proof for getting an Indian passport, many such friends of David Headley. So, Sir, I firmly oppose Sections 4 (3) and 57 or any implication of *Aadhaar* being used as an identity proof for non-subsidy related functions.

Sir, I compliment the Government. They have done an excellent job in widening the protection under *Aadhaar*. The protection of information section under the original Bill was, as the Leader of the House said, completely non-existent. The privacy rights here under the Bill are very positive, Sir. Section 43A of the IT Act is a good thing. But I want to just draw the attention of the Government to two basic problems under Section 43 A. One is the fact that the Cyber Tribunals are inactive. Therefore, there is a legitimate question to be posed: Are these protections enough for privacy? The second is — and this, I think, was touched on by my friend, Jairam Ramesh, who talked about my courage of conviction, and I can assure him that there is no dilution in that ever and will not be — Is there a way of bringing the Jan and Yojana and all other databases that are going to be used to target subsidies under this Act or possibly to bring an overarching privacy legislation in the Parliament?

Sir, I will go into the other issues during the amendments, but let me quickly make one point. ...(*Time-bell rings*)... Clause 33, I completely agree with the Leader of the House that under national security conditions, interceptions should be permissible. But, Sir, inclusion of a legal oversight in the Committee, not just the Cabinet Secretary but having somebody like the Attorney General or a retired Judge would be effectively making the fair, just and reasonable argument better. ...(*Time-bell rings*)... I just end, Sir.

I am supportive of the Government's decision to go ahead with this very flawed platform that they inherited. But, let us do so in a manner where the flaws are recognized and acknowledged so that the *Aadhaar's* use is limited and cautiously directed in areas where they do not cause any other damage. In future, Sir, a repaired and cleaned-up *Aadhaar* has to be integrated to work with other databases like JDY, LPG, mobile, etc., to direct public spending more effectively and with less leakage and corruption.

Thank you, Sir. Jai Hind.

SHRI D. RAJA (Tamil Nadu): Thank you, Sir. I reiterate what I said earlier. This Bill is certainly not a Money Bill because it actually does not provide any benefit of subsidy, of service to any citizen. What is it is just an identity project,

and that identity may or may not be used by the Government, but may also be used without any limits by private companies, private persons and also by foreign powers. Sir, the UPA takes credit for the UIDAI. But what does the website of UIDAI say? I quote, because many websites were quoted here, "No country has undertaken to build a national registry at the scale and accuracy as UIDAI initiative. Nature and diversity of India's working population adds another challenge to achieving uniqueness through biometrics features. Like other technology fields such as telecommunication, we do not have experience like developed countries to leverage for designing UIDAI's biometrics systems." This is what the UIDAI website says.

Sir, this is still being experimented and researched. So, how can this be the basis for identity? This will lead to a large-scale exclusion. Now, we are striving for inclusive growth and inclusive development. But this should not lead to a large-scale exclusion, this is my serious apprehension.

Then, there are serious questions. Despite the explanation given by the Leader of the House, the Finance Minister, Mr. Jaitley, there are strong apprehensions on the issue of privacy, on the issue of national security. There, I fully agree with my colleague – who sits next to me, Mr. Satish Chandra Misra – who spoke on privacy and national security. This should not go against the Fundamental Rights of our citizens.

Finally, Sir, even the Supreme Court has said that this *Aadhaar* card should not be made mandatory for getting subsidies.

I end with one comment on subsidy. How do we understand the subsidy? Because it is loosely used as an insulting term to the working people. In fact, what I say, subsidy is nothing but a denied fair share of the working people in the country's wealth, which they create, but are being denied of. When we talk of subsidy, we should talk in terms of respect and dignity. It is not a question of pity and mercy from any Government. Then, how do we address this fundamental question of delivering or compensating the denied fair share of the working people as Government scheme. Will this *Aadhaar* card be in a position to help the poor people? That is what I am saying. Every time, it is said 'targeted people', 'targeted people'. How do you enumerate the 'targeted people'? They are the *adivasis*, they are the *dalits*, they are the poor people. How can this biometric system work in their case? How can you make it mandatory?

These are the issues, which Government will have to address while you proceed further.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Shri K. T. S. Tulsi. You do not want to speak. Shri K. P. Ramalingam. Last speaker. Three minutes.

DR. K. P. RAMALINGAM (Tamil Nadu): Sir, whether this Bill is a Money Bill or not, this is a good Bill. We are confident that this *Aadhaar* Bill will definitely provide for a good governance. I expect it. Sir, we can understand one thing that so far, the Government subsidies and benefits are not reaching the common man properly. More than fifty per cent will be extracted by the brokers and some fake identities. Now, in this Bill, ascertaining the individuals or identifying with definite identity will help the nation to be without corruption. All subsidies will reach the common people.

I have an experience in Tamil Nadu in the recent floods. The *Aadhaar* cards and the *Jan Dhan Yojana* accounts helped a lot. Around 15 lakh people have directly benefited. The Central Government has given ₹ 5000 per family. That has reached to the people. In that way, if this Bill is used for the benefit of *aam aadmi*, it will be a very beneficial one. It is the need of the hour to pass this Bill, but I have got some apprehensions.

Clause 47(1) has to be amended or it has to be changed. Same thing for Clause 48; it should be dropped. Clause 57 also has to be amended. Anyhow, we should not say it should not be mandatory and all. There are around 100 crore people living in our country. Without ‘mandatory’ things would not be successful. Even ‘voluntarily’, it would never be successful. Only, ‘mandatory’ would be successful. So, *Aadhaar* must be made mandatory and all the hurdles have to be removed. If you come with a good suggestion, a good scheme, first of all, it will get some apprehensions, some problems and all. But, lastly, it will help the Government, help the nation and help the people. This is a step forward and we welcome it. We appreciate the Government for coming forward. This was UPA’s brainchild. Now you are nourishing it. It is very good. But it has to be done properly. Thank you, Sir.

SHRI A. NAVANEETHAKRISHNAN: Sir, that is also a State Government fund. He is misleading the House. I am sorry to say this. ...*(Interruptions)*... This is a false statement. ...*(Interruptions)*... This amount of ₹ 5,000 reached the poor people. ...*(Interruptions)*... It represents the money provided by hon. Amma also. Let me put it on record. So, he is misleading ...*(Interruptions)*... It is a false statement. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): The Minister of State wants to intervene or not. ...*(Interruptions)*... No. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: Sir, may I seek a clarification?

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Yes.

SHRI SUKHENDU SEKHAR ROY: 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..” According to me, to say here “for any purpose,” is vague and it provides an unflinching or unfettered power to the authorities which will make room for authoritarianism. Therefore, I want a clarification from the hon. Minister. What does “for any purpose” mean? According to me, it is absolutely vague and it provides room for authoritarianism.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Now, Mr. Minister.

(MR. DEPUTY CHAIRMAN *in the Chair*.)

SHRI ARUN JAITLEY: Sir, I am extremely grateful to a large number of hon. Members who have spoken on this Bill. A series of suggestions have been made. Some questions have been raised. Some doubts have been expressed. Some Members have supported some of the provisions.

Let me at the very outset reiterate one aspect of the Bill that Mr. Jairam Ramesh in his elaborate opening statement pointed out. This relates to exceptions to the privacy rule. I think it is the core of the public debate which is on and this must be addressed. What did you have in mind when the Bill was originally perceived in 2010? I may once again say that I am not on a UPA Bill or an NDA Bill argument. This is evolution of a law which has taken place.

If I read clause 30 of the UPA Bill, it provided for confidentiality and then said, “Provided that an *Aadhaar* number holder may request the Authority to provide access to his identity information in such manner as may be specified by regulations.” According to the 2010 Bill, I can volunteer to say that if any authority asks for my details, please give it. Now we thought over it and there are two aspects. By consent you could part with information or share the information and this can be defined by the regulations. We considered this on the basis of recommendations of various experts that core biometric information should not be shared even with consent. So we improved upon this aspect of the law. Then comes the second question. It is on Clause 33. It says that nothing contained in sub-section (3) of section 30 shall apply to disclosure of any information by an order of a competent court. So any magisterial court anywhere in the country could then pass an order seeking details of the identity of so and so person. We said no to it. It will have to be a higher judicial authority and not any court in the country. So we improved upon that. The next change that we made is this. Clause 33 (b) talks about any disclosure of information (including identity information) made in the interests of national security pursuant to a direction of an authority above the level of a Joint Secretary. Now, one of Mr. Jairam Ramesh’s amendments is that this exception to the rule of national security should be taken out. It was well thought out. ...(*Interruptions*)... I am aware of that.

