

SHRI MADHUSUDAN MISTRY: Why? ...*(Interruptions)*...

श्री मुख्तार अब्बास नकवी: अभी सिर्फ हम move करने के लिए कह रहे हैं। बाद में चर्चा हो जाएगी, discussion हो जाएगा। Let him move only. ...*(Interruptions)*...

SHRI MADHUSUDAN MISTRY: You cannot change the sequence.

MR. DEPUTY CHAIRMAN: By moving it now, without much discussion, we have to pass it. ...*(Interruptions)*... 'Moving it' means, we will pass it after the discussion. ...*(Interruptions)*... Okay, then, we will postpone it.

श्री मुख्तार अब्बास नकवी: ठीक है, सर।

SHRI JAIRAM RAMESH: Sir, Ministers are not present when Question Hour is there. ...*(Interruptions)*.. The Minister of Parliamentary Affairs is not there. Now, they want us to accommodate them. Why should we?

MR. DEPUTY CHAIRMAN: It is only give-and-take. The Opposition is not to oppose everything, and the Government is also not to agree to everything. It is only give-and-take. ...*(Interruptions)*... Okay.

SHRI MUKHTAR ABBAS NAQVI: Sir, after the Short Duration Discussion on Aadhaar, we will have to take up both the Factories (Amendment) Bill, 2016 and the Constitution (Scheduled Castes) Orders (Amendment) Bill, 2017.

MR. DEPUTY CHAIRMAN: Okay; we will take them up.

SHRI MADHUSUDAN MISTRY: Sir, we have learnt a lot of things from them.

SHRI MUKHTAR ABBAS NAQVI: Sir, Mistryji is a very, very experienced Parliamentarian. We also learn a lot of things from him. ...*(Interruptions)*..

MR DEPUTY CHAIRMAN: Mistryji, you may learn so many things, but use only those which are useful and beneficial to you.

SHRI MADHUSUDAN MISTRY: No, Sir. That is not the justification. But, the Minister can't change the sequence.

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## SHORT DURATION DISCUSSION

### **Aadhaar — Its Implementation and implications**

MR. DEPUTY CHAIRMAN: Okay. Now, we take up the Short Duration Discussion. Shri Rajeev Chandrasekhar has to initiate.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): Sir, could I speak for a few minutes?

MR. DEPUTY CHAIRMAN: Okay.

**श्री रवि शंकर प्रसाद:** आज 'आधार' पर मित्रों ने सदन में चर्चा आरम्भ की है। इस बहस से बहुत कुछ हम भी जानेंगे और अपना उत्तर देंगे। एक बात मैं बहुत विनम्रता से सदन को बताना चाहूंगा कि आधार की शुरुआत उस समय की सरकार के द्वारा की गई थी। ...**(व्यवधान)**...

SHRI JAIRAM RAMESH (Karnataka): Sir, let this come up during the discussion.

SHRI RAVI SHANKAR PRASAD: I will take just two minutes. Can't you allow me even that? But, what is important is this. Now, there is a robust legislation for Aadhaar, which lays down the entire format as to how biometric shall be collected, how it shall be processed, how it shall be stored and under what terms and conditions, it can be used. As it will be unveiled, under the law, very simple things of information are sought to be taken, namely, a person's name, sex, date of birth, biometrics of the face, and fingerprint. With due regard, Sir, in law, it is given as to how it has to be processed. And, if anyone does an unauthorized use, the law clearly provides that he can be prosecuted and convicted for three years. ...**(Interruptions)**...

SHRI JAIRAM RAMESH: Sir, we are not school children here. ...**(Interruptions)**... We know what Aadhaar is. Let the discussion take place. The Minister can respond. ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: Okay. ...**(Interruptions)**...

SHRI JAIRAM RAMESH: The Minister can respond. ...**(Interruptions)**... He is treating us as if we are school children. ...**(Interruptions)**...

SHRI RAVI SHANKAR PRASAD: Sir, he is a very learned ... ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: If it is useful, you take it. If it is not useful, you can ignore. No problem. ...**(Interruptions)**...

SHRI JAIRAM RAMESH: Let him respond. ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: No, please. ...**(Interruption)**... Please. Please.

SHRI RAVI SHANKAR PRASAD: Only two things, Sir. Aadhaar is linked with the Jan Dhan to provide direct subsidy to the account, direct benefit transfer. We have saved ₹ 50,000 crores which used to be taken by ... ...**(Interruptions)**...

SHRI JAIRAM RAMESH: Sir, I object. ...**(Interruptions)**... This is preempting the discussion. ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: No, no. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: Let us have the discussion. ...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: Why are you having impatience? ...(*Interruptions*)... I am concluding. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: It may be useful to you. ...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: I am concluding. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: It may be useful to you. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: It is not useful. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Not to you who is well versed but, maybe, to some others who ...(*Interruptions*)...

SHRI JAIRAM RAMESH: Sir, these are misleading numbers. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: You can question that. When you speak, you can say, it is misleading. No problem. ...(*Interruptions*)... No problem. He is a Minister. He can say.

SHRI RAVI SHANKAR PRASAD: Lastly, Sir, the World Bank and the UN Body have clearly stated that the extraordinary technological innovation of India needs to be followed by the world. Surely, they started it. We have no problem. But if after improvement it is throwing results, that benefit ought to be considered objectively. That is what I wanted to say.

MR. DEPUTY CHAIRMAN: It may be useful to some; it may not be useful to you. No matter. He is a Minister. He only tried to give some information. Now, Shri Rajeev Chandrasekhar.

SHRI RAJEEV CHANDRASEKHAR (Karnataka): Sir, thank you for permitting me to initiate this discussion on Aadhaar. I think, it is a long overdue discussion, and I will start with referring to a recent Press interview by the ex-Chairman of UIDAI who referred to all critiques of Aadhaar as ...

MR. DEPUTY CHAIRMAN: You should finish in 15 minutes.

SHRI RAJEEV CHANDRASEKHAR: Yes, Sir. ...(*Interruptions*)...

AN HON. MEMBER: He is initiating the discussion. He should get a little more time.

SHRI RAJEEV CHANDRASEKHAR: Sir, I am making a reference to an

interview recently in the media where the former Chairman of the UIDAI referred to those who were criticizing Aadhaar as 'hand-waivers' and 'colonizer'. I would draw the attention of the Minister to that interview and I would clarify that neither am I a hand-waiver nor am I a colonizer. My views on Aadhaar have been remarkably consistent since 2010 when I have raised issues relating to Aadhaar flaws and its weak architecture, and most of those issues are coming true today.

Sir, let me start by first acknowledging the sharp difference in the approach of the current Government *vis-à-vis* the UPA Government. The UPA Government spent thousands of crores on Aadhaar with no debate inside or outside Parliament, no legislative backing for it and, most importantly, Sir, there was not one word uttered during UPA on the legal accountability for the authenticity of this biometric database. As a result, Sir, thousands of crores of public money was spent on creating a biometric database which conducted very poor verification of identities and did not and still does not have any details of citizenship. The only time Aadhaar was scrutinized, Sir, was by the Standing Committee on Finance of which I was a Member, and the Standing Committee rightly concluded that this database was going to be ineffective even for the purposes of directing subsidies and recommended that it must be merged with the National Population Register.

Sir, this Government inherited this unverified database and instead of throwing it out and wasting public money, it moved to address its shortcomings. It brought the Aadhaar Bill, as the Minister mentioned, repositioned it as a subsidy-delivery platform and encouraged parliamentary debate. It has developed a strategy to use Aadhaar and other tools to launch a sharp attack on the vexed and cursed problem of leakages, ghost and fraudulent claimants to public subsidies. It has addressed the issue of lack of verification and fake entries by making UIDAI statutorily responsible for verifying the entries through Section 3.3 of the Act. But, Sir, this is where the problem starts and that is why, Sir, I will raise three quick issues.

The first issue is the use of Aadhaar as a broader identification in the context of the following, and I would draw the Minister's attention to this. The Act was passed in 2016 and before 2016, hundred crore entries were in the Aadhaar database. That does not come under Section 3.3. Who was responsible for verifying these hundred crore entries before it is used as an identity for elections, bank accounts and for entering airports through the CISF? Please tell us how Aadhaar entries that were poorly verified during the period between 2010 and 2016 could be used in a plastic cover, forged for ₹ 40 in Palika Bazar and used for access to airports. Please tell us how the same unverified Aadhaar database can be used as the sole KYC for opening bank accounts outside the Jan Dhan Yojana. When there is clear

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evidence all over of fake Aadhaars before 2016, what safeguards has UIDAI taken before Aadhaar is being permitted to be used as an identification beyond delivering subsidies and benefits?

Sir, these are the questions that need to be answered either by the Minister here or at some other forum.

Sir, the question of rampant fake Aadhaar entries is a real one and it is a direct consequence of the sloppy way in which this database was built. Sir, the Aadhaar Act was passed in 2016; Section 3.3 makes it the responsibility of the UIDAI to issue Aadhaar numbers only after verification. The Minister and the Government must know that between 2010 and 2014, there were over 60 crore enrollees and, between 2014 and 2016, 40 crores. That means, before the Act and before Section 3.3 came into effect, there were 100 crore Aadhaar enrollees in the database.

Sir, this question is still relevant; what has the UIADI done since 2016, when the Act was passed, to ensure that Section 3.3 has been complied with for all Aadhaar entries prior to 2016? As far as I know, there has been no disclosure, or audit reports of UIDAI or Aadhaar, and no prosecution of any enrolment agencies that have created these fakes. So, Sir, the long and short of it is simple; Aadhaar remains, to a large extent, an unverified database, which has crores of biometrics, with no one to certify if the name or ID against the biometric is correct. There is a simple rule for databases — its only as good as what you put in.

Sir, I wish to draw the attention of the Minister here. This is compounded by the fact that all Government departments and agencies seeking to use Aadhaar are taking shelter under Sections 3.3 and 4.3 of the Act, creating the perception that UIDAI stands guarantee for the authenticity of Aadhaar. This is a very important issue, because most Government departments today are washing their hands off their notifications by taking refuge under Section 3.3, saying that the UIADI has verified Aadhaar and, therefore, they can, if necessary, be blissfully unaware or unconcerned about the existence of fake and ghost entries.

Sir, even the Minister is aware of the existence of fake Aadhaar entries, including the most recent case of two Pakistani spies being caught with Aadhaar cards in fake names, but with their biometrics. So, it was their biometric but with a fake name. So, what would the Minister want us to do when there are future instances of fake IDs in Aadhaar? Should we go to court, and whom should we sue? If this results in a terror attack, whom should the families of those future victims approach? Should they approach the UIADI? There are solutions to this, but to develop these

solutions, we need to first accept that there are problems, that there is a large number of unverified, fake entries in the Aadhaar database. So, if Sections 3.3 and 4.3, both, are to be truly delivered by UIDAI, the problems of ghost and fake entries in Aadhaar will need to be squarely addressed through an audit, a cleanup or a gradual re-verification of the database. This is unavoidable, Sir. Ignoring it is unacceptable in the interest of the country.