[Shri Arun Jaitley]

...(Interruptions)... Mr. Jairam, please listen to my response. Now, national security in any provision of the Constitution including exception to free speech, including reasonable restrictions on Fundamental Rights is always considered paramount. The rights of an individual are always subject to some form of a reasonable restriction and I, therefore, said assuming that privacy is a right of personal liberty, it can be restricted by procedure established by law which must be fair, just and reasonable. Now, is the only criteria of national security a reasonable ground or not? Article 19(2) provides for national security of State. Section 3 of your Official Secrets Act provides for security of State. Preventive detention powers provide for security of State. So, 'security of State' over the years has come to be a well defined concept. Now, if you go outside the security of State and try to overstretch the meaning, and I have no doubt that if you overstretch the meaning, some judicial authority will intervene and say you stop this, this is not security of State. So, national security is a phrase that we have borrowed from the 2010 law. Now, what is 'public emergency'? What is 'public safety'? 'National security' in different laws has come to be evolved and defined. It has something to do with the integrity of India, the sovereignty of India. There is no concept of a 'public emergency'. You have under Article 352 of the Constitution the concept of declaration of an emergency. 'Public emergency' is a vague phrase. If an agitation by a certain group takes place in Haryana and there is a law and order problem, is it public emergency? ...(Interruptions)... Is it public safety? ...(Interruptions)... I am glad you said it is public safety. In fact, by your amendment, you are permitting a much larger encroachment on privacy than the law permits. 'National security' is limited. 'Public safety' and 'public emergency' are not Constitutional phrases. They are undefined and unstated. So, in any district where there is an agitation going on, somebody will say that in the interest of public safety, I am going to encroach upon. So, whereas you started with a noble intention of wanting to restrict the encroachment on liberty, the phraseology that you have brought in as an alternative does considerable damage. ...(Interruptions)...

SHRI JAIRAM RAMESH: This is not my phraseology. This is a phraseology that exists in an existing legislation with which we have decades of experience and that is why, I have said 'public emergency' and 'in the interest of public safety'. Everybody understood that. We have decades of experience. It is not as arbitrary as national security. ...(Interruptions)...

SHRI ARUN JAITLEY: You ruled India more than us. ...(Interruptions)... So, you had an opportunity to rescind it. ...(Interruptions)...

DR. T. SUBBARAMI REDDY (Andhra Pradesh): What is the difficulty? ...(Interruptions)...

SHRI ARUN JAITLEY: 'Public order' will in fact make it even worse. So, Dr. Reddy allow us. If a chaotic situation or an extreme breakdown of law and order takes places, that will then be interpreted as a ground for encroaching on privacy. 'Public safety' is a vaguer phrase. Now, these are all phrases which exist in an 1885 Act, a single law, which is the Telegraph Act, a pre-Constitutional law. Post-Constitution, the concept of 'public emergency' does not exist. There is only a concept of declaration of emergency which is in Article 352 of the Constitution itself. Therefore, my respectful submission to what Jairam says is the national security over the years is a manoeuvred phrase. It involves the interest of the security of the State, integrity of India and it is much better, in the larger interest of privacy, that we allow to remain on that ground. The next improvement on this law, in fact, we add by vague phrase, we will be weakening the law.

The next substance is: Is the Joint Secretary level officer enough which was there in the 2010 law? We said, no. The Joint Secretary's decision should be reviewed by a committee headed by the Cabinet Secretary. Therefore the senior-most civil servant in the country must sit down. He has all the reports coming to him. Then, you must decide whether that information is to be made public or to be shared with some authority or not. So, it is a further improvement. So, as the procedure is established by law, the encroachment of personal liberty, that is, privacy has been narrowed down; and we have taken a large number of privacy concerns as far as this amendment is concerned.

SHRI JAIRAM RAMESH: An independent member should be included in the committee. That is all I am suggesting.

SHRI ARUN JAITLEY: Obviously let me make it clear. You have been in Government. We are in Government. Tomorrow somebody else may be in the Government. The question of national security considerations being shared with some outsiders may itself have dangerous consequences. So, you may have the Defence Secretary. You may have the Home Secretary. But a Vigilance Commissioner is an authority who has something to do with corruption. C&AG is an authority who has something to do with audit. Now, the appropriate persons who deal with this are the people concerned with the national security. So, anti-corruption authorities are not the appropriate authorities to be put there. This is one authority where you can't put even an NGO in it. It would be dangerous to put somebody who is not accountable within the Government mechanism who will assess whether there is a consideration of national security. So, I urge my good friend, Jairam Ramesh, as far as these amendments are concerned, you may please reconsider whether you want to press these amendments.

[Shri Arun Jaitley]

Now, the whole concept is: Is it mandatory? It is not mandatory. The 2010 law says, "any person is entitled". It is an entitlement. But it is mandatory if you want a benefit. But the Member has rightly expressed the view. Today, there are about 100 crore *Aadhaar* numbers. About 97 per cent of the adults in India are covered. This is a work which the UPA Government has started. This has been continuing. About 5 to 7 lakh people are added to the *Aadhaar* Scheme every day. It is going on very well. Ninety seven per cent of adults are covered. Those who are not covered might be in the Left Wing Extremist areas, or, some parts of the North East, etc. Therefore, Section 7 itself says, the States are going to be sensitive. My good friends in the AIADMK say what about our schemes. These are all State schemes which are going to be covered by it. So, let us say a pilot scheme for distribution of food, the Central Government doesn't distribute food.

SHRI SUKHENDU SEKHAR ROY: It can't be done mandatorily. Even the Supreme Court has not ordered for making it mandatory. So, in protest against this, we are staging a walk out.

(At this stage some hon. Members left the Chamber)

SHRI BHUPINDER SINGH: This *Aadhaar* card is only an identity card.
...(Interruptions)...

SHRI ARUN JAITLEY: Sir, to get an *Aadhaar* number, is an entitlement. The 2010 law says "entitlement". The 2016 Bill also says it is an "entitlement". Then, it says that where people don't have it, alternative documents will be prescribed. So, there are alternative documents — about which concerns have been shown — and the user will be predominantly through the State Governments. That is the point my friend raised and it is a right point. Tomorrow, you are going to distribute, let us say, to poor people some scheme and, therefore, that is a power for you. Those details will have to be given to the State Government to ensure that this is the *Aadhaar* list, that has to be given to the State Government, the concern which you have expressed, so that the State Government ...(Interruptions)... Tomorrow, if the Tamil Nadu Government decides that people below a certain income will get this economic facility, then, obviously, the State Government will have to make that list of people from *Aadhaar* identification and, therefore, the information is yours.

Now, if you have to get a benefit, is it mandatory? Since we are following wherever this idea came and wherever it was implemented initially, I just want to read just how, from 1935 downwards, the public discourse in the US took place: In *Doyen versus Wilson* — this was challenged in the US asking if it can be mandatory — "the Federal Court held, "The mandatory disclosure of one's social security number

does not threaten the sanctity of individual privacy so as to require Constitutional protection." Then, further, in another case in the US, they said, "You will have to choose. If you want the benefit of a money, then you need the number. It can be made mandatory." How jurisprudence in India develops is yet to be seen.

Sir, my friend, Mr. Jairam, made two criticisms. Of course, one I have responded to, saying that I got the details from the Lok Sabha website. I didn't manufacture it. How much money have we saved? In a recent answer, the Petroleum Minister says, "Already in one year, ₹ 14,672 crores, by using it as a DBT."

SHRI JAIRAM RAMESH: Those numbers have been challenged. ...(Interruptions)...

SHRI ARUN JAITLEY: I have with me a reply given in Parliament.

SHRI JAIRAM RAMESH: The numbers given by the Minister have been challenged.

SHRI ARUN JAITLEY: Now, you wanted to know this. Justice Shah's Committee suggested some safeguards for protection, etc. Now, I would just read out the six or seven safeguards which we have taken into consideration. Drawn from the International Privacy Principles and a robust protection, the following have been included. I would just read it out for your benefit. "There is an absolute prohibition on sharing core biometric information with anyone for any reason whatsoever. The rule does not contemplate an exception. The only permitted uses of core biometric information are generation of *Aadhaar* Numbers and authentication. Other identity information can be shared only for the purposes in the Bill. Identity information collected by a requesting party can only be used for the purposes specified while seeking consent. Identity information collected by a requesting party can be disclosed only with prior consent. *Aadhaar* Number or core biometric information cannot be published or displayed publically. Information on *Aadhaar* database, demographic information and authentication record can only be accessed and corrected by the concerned individual through an appropriate procedure." Then, there are the obligations, etc. and stringent penalties which are provided.