Sir, I now move to another issue, which is to deliver better public subsidies. There has been a debate about 'mandatory' and 'non-mandatory'. I think this is a misplaced debate, because it really is an issue of exclusion and non-exclusion. I believe, Sir, that Aadhaar can be and must be developed into the gateway to deliver subsidies, because the poor and the needy are the ones that are suffering from leakages in subsidies. So, I personally don't subscribe to the view that there is anything against Aadhaar being made mandatory. But Aadhaar should be made mandatory after ensuring that making it mandatory does not mean exclusion of any poor and needy from subsidies or services that the Government provides. So, a roadmap to ensuring non-exclusion is important, with some pre-determined conditions precedent before Aadhaar can be made mandatory. Sir, many Government Departments are issuing rules, right, left and centre, which are being interpreted as being mandatory or non-mandatory. Even I have asked a question in Parliament of the HRD Ministry where their answer to the question is contradicting their own notification. So, this confusion, in my humble opinion, Sir, is being created by regulations of the UIDAI, specifically Regulation 12 (Enrollment and Update) that seems to encourage a breach of Section 7 of the Act. A lot of the problem around Aadhaar can be placed squarely at the doorstep of the UIDAI's vague regulations and lack of clear guidelines on the use of Aadhaar. Proper oversight of UIDAI is lacking. I would urge the Minister to create a structure where the UIDAI's regulations and guidelines are subject to much more stringent oversight. I may even suggest, Sir, that there may be a Parliamentary Standing Committee on the issue of national identity. Sir, the third issue is the issue of data integrity and the broader issue of privacy and that, Sir, has taken on some form of a debate and discussion. As more and more people have become aware of Aadhaar and its expansion to new areas, more and more concerns about its design, operation and misuse have surfaced. Sir, these are legitimate concerns and so to call these concerns hand-waving colonizing, and to deny it we must accept that these are natural consequences of digitization of our economy and digitization of the country. Some are legitimate concerns and many are caused by lack of understanding and lack of communication and transparency by UIDAI. The concerns of a surveillance State are, Sir, completely misplaced if the Minister in the Government can articulate your safety measures that are being put

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into place to prevent misuse. Surveillance only comes out of misuse of information and data within institutions and Government. Sir, we have in this House many, many months ago, the issue of the Leader of the House's call records being leaked. We have discussed in this House many months ago call tapping. These are all signs of misuse by people within the system of powers that are given to them and that is a legitimate concern even in the case of Aadhaar and any of these large databases of the Government that they create. There was some discussion about this earlier, Sir, and my senior colleague Mr. Chidambaram tried to raise it. But, I don't think he presented it right. This is not an issue of hacking. This is an issue, Sir, of the rights of the users whose data is in the database and the reciprocal accountability of those who collect and store and provide access to these data. Sir, the Aadhaar Act — with great respect, because I participated in the debate and I said it even then — places no accountability on UIDAI as an institution to protect the database and the personal information that users and consumers provided. While there are Section 3 and Chapter VI lay responsibility for verification and protection on UIDAI, despite such mandatory and substantive provisions laying out the requirement of verification, the Aadhaar Act and the regulations made thereunder remain silent on the liability of the UIDAI, or its personnel, in the case of non-compliance, contravention or violation of such provisions. And this is very important. On one hand, if the Minister wants to use his database as the gold standard identity for access to sensitive areas, or for entering the financial system, if the entry correspondingly is unverified, is fake or fraudulent, who is responsible? This is the question that the Government must answer. This is a legitimate question that needs to be answered. Sir, I just want the Minister and the Government to be aware of this that there are several thousands and thousands of cases of data breaches and misuse but none being followed through with prosecution. Aadhaar Numbers are available for ₹ 2 per entry. I can give as many as the Minister wants. The recent fiasco of E-KYC where many entities accessing Aadhaar were storing and reusing data without permission is also widely known. Sir, there has to be institutional and legal reform for this. I am not against Aadhaar. I completely support what the Government is attempting to do and creating a digital eco-system to make sure public services and subsidies delivered better and more effectively. But we must understand the consequences of allowing some of the mistakes that have been put into place in the past unaddressed. Sir, on the broader issue of privacy, I have heard, with great interest, to some of my colleagues who earlier spoke in the Parliament about the issues of privacy. It is both, a broader and a more important issue, that goes beyond Aadhaar. It raises legitimate questions about the role and the responsibility of the State, or other agencies, that are custodians of our digital footprints at the time of rapid digitization of our lives and economies. The

Leader of the House himself also had conceded, during the Aadhaar debate, that he believed that privacy is a fundamental right, even without waiting for the Supreme Court to opine on the PIL, to which I was also a party. ...(*Time bell rings*)... I will just take two more minutes.

The current protections to the consumers and the citizens under both, Aadhaar Act and IT Act, are skewed in favour of those who hold the data and places an extraordinary burden on the individual or the user to get justice. I would encourage the Government to enter into this discussion because many people are concerned about this. It is better for the Government to initiate it rather than have the Courts step in. I had similarly urged the UPA Government to have a debate on Section 66. They ignored me and finally, it took a Supreme Court petition, to which I was also a party, to strike down that provision in the law.

Sir, as the world's largest democracy and soon, perhaps, the world's leading digital democracy, we must take an enlightened and global lead in showing how we can balance our citizens' rights to privacy and our national security considerations. I have heard the Minister say that there are enough safeguards in the IT and Aadhaar Acts. With great respect to him, Sir, I would like to say that he is wrong. If he believes that, I would gently point out to him that he is in the minority. We need to have a discussion on this and not to take a rigid position. I would urge him to show the confidence and leadership towards this. The people of our country, especially the youth, deserve this.

Sir, let me end by saying that constant change is normal in the digital world. These kinds of debates will help the Government and the Parliament keep reviewing and adapting to these changes and challenges. I request the Government again to consider the views expressed here today carefully. The risk and problems that I have outlined are real and will need to be addressed, preferably by the Government.

There is a real need to be adaptive and changing, especially in the case of evolving Aadhaar from an unverified biometric database into a robust, reliable and authentic National Identify Platform. Thank you, Sir, and Jai Hind.

SHRI JAIRAM RAMESH: Sir, let me start by mentioning two facts which need not be contested, and the first fact was put forward by the hon. Minister that the Aadhaar UID initiative was created and taken forward initially by the UPA Government. The first Aadhaar number was given to Ranjana Sonawne in Tembli village of Nandurbar District on the 29th September, 2010. Sir, that is not what we are discussing today. We know that it was the UPA Government, of which Dr. Manmohan Singh was the Prime Minister, that conceived Aadhaar, that laid the



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foundations of Aadhaar, which is now being taken forward. The second thing, that also needs not be contested, is that when Aadhaar was conceived, when Aadhaar was being implemented, there was opposition from those who are in power today. There was opposition from the current Prime Minister; there was opposition from the current Finance Minister; and, on the 24th of May, 2012, there was opposition from the General Secretary and Chief Spokesperson of the BJP, who is the current hon. Minister for IT and Law. All this is history. I don't need to go into it. This is all available that those, who were sitting here, opposed the UID Aadhaar initiative when it was launched, but now, those very votaries, who were against Aadhaar, are embarking on an aggressive expansion of Aadhaar.

MR. DEPUTY CHAIRMAN: So, you should be happy.

SHRI JAIRAM RAMESH: Sir, whether I am happy or not, I want to raise some issues which are causing great concern to me. I was present at the conception of Aadhaar. I played an important role in bringing Aadhaar to where it is today. But as somebody who knows the ins and outs of Aadhaar, there are two issues that bother me and that is why, we are having this discussion today.

The first issue is a whole set of legal issues, and it is my contention that the current stand of the Government is in violation of successive Supreme Court orders. The second issue is the implementation issue and it is my contention, and, I will show it with facts and figures. As Mr. Chandrasekhar mentioned, Aadhaar is becoming an instrument of exclusion, it is not becoming an instrument of identity but it is actually becoming an instrument of exclusion, and, I will show it with examples of PDS, examples of old-age pensions, and examples of MGNREGA. These are the two broad issues that I want to deal with. First is the legal issue and the second is the implementation issue.

Sir, the Minister is also the Minister of Law and Justice. So, I am very, very happy that he will be able to respond to what I say in a much more informed manner than I can put forth because I am not a lawyer. I only read Supreme Court judgements and there are three Supreme Court judgements, two of which were given in 2015 and one was given in 2016, which clearly define where Aadhaar can be used. These are PDS, distribution of cooking gas, distribution of kerosene, MGNREGA, scholarships and old-age pensions. These are Supreme Court decisions or orders; not oral observations. These are actual orders of the Supreme Court, which clearly define — not in one judgement but in three judgements given in the last two years — as to where Aadhaar can be used, and, where Aadhaar must be used, not mandatorily, but where Aadhaar must be used giving the beneficiary an option.

Unfortunately, Sir, the option of this Government is to hold a pistol on my head and ask, "Do you have an Aadhaar number"? And, if I say, 'no', then, it says, "Go and get yourself an Aadhaar number". The alternative cannot be, "Go and get yourself an Aadhaar number". The alternative has to be something more substantive. So, the first question, which I would like to put to the hon. Minister of Law is: Isn't he aware of the fact that there are three...

SHRI RAVI SHANKAR PRASAD: Hon. Deputy Chairman, Sir, kindly clarify my status in this debate. Is it as the Minister of Information Technology or Minister of Law?

MR. DEPUTY CHAIRMAN: This discussion is on the information technology. So, will be yours.

SHRI JAIRAM RAMESH: He has a double role today. Sir, isn't he aware that the Government is in gross violation of successive Supreme Court orders, which delineate very specifically as to where Aadhaar must be used; where Aadhaar must be used in a non-coercive, non-mandatory manner?

But my major concern, Sir, is on implementation issues. How Aadhaar is being used to exclude people from the schemes which are designed for them. Let me start with the point that the Minister made right at the beginning on savings.

Sir, day-before-yesterday, there was a question asked by Mr. Derek O'Brien in Rajya Sabha. This question was on the ghost beneficiaries under Direct Benefit Transfer Scheme through Aadhaar, and, Shri Ravi Shankar Prasad answered this question. Sir, he gave a total of ₹ 49,000 crore savings, and, this is the number that he gave. He gave a figure of ₹ 50,000 crore savings on account of the Direct Benefit Transfer system through Aadhaar. Sir, these numbers are highly suspect; these numbers are highly questionable. Why do I say this? I have the CAG Report and, Sir, I invite the hon. Minister's attention to the CAG Report. This CAG Report, which was submitted in March last year, debunked the entire idea that the Government saved thirty thousand crores of rupees on account of Direct Benefit Transfer or Aadhaar in the LPG distribution scheme. And, what does the CAG Report say? Sir, I mention the CAG Report because the CAG Report played a very important role in their migration from this side to that side. Therefore, I need to bring to their attention what their own gospel said on DBT and Aadhaar. Sir, 92 per cent — and this is what the CAG is saying, — of the savings is because of a fall in oil prices. It has nothing to do with Aadhaar; it has nothing to do with Direct Benefit Transfer. It has all to do with the decline in international oil prices. Sir, 92 per cent of the savings in LPG subsidy, which the Minister has answered in response to a question

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from Mr. Derek O'Brien, is not on account of Aadhaar, is not on account of DBT, but is on account of a fall in international oil prices. Similarly, he claims a lot of savings in food and public distribution. Sir, long before Aadhaar came into being, many States were weeding out bogus ration cards. West Bengal did it; Karnataka did it; Tamil Nadu did it; Bihar did it; Gujarat did it. State after State was weeding out bogus ration cards and the saving because of that is now being attributed to Aadhaar and DBT. The point I want to make is, hon. Minister, you must have had some savings. I am not denying that. But to say that you have saved ₹ 50,000 crores in a space of 15 months is mind-boggling, and in my view, goes contrary to all facts, to all evidence as an example of which I have given to you on the CAG Report on LPG subsidy.