Now, you wanted to know why we make future changes by regulation. Now, the reason why it is made by regulation is this. Collecting biometric information: we can't envisage today the scientific evolution that would take place. I would give you an illustration. Today, you take fingerprints. The fingerprints of a two-year old child would evolve and change. Twenty years later, on his *Aadhaar* biometric details, those fingerprints would not be valid. Now, some of the experts who came, said, fingerprints would evolve and change, but there is one new information, as a part of biometric information, which doesn't change with age. It is the printout of the

[Shri Arun Jaitley]

heel. पांव की एड़ी का जो प्रिंट आउट है, दो साल के बच्चे का जो होगा, वही पचास साल की उम्र में भी रहेगा। So, tomorrow, another evolution comes. Now, in every legislation, you do the primary structure of the law and, then, there is a delegated legislation. The delegated legislation comes up for parliamentary accountability because we table it on the floor of the House and at that stage, Members challenge it. Some of the Members from the Left parties have been quite active in challenging some of them. Now whenever any kind of scientific evolution takes place, every time you have to come for an amendment. This is a cumbersome process. This is not how law-making really takes place. This is for the purposes of creating a very strict mechanism. To say that this information will be used just as the Nazis used information for targeting people, I think it may be a political statement, and it is not really a correct position. Some of my friends raised a point about citizenship. Shri Naresh Agrawal has raised it. The Act applies to every resident of India. Even in the United States, the Social Security Number is available to every resident. An Indian passport holder can get a Social Security Number. But the Act itself says that it does not confer any proof or right of citizenship. So, you do not become a citizen just because you have an *Aadhaar* Card. The Act itself makes a declaration. I have already clarified that most of the schemes are only implemented by the State Governments; obviously, the State Governments will be taken into confidence. Shri Satish Chandra Misra raised a legal argument that when a court directs sharing of information, is there a pre-decisional hearing to be given to the authority or to a person concerned? He wants a pre-decisional hearing. I am not giving a final opinion on this. He may only keep in mind that in a pre-decisional hearing, if the ground is national security...

SHRI SATISH CHANDRA MISRA: You were not here. I will just take a minute. What I had said was that in Clause 33 (1), it is not national security. In Clause 33 (2), it is national security. Clause 33 (1) does not say for what reason a district judge can order. It does not say that it can be for national security. It says that there is already a pre-decisional opportunity given. But to whom? It is mentioned in Clause 33 (1), "Provided that no order by the court under this sub-section shall be made without giving an opportunity of hearing to the Authority." Therefore, it does say to the Authority in the Act itself. But it does not give an opportunity to the person concerned who is going to be affected. National security is in the second clause. That was my point.

SHRI ARUN JAITLEY: Why I said conscientiously because Shri Misra knows the administrative law very well. This provision in the present shape is appropriate. I will give you the reason why. This was considered and debated at length as to what we say. The first principle is: When the law is silent on a pre-decisional hearing,

5.00 P.M.

is the hearing excluded? The answer always has been 'no'. If it is silent, then you have to read hearing into it.

SHRI SATISH CHANDRA MISRA: There is a Constitutional Bench judgement in an income tax matter.

SHRI ARUN JAITLEY: If it is silent, it has to be read into it. Then we have to leave something for those who interpret the law. The second principle is: Should this pre-decisional hearing be given in the case of national security? Probably, not. Supposing a court is to say that this is a case of extreme threat to the country, therefore, please give the biometric information to such and such authority. Are we going to tell the person who is a target of investigation? Therefore, in a case of ordinary crime, if a court passes an order, probably, you are right, there will be a pre-decisional hearing. But if it is national security, the court may well choose not to give it. Therefore, these are the guidelines. You can allow the law to develop as far as this branch itself is concerned in these areas.

Sir, you still require as far as children, particularly minors are concerned, a large scale inclusion. That is the point which Shri Raja has raised. Adults are already 97 per cent. The number of non-adults is still less. It is around 67 per cent. It is increasing by the day and, therefore, there is a provision for alternative documentation which may also include guardian's documentation itself.

Lastly, Sir, Mr. Rajeev Chandrasekhar has mentioned about the need for an over-arching privacy law. Now, I think we should wait because the Court's Large Bench is seized with it. If they declare it to be a part of Article 21, fair enough. But, in any case, I am moving on the assumption — assuming it to be a fundamental right — we must give utmost regard to the right of privacy and have very strict provisions with regard to its encroachment. We don't want any normal provisions for this. And, if, every day somebody asks for some *Aadhaar* information, we don't want that kind of thing to happen. With these few observations, Sir, I recommend...

SHRI SATISH CHANDRA MISRA: There is still an aspect which requires to be answered, in Section 37, is either ₹ 10,000 or 3 years' imprisonment, but here, it is 'or'. This is with respect to the person who is disclosing the identity of the information. Section 37, relates to penalty for disclosing identity information. With usage of word 'or', by paying just ₹ 10,000/-, one it can get out of it. As I said, Sections 38 and 39 state 'and'. Therefore, this 'or' is a very dangerous aspect. This amount of ₹ 10,000/- is no penalty at all.

SHRI ARUN JAITLEY: These are alternatives and these are alternatives given for judicial discretion. A Court can even give three years' punishment. Now, it will depend. Suppose somebody has made a mistake deliberately and consciously, the Court may give you a higher punishment.

SHRI SATISH CHANDRA MISRA: In Sections 38 and 39, it says 'and'.

SHRI ARUN JAITLEY: Satishji, this is not the only penal law where you say penalty 'or' punishment up to so and so. It is a standard definition of penalty and imposition of penalty as far as laws are concerned. Therefore, depending upon the gravity of offence, this discretion is left to the Court. So, the range is from fine up to 3 years. The Court will decide.

SHRI SATISH CHANDRA MISRA: Sir, with respect to this explanation, my party doesn't agree and, therefore, we are walking out. ...*(Interruptions)*...

(At this stage, some hon. Members left the Chamber)

SHRI SITARAM YECHURY: Sir, are you permitting me?

MR. DEPUTY CHAIRMAN: Yes. You may put your question.

SHRI SITARAM YECHURY: Sir, I have heard with patience the hon. Finance Minister and his explanation and I am not, I repeat, I am not satisfied with his explanation on two grounds. One is on the question of National Security. Now, National Security has a very nebulous definition. Now, what could be defined as 'National Security' is left to the Government of the day. We have all suffered under what was called 'Maintenance of Internal Security Act'. You were also in jail, Mr. Finance Minister, and that interpretation of the National Security has to be defined in a much more stricter way. Yes, my friend, Jairam Ramesh, talked about Hitler who had been targeting jews etc. Now, that is one extreme example. We have seen how sedition cases are launched against students of Universities. We have seen how anti-national labels were attached in and some people had committed suicide. So, what is anti-national and what is 'National Security'? That requires and merits a certain proper consideration and I think that is a very, very wishy washy definition which cannot be acceptable for something as serious as this, and the seriousness comes in the second point, that is, the question of adding on. Yes, technology will develop. There will be the heal. Now, you have the IRIS. IRIS will replace many things that are happening. But the question is, you also have the DNA profiling. Can you add that on? You also have biological orders. The legislation talks about that. And this is an issue agitating the minds of some billions of people across the world. Where will this information be, who is the repository and will it be shared? That is where the problem comes on, the question of adding on, according to rules,

and then, sharing of that. Now, these are important matters and I think there is a very, very serious encroachment on privacy. The hon. Finance Minister said, "If the Supreme Court rules it under Article 21, if this is considered privacy, if it is part of individual Right to Life and Liberty, then that will be considered. But this is, exactly, an encroachment on privacy. So, I think, there are very serious considerations on this but, unfortunately, it has been moved as a Money Bill. The Rural Employment Guarantee Scheme also had monies drawn from the Consolidated Fund of India. It was not a Money Bill. The Food Security Act also had the Consolidated Fund of India paying out the money. But that is not a Money Bill. But this, by their own choice, they have chosen so. I had objected to this earlier. That objection remains. But, on these two grounds, I don't think we are satisfied.

SHRI ARUN JAITLEY: Sir, any Bill, on which monies are spent, is not a Money Bill. But if the principal purpose of the Bill is the manner of spending the money, then, it is a Money Bill.

SHRI SITARAM YECHURY: Sir, we have our disputes. I have said that Article 110 (3) cannot supersede Article 110 (1) (a to g).

SHRI ARUN JAITLEY: Sir, as far as the point raised by Shri Rajeev Chandrasekhar is concerned...

SHRI SITARAM YECHURY: Now, let me complete. Please, show us a little patience. We are talking about definitions of national security. If you are so impatient, then, your own definitions of what you consider 'national security' are a suspect. So, learn to listen. You may disagree thoroughly. I disagree thoroughly with many things that you say. But listen. We have heard you. Therefore, Sir, what I was telling you is that on the dispute regarding the Money Bill, we have been through that. The objection still remains. I still maintain, and I want it to be on record, that Article 110 (3) does not supersede Article 110 (1) (a to g), the definitions of what should be a Money Bill. It does not supersede Article 110 (2) which says what cannot be a Money Bill. Now these are matters justiciable. That course will be taken separately. But on these two grounds, we are not satisfied with the argument that this Bill, actually, protects individual privacy. The Bill, actually, will be liable to be misused under the definition of what 'national security' is. And, after all the recent experiences we have, we have our very, very grave doubts.