Sir, there are three programmes on which maximum exclusion is taking place today on account of Aadhaar. It is not the hon. Minister's fault. This is a collective responsibility. And I will use one word that is very commonly used by spokesmen of the Government. I don't like the word, but I would like to use that word, 'ecosystem'. Now, everybody has become an expert on 'ecosystem'. In fact, one Minister answered a question in Parliament some days ago where he used the word 'ecosystem' twenty times in a space of two-and-a-half minutes. Sir, this Aadhaar ecosystem is leading to significant exclusion in PDS, in Mahatma Gandhi NREGA and in Old-Age Pension scheme. Let me give you some numbers.

SHRI TAPAN KUMAR SEN (West Bengal): And that accounts for some of the savings too.

SHRI JAIRAM RAMESH: Exactly; I am coming to that point. Sir, let me start with talking about PDS. What is happening in the PDS reforms? I will take Rajasthan. I am so happy that the Minister of State who is sitting behind the Minister is from Rajasthan. He knows much of what I will have to say. Sir, there is a website of the Rajasthan Food Department. In Rajasthan, biometric identification has become mandatory for drawing your rations. Rajasthan is the first State to make mandatory biometric identification for drawing your rations. Now, what does this website show, Sir? I went to this website day before yesterday. This is a website of the Food and Civil Supplies Department of the Government of Rajasthan. It is not my numbers. What it shows is that in the month of March, 2017, last month, out of one crore ration card holders in Rajasthan, 74 lakhs drew their wheat ration. What does this mean? It means that 26 per cent of the households who could draw wheat are not drawing wheat. That is exclusion, Mr. Minister, and that is the savings that is there in the answer that you have given to Mr. Derek O'Brien. I will place these papers

on the Table of the House. I gladly share them with you because these are not my papers. This is the Government of Rajasthan's own estimate that in the month of March, 2017 — I am not blaming you, Mr. Minister; I am blaming the ecosystem — out of one crore ration card holders in Rajasthan, only 74 lakhs have been able to draw wheat. Now, is this an occurrence of one month alone? No. In December, it was 26 per cent; in November, 27 per cent; in October, 29 per cent. Month after month after month, at least, twenty-five per cent of those, who are entitled to draw wheat based on their ration cards, are not drawing wheat because of some error or the other in the Aadhaar ecosystem.

Sir, you go to any website; I went to the Andhra Pradesh Government's website. Andhra Pradesh is also making biometrics compulsory for food distribution. There are fifty different types of errors, Mr. Minister. Not one error. Not two. There are fifty different types of errors by which you can deprive a ration card holder of his or her entitlement. And this is what is happening in State after State. I gave you the example of Rajasthan.

*Economic and Political Weekly*, a very respected journal, has just published a survey of the experience of biometrics in Hyderabad City, not in rural areas but in urban areas of Hyderabad. And here also, twenty per cent exclusion is taking place because of the insistence on biometrics.

Sir, there are two types of biometrics. You can have local biometrics. Or you can have central server biometrics. We are talking here about making central server biometrics, the Aadhaar-based biometrics, compulsory. Mr. Minister, my point to you is this. And I don't expect an answer from you today on this. But this is something that the Government should be worried about. The people who have ration cards and who have entitlements are not getting their entitlements because of fifty different types of errors in authentication. And you don't authenticate once. You authenticate repeatedly. It is not done once a year. Every time you draw your ration, you authenticate it. So, I would request you to have a dialogue with your colleagues and see the damage that is being caused in State after State, particularly in the States that I have mentioned to you, by excluding people from their entitlements as far as the PDS is concerned.

Sir, let me talk about the Old Age Pension. Let me again take the example of Rajasthan. I took Rajasthan because I knew that P.P. Chaudharyji would be sitting here when I speak and he will be able to respond to some of these concerns. There are 54,00,000 beneficiaries who are entitled to Old Age Pension in Rajasthan. There are the disabled, the elderly or the widows under the National Social Assistance Programme of the Government. Sir, 54,00,000 people can draw pensions. The Rajasthan

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Government has deleted 10,00,000 people. And that is your savings, Mr. Minister. Mr. Derek O'Brien's question on savings on pension is because you have deleted 10,00,000 people. I was wondering whether this is actually true. Then I went and investigated this further. And I will give you one example, just one example, which you can countercheck.

There is a block called Bhim Block in Rajsamand District of Rajasthan. In this Bhim Block of Rajsamand District, roughly 3,000 pensioners' names were deleted. When pressure was put on the administration saying that these are the people whose names should not be deleted and that they are actually alive, they are not fake and they are not duplicate, out of these 3,000 names, roughly 1,500 names have been restored to life. They have become once again beneficiaries of the old-age pension scheme. What does it mean? It again means that in old-age pension, you are excluding people, who are entitled to old-age pension, by making Aadhaar mandatory. I know you will say that it is not mandatory. But, it is compulsorily mandatorily voluntary. It is compulsorily mandatorily voluntary. I agree. What you say is, "Oh! You don't have Aadhaar for your mid-day meal scheme. We will give you mid-day meals. Go and register for an Aadhaar." That is your conception of having an alternative. I think what has happened in the old-age programme replicates what has happened in the PDS, where a very substantial number of beneficiaries – 20 per cent or 25 per cent – are being excluded. Sir, I must say one thing that in India we always talk in terms of percentages. Oh! We have an error rate of only one per cent. But, Sir, in India, one per cent is ten million. It is a large number. We should talk in terms of absolute numbers. So, when I say that 25 per cent families have been excluded, it means 25 lakh families have been excluded from drawing their wheat because of making Aadhaar biometric compulsory or insisting on it repeatedly. Sir, let me now turn to the third social welfare programme. In fact, I have one more point on PDS, to which I want to draw the hon. Minister's attention. Sir, there is a great fascination that we should substitute cash transfers for PDS. We should not give rice and wheat; we should give cash. This is a theology that was built up. It was built up during our time. It has been built up even now during your time. It is a theology which I objected to many years ago and I will continue to object. Sir, I have just got access to a survey that was commissioned by NITI Aayog – not by me or any other but by the Government itself. This is called Process Monitoring of Direct Benefit Transfer in the PDS. This is a survey done for NITI Aayog in Chandigarh, Puducherry, and Dadra and Nagar Haveli, where the first experiment for substituting PDS by cash transfer was started and what it shows is, less than 60 per cent of the cash is reaching the beneficiaries and that the cost of the Direct

Benefit Transfer is more than the cost of the PDS. It costs the beneficiary more to access the PDS through Direct Cash Transfer than the commodity itself. Now, I would gladly share this Report with you. It is your Report, commissioned by your Department. Unfortunately, it is not made public and is not available. But, I have got access to it and it shows very clearly that cash transfer has not worked. It is not working in Puducherry; it is not working in Chandigarh. It is working marginally better in Dadra and Nagar Haveli, but please look into this before you expand cash transfer on a national scale.

Sir, I will take just a couple of minutes more. Finally, Sir, there is the issue of MNREGA. Now, here also, Mr. Minister, it is not your fault. It is the fault of the Aadhaar ecosystem. Because of the pressure that you must have 100 per cent seeding and because of this pressure of targets that 100 per cent seeding must be met, what is happening is that workers are being denied their wages on time. What sterilisation was to the Emergency, Aadhaar seeding is becoming to your Government. It is a target-oriented approach, 100 per cent seeding in every programme. For example, in MNREGA, 100 per cent seeding; in PDS, 100 per cent seeding; in scholarships, 100 per cent seeding. How you do the seeding is irrelevant but you must have this seeding. Now, what has happened Mr. Minister, and I have here evidence from Chitradurga District in Karnataka, which, I will gladly share with you where ₹ 10-15 crores of wages have not been paid on time because local level functionaries are going around doing 100 per cent seeding. That is all that is happening on the ground - a mad rush to seed. And the net result, Mr. Minister, those who cannot seed, you exclude and those you exclude, you include in your answer to Mr. Derek O'Brien as savings. No wonder you are showing huge savings because you have excluded huge numbers of people. Those are real people. Those are not fake people. Those are not duplicate people. Those are not foreign nationals. Those are people who have legitimate claims on old-age pensions, on PDS, on Mahatma Gandhi NREGA. So the short point, Mr. Minister, on the implementation is that the UPA never conceived of Aadhaar as an instrument of exclusion. I give you the benefit of doubt. You also may not conceive of it as an instrument of exclusion. However, in actual practice, it is becoming an instrument of exclusion. It is not 1 per cent, it is not 2 per cent, it is 25 per cent and above in food, in pensions, and, as I mentioned to you, in terms of non-payment of wages in Mahatma Gandhi NREGA. And Mr. Minister, I fail to understand what the logic of making Aadhaar mandatory for mid day meals is. Is it our case that fraudulent children are being fed? I mean, there could be quantity fraud in schools, not identity fraud. If there is quantity fraud, catch the school teacher, catch the administrator. Why are you catching the children? Then, when there is public pressure put on you, you say it is not mandatory as long as you have gone

[Shri Jairam Ramesh]

and applied for it. It is as good as mandatory. So, you are not giving anybody a choice. Mr. Deputy Chairman, Sir, ...(Time bell rings)... last March, we passed the Aadhaar Bill. It came to the Rajya Sabha. Because the Finance Minister, to use Mr. O'Brien's colourful language, was wearing the '110' jersey, he declared the Aadhaar Bill as a Money Bill. The hon. Minister is a very noted Constitutional lawyer. Article 110 says 'only'. However, in the last 15 months, it is anything but 'only'. You are using it for everything. You are using it, now I am told, even for buying an air ticket. For flying, you need an Aadhaar number. So it is not only for welfare. If it was only for welfare, I can agree it was a Money Bill. However, you brought it as a Money Bill. I moved five amendments to the Bill. Rajya Sabha approved those amendments. Of course, they were negatived in the Lok Sabha. I would urge you, Mr. Minister, to revisit those amendments. I am willing to grant you, that, in some respects, your Bill was better than our Bill. But, in some respects, our Bill was better than your Bill, and you have to grant us that. But I am not here to score points because as I said history is history. You opposed it, when you were here. Now, you are supporting it, all power to you. As somebody said a couple of days ago, कि बच्चा तो आपने पैदा किया। हां, यह बात सही है कि बच्चा हमने पैदा किया, लेकिन बच्चे को भस्मासुर आप बना रहे हैं। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN : Okay.

**श्री जयराम रमेश:** और इससे बचने के लिए मैंने ये आशंकाएं जताई हैं। मेरी यह चिंता है, आप इसका जवाब दीजिए। यह मामला सुप्रीम कोर्ट में भी लम्बित है। सुप्रीम कोर्ट में इसके कई petitions हैं, Money Bill के petitions हैं, privacy के बारे में petitions हैं। But I hope at some stage — I don't want to say anything on the Supreme Court — the Supreme Court also would bring finality to this debate so that we can move forward, and we have an Aadhaar which is consistent with the best practices in security, in technology, in transparency, in privacy but, above all, does not end up doing what it is today. ...(Time bell rings)... जो लाभार्थी हैं, उन्हें उनका हक नहीं मिल रहा है और इसका एक ही कारण है और वह है "आधार"। 'आधार', 'निराधार' बन गया है। मंत्री जी, इससे बिचए, शुक्रिया।

DR. VINAY P. SAHASRABUDDHE: Hon. Deputy Chairman, Sir, whenever my colleague from the Opposition Benches, Mr. Jairam Ramesh, speaks, I normally listen to his speech with rapt attention because, more often than not, it is very educative and I have the experience of it. I also regard and respect him deeply for his experience and for his intelligence and there are learnings as well. Today, for example, I learnt that having scored several brownie points during the speech, how he concluded while saying, "I don't want to score any point." That is also an art and I must give credit for this particular thing to Shri Jairam Ramesh.