SHRI TIRUCHI SIVA : Sir, a small clarification. This is with regard to Clause 37. Such an important law, when it is legislated, must be without ambiguity. The penalty extends up to three years' imprisonment or ₹ 10,000. This cannot be equated.

MR. DEPUTY CHAIRMAN: That has been raised here already.

SHRI TIRUCHI SIVA: That is what I am saying. Three years' imprisonment cannot be equated with ₹ 10,000. So, I think, the Minister has to consider that and the ambiguity should not be left to the Judiciary.

MR. DEPUTY CHAIRMAN: He has replied to that.

SHRI TIRUCHI SIVA: When the law is legislated, it should be made explicit and there must be no ambiguity in that.

MR. DEPUTY CHAIRMAN: Now 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, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now we shall take up Clause-by-Clause consideration of the Bill. In Clause 2, there are 17 Amendments. Amendment (No.1) by Shri Bhupinder Singh. Are you moving?

CLAUSE 2 - DEFINITIONS

SHRI BHUPINDER SINGH: Sir, I move:

- (1) "That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery or Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 2, lines 17 and 18, the words "or such other biological attributes of an individual as may be specified by regulations" be *deleted*."

MR. DEPUTY CHAIRMAN: Then, Amendments (Nos. 10 to 12) by Shri Jairam Ramesh. Are you moving?

SHRI JAIRAM RAMESH: Sir, I move:

- (10) That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 2, line 18, the words "as may be specified by regulations" be *deleted*.

- (11) That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 2, line 26, the words "as may be specified by regulations" be *deleted*.

- (12) That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 2, lines 28 and 29, the words "as may be specified by regulations" be *deleted*.

MR. DEPUTY CHAIRMAN: Now, Amendments (Nos. 25 to 30) by Shri Rajeev Chandrasekhar. Are you moving?

SHRI RAJEEV CHANDRASEKHAR: Sir, I wanted to make a point that non-citizens are going to be availing subsidies that are funded by the taxpayers. But I am not moving them.

MR. DEPUTY CHAIRMAN: Now, Amendments (Nos. 53 and 54) by Shri Ritabrata Banerjee, Shri T. K. Rangarajan and Shri K.K. Ragesh. Are you moving?

SHRI T. K. RANGARAJAN: Sir, I move:

- (53) That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 2, *after* line 11, the following proviso be *inserted* namely:—

"Explanation. In relation to no information shall be passed on to anyone and provision for the request shall not be permitted".

- (54) That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 2, *after* line 40, the following proviso be *inserted* namely:—

"Explanation. In relation to no information shall be passed on to anyone and provision for the request shall not be permitted".

MR. DEPUTY CHAIRMAN: Now Amendments (Nos. 55 and 56) by Shri Husain Dalwai.

SHRI HUSAIN DALWAI: I am not moving my amendments.

MR. DEPUTY CHAIRMAN: There are three Amendments (Nos. 64 to 66) by Dr. Subbarami Reddy. Are you moving?

DR. T. SUBBARAMI REDDY: Sir, I am not moving.

MR. DEPUTY CHAIRMAN: I shall, now, put Amendment (No. 1) moved by Shri Bhupinder Singh to vote.

The Amendment (No. 1) was negatived.

MR. DEPUTY CHAIRMAN: I shall, now, put Amendments (Nos. 10 to 12) moved by Shri Jairam Ramesh to vote.

The Amendments (Nos. 10 to 12) were negatived.

SHRI JAIRAM RAMESH: Although, I am not satisfied with response of the hon. Leader of the House we leave everything for delegated legislation, I am not pressing this amendment for division.

MR. DEPUTY CHAIRMAN: I shall, now, take up Amendments (No. 53 and 54) moved by Shri Ritabrata Banerjee, Shri T. K. Rangarajan and Shri K. K. Ragesh to vote.

The Amendments (No. 53 and 54) were negatived.

Clause 2 was added to the Bill.

Clause 3 - Aadhaar Number.

MR. DEPUTY CHAIRMAN: I shall, now, take up clause 3. There are 3 Amendments. Amendment (No. 13) by Shri Jairam Ramesh, Amendment (No. 31) by Shri Rajeev Chandrasekhar and Amendment (No. 57) by Shri Hussain Dalwai.

Now, I will first take up amendment by Shri Jairam Ramesh. Are you moving the amendment?

SHRI JAIRAM RAMESH (Andhra Pradesh): Sir, decidedly, yes. I move:

(13) That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

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."

MR. DEPUTY CHAIRMAN: I shall now take up Amendment (No. 31) by Shri Rajeev Chandrasekhar and Amendment (No. 57) by Shri Hussain Dalvai. Are you pressing?

SHRI RAJEEV CHANDRASEKHAR: No, Sir.

SHRI HUSAIN DALWAI: No, Sir.

MR. DEPUTY CHAIRMAN: I shall, now, put the Amendment (No. 13) moved by Shri Jairam Ramesh. The question is:

(13) That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

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."

SHRI JAIRAM RAMESH: Sir, I want division on my amendment.

MR. DEPUTY CHAIRMAN: Okay. Now, I will put Amendment (No. 13) of Shri Jairam Ramesh to vote.

The House divided.

MR. DEPUTY CHAIRMAN: Ayes : 77

Noes : 66

AYES-77

Abraham, Shri Joy

Aiyar, Shri Mani Shankar

Ansari, Shri Ali Anwar

Antony, Shri A. K.

Azad, Shri Ghulam Nabi

Babbar, Shri Raj

Baidya, Shrimati Jhana Das

Balagopal, Shri K. N.

Balmuchu, Dr. Pradeep Kumar

Balyawi, Shri Gulam Rasool

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Biswal, Shri Ranjib

Budania, Shri Narendra

Chaturvedi, Shri Satyavrat

Chowdhury, Shrimati Renuka

Dalwai, Shri Husain

Darda, Shri Vijay Jawaharlal

Dwivedi, Shri Janardan

Faruque, Shrimati Naznin

Fernandes, Shri Oscar

Gill, Dr. M. S.

Gowda, Prof. M. V. Rajeev

Harivansh, Shri

Hashmi, Shri Parvez

Kalita, Shri Bhubaneswar

Khan, Shri K. Rahman

Khan, Shri Mohd. Ali

Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Mahra, Shri Mahendra Singh
Mistry, Shri Madhusudan
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Naik, Shri Shantaram
Narayanan, Shri C. P.
Natchiappan, Dr. E. M. Sudarsana
Pande, Shri Avinash
Patel, Shri Ahmed
Patil, Shrimati Rajani
Punia, Shri P. L.
Ragesh, Shri K. K.
Raja, Shri D.
Ramalingam, Dr. K. P.
Ramesh, Shri Jairam
Rangarajan, Shri T. K.
Rao, Dr. K. V. P. Ramachandra
Rao, Shri V. Hanumantha
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Ravi, Shri Vayalar
Reddy, Dr. T. Subbarami
Reddy, Shri Palvai Govardhan
Sadho, Dr. Vijaylaxmi
Salam, Haji Abdul
Seelam, Shri Jesudasu
Seema, Dr. T. N.
Selja, Kumari
Sen, Shri Tapan Kumar
Sharma, Shri Satish

Shukla, Shri Rajeev
Singh, Dr. Manmohan
Singh, Shri Digvijaya
Sinh, Dr. Sanjay
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Syiem, Shrimati Wansuk
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tulsi, Shri K. T. S.
Tyagi, Shri K. C.
Varma, Shri Pavan Kumar
Vora, Shri Motilal
Yechury, Shri Sitaram

Noes-66

Akbar, Shri M. J.
Arjunan, Shri K. R.
Bernard, Shri A. W. Rabi
Bhunder, Shri Balwinder Singh
Chandrasekhar, Shri Rajeev
Chowdary, Shri Y. S.
Dave, Shri Anil Madhav
Dudi, Shri Ram Narain
Fayaz, Mir Mohammad
Gehlot, Shri Thaawar Chand
Gohel, Shri Chunibhai Kanjibhai
Gokulakrishnan, Shri N.
Gaud T., Shri Devender