MR. DEPUTY CHAIRMAN: That is also a scoring point.

DR. VINAY P. SAHASRABUDDHE: Yes, of course. *...(Interruptions)...* This is learning for me, Sir, as I am a new Member here. He has scored brownie points all through his speech and later on he said, "No, no, I don't want to score any point." It is an art. Sir, I was wondering for how long our Members from the Opposition Benches are going to indulge in nostalgia. Every time, they keep on saying, "Oh, this was brought by us". It is true that the Aadhaar card was introduced by them but I would have been happy had they also referred to the efforts of... *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Nostalgia is a happy feeling. It is a happy feeling. You should accept that.

DR. VINAY P. SAHASRABUDDHE: I know but it is not always one-sided. I would have been happier if he had been candidly given the credit for the origin of the concept to Shri Lal Krishna Advani because when he was the Home Minister, he had introduced the idea of Multipurpose National Identity Cards. But, of course, you are bound to forget because whatever the good work that had been done by Atalji and Advaniji, you kept on forgetting. *...(Interruptions)...*

SHRI JAIRAM RAMESH: I am willing to accept it that Mr. Advani's card was proof of citizenship while Aadhaar is a proof of identity. *...(Interruptions)...* These are two separate things.

DR. VINAY P. SAHASRABUDDHE: It would have been better had you referred it to them. Sir, the limited point that I am trying to make is... *...(Interruptions)...*

SHRI RAJEEV SHUKLA (Maharashtra): Sir, if it was Advaniji's concept, then, why did you oppose when you were in Opposition? *...(Interruptions)...*

DR. VINAY P. SAHASRABUDDHE: Sir, I will explain... *...(Interruptions)...*

SHRI RAJEEV SHUKLA: Sir, the Standing Committee was headed by Shri Yashwant Sinha and I invited them to the Planning Commission to explain about Aadhaar. They were opposing it constantly and consistently that it is an anti-national programme. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Shuklaji was the Planning Minister. *...(Interruptions)...*

डा. विनय पी. सहस्रबुद्धे: उपसभापति जी, मैं बताना चाहता हूँ कि nostalgia के साथ-साथ our Members from Opposition Benches *...(व्यवधान)...*

SHRI RAVI SHANKAR PRASAD: He was a very, very distinguished Minister. *...(Interruptions)...*



3.00 P.M.

**श्री राजीव शुक्ल:** सर, पार्लियामेंट में 'आधार' से संबंधित सारे जवाब मैं ही देता था।  
...(व्यवधान)...

**DR. VINAY P. SAHASRABUDDHE:** Sir, you will have to give me extra time.  
...(Interruptions)... सर, मेरा यह कहना है कि nostalgia के साथ-साथ हमारे जो Opposition के मित्र हैं, वे politics of paranoia में भी indulge कर रहे हैं। एक आतंक का वातावरण बनाने का प्रयास किया जा रहा है कि न जाने इससे क्या होगा? इसके लिए compulsory, mandatory और बहुत अच्छे-अच्छे शब्दों का प्रयोग कर के जयराम रमेश जी ने इसका वर्णन किया। मैं मानता हूँ कि इस प्रकार के politics of paranoia में indulge करना, उसी के आधार पर चर्चा को आगे बढ़ाना, इससे न देश का हित है, न जनता का हित है और न किसी राजनीतिक दल का हित है। इसलिए मैं मानता हूँ कि कुल मिलाकर हमें जो आधार का विषय है, उस पर काफी objectively और एक दृष्टि से academically इस पर discussion करना चाहिए। मुझे प्रसन्नता और खुशी होती, यदि इसी तरह का एक सूत्र हमारे विपक्ष के सदस्यों द्वारा चलाया जाता।

उपसभापति महोदय, हम जानते हैं कि हमारे देश में न केवल भ्रष्टाचार की समस्या है, बल्कि सुरक्षा के भी बहुत सारे प्रश्न हैं। Open borders हैं, घुसपैठ की समस्या है। मैंने परसों एक सवाल पूछा था कि पाकिस्तान से जो टूरिस्ट्स हमारे देश में आते हैं, उनमें से कितने लोग वीजा समाप्त होने के बाद भी कितने यहां रुकते हैं, तो मुझे सरकार की ओर से answer दिया गया, उससे ध्यान में आया कि लगभग एक-तिहाई लोग यहीं पर रुकते हैं और पता नहीं फिर वे कहां चले जाते हैं।

तो ये इश्यूज हैं and we just cannot unsee all these issues and, therefore, there was, certainly, a need for some kind of an identity card. First of all, Advaniji mooted the idea and later on, the United Progressive Alliance also worked on it and then, we got what is now known as Aadhaar.

उपसभापति जी, हम यह भी जानते हैं कि श्री नंदन नीलेकणि और उनके सहयोगियों ने इस विषय में काफी कुछ मेहनत की, काम किया और अपनी प्रतिभा का परिचय दिया, मगर उसके बाद प्रधान मंत्री नरेंद्र मोदी जी के नेतृत्व में जो सरकार यहां पर स्थापित हुई, उस सरकार ने भी इस संकल्पना को governance के context में और अधिक बल देने की पुरजोर कोशिश की। हम जानते हैं कि इस सरकार के सत्ता सम्भालने के पहले लगभग 60 करोड़ के करीब लोगों को आधार कार्ड वितरित किये गये थे, मगर उसके बाद पूरी सरकार के अन्दर जिस तरीके का एक नया वर्क कल्चर बना है, एक कार्यसंस्कृति का विकसन हुआ है, एक target-oriented काम करने की पद्धति, काम का हिसाब मांगने का एक तरीका जो बना है, उसके कारण लगभग शत-प्रतिशत का इजाफा हुआ। आज हम लगभग 115 करोड़ तक पहुँचे हैं। मैं मानता हूँ कि यह हम सब के लिए एक अभिमान का विषय होना चाहिए। इस गति से हम इस पूरी आधार योजना को आगे ले जा रहे हैं।

हमारे विपक्ष के नेता, सारे सदस्य, यह भी जानते हैं कि इसके पहले जो आधार कार्ड आया था, जो यूपीए के कार्यकाल में बना, उसका कोई कानूनन आधार नहीं था, यद्यपि प्रक्रिया या

चिन्तन वहाँ से शुरू हुआ था, मगर मिला नहीं था। उसके बाद यशवंत सिन्हा जी के नेतृत्व में एक समिति बनी, समिति ने काम किया, सुप्रीम कोर्ट ने उस विषय में कुछ और रूलिग्स दीं, जिनका भी आधार लिया गया। उसके बाद एक दृष्टि से जो पहला वाला कार्ड था, उसमें जो मर्यादाएँ थीं, उनको लांगते हुए हम एक बेहतर योजना लाये, जिसको कानूनी जामा भी पहनाया गया और उसके बाद आधार एक्ट आया, जिसको 2016 में संसद ने मंजूरी दी। आज हम biometric का उपयोग करते हैं। हो सकता है कि उसके बारे में कुछ grievances होंगे और कुछ कमियाँ भी हो सकती हैं, मगर कुल मिलाकर throw the baby out with the bathwater, इस तरीके की मानसिकता हमारी न रहे, इस विषय में मैं स्वाभाविक रूप में आग्रह रखूँगा।

उपसभापति जी, हम यह भी जानते हैं कि इसके क्रियान्वयन का जो विस्तार विगत लगभग ढाई-पौने तीन सालों में हुआ है, extension of application and that too, under the recommendations, the advice of the Supreme Court, जिसमें मनरेगा में इसे लागू किया गया, स्कॉलरशिप में लागू किया गया, पीडीएस में लागू किया गया और पेंशन में भी लागू किया गया। मैं मानता हूँ कि इसको हमें उस नजरिये से भी देखना चाहिए कि भारत में, एक दृष्टि से पूरे समाज में, मैं केवल governance के संदर्भ में यह नहीं कह रहा हूँ, there is also a very grave crisis of authenticity. यह पूरे समाज में है। लोग बोलते हैं, तब क्या बोलते हैं, ध्यान में नहीं आता। वे बात एक बोलते हैं, करते हैं- दूसरा। उपसभापति जी, हमने यूपीए के कार्यकाल में देखा। हमने यह भी देखा कि सत्ता एक जगह थी, कुर्सी पर कोई बैठा था, निर्णय कहीं लिये जाते थे और उनकी घोषणा कोई और लोग करते थे। तो इस देश में authenticity का crisis तो Governance में भी एक अलग तरीके से देखा है, आप ही के कार्यकाल में देखा है। अभी इन सारे विषयों को आधार से जवाब मिलेगा, यह मेरा तर्क नहीं है, मगर कुल मिलाकर हमारे देश में authenticity को अगर governance में हमें restore करना है, तो ऐसी कोई योजना आवश्यक थी, जिसके बारे में मैं मानता हूँ कि हमारे विपक्ष के सदस्य भी निश्चित रूप में सहमत होंगे। उसका परिणाम यह हुआ है— अभी जयराम रमेश जी काफी सारे कागज निकाल कर, वेबसाइट वगैरह का भी रेफरेंस दे रहे थे। मैं नहीं जानता कि उस विषय में वास्तव में राजस्थान या किसी राज्य के बारे में तथ्य क्या हैं। मगर मैं स्वाभाविक रूप में इस तथ्य की ओर भी सदन का ध्यान आकर्षित करना चाहता हूँ कि जो बचत होती है, इसके विषय में स्वयं यूडीएआई के अधिकारियों ने भी काफी कुछ जानकारी general public के पास तक पहुँचाई है। उनका कहना है कि "Total savings coming to the Government coffer on account of leakages due to Aadhaar-based seeding was to the tune of Rs. 17,360 crores in the last five-and-a-half years". अभी इसमें आप केवल यह कहेंगे कि उसको वंचित रखा गया है, तो यह जरूरी नहीं है, क्योंकि यह वंचित रखने के कारण सेविंग नहीं होती, बल्कि सेविंग तब होती है, जब एक व्यक्ति के नाम से दो लोग उसका लाभ ले रहे हों या एक व्यक्ति दोबारा लाभ ले रहा हो, तब उसको सेविंग कहा जाता है। इसलिए उसको misinterpret करने की कोई कोशिश या दिग्भ्रमित करने की कोशिश, मैं मानता हूँ कि इसको हमें स्वीकार नहीं करना चाहिए।

उपसभापति जी, मैं इस ओर भी सदन का ध्यान आकर्षित करना चाहता हूँ कि जयराम रमेश जी और बाकी सारे विद्वत्जन इसको मानेंगे कि कार्ड व्यक्ति को एक पहचान भी देता है। कितने सारे ऐसे लोग हैं, गरीब तबके के लोग हैं, उपेक्षित लोग हैं, जिनको 'आधार' के कारण

[Dr. Vinay P. Sahasrabudhe]