Goyal, Shri Piyush
Gujral, Shri Naresh
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jain, Shri Meghraj
Jaitley, Shri Arun
Jangde, Dr. Bhushan Lal
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Judev, Shri Ranvijay Singh
Jugul Kishore, Shri
Kashyap, Shri Ram Kumar
Katiyar, Shri Vinay
Khanna, Shri Avinash Rai
Kore, Dr. Prabhakar
Lakshmanan, Dr. R.
Laway, Shri Nazir Ahmed
Mandaviya, Shri Mansukh L.
Manhas, Shri Shamsheer Singh
Manjunatha, Shri Aayanur
Mitra, Dr. Chandan
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naqvi, Shri Mukhtar Abbas
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Panchariya, Shri Narayan Lal
Pandya, Shri Dilipbhai
Patil, Shri Basawaraj
Prabhu, Shri Suresh

Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Ramesh, Shri C..M.
Rangasayee Ramakrishna, Shri
Rao, Dr. K. Keshava
Rathinavel, Shri T.
Sable, Shri Amar Shankar
Sai, Shri Nand Kumar
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seetharama Lakshmi, Shrimati Thota
Singh Badnore, Shri V. P.
Singh, Shri Birender
Sood, Shrimati Bimla Kashyap
Tarun Vijay, Shri
Thakur, Dr. C. P.
Tundiya, Mahant Shambhuprasadji
Vadodia, Shri Lal Sinh
Vegad, Shri Shankarbhai N.
Verma, Shri Ravi Prakash
Vijila Sathyananth, Shrimati
Yadav, Shri Bhupender

Clause 3, with amendment recommended, was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 4, there is one amendment (No.32) by Shri Rajeev Chandrasekhar. Are you moving the amendment?

SHRI RAJEEV CHANDRASEKHAR: Sir, I just want a clarification from the hon. Finance Minister on Clause 4(3) -- you are planning on the identity proof. If he can assure me that it will not be used for identity laundering; as of now, 4(3) is, Sir, I am not moving.

SHRI ARUN JAITLEY: Once you have an *Aadhaar* number, there are various organisations, State Governments, etc., which can insist for various things, etc. As

it evolves, it will keep on expanding the user because it will be helpful for that purpose itself.

Clause 4 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 5, there is one Amendment (No. 33) by Shri Rajeev Chandrasekhar. Are you moving your Amendment?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving my Amendment.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

**CLAUSE 7 - PROOF OF AADHAAR NUMBER NECESSARY FOR
RECEIPT OF CERTAIN SUBSIDIES, BENEFITS
AND SERVICES, ETC.**

MR. DEPUTY CHAIRMAN: In Clause 7, there are two Amendments. Amendment (No. 14) by Shri Jairam Ramesh and Amendment (No.34) by Shri Rajeev Chandrasekhar. Shri Jairam Ramesh, are you moving your amendment?

SHRI JAIRAM RAMESH: Sir, it is very, very important. It introduces the element of voluntarily, as far as the *Aadhaar* number is concerned. Sir, I am moving the amendment.

Sir, I move:

14. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

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”.

MR. DEPUTY CHAIRMAN: Mr. Rajeev Chandrasekhar, are you moving your amendment?

SHRI RAJEEV CHANDRASEKHAR: No, Sir.

SHRI JAIRAM RAMESH: But he agrees with me, Sir. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: I shall now put the amendment moved by Shri Jairam Ramesh to vote. The question is:

14. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

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”.

SHRI JAIRAM RAMESH: Sir, I want division.

MR. DEPUTY CHAIRMAN: Why?

SHRI JAIRAM RAMESH: Sir, it is my democratic right. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Division.

The House divided

MR. DEPUTY CHAIRMAN: Ayes-77

Noes-66

AYES-77

Abraham, Shri Joy

Aiyar, Shri Mani Shankar

Ansari, Shri Ali Anwar

Antony, Shri A. K.

Azad, Shri Ghulam Nabi

Babbar, Shri Raj

Baidya, Shrimati Jharna Das

Balagopal, Shri K. N.

Balmuchu, Dr. Pradeep Kumar

Balyawi, Shri Gulam Rasool

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Biswal, Shri Ranjib

Budania, Shri Narendra

Chaturvedi, Shri Satyavrat
Chowdhury, Shrimati Renuka
Dalwai, Shri Husain
Darda, Shri Vijay Jawaharlal
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Fernandes, Shri Oscar
Gill, Dr. M. S.
Gowda, Prof. M. V. Rajeev
Harivansh, Shri
Hashmi, Shri Parvez
Kalita, Shri Bhubaneswar
Khan, Shri K. Rahman
Khan, Shri Mohd. Ali
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Mahra, Shri Mahendra Singh
Mistry, Shri Madhusudan
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Naik, Shri Shantaram
Narayanan, Shri C. P.
Natchiappan, Dr. E. M. Sudarsana
Pande, Shri Avinash
Patel, Shri Ahmed
Patil, Shrimati Rajani
Punia, Shri P. L.
Ragesh, Shri K. K.
Raja, Shri D.
Ramalingam, Dr. K. P.
Ramesh, Shri Jairam
Rangarajan, Shri T. K.

Rao, Dr. K. V. P. Ramachandra

Rao, Shri V. Hanumantha

Rapolu, Shri Ananda Bhaskar

Rashtrapal, Shri Praveen

Ravi, Shri Vayalar

Reddy, Dr. T. Subbarami

Reddy, Shri Palvai Govardhan

Sadho, Dr. Vijaylaxmi

Salam, Haji Abdul

Seelam, Shri Jesudasu

Seema, Dr. T. N.

Selja, Kumari

Sen, Shri Tapan Kumar

Sharma, Shri Satish

Shukla, Shri Rajeev

Singh, Dr. Manmohan

Singh, Shri Digvijaya

Sinh, Dr. Sanjay

Siva, Shri Tiruchi

Soni, Shrimati Ambika

Syiem, Shrimati Wansuk

Thakur, Shri Ram Nath

Thakur, Shrimati Viplove

Thangavelu, Shri S.

Tiwari, Shri Pramod

Tlau, Shri Ronald Sapa

Tulsi, Shri K. T. S.

Tyagi, Shri K. C.

Varma, Shri Pavan Kumar

Vora, Shri Motilal

Yechury, Shri Sitaram

Noes-66

Akbar, Shri M. J.

Arjunan, Shri K. R.

Bernard, Shri A. W. Rabi

Bhunder, Shri Balwinder Singh

Chandrasekhar, Shri Rajeev

Chowdary, Shri Y. S.

Dave, Shri Anil Madhav

Dudi, Shri Ram Narain

Fayaz, Mir Mohammad

Gehlot, Shri Thaawar Chand

Gohel, Shri Chunibhai Kanjibhai

Gokulakrishnan, Shri N.

Gaud T., Shri Devender

Goyal, Shri Piyush

Gujral, Shri Naresh

Heptulla, Dr. Najma A.

Irani, Shrimati Smriti Zubin

Jain, Shri Meghraj

Jaitley, Shri Arun

Jangde, Dr. Bhushan Lal

Jatiya, Dr. Satyanarayan

Javadekar, Shri Prakash

Jha, Shri Prabhat

Judev, Shri Ranvijay Singh

Jugul Kishore, Shri

Kashyap, Shri Ram Kumar

Katiyar, Shri Vinay

Khanna, Shri Avinash Rai

Kore, Dr. Prabhakar

Lakshmanan, Dr. R.

Laway, Shri Nazir Ahmed

Mandaviya, Shri Mansukh L.
Manhas, Shri Shamsher Singh
Manjunatha, Shri Aayanur
Mitra, Dr. Chandan
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naqvi, Shri Mukhtar Abbas
Navaneethakrishnan, Shri A. Nirmala
Sitharaman, Shrimati
Panchariya, Shri Narayan Lal
Pandya, Shri Dilipbhai
Patil, Shri Basawaraj
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Ramesh, Shri C. M.
Rangasayee Ramakrishna, Shri
Rao, Dr. K. Keshava
Rathinavel, Shri T.
Sable, Shri Amar Shankar
Sai, Shri Nand Kumar
Sancheti, Shri Ajay Sasikala
Pushpa, Shrimati
Seetharama Lakshmi, Shrimati Thota
Singh Badnore, Shri V. P.
Singh, Shri Birender
Sood, Shrimati Bimla Kashyap
Tarun Vijay, Shri
Thakur, Dr. C. P.
Tundiya, Mahant Shambhuprasadji
Vadodia, Shri Lal Sinh
Vegad, Shri Shankarbhai N.

Verma, Shri Ravi Prakash

Vijila Sathyananth, Shrimati

Yadav, Shri Bhupender

Clause 7, with amendment recommended, was added to the Bill.

CLAUSE 8 - AUTHENTICATION OF AADHAAR NUMBER

MR. DEPUTY CHAIRMAN: In Clause 8, there are three amendments. Amendment (No. 2) by Shri Bhupinder Singh. Are you moving your amendment?

SHRI BHUPINDER SINGH: Yes, Sir. I expect the Government to accept it. Sir, I move:

2. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 4, lines 26 and 27, the words “in such manner as may be specified by regulations” be *deleted*.

MR. DEPUTY CHAIRMAN: Amendment (No.15) by Shri Jairam Ramesh. Are you moving it?

SHRI JAIRAM RAMESH: Yes, Sir. Sir, I move:

15. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 4, *for* lines 37 to 39, the following be *substituted*, namely:—

“(4) The Authority shall respond to an authentication query with a positive , negative or non-existent record as the only responses and there shall be no sharing of demographic or biometric information of individuals”.

MR. DEPUTY CHAIRMAN: Amendment (No. 67) by Dr. T. Subbarami Reddy. Are you moving your amendment?

DR. T. SUBBARAMI REDDY: Sir, I am moving my amendment, but I am not pressing it. Sir, I move.

67. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 4, *for* lines 37 to 39, the following be *substituted*, namely:—

“(4) The Authority shall respond to an authentication query with a positive, negative or any other appropriate response sharing only such identity information, respecting the privacy of the individual, excluding any core biometric information”.

MR. DEPUTY CHAIRMAN: I shall now put amendment (No.2), moved by Shri Bhupinder Singh to vote.

The Amendment (No. 2) was negatived.

I shall now put amendment (No. 15), moved by Shri Jairam Ramesh to vote.

The Amendment (No. 15) was negatived.

MR. DEPUTY CHAIRMAN: Dr. Subbarami Reddy, are you withdrawing your amendment?

DR. T. SUBBARAMI REDDY: I withdraw my amendment.

The Amendment (No. 67) was, by leave, withdrawn.

Clause 8 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 9, there is one Amendment (No. 35) by Shri Rajeev Chandrashekar.

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving.

Clause 9 was added to the Bill.

Clause 10 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 11, there is one Amendment (No. 36) by Shri Rajeev Chandrashekar.

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving.

Clause 11 was added to the Bill.

Clauses 12 to 22 were added to the Bill.

CLAUSE 23 - POWERS AND FUNCTIONS OF AUTHORITY

MR. DEPUTY CHAIRMAN: In Clause 23, there are 8 Amendments. Amendments (Nos. 3 and 4) by Shri Bhupinder Singh. Are you moving?

SHRI BHUPINDER SINGH: Sir, I move:

- (3) “That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 9, lines 8 and 9, the words “or other agencies” be *deleted*.”

- (4) “That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 9, lines 17 and 18, *for* the words “on such allowances or remuneration and terms and conditions as may be specified by contract”, the words “after a fair tendering process conducted by the authority” be *substituted*.”

MR. DEPUTY CHAIRMAN: There are other Amendments (Nos. 37 to 41) by Shri Rajeev Chandrashekar. Are you moving them?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving.

MR. DEPUTY CHAIRMAN: There is another Amendment (No. 58) by Shri Husain Dalwai. Are you moving?

SHRI HUSAIN DALWAI: Sir, I am not moving.

MR. DEPUTY CHAIRMAN: I shall now put Amendments (Nos. 3 and 4) moved by Shri Bhupinder Singh to vote.

The Amendments (Nos. 3 and 4) were negatived.

Clause 23 was added to the Bill.

Clauses 24 to 27 were added to the Bill.

CLAUSE 28 – SECURITY AND CONFIDENTIALITY OF INFORMATION

MR. DEPUTY CHAIRMAN: In Clause 28, there are three Amendments. Amendment (No.16) by Shri Jairam Ramesh; Amendments (Nos. 42 and 43) by Shri Rajeev Chandrashekar. Are you moving Shri Rajeev Chandrashekar?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving.

SHRI JAIRAM RAMESH: Sir, I move:

- (16) “That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and

Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 10, line 17, the words “or regulations made thereunder” be *deleted*.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment (No.16) moved by Shri Jairam Ramesh to vote.

The Amendment (No.16) was negatived.

Clause 28 was added to the Bill.

CLAUSE 29 – RESTRICTION ON SHARING INFORMATION

MR. DEPUTY CHAIRMAN: In Clause 29, there are four Amendments. Amendment (No. 5) by Shri Bhupinder Singh; Amendment (No. 17) by Shri Jairam Ramesh; Amendments (Nos. 44 and 45) by Shri Rajeev Chandrashekar. Are you moving your Amendment, Mr. Bhupinder Singh?

SHRI BHUPINDER SINGH: Sir, I move:

- (5) “That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 11, lines 1 and 2, *for* the words, “except with the prior consent of the individual to whom such information relates”, the words “for any purpose” be *substituted*.”

MR. DEPUTY CHAIRMAN: Are you moving your Amendment, Mr. Jairam Ramesh?

SHRI JAIRAM RAMESH: Sir, I move:

- (17) “That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 10, *for* line 37, the following be *substituted*, namely:—

“(1) Notwithstanding anything contained in this Act or any other law, no core biometric information, collected or created under this Act, shall be —”

MR. DEPUTY CHAIRMAN: Are you moving your Amendments, Shri Rajeev Chandrashekar?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment (No. 5) moved by Shri Bhupinder Singh to vote.

The Amendment (No. 5) was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment (No.17) moved by Shri Jairam Ramesh to vote.

The Amendment (No. 17) was negatived.

Clause 29 was added to the Bill.

Clause 30 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, 'Insertion of Clause 30A', there is one Amendment by Shri Rajeev Chandrashekar. Are you moving?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving.

Clause 31 was added to the Bill.

CLAUSE 32-ACCESS TO OWN INFORMATION AND RECORDS OF REQUESTS FOR AUTHENTICATION.

MR. DEPUTY CHAIRMAN: In Clause 32, there are two amendments. Amendment (No. 18) by Shri Jairam Ramesh. Are you moving the amendment?

SHRI JAIRAM RAMESH : Yes, Sir. Sir, I move:

18. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 11, clause 32 be *deleted*.

MR. DEPUTY CHAIRMAN: Amendment (No. 59) by Shri Husain Dalwai. Are you moving?

SHRI HUSAIN DALWAI: Sir, I am not moving.

MR. DEPUTY CHAIRMAN: I shall now put the amendment moved by Shri Jairam Ramesh to vote.

The Amendment (No.18) was negatived.

Clause 32 was added to the Bill.

CLAUSE 33-DISCLOSURE OF INFORMATION IN CERTAIN CASES

MR. DEPUTY CHAIRMAN: In Clause 33, there are six amendments. Amendment (No. 6) by Shri Bhupinder Singh. Are you moving the amendment?

SHRI BHUPINDER SINGH: Sir, I move:

6. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 11, line 44, *after* the word “Authority”, the words “and permission from the individual whose data is to be disclosed” be *inserted*.

MR. DEPUTY CHAIRMAN: Amendments (Nos. 19 and 20) by Shri Jairam Ramesh. Are you moving?

SHRI JAIRAM RAMESH: Sir, I move:

19. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

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

20. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

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*.

MR. DEPUTY CHAIRMAN: Amendments (Nos. 47 and 48) by Shri Rajeev Chandrasekhar. Are you moving?

SHRI RAJEEV CHANDRASEKHAR: Sir, I just want to make a point to hon. Finance Minister. Would he consider adding the Attorney-General to the oversight Committee? He is also a part of the Government and it provides a legal oversight instead of just bureaucrats. I am not moving, I am just seeking a clarification.

MR. DEPUTY CHAIRMAN: Amendment (No. 68) by Dr. T. Subbarami Reddy. Are you moving ?

DR. T. SUBBARAMI REDDY: Sir, I want a clarification from Jaitleyji. What is the difference between national security and public interest? Just tell me, Sir. *...(Interruptions)...* I will repeat again. I propose to have an amendment, 'public order and public safety', instead of national security. Can you respond? Which will you prefer? Tell me, which one you will prefer. *...(Interruptions)...* Sir, I want a clarification. I want a clarification that instead of national security *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Are you moving or not? *...(Interruptions)...*

DR. T. SUBBARAMI REDDY: That I will tell after the clarification is given. *...(Interruptions)...* I want clarification. If you will give the clarification, I will not move. If you will not give the clarification, I will move. If clarification is given, then I will not move. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: See, he is not responding to you. Therefore, if you want, you can move. *...(Interruptions)...*

SHRI ARUN JAITLEY: Sir, it is already clarified that national security is something which has something to do with the sovereignty, integrity and attack on the territory of India. Public safety itself may mean that even if there is a domestic law and order or extreme law and order problem, that will be public safety. So public safety is not a ground; national security is a ground.