एक पहचान मिली है और हम जानते हैं कि व्यक्ति की जिन्दगी में पहचान का बड़ा महत्व होता है। मैं यह मानता हूँ कि उस दृष्टि से इस पहचान को, चाहे वह समाज के किसी भी वर्ग का हो, उसकी जो एक व्यक्ति के रूप में पहचान है, वह 'आधार' के कारण underscore होती है। अभी इसको कोई flimsy, कोई बहुत ही साधारण कारणों से विरोध करना और उसमें यह कहना... मैं बहुत ध्यान सुन रहा था, लेकिन कहीं privacy का विषय नहीं आया है। अब तक तो आया नहीं है, लेकिन सदन में और भी लोग बोलेंगे। आपने उसको रखा। मैं जानता हूँ कि यह विषय महत्वपूर्ण है, मगर मैं 2016 का जो कानून है, उसके चैप्टर VI और VII की ओर आपका ध्यान आकर्षित करना चाहता हूँ, जिसमें privacy के protection के बारे में बहुत elaborate प्रावधान भी रखा गया है और किसी की पहचान चुराना, इसको भी कानूनन एक जुर्म कहा गया है, जो इस देश में पहली बार हुआ है। Thanks to the Aadhaar Act of 2016. इसलिए जिन्होंने अपने राज्य में कॉपीइंग को प्रोत्साहन दिया कि एक लड़का लिखता है, दूसरे किसी नाम से बैठता है और examination paper लिखता है, ऐसी गलत पद्धति से, इस तरीके का जो spurious system हमारे देश में रहा, उसके बारे में या तो अनदेखी की या उसको प्रोत्साहन दिया। मैं मानता हूँ कि उन्हें भी थोड़ा अंदर झाँक कर देखना चाहिए कि इसके कारण वाक्यी में जो गरीब है, उसको उसके लाभ से हम वंचित रख रहे हैं।

जब मैं सोचता हूँ कि इसका विरोध करने वाले कौन लोग हैं, वे क्यों विरोध करते हैं, किस कारण से विरोध करते हैं, तो जो सारे विरोध करते हैं, उन सबको मैं उसी ब्रश से पेंट नहीं कर रहा हूँ। यह कोई generalization नहीं है, but let us guard ourselves against the fact that there is a huge and strong ATM lobby which is against the implementation of the Aadhaar card. There is a strong PDS corruption lobby. You know how a large number of people are involved in the PDS corruption. They are also against the implementation of the Aadhaar card. There is a hawala lobby about which we have been knowing for years together. They are also reasonably against Aadhaar card.

**श्री आनन्द शर्मा** (हिमाचल प्रदेश): मैं आपसे एक प्रश्न पूछता हूँ। आप बुद्धिमान हैं, आप बहुत बड़ा ज्ञान दे रहे हैं, मगर इस तरह की बात कहना कि अगर कोई शंका है, वह सुप्रीम कोर्ट ने भी कहा है, तो सुप्रीम कोर्ट कोई हवाला लॉबी और दूसरी लॉबी पर नहीं काम करता है। ये शंकाएं पहले..... इसके खिलाफ सबसे बड़ा अभियान कई सालों तक चलाया था और अप्रैल, 2014 में बेंगलुरु शहर में एक जनसभा में, चुनावी जनसभा में भारत के आज के प्रधान मंत्री, श्री नरेंद्र मोदी जी ने कहा था कि अगर मैं प्रधान मंत्री बनूंगा, तो 'आधार' को scrap करूंगा। मैं यह पूछना चाहता हूँ कि वे किसके कहने पर ऐसा कर रहे थे? उन्होंने ऐसा कहा था न?

**डा. विनय पी. सहस्रबुद्धे:** 'आधार' को कानूनन आधार नहीं है, हम इस व्यवस्था को scrap करेंगे, उसको हम आधार देंगे, यह उनका तर्क है। यह आप समझ लीजिए।

मैं आपको इतना ही कहना चाहता हूँ, मुझे कोई लंबा भाषण देने की शायद आवश्यकता नहीं है, मगर इसको किसी से deprive करने की, किसी को वंचित रखने की सरकार की कोई कल्पना नहीं है। हमारे कई विद्वत्जन जानते हैं, विद्यमान सदस्य लोग भी जानते हैं कि एक जमाना था,

जब जिन्होंने इसको गेम चेंजर कहा था और अब चेंज आ रहा है, तो हम उसके विरोध में खड़े दिखाई दे रहे हैं। मैं मानता हूँ कि यह कोई बुद्धिमानी नहीं है। शायद इसकी जानकारी होगी भी कि सरकार ने विगत साल भर के अंदर इस विषय में लगभग 80 नोटिफिकेशन्स इश्यू किए हैं, जिनमें यह कहा गया है कि enrolment के सिवाय भी बेनिफिट दिए जा सकते हैं, मगर हम enrolment का आग्रह जरूर करेंगे, क्योंकि अगर यह नहीं होगा, तो यह व्यवस्था विकसित नहीं होगी। जब तक आप आग्रह नहीं करेंगे, तब तक यह 'आधार' की व्यवस्था विकसित नहीं हो पाएगी। अगर इसको विकसित करना है, तो मैं यह मानता हूँ कि उसके enrolment का आग्रह रखना चाहिए। मगर केवल enrolment नहीं है, इसके कारण किसी को उसके लाभ से वंचित रखना, यह सरकार का कतई उद्देश्य नहीं था, आगे भी नहीं रहेगा, इसके बारे में हमें आश्वस्त रहना चाहिए।

सर, मुझे कुछ सुझाव देने हैं, माननीय मंत्री जी यहां पर उपस्थित हैं। मेरा एक सुझाव यह है कि जैसे पैन कार्ड में भी यह व्यवस्था नहीं है, वह तो अलग मंत्रालय का विषय है, मगर जो महिला शादी के बाद नए घर में जाती है, उसको दोनों नाम अपने 'आधार' कार्ड पर रखने की व्यवस्था होनी चाहिए, क्योंकि महिला के लिए दोनों identities महत्वपूर्ण होती हैं। केवल इतना ही नहीं, आज कई लोग ऐसा मानते हैं कि अपने पिता के साथ अपनी माता का भी नाम मैं रखना चाहूंगा। जैसे मेरी माता का नाम सुधा है, तो मैं अपना नाम विनय सुधा प्रभाकर सहस्रबुद्धे रखना चाहूंगा। अगर आप इसकी भी अनुमति देंगे कि मिडल नेम में दो नाम, माता और पिता, हो, तो मैं मानता हूँ कि कुल मिला कर gender justice और उस दृष्टि से भी इस विषय में स्वाभाविक रूप से हम कुछ कर पाएंगे।

मुझे केवल इतना ही कहना है कि इसको हम लोक-लुभावन बातों के आधार पर जनता में एक असहजता का निर्माण करते हुए, यह जो दोहरापन खत्म करने की, समाज में ये जो दोहरेपन से काम करने वाले व्यक्ति हैं, उनको बेनकाब करने की जो प्रक्रिया है, इसमें अडंगेबाजी न करें, यही मेरी करबद्ध प्रार्थना है। क्योंकि जन-प्रतिनिधि होने के नाते हम सभी का यह दायित्व बनता है कि हम न केवल जनता को जो प्रिय लगे, वही बात कहें, मगर जो बात जनता के हित की है, उसे कहने का भी हमारा तेवर रहना चाहिए, हमारी भूमिका रहनी चाहिए। कई बार ऐसा होता है, जैसे आधार कार्ड को compulsory करने की बात आई, अगर हम air travel करते हैं या रेल में यात्रा करते हैं, वहां धीरे-धीरे आधार का प्रयोग बढ़े, क्योंकि that is going to be your fundamental identity. हमें स्वाभाविक रूप में ऐसा करना ही पड़ेगा, अन्यथा व्यवस्था का होना या न होना, उसमें कोई गुणात्मक अंतर नहीं आएगा। मैं मानता हूँ कि आरंभ में थोड़ी तकलीफ होगी, थोड़ी परेशानी आएगी, कई बार मुसीबतों का सामना भी करना पड़ेगा, फिर भी, मैं मानता हूँ कि जन-प्रतिनिधि होने के नाते सभागार में बैठे हम सभी का यह दायित्व बनता है कि हम जनता के बीच में जाएं, उन्हें शिक्षित करें, उनका प्रबोधन करें और उन्हें बताएं कि वे इस नई व्यवस्था के साथ जुड़ जाएं। यह व्यवस्था शत-प्रतिशत निर्दोष होगी, शायद ऐसा नहीं होगा। अगर कुछ कमियां मिलती हैं, तो उन्हें ठीक करने की इस सरकार की मानसिकता रही है और आगे भी निश्चित रूप में रहेगी। इस बारे में संदेह करने की जरूरत नहीं है। मुझे लगता है कि मनरेगा ...(समय की घंटी)... जन-धन आदि विषयों में जो सुधार हुए हैं, उसके मद्देनजर और अधिक सुधार करते हुए हमें इस व्यवस्था को स्वीकारना चाहिए।

[डा. विनय पी. सहस्रबुद्धे]

Lastly, Sir, I remember, and I would like to recall what noted British philosopher and politician, Edmond Burke, had told his electors in Bristle, way back in 1774 in his famous speech, which I am sure many learned friends are aware of. He was addressing the electors. So, while educating the electors, he had told them, “Your representative owes you not his industry alone, but his judgment and he betrays, instead of serving you, if he subscribes it to their opinion.” Therefore, जैसा लोग कहते हैं, उसी के आधार पर काम करना, लोकप्रियता का ही पक्ष लेना, इससे बेहतर है कि हम लोकहित का पक्ष लें, भले ही वह थोड़ा कड़वा हो। कभी-कभी इस तरह की दवा भी पिलानी चाहिए। आधार समाज हित में उठाया गया बहुत सार्थक कदम है, मैं इसका स्वागत करता हूँ।

**श्री रवि प्रकाश वर्मा** (उत्तर प्रदेश): मैं आपका आभारी हूँ कि आपने मुझे बहुत ही महत्वपूर्ण विषय पर समाजवादी पार्टी की तरफ से अपने विचार रखने का अवसर दिया है। इसकी चर्चा हम बहुत सुनते रहे हैं। काफी लंबे समय से यहां और बाहर भी इस पर चर्चा चल रही है। कानून भी पास हुआ, लेकिन इसे लेकर लोगों के मन में अब भी कुछ-न-कुछ खटक रहा है। कुछ इसमें ऐसा है, जो सभी को स्वीकार्य नहीं है, ultimate नहीं है। कोई-न-कोई कमी लोगों को पता लग रही है। जब हमारे इधर के साथी बात कर रहे थे, तब भी ऐसा आभास मिल रहा था और जब दूसरी तरफ के साथी बात कर रहे थे, तब भी ऐसा लगा कि वे वर्तमान प्रणाली से मुत्तमईन नहीं हैं, वे इसे आदर्श नहीं मानते हैं। इसमें कुछ कमियां हैं, ऐसा माना जा रहा है।

इस बिल की ज़रूरत कैसे पड़ी — मुझे लगता है कि हमें उसमें जाने की ज़रूरत है। हमारा लोकतंत्र आज 70 वर्ष का हुआ है। आज हमें कहां होना चाहिए था? यहां जो citizenship है, आम जनता का उस citizenship में क्या level होना चाहिए था? यह बड़ी आधारभूत चीज है, जो कहीं-न-कहीं धीरे-धीरे slip होती चली गई। आज हम जहां पहुंचे हैं, वहां गरीबों की, लाचारों की, मजबूरों की बहुत बड़ी तादाद है, जिन्हें मदद की दरकार है। जो सीमाएं हमारे सिस्टम में हैं, उसके अंतर्गत genuine तरीके से, उन तक हम genuine help नहीं पहुंचा सकते, क्योंकि उसके बीच में pilferage बहुत है। अब pilferage करने वाले कहीं बाहर के नहीं हैं, बल्कि यहीं आपस के लोग हैं। हमारी citizenship का आज जो स्तर होना चाहिए था, उसकी शुरुआत शायद शिक्षा से ही होती है। जब आगे शिक्षा पर बहस होगी, तो हम बताएंगे कि कैसे हिन्दुस्तान के अंदर शिक्षा प्रणाली को ad hoc रख कर, 7200 जातियों का देश, भिन्न-भिन्न मत-मतांतरों का देश, 7200 स्तरों का देश बना दिया गया। हम सबके interest इतने different हो गए कि हिन्दुस्तान का जो common interest है, Indian होने का interest, वह धीरे-धीरे बिखरने लगा है। जो बहुत लाचार-गरीब हैं, उनकी भाषा अलग, और जो बहुत बड़े पैसे वाले पैदा हुए हैं, उनकी भाषा अलग और इन दोनों में कोई सुर-ताल नहीं है। दोनों के रास्ते अलग-अलग हैं, इसलिए संघर्ष भी ज्यादा हो रहा है। सर, मैं जब लोक सभा में था, तब मैंने बार-बार इस बात को कहा था कि हिन्दुस्तान में जो गरीब परिवार हैं, उनकी गिनती आपके पास में है, इसलिए उनको समग्रता में उठाने के लिए एक नेशनल सोशल सिक्योरिटी काउंसिल बननी चाहिए थी, जो उन परिवारों को आइडेंटिफाई कर उनकी शिक्षा, जॉब, उनकी हाउस सिक्योरिटी और उनकी फूड सिक्योरिटी को प्रॉपर वे में एंड्रेस करती, लेकिन ऐसा कभी नहीं हुआ। आज जितनी भी सरकारी एजेंसियां हैं, उनमें से कोई

फूड सिक्योरिटी ऐड्रेस कर रही है तो कोई ड्रिंकिंग वॉटर या हेल्थ सिक्योरिटी ऐड्रेस कर रही है, उनमें कोई तालमेल नहीं है। कोई एजेंसी उनको मकान देने की बात कर रही है तो कोई एजेंसी उनको स्टाइपेंड पर पैसे देने की बात कर रही है। उनमें कोई synchronization नहीं है, वे सब अलग-अलग काम कर रही हैं। आज तक उस चीज को हम समझ नहीं पाए कि आखिर हिन्दुस्तान को और हिन्दुस्तान के उन लोगों को, जिनके बारे में हम कहते हैं कि वे हिन्दुस्तान की तकदीर लिखते हैं, जब वे वोट देते हैं तो सरकार बनती है, उन्हें चाहिए क्या? उन्हें भीख नहीं चाहिए थी, उन्हें अपना देश चाहिए था, जहां उनकी इज्जत हो, उनको पहचाना जाए और उनको आगे बढ़ने का अवसर मिले। यह जो अभाव पैदा हुआ, उसको भरने के लिए बीच में एक कांसेप्ट रखा गया कि pilferage है, इसलिए जो लाचार, मजबूर, गरीब हैं, उनको आइडेंटिफाई कर लें, चलो उनको एक नम्बर दे दें, एक कोड दे दें। फिर superficial तरीके से बहस शुरू हुई और मुझे लगता है कि आज हम जिस मुकाम पर पहुँचे हैं, कानून बनने के बाद भी वह सम्पूर्ण नहीं हुई, जो उद्देश्य तय किया गया था, वह उससे पूरा नहीं हुआ।

अभी हमारे कई विद्वान साथी इस बात का जिक्र कर रहे थे कि पूरी की पूरी व्यवस्था को पूरे तौर पर अब नौकरशाही के हवाले कर दिया गया है कि नौकरशाही यह तय करे कि कौन आदमी किस लायक है और वह लिकेजेज करे। अपनी एकाउंटेबिलिटी, अपना मुंशियाना, हिसाब-किताब लगाने की जो अपनी क्षमता है, उसको वे नहीं कर पा रहे थे, इसलिए उसको पूरा करने के लिए उन्होंने एक अथॉरिटी जनरेट कर दी, इनको एक जीनियस नंदन नीलेकणि मिल गया, एक कांसेप्ट बन गया कि हर आदमी को एक आइडेंटिटी नम्बर दे दिया जाए, जिससे आईटी की नई टेक्नोलॉजी के माध्यम से उसको सीधे ट्रांसफर हो। अब सवाल पैदा हो रहे हैं। अभी हमारे साथियों ने इस बात पर सवाल किया कि जो लाचार, मजबूर, गरीब और बदहाल लोग हैं, उन हिन्दुस्तानियों के जो बुनियादी सवाल हैं, उनको ऐड्रेस करना अगर इसका उद्देश्य था, तो फिर इसमें exclusion का प्रोसेस कहां से आ गया? क्या आप चाहते थे या ये चाहते थे? Exclusion तो सरकारी मशीनरी की, नौकरशाही की limitation है। वह अपनी नौकरी बचाने के लिए norms तय कर देता है और फिर बिना संवेदनशील हुए उनको फॉलो करता है। उसका रिजल्ट यह है कि लोग exclude हो रहे हैं और यह बड़ी गम्भीर बात है।

सर, इस हिन्दुस्तान में जो मेहनत करने वाले लोग हैं, उनकी प्रोडक्टिविटी बढ़ना एक इश्यू था, लेकिन उनकी प्रोडक्टिविटी का नेशनल कांट्रिब्यूशन बढ़ना भी तो एक इश्यू था! आज की तारीख में मेहनत से पैसा कमाना मुश्किल है, लेकिन इस सिस्टम से और तिकडम से पैसा कमाना बहुत आसान है, तो क्या यह व्यवस्था हमारे हिन्दुस्तानियों के हक में है? हिन्दुस्तान में जितनी बड़ी रफ्तार में अरबपति बढ़ रहे हैं, उतनी ही बड़ी रफ्तार में गरीबी भी बढ़ रही है। आपको पता भी नहीं है कि बहुत सारे लोग जो गरीबी रेखा के अंदर कभी ऊपर थे, वे नीचे जा रहे हैं, इसको आप कैसे ऐड्रेस करेंगे? क्या उन नौकरशाहों के सहारे ऐड्रेस करेंगे? जनता के बीच से जो चुने हुए नुमाइंदे हैं, उनकी राय का कोई मतलब नहीं है। नौकरशाह जो कह देंगे, वही सही, अधिकारी जो कह देंगे, वही सही और पब्लिक के नुमाइंदे जो कह रहे हैं, उसमें शंकाएँ पैदा हो रही हैं, सवाल पैदा हो रहे हैं। बड़ी मजेदार बात यह है कि शब्दों की बाजीगरी से terminologies बनाई जा रही हैं, नये-नये शब्द गढ़े जा रहे हैं और सच को छुपाने का काम भी इसी माध्यम से किया जा रहा है।

[श्री रवि प्रकाश वर्मा]

सर, मैं आपसे इतना ही कहना चाहता हूँ कि अगर हम सच से दूर जाएँगे, तो समय हमें माफ नहीं करेगा। इस हिन्दुस्तान के अंदर श्रमिकों का जो श्रम है, उसकी संगठित लूट की जो परम्परा पड़ी थी, क्या उसे आप खत्म कर पाए हैं, क्या उसे खत्म कर पाएँगे? आप संसद को अभी बताइए। आप उसे खत्म नहीं कर सकते, क्योंकि आप जिस प्रथा और परम्परा के सहारे चल रहे हैं, वह उसको ऐंड़ेंस ही नहीं करती। लाचार और लाचार होगा और धीरे-धीरे नौकरशाही का दबाव इतना बढ़ जाएगा कि आदमी अपनी बात कह ही नहीं सकता। जनता के नुमाइंदों से तो आदमी अपनी बात कह लेता है, हाथ पकड़कर लड़ लेता है, लेकिन मुझे बताइए कि क्या कहीं पर गरीबों, कमजारों और लाचारों ने किसी अधिकारी के सामने खड़े होकर यह कहा है कि हमारे साथ नाइंसाफी हो रही है, हमें इंसाफ दिलाइए? उनके ऊपर तुरंत ही मुकदमा कायम होता है। यह मशीनरी नहीं सुनती कि सच क्या है, कौन सही है, कौन गलत है। ...**(व्यवधान)**... वह इतना काम कर लेता है, आगे सूचना देता है और हम यहां सूचनाएं प्राप्त करते हैं।

सर, मैंने पहले भी संसद में कहा है कि हिन्दुस्तान में इकोनॉमिक रिफॉर्म्स लांच हुए, धूमधाम से हुए, लेकिन जिन चीजों से आम आदमी की प्रोडक्टिविटी बढ़ती है, इसके लिए आज तक एडमिनिस्ट्रेटिव ज्युडिशियल रिफॉर्म्स क्यों नहीं लांच हुए? आदमी को एक महीने के अंदर कोर्ट से न्याय क्यों नहीं मिलता? आदमी के काम बिना एम.पी., एम.एल.ए की सिफारिश के क्यों नहीं होते हिन्दुस्तान के अंदर? 124 करोड़ की आबादी, यह रेफरेंस के सहारे जी रही है, यह किसी की सिफारशी चिट्ठी के सहारे जी रही है। आज तक आप कोई सिस्टम नहीं बना पाए कि *सुओ मोटो* आदमी की समस्या का समाधान होना चाहिए। हम नौकरशाही के सहारे जीना चाहते हैं? हम सरकारी मशीनरी की लिमिटेशंस को सरकार की लिमिटेशंस बना देना चाहते हैं। यह रास्ता नहीं है हिन्दुस्तान को आगे बढ़ाने का। हो सकता है कि बहुत दबाव हो आपके ऊपर बाहर से कि सिस्टम के अंदर रेजिमेंटेशन लाइए, सिस्टम के अंदर लोगों को नियंत्रित करिए, उनको अनुशासित करिए, उनको कंट्रोल में रखिए। बड़ा आसान तरीका है। एक रास्ता और पार कर लीजिए। एक कानून बनाइए कि फलां तारीख के बाद कोई बच्चा हिन्दुस्तान में पैदा हो तो उसके दिमाग में एक चिप लगा दीजिए। जो भी वह सोचता रहे आपके रिकॉर्ड में रहे, जो भी वह करना चाहता है, वह आपके रिकॉर्ड में रहे, जिससे कि आप इस समाज को ज्यादा अनुशासित कर सकें, ज्यादा कंट्रोल कर सकें। आज से हजार साल पहले भी तलवार के सहारे, लाठी के सहारे ऐसे ही होता था। आज लोकतंत्र की वजह से बेईमान हुए जा रहे हैं! आज हम चर्चा कर रहे हैं, कार्ड के ऊपर ...**(समय की घंटी)**...

MR. DEPUTY CHAIRMAN: Two minutes more. ...**(Interruptions)**...

**श्री रवि प्रकाश वर्मा:** सर, खत्म कर रहा हूँ।

MR. DEPUTY CHAIRMAN: That is all. ...**(Interruptions)**... I cannot do it. ...**(Interruptions)**... That is very strict. ...**(Interruptions)**.. Your party was given 11 minutes. Now you can take remaining two minutes. ...**(Interruptions)**... It is not possible.