MR. DEPUTY CHAIRMAN: Okay. Now, you are satisfied. *...(Interruptions)...* Thank you. *...(Interruptions)...* That is good. *...(Interruptions)...* I shall now put amendment moved by Shri Bhupinder Singh *...(Interruptions)...*

श्री दिलीप कुमार तिकी: सर, हमारी पार्टी के सदस्य श्री भूपिंदर सिंह ने अमेंडमेंट मूव किया था, लेकिन गवर्नमेंट उसको accept नहीं कर रही है, इसलिए हम सदन का बहिष्कार कर रहे हैं।

MR. DEPUTY CHAIRMAN: But, Shri Bhupinder Singh, are you therefore, saying that you are withdrawing the amendments? *...(Interruptions)...* In the light of that, are you withdrawing the amendment or are you pressing the amendment?

SHRI BHUPINDER SINGH: Sir, because the Government is not accepting any of these, we are walking out.

MR. DEPUTY CHAIRMAN: No, no. Don't put me in trouble. Are you pressing or withdrawing?

SHRI BHUPINDER SINGH: Sir, I am withdrawing.

(At this stage some hon. Members left the Chamber.)

MR. DEPUTY CHAIRMAN: Okay; then you can walk out. So, Shri Bhupinder Singh is withdrawing.

Amendment (No. 6) was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: Mr. Jairam Ramesh, you are not walking out, I believe? Are you walking out?

SHRI JAIRAM RAMESH: Sir, Amendments (Nos. 19 and 20) relating to Clause 33, I move and press.

MR. DEPUTY CHAIRMAN: So, I shall now put Amendments (Nos. 19 and 20) moved by Shri Jairam Ramesh to vote. The question is:

19. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

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

20. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

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*.

SHRI JAIRAM RAMESH: Sir, I want division.

MR. DEPUTY CHAIRMAN: Division.

The House divided.

MR. DEPUTY CHAIRMAN: Ayes-77

Noes-66

AYES-77

Abraham, Shri Joy

Aiyar, Shri Mani Shankar

Ansari, Shri Ali Anwar

Antony, Shri A. K.
Azad, Shri Ghulam Nabi
Babbar, Shri Raj
Baidya, Shrimati Jharna Das
Balagopal, Shri K. N.
Balmuchu, Dr. Pradeep Kumar
Balyawi, Shri Gulam Rasool
Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Biswal, Shri Ranjib
Budania, Shri Narendra
Chaturvedi, Shri Satyavrat
Chowdhury, Shrimati Renuka
Dalwai, Shri Husain
Darda, Shri Vijay Jawaharlal
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Fernandes, Shri Oscar
Gill, Dr. M. S.
Gowda, Prof. M. V. Rajeev
Harivansh, Shri
Hashmi, Shri Parvez
Kalita, Shri Bhubaneswar
Khan, Shri K. Rahman
Khan, Shri Mohd. Ali
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Mahra, Shri Mahendra Singh
Mistry, Shri Madhusudan
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra

Naik, Shri Shantaram
Narayanan, Shri C. P.
Natchiappan, Dr. E. M. Sudarsana
Pande, Shri Avinash
Patel, Shri Ahmed
Patil, Shrimati Rajani
Punia, Shri P. L.
Ragesh, Shri K. K.
Raja, Shri D.
Ramalingam, Dr. K. P.
Ramesh, Shri Jairam
Rangarajan, Shri T. K.
Rao, Dr. K. V. P. Ramachandra
Rao, Shri V. Hanumantha
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Ravi, Shri Vayalar
Reddy, Dr. T. Subbarami
Reddy, Shri Palvai Govardhan
Sadho, Dr. Vijaylaxmi
Salam, Haji Abdul
Seelam, Shri Jesudasu
Seema, Dr. T. N.
Selja, Kumari
Sen, Shri Tapan Kumar
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Dr. Manmohan
Singh, Shri Digvijaya
Sinh, Dr. Sanjay
Siva, Shri Tiruchi

Soni, Shrimati Ambika
Syiem, Shrimati Wansuk
Thakur, Shri Ram Nath
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiwari, Shri Pramod
Tlau, Shri Ronald Sapa
Tulsi, Shri K. T. S.
Tyagi, Shri K. C.
Varma, Shri Pavan Kumar
Vora, Shri Motilal
Yechury, Shri Sitaram

NOES-66

Akbar, Shri M. J.
Arjunan, Shri K. R.
Bernard, Shri A. W. Rabi
Bhunder, Shri Balwinder Singh
Chandrasekhar, Shri Rajeev
Chowdary, Shri Y. S.
Dave, Shri Anil Madhav
Dudi, Shri Ram Narain
Fayaz, Mir Mohammad
Gehlot, Shri Thaawar Chand
Gohel, Shri Chunibhai Kanjibhai
Gokulakrishnan, Shri N.
Gaud T., Shri Devender
Goyal, Shri Piyush
Gujral, Shri Naresh
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jain, Shri Meghraj

Jaitley, Shri Arun
Jangde, Dr. Bhushan Lal
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Judev, Shri Ranvijay Singh
Jugul Kishore, Shri
Kashyap, Shri Ram Kumar
Katiyar, Shri Vinay
Khanna, Shri Avinash Rai
Kore, Dr. Prabhakar
Lakshmanan, Dr. R.
Laway, Shri Nazir Ahmed
Mandaviya, Shri Mansukh L.
Manhas, Shri Shamsher Singh
Manjunatha, Shri Aayanur
Mitra, Dr. Chandan
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naqvi, Shri Mukhtar Abbas
Navaneethakrishnan, Shri A
Nirmala Sitharaman, Shrimati
Panchariya, Shri Narayan Lal
Pandya, Shri Dilipbhai
Patil, Shri Basawaraj
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Ramesh, Shri C. M.
Rangasayee Ramakrishna, Shri
Rao, Dr. K. Keshava

Rathinavel, Shri T.
Sable, Shri Amar Shankar
Sai, Shri Nand Kumar
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seetharama Lakshmi, Shrimati Thota
Singh Badnore, Shri V. P.
Singh, Shri Birender
Sood, Shrimati Bimla Kashyap
Tarun Vijay, Shri
Thakur, Dr. C. P.
Tundiya, Mahant Shambhuprasadji
Vadodia, Shri Lal Sinh
Vegad, Shri Shankarbhai N.
Verma, Shri Ravi Prakash
Vijila Sathyananth, Shrimati
Yadav, Shri Bhupender

Clause 33, with amendments recommended, was added to the Bill.

Clause 34 was added to the Bill.

MR. DEPUTY CHAIRMAN: There is one amendment for insertion of a new Clause 34 (A). Amendment (No. 49), by Shri Rajeev Chandrasekhar. Are you moving?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving the amendment.

Clauses 35 to 37 were added to the Bill.

MR. DEPUTY CHAIRMAN: There is one amendment (No. 60) for insertion of new Clause 37(A) by Shri Husain Dalwai. Are you moving?

SHRI HUSAIN DALWAI: Sir, I am not moving my amendment.

MR. DEPUTY CHAIRMAN: In Clause 38, there is one Amendment (No.50) by Shri Rajeev Chandrasekhar. Are you moving?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving it.

Clause 38 was added to the Bill.

Clauses 39 to 46 were added to the Bill.

CLAUSE 47-Cognizance of offences

MR. DEPUTY CHAIRMAN: In Clause 47, there are three amendments. Amendment (No. 21) by Shri Jairam Ramesh. Are you moving it?

SHRI JAIRAM RAMESH: Sir, I move:

21. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 14, lines 17 and 18 be *deleted*.

MR. DEPUTY CHAIRMAN: There is amendment (No.61) by Shri Husain Dalwai. Are you moving?

SHRI HUSAIN DALWAI: Sir, I am not moving my amendment.

MR. DEPUTY CHAIRMAN: So, I shall now put amendment moved by Shri Jairam Ramesh to vote.

The Amendment (No. 21) was negatived.

Clause 47 was added to the Bill.

CLAUSE 48-Power of Central Government to supersede Authority.

MR. DEPUTY CHAIRMAN: In Clause 48, there are two amendments. Amendment (No.7) is by Shri Bhupinder Singh; he is absent. Amendment (No. 22) by Shri Jairam Ramesh. Are you moving?

SHRI JAIRAM RAMESH: Sir, I move:

22. That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at pages 14 and 15, clause 48 be *deleted*.

MR. DEPUTY CHAIRMAN: I shall now put Amendment (No.22) moved by Shri Jairam Ramesh to vote.

The Amendment (No. 22) was negatived.

Clause 48 was added to the Bill.

Clause 49 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 50, there are two Amendments. Amendment (No.8) by Shri Bhupinder Singh. He is absent. Amendment (No. 52) by Shri Rajeev Chandrasekar.

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving.

Clause 50 was added to the Bill.

Clauses 51 to 53 were added to the Bill.

CLAUSE 54-POWER OF AUTHORITY TO MAKE REGULATIONS.

MR. DEPUTY CHAIRMAN: In Clause 54, there is one Amendment (No. 62) by Shri Husain Dalwai.