**श्री रवि प्रकाश वर्मा:** सर, BPL को डिलीवरी सिस्टम का बेस बनाया गया इस आधार कार्ड

को और आज भी कोशिश पूरे तौर पर सफल नहीं हो पा रही है। मैं वही कहना चाहता था कि प्रशासनिक मशीनरी निरंकुश हो रही है, जो चाहती है, वह करती है। आदमी और ज्यादा लाचारी महसूस करने लगा है। सर, यह जो गरीबों को cash transfers हो रहे हैं, यह बड़ी अजीब सी बात है कि आने वाले टाइम में सरकार एक कैशलेस समाज का सपना देख रही है। जो समाज का आदमी मेहनत करके चार पैसे कमाता है, एक अच्छी जिंदगी जीने का सपना देखता है, जो उसके सहारे चल रहा था, सवाल यह है कि अब यह कैसे होगा? आप हर आदमी को, उसके आर्थिक व्यवहार को इस तरीके से नियंत्रित करना चाहते हैं कि वह आपके काबू में रहे, तो क्या यह हिन्दुस्तान में संभव है? आप इस पर गौर से सोचिएगा।

सर, जैसा कि अभी हमारे कुछ साथियों ने जिक्र किया कि बहुत सारे फेक कार्ड्स भी बने हैं। इसके लिए हमारे पहले की जो प्रणाली तय की गई थी, उसमें खामियां हैं और इस पर भी कई इश्यू सामने आ चुके हैं कि डेटा सिक्योरिटी और जो हमारा पर्सनल और प्राइवेट डेटा है, उस पर भी खतरा पैदा हो रहा है। अभी कुछ दिन पहले यहां चर्चा हो रही थी कि क्रिकेट खिलाड़ी धोनी का पर्सनल डेटा पब्लिश हो गया, लोगों ने उसके बारे में जाना। अगर आप एक ऐसे सिस्टम में काम कर रहे हैं, तो मुझे लगता है कि आपको बहुत सोचना पड़ेगा।

सर, जो यह आधार की लिंकिंग बैंक अकाउंट्स और आई.टी. रिटर्न से हो रही है, यह पहलू बदला हुआ है। यह वह पहलू नहीं है, जिसकी हम पहले बात कर रहे थे। अब सरकार के लिए रेवेन्यू रियलाइजेशन और टैक्स रियलाइजेशन बढ़ा इश्यू है। जो लोग जनता की प्रोडक्टिविटी नहीं बढ़ा पाए और अपनी प्रोडक्टिविटी बढ़ाने के लिए ...(समय की घंटी)... इस टूल का सहारा ले रहे हैं। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Time over. ...(Interruptions)... Please conclude. ...(Interruptions)...

SHRI RAVI PRAKASH VERMA: Sir, I am concluding. ...(Interruptions).. सर, आज हर आदमी के ऊपर एक चाबी लगा दी गई है कि जो भी आपका economic behaviour है, is to be taxed. सर, टैक्स देने में किसी को दिक्कत नहीं होती। यहां पर कुछ नहीं है, दुनिया में बाहर बहुत टैक्स की रेटिंग है। लेकिन सवाल यह है कि जो पैसा सरकार वसूल करती है, क्या वह एप्रोप्रिएट तरीके से खर्च हो रहा है? सड़कों को देखो, नालियों को देखो, पुलों को देखो, बिजली को देखो। जहां 4 पैसे लगते हैं वहां हम 40 पैसे लगाते हैं, तो हिन्दुस्तान की जनता देखती है इस बात को। जो आदमी टैक्स देता है, इसी कारण उसके सीने में आग जलती है कि पैसा हम दे रहे हैं और ऐश कौन कर रहा है? जो सड़कें बन रही हैं, उनका हाल देख लीजिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Please conclude. ...(Interruptions)...

SHRI RAVI PRAKASH VERMA: Sir, one minute. सर, सरकार अपनी प्रोडक्टिविटी बढ़ती हुई दिखाने के जुनून में आम जनता को लॉक करके रखना चाहती है। सर, मुझे लगता है कि यह बहुत गंभीर बात है। इस बात पर सरकार को संज्ञान लेना चाहिए और जनता भी इस बात का संज्ञान ले रही है। सर, मैं आखिर में एक बात और कहना चाहता हूं। ...(समय की घंटी)...



MR. DEPUTY CHAIRMAN: Please conclude.

**श्री रवि प्रकाश वर्मा:** सर, लास्ट प्वाइंट है।

MR. DEPUTY CHAIRMAN: Vermaji, you have taken more time.

**श्री रवि प्रकाश वर्मा:** सर, एक बहुत बड़ा बायोमेट्रिक डेटाबेस आज गवर्नमेंट के पास है। चलिए, हम कोई सकारात्मक काम भी करें। सर, मुझे लगता है कि सरकार के पास बहुत सारा डेटा ऐसा है, जो वाकई में उस मकसद के लिए काम आ सकता है, जिसके लिए पार्लियामेंट चलती है और काम करती है। इस समाज को एक समतामूलक समाज बनाने के लिए, एक भाईचारे का समाज बनाने के लिए ...(समय की घंटी)...

MR. DEPUTY CHAIRMAN: Please conclude.

**श्री रवि प्रकाश वर्मा:** इस डेटा का बेहतर इस्तेमाल किया जा सकता है। मेरी आपसे अपील है कि आप आम जनता के गले में फंदा लगाने के बजाय इस डेटा का इस्तेमाल उसकी जिदगी को बेहतर बनाने के लिए और हिन्दुस्तान के लोकतंत्र को बेहतर बनाने के लिए करें, धन्यवाद।

MR. DEPUTY CHAIRMAN: Shri Navaneethakrishnan. Parties should adhere to their time.

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): I will not take much time. If there is any time left which is not used by me, it may be given to Shri Derek O'Brien.

MR. DEPUTY CHAIRMAN: Are you surrendering your time to him?

SHRI A. NAVANEETHAKRISHNAN: Yes.

MR. DEPUTY CHAIRMAN: What is this adjustment?

SHRI A. NAVANEETHAKRISHNAN: Thank you, Mr. Deputy Chairman. The Right to Life guaranteed by our Constitution as far as poor people are concerned is only in the form of Public Distribution System of essential commodities to the poor people, *i.e.* at the subsidised rate. And a revolution by poor people did not take place in India, thanks to Public Distribution System of essential commodities at subsidised rates. Scholarships, reservations in employment, reservation in education institutions, old age pension are the main factors which are preventing poor people from resorting to revolution. I think, our Constitution, though guaranteed the Right to Life to every citizen of India, but it is available to poor people only in the form of PDS, old age pension, scholarships, reservations in educational institutions and reservation in employment.

[THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA) *in the Chair*]

Now the problem is, their entitlements should not depend upon the Aadhaar Card. Whether Aadhaar or no Aadhaar, there cannot be a hindrance to avail the entitlements. The Supreme Court is seized of the matter. Sir, whatever I say or whatever we say is subject to the decision to be rendered by the hon. Supreme Court. Now, because of the effective introduction of Aadhaar, a huge amount has been saved by the Government because it prevented fake claims. It is a good thing. Of course, there is some dispute over the figures. My humble submission would be, Aadhaar is in place. Whether it is properly implemented or not is the only question. Definitely, one must welcome Aadhaar. There is no doubt about it, but for implementing the Aadhaar system, the poor shall not be excluded from getting their entitlements. Another point I would like to stress is regarding Direct Benefit Transfer, *i.e.* the subsidy portion of cash is now being transferred to the poor people in their accounts. I humbly submit that if the system is implemented, in course of time, the PDS shops will be eradicated. It will not be available because Public Distribution System shops are the lifeline for the poor people. If money is given to the poor instead of giving it in the form of subsidy, then, the money will not be used by the people for purchase of essential commodities. I strongly oppose it. Our hon. Amma also opposed the policy of transferring cash directly to beneficiaries, because they are entitled to purchase essential commodities at subsidized rate. So, that system should prevail.

Also, I came to know — I think, it is a very serious issue — that the Government is now getting consent letters from beneficiaries that cash component may be transferred to their respective accounts. This system is not good, because poor people would tend to purchase not the essential commodities, but other items. So, cash portion can be utilized for other than essential purposes. So, the old system of providing commodities at subsidized rate must be in place and it must be continued.

Sir, this policy is against the poor people. As rightly pointed out by senior colleague, Mr. Jairam Ramesh, transfer of cash component is not good. Cash should not be transferred to beneficiaries as they will not make use of it for purchasing essential commodities and, secondly, it will encourage private operators market economy.

So, I, very humbly, urge the Central Government not to transfer subsidy portion of cash into the accounts of beneficiaries. This is not correct.

I conclude by saying that the Right to Life guaranteed under the Constitution must be protected, implemented and must be in force in its true sense. Sir, the PDS must be allowed to work effectively and reach poor without any hindrance due to Aadhaar.

Also, I would like to know the meaning of 'Aadhaar.' In every scheme being implemented by the Central Government, they are using phraseology which cannot be understood by most of the Indian people. So, simultaneously, the scheme may also be propagated in the regional languages, so that it will become more popular and bring very good name to the Central Government. So, I would like to know the meaning of 'Aadhaar.'

Thank you.

SHRI DEREK O'BRIEN (West Bengal): Sir, imagine a 24-year old girl who finished her college, gone for a job in a bank or a telcom company, done exceptionally well in her interview, excited and she is all set to get job. But, suddenly, much against all expectations, she gets a rejection letter! The reason for rejection letter, unfortunately, is, when they had gone into the details, they found that Government scholarship scheme funded her education and her father was a manual scavenger. So, what happens to that girl, Sir? She loses her job.

Sir, Aadhaar is not an issue of privacy alone; Aadhaar hurts the marginalized and Aadhaar will hurt the poorest of the poor. Don't get me wrong; we are all for Aadhaar. But, in implementation of Aadhaar, we have some serious issues. As I said, privacy may be a middleclass or an upper middleclass perception issue. Sir, it is not; it is an issue which hurt the marginalized. This is the first point I wanted to make, through you, Sir, to the hon. Minister.

Sir, manual labour is done under MGNREGA. But, here, biometrics does not match. All researches say why biometrics does not match, because they are stone crushers, they are doing construction work, they work in limestone mines, etc. So, their biometrics does not match. This is not about some privacy issue and not wanting my privacy to be invaded.

Sir, I now come to the Mid-Day Meal Scheme. Mr. Jairam made a point earlier. I do not want to repeat it. But, what are we doing? We are harassing children who are in the age group of 0-5 years and 6-10 years. These children are the beneficiaries of this scheme. Instead of extending the benefits of the scheme to them, what we are doing is, we are giving them mental torture. When the opposition makes a little bit of noise, the media makes hoopla. And, then we say, 'No, no. It is only a weekend notification.'

Sir, I will give an example. I have chosen this example not from a BJP-ruled State, but deliberately Andhra Pradesh — I know there is a meeting of NDA today — so that, maybe, they can discuss this also in the meeting. This has nothing to do with Aadhaar Card, but it is relating to implementation of Aadhaar, Mr. Minister.

Sir, two years ago, there was a survey in Andhra Pradesh of 85,000 Ration Cardholders. Sixty per cent, I mean, 50,000 of these did not get their PDS ration because of certain problems. So, it is not the question of having an Aadhaar Card, it is the problem which comes now. Why did these people not get their ration despite having Aadhaar Cards? There were five or six broad reasons. One, the POS machines were not in order; two, the biometrics did not match; three, the internet connection was poor; four, the remote servers did not work; and five, the mobile network was very, very poor. These are the realities. These were the reasons why they did not get their ration. Andhra Pradesh is a very good example because fingerprint mismatches were reported there. And, remember, this was for PDS ration of the people who actually had Aadhaar Cards. I liked what the BJP speaker said in his opening speech. He said "बोलते एक, करते दूसरा" I want to bring your attention to April 8th 2014. It was in the same true spirit "बोलते एक, करते दूसरा" I quote, "Neither the Aadhaar team nor the Prime Minister could answer my questions on the security theft that it can pose. Aadhaar has no vision. It is a political gimmick." "बोलते एक, करते दूसरा" This was said on April 8, 2014. And, that hon. gentleman, in three years from then has now become our hon. Prime Minister. So, don't preach in speeches because then it will come full circle. Before the BJP spokesperson brings a privilege motion against me because of this quote, I would like to say that it is from a tweet.

Sir, let's come to the other issue. I hope, we have already established here that it is not some upper-middle class issue. It is an issue of mental torture of the poorest of the poor. There are two broad points, which I would like to make. One is on the issue of privacy and the second is on the issue of federalism, and how Aadhaar invades that.

Today, Facebook or Google can tell you everything about yourself – what you eat, what music you like, what you want to do, where you are travelling, where you are eating, etc., etc. But, those are private parties who access these data. If I have, for example, a prostate operation, God forbid, or my appendix removed and I want to make that very, very private, but that is now a public knowledge. I don't want to bring in the matrimonial here. Suppose, a young boy wants to get married and everything is settled. But, all of a sudden, somebody checks his data and that's the end of his marriage. So, privacy is a very, very important issue. And, there is a bigger picture to privacy. And, I think, Mr. Rajeev got this point. I am not going to dwell on it. To whom is the UIDIA responsible to? Sir, it is not only the data base which is a problem, but privacy is also an issue. And, I think, we can take the best example. Since we are now creating one of the largest honey pots

[Shri Derek O'brien]

in the world, you can extract honey from that honey pot. The world's largest data base is the US social security number. They are asking you just the number. Here, face, hands, everything is open. Even the world's biggest system won't share this biometrics. And, who has this data? Some of them fly-by-night companies. This data is available to everyone. This data can be sold cheap. This data can be misused.

Sir, I would like to put two specific questions to the hon. Minister. I hope, he addresses these in his reply. What development needs do 'linking data bases together' meet? Why would you want a personal data, the health transaction for every individual? Twenty-one data bases are being linked with NATGRID, with Aadhaar as a unique identifier. The States also have this data. And, I can tell you about my State. It has a secured system. Some States have a very secured system.

Sir, a number is not a thumb print. And, that is the big danger we are getting into here because once we make the number into a thumb print, we are opening ourselves out to two things – one, misuse of data; and, in the guise of mandatory, I can't use a better example than what Mr. Jairam used, he is putting a gun to my head. Use it or ban it. If it is Mid-Day Meal, you delay. With the MGNREGA, you do the same thing, and with the ICDS also, you do the same thing. So, these are the basic issues. The federalism being ignored, — we are getting used to it for the last three years — we would like to have greater empowerment of States. For example, my State, West Bengal, is not fully covered under Aadhaar. But, there have to be ways. If I may summarise, (a) this is not an upper-middle-class issue. This hurts the poorest of the poor, the deprived, the children, the workers and those kind of people. (b) There are some serious privacy issues with the database. As somebody said, — I think a famous industrialist in India said — 'Data is the new oil'. As we debate Aadhaar today in Rajya Sabha, as I conclude, Sir, I, still, think, this is a deflection. Aadhaar is very good and we should debate it. But we would also like to debate with this Government some more serious issues like investment, bank credit and jobs. Instead, where is this debate moving to? So, this Government needs to answer us on investment, jobs and bank credit also. Sir, I must thank you very generously today for allowing me this time, and allowing me to make my speech on this Motion, which a few of us have moved here together, and speak my mind here without having an Aadhaar card. Thank you for the small privilege.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Thank you. Shri Harivansh; absent. Then, Shri C. P. Narayanan.

SHRI C. P. NARAYANAN (Kerala): Mr. Vice-Chairman, Sir, let me begin by slightly disagreeing with my esteemed friend, Shri Jairam Ramesh. He was saying that he is not ascribing that the Treasury Benches had an intention not to give certain facilities to the poor. My feeling is that, when you insist Aadhaar, or, such conditions are to be satisfied, to get either PDS or the Mid-Day Meal, or NREGS, etc., I think, consciously or unconsciously, you are doing that. I will cite one example. Last week, there was a news in Telangana regarding the MGNREGS. About 35 to 40 per cent of the eligible people were denied the MGNREGS because of their biometric mismatch. As it was pointed out by Mr. Derek and others, at the middle age or at the old age, it has been established medically that there will be fast changes in your fingerprints. If you insist that their 10 fingerprints are essential to get their rights, then, actually, you are denying those who had worked there, of their wages. That is what is happening. So, this will happen, not only in the case of the MGNREGS, but also in the case of the dispossessed people who are *dalits* or *adivasis* and other marginalised sections of the people. What we are trying is to ensure some social benefits to them through new programmes. When you announce these new programmes, and along with that, if you put a rider that you will get it only if you have got your Aadhaar, in other words, you are denying these rights. That is why when Jairam Rameshji and his party were on the other side, and Ravi Shankar Prasadji and his party were on this side, we, sitting in the middle, were opposing these issues. Not only then, but even now, we are opposing this. I will give you an example. In Kerala, we are ensuring pension for all those people who have crossed 60 years. We are not making Aadhaar a condition. We are trying to see that all the dispossessed, old people get ₹ 1,100 per month. So, we are not looking whether we are losing some money due to that. There is a saying in Malayalam. You want to save mustard seeds. You are very particular about it but you are not very particular to see whether elephants are lost in the process. You may lose elephants but you are trying to save mustard seeds. Our Aadhaar process, in a sense, is an attempt to try to save mustard seeds when what our economy or the Government is losing every year is lakhs of crores of rupees about which we are not very particular. We are particular about what we will lose in the matter of PDS, in the matter of LPG, in the matter of old age pension and in all these things. So, this approach has to change. I don't say that there should not be any financial stringency on these things, financial control over these things. We should have. The Supreme Court has said that Aadhaar should not be made compulsory for giving social benefits. We have to ensure that. We should ensure the social benefits meant for children or women or dalits or adivasis or old-age people or disabled people should reach to them. We should ensure that they get it. That should be our main consideration.

[Shri C. P. Narayanan]

Sir, I don't want to repeat what others have said. My feeling is that the Supreme Court should not direct us in this regard. Of course, they are doing their role. But in matters concerning people, particularly, socially-dispossessed people and all that, it is we, the Parliament, who have to be more concerned about those things. For protecting the rights of these people and ensuring certain benefits to the dispossessed people, we should be more concerned, and they should not be at the mercy of the Supreme Court in these matters.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Please conclude.

SHRI C. P. NARAYANAN: Yes, Sir, I am concluding. See, what is Aadhaar doing now? Shri Rajeev Chandrasekhar and Shri Jairam Ramesh have said that 60 crore people were registered earlier, 40 crore people were registered later and we have got another 25 crores to be registered. So, now we have got a data of 100 crores of people. We will be having a data of 125 crores of people. This is itself a lot of money. This data can be used for various things, particularly, by the business people in various fields. For them, this data is very important. We are storing this data in private stores with private companies, and we have got reports that this is being misused. My learned colleagues have mentioned about that. So, Aadhaar is finally going to create a lot of data which the interested parties will be making use of for their own profit. So, I want to know whether we should have such a data. I am not saying that we should not have data regarding our people. But we should not put it in a platter to the private business people for their own profits, to increase their profits. We have to ensure that these benefits, which the Government, whether it is the UPA Government or the NDA Government, is providing, reach the people. We have to ensure that at any cost, and, for that, Aadhaar should not be made a compulsory precondition. Thank you.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Next speaker is Shri Ashok Siddharth; not present. Shri K. T. S. Tulsi.

SHRI K. T. S. TULSI (Nominated): Sir, I want to say that I have not, in my whole career, come across a greater mutilation of a statutory provision, which has taken place as in the case of Aadhaar. We have a clear-cut provision in Section 29 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016. It says that the core biometric information collected by the Unique Identification Authority of India under the Act 'shall not be shared with anyone for any reason whatsoever'. These words still exist in the Statute, and yet, when it was notified on 14th September, 2016, a provision was made for voluntary agreement to allow the information to be used for some other purpose. As Mr. Jairam

Ramesh had pointed out, it is like putting a gun to your head and saying that if you don't agree to the sharing of this information, you are not going to get any benefits. Therefore, we are making a very fundamental change, which is violative of the original mandate with which this was brought into force. This provision was made keeping in view the experience in other countries, like Australia, UK and France. In Australia, in 2007, they realized that it was very difficult to protect this data and, therefore, they scrapped the Social Service Access Pilot Project. In France, Theresa May, who was at that time the Home Secretary, in 2010, said that national security and civil liberties have to be balanced and, therefore, we cannot permit the use of this biometric information for any other purpose. And, since this could not be assured, it was scrapped. Again, in 2012, the French Court held their provision to be unconstitutional. Today, we have petitions pending in the Supreme Court before a nine-Judge Bench and, in violation of the directions of the Court, we are continuing to extend the use of this biometric data for various other purposes. I want to submit that the Government agencies have begun to insist on the Aadhaar Card, which is in direct contravention of the judgements of the Supreme Court which are holding the field till it is decided by the nine-Judge Bench.

My greatest concern is with regard to privacy and security. When we have Pakistan and China in the neighbourhood, to what extent is our massive database safe? To that effect, Mr. Nandan Nilekani gave an assurance to the Committee at that time that the data would be stored in an encrypted form. The data is encrypted in the highest 2048-bit encryption, which takes a thousand years to crack. And, this provision in Section 29 was made because then it was not meant to be shared with anyone. It is only during the linkage that is created, during these transfers, that the data become vulnerable. There are two serious flaws. The Government, at that time had assured, that this will not be shared with anyone, but by making it available now to the banks and to the various agencies, we are creating a heaven for the hackers.

Therefore, I submit that the safety of the information is in jeopardy if we continue to extend its use to other facets than they were intended to. Thank you, Sir.

SHRI D. RAJA (Tamil Nadu): Sir, I do not have Aadhaar Card. My good friend, Shri Ravi Shankar Prasad, will not question my citizenship because I do not have Aadhaar Card. I also hail from Tamil Nadu. It is a part of South India. Now, new theories are floated. And I am also black, dark skinned. So, this Aaryan-Dravidian divide will not lead to ...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: Mr. Raja is indeed a good friend of mine. He is a very proud Indian and our Government has respect for all Indians, and particularly Mr. Raja as far as I am concerned. Okay; we assure about that.



SHRI D. RAJA: Somebody in the morning was commenting ...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: I don't want to take his name. He has apologised and we fully deprecate such remarks. I want to make it very clear.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Please continue, Mr. Raja.

SHRI D. RAJA: Sir, when the whole Aadhaar was conceived by UPA and the Authority was constituted at that point of time, we expressed our strong views. We didn't fully support Aadhaar project. Even now, we have strong reservations on Aadhaar. A couple of years back, I got PAN Card. Now, I keep getting SMS on my phone that my PAN Card will become invalid because I don't have Aadhaar. So, this Aadhaar is linked with everything, including PAN Card, bank transactions as well as all social security beneficial programmes. I fully endorse what Mr. Jairam Ramesh has said. In case of PDS, in case of pension, in case of MGNREGA and in case of Mid-day Meal, how can Aadhaar be made mandatory? In fact, my good friend, Shri Oscar Fernandes and I had to address children in New Delhi. They were all demanding that Aadhaar should not be made compulsory for Mid