SHRI HUSAIN DALWAI: Sir, I move:

(62)“That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 16 line 13, the words " the biometric information under clause (g) and" be *deleted*.”

MR. DEPUTY CHAIRMAN: I shall now put the amendment moved by Shri Husain Dalwai to vote.

The Amendment (No. 62) was negatived.

Clause 54 was added to the Bill.

Clauses 55 and 56 were added to the Bill.

CLAUSE 57-Act not to Prevent use of Aadhaar number for other purposes under Law

MR. DEPUTY CHAIRMAN: In Clause 57, there are two Amendments. Amendment (No.23) by Shri Jairam Ramesh and Amendment (No. 63) by Shri Husain Dalwai. Are you moving?

SHRI JAIRAM RAMESH: Sir, I move:

(23) “That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 17, clause 57 be *deleted*.”

SHRI HUSAIN DALWAI: Sir, I move:

(63) “That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 17, *after* line 38, the following proviso be *inserted* namely:—

“Provided further that where the security and confidentiality of identity information collected under this section is compromised because of a lapse attributable to the entity requesting such information, such entity shall be liable to be dealt with in accordance with the provisions under section 37A of the Act.”

MR. DEPUTY CHAIRMAN: I shall now put the amendment moved by Shri Jairam Ramesh to vote. The question is:

(23) “That the Rajya Sabha recommends to the Lok Sabha that the following amendment be made in the *Aadhaar* (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, as passed by Lok Sabha, namely:—

That at page 17, clause 57 be *deleted*.”

The House divided

MR. DEPUTY CHAIRMAN: Ayes-77

Noes-66

AYES-77

Abraham, Shri Joy

Aiyar, Shri Mani Shankar

Ansari, Shri Ali Anwar

Antony, Shri A. K.

Azad, Shri Ghulam Nabi

Babbar, Shri Raj

Baidya, Shrimati Jharna Das
Balagopal, Shri K. N.
Balmuchu, Dr. Pradeep Kumar
Balyawi, Shri Gulam Rasool
Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Biswal, Shri Ranjib
Budania, Shri Narendra
Chaturvedi, Shri Satyavrat
Chowdhury, Shrimati Renuka
Dalwai, Shri Husain
Darda, Shri Vijay Jawaharlal
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Fernandes, Shri Oscar
Gill, Dr. M. S.
Gowda, Prof. M. V. Rajeev
Harivansh, Shri
Hashmi, Shri Parvez
Kalita, Shri Bhubaneswar
Khan, Shri K. Rahman
Khan, Shri Mohd. Ali
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Mahra, Shri Mahendra Singh
Mistry, Shri Madhusudan
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Naik, Shri Shantaram
Narayanan, Shri C. P.
Natchiappan, Dr. E. M. Sudarsana

Pande, Shri Avinash
Patel, Shri Ahmed
Patil, Shrimati Rajani
Punia, Shri P. L.
Ragesh, Shri K. K.
Raja, Shri D.
Ramalingam, Dr. K. P.
Ramesh, Shri Jairam
Rangarajan, Shri T. K.
Rao, Dr. K. V. P. Ramachandra
Rao, Shri V. Hanumantha
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Ravi, Shri Vayalar
Reddy, Dr. T. Subbarami
Reddy, Shri Palvai Govardhan
Sadho, Dr. Vijaylaxmi
Salam, Haji Abdul
Seelam, Shri Jesudasu
Seema, Dr. T. N.
Selja, Kumari
Sen, Shri Tapan Kumar
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Dr. Manmohan
Singh, Shri Digvijaya
Sinh, Dr. Sanjay
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Syiem, Shrimati Wansuk
Thakur, Shri Ram Nath

Thakur, Shrimati Viplove

Thangavelu, Shri S.

Tiwari, Shri Pramod

Tlau, Shri Ronald Sapa

Tulsi, Shri K. T. S.

Tyagi, Shri K. C.

Varma, Shri Pavan Kumar

Vora, Shri Motilal

Yechury, Shri Sitaram

NOES-66

Akbar, Shri M. J.

Arjunan, Shri K. R.

Bernard, Shri A. W. Rabi

Bhunder, Shri Balwinder Singh

Chandrasekhar, Shri Rajeev

Chowdary, Shri Y. S.

Dave, Shri Anil Madhav

Dudi, Shri Ram Narain

Fayaz, Mir Mohammad

Gehlot, Shri Thaawar Chand

Gohel, Shri Chunibhai Kanjibhai

Gokulakrishnan, Shri N.

Gaud T., Shri Devender

Goyal, Shri Piyush

Gujral, Shri Naresh

Heptulla, Dr. Najma A.

Irani, Shrimati Smriti Zubin

Jain, Shri Meghraj

Jaitley, Shri Arun

Jangde, Dr. Bhushan Lal

Jatiya, Dr. Satyanarayan

Javadekar, Shri Prakash
Jha, Shri Prabhat
Judev, Shri Ranvijay Singh
Jugul Kishore, Shri
Kashyap, Shri Ram Kumar
Katiyar, Shri Vinay
Khanna, Shri Avinash Rai
Kore, Dr. Prabhakar
Lakshmanan, Dr. R.
Laway, Shri Nazir Ahmed
Mandaviya, Shri Mansukh L.
Manhas, Shri Shamsher Singh
Manjunatha, Shri Aayanur
Mitra, Dr. Chandan
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Naqvi, Shri Mukhtar Abbas
Navaneethakrishnan, Shri A
Nirmala Sitharaman, Shrimati
Panchariya, Shri Narayan Lal
Pandya, Shri Dilipbhai
Patil, Shri Basawaraj
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Ramesh, Shri C. M.
Rangasayee Ramakrishna, Shri
Rao, Dr. K. Keshava
Rathinavel, Shri T.
Sable, Shri Amar Shankar

Sai, Shri Nand Kumar
Sancheti, Shri Ajay
Sasikala Pushpa, Shrimati
Seetharama Lakshmi, Shrimati Thota
Singh Badnore, Shri V. P.
Singh, Shri Birender
Sood, Shrimati Bimla Kashyap
Tarun Vijay, Shri
Thakur, Dr. C. P.
Tundiya, Mahant Shambhuprasadji
Vadodia, Shri Lal Sinh
Vegad, Shri Shankarbhai N.
Verma, Shri Ravi Prakash
Vijila Sathyananth, Shrimati
Yadav, Shri Bhupender

The Amendment (No.23) was adopted.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment moved by Shri Husain Dalwai to vote.

The Amendment (No. 63) was negatived.

Clause 57, with amendment recommended, was added to the Bill.

MR. DEPUTY CHAIRMAN: In clause 58, there is one amendment by Shri Bhupinder Singh. He is not here.

Clause 58 was added to the Bill.

Clause 59 was added to the Bill.

Clause 1 and the Enacting Formula were added to the Bill.

MR. DEPUTY CHAIRMAN: In the Long Title there is one Amendment (No. 24) by Shri Rajeev Chandrasekhar. Are you moving?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am not moving.

The Long Title was added to the Bill.

SHRI ARUN JAITLEY: Sir, I beg to move:

That the Bill, with amendments recommended, be returned.

The question was put and the motion was adopted.

PROF. M. V. RAJEEV GOWDA (Karnataka): Sir, many people have to catch flights. We can finish the Special Mentions.

MR. DEPUTY CHAIRMAN: Okay. If the House agrees, I allow Special Mentions to be laid. I am reading the Special Mentions list. Just say, 'I lay my special Mention on the table of the House'.

SPECIAL MENTIONS

Demand to withdraw the increase in excise duty on gold and diamond jewellery

KUMARI SELJA (Haryana): Sir, with your permission, I would like to raise an urgent issue of public importance in this august House, through this Special Mention, on the situation which has arisen due to increase of Excise duty on gold and diamond jewellery by the Government in the current Budget. Sir, Budget means an opportunity to every section whether industry, agriculture, education sector, common man, etc., to get something extraordinary for the overall development and growth. But, it is unfortunate that in the Union Budget of 2016-17, Government have imposed Excise Duty on gold and diamond Jewellery.

Even in the year 2012, the then Finance Minister had imposed the Excise Duty which was rolled back by then UPA Government to save the common skilled man involved in manufacturing in the unorganised sector, traders, etc.

Sir, in an unorganised sector crores of skilled workers (artisans) are earning their bread and butter in every village, small towns, cities, etc. It is not possible for such a person to maintain/keep records as per the provisions of the Excise Act. This will definitely ruin their business and will make them unemployed.

Sir, this Act of imposition of Excise Duty will lead to the start of Inspector Raj, which will result in large scale increase in corruption.

Sir, keeping in view the facts mentioned above, I request the Government to roll back the Excise Duty on gold and diamond jewellery so that they can contribute for the overall development and growth of the country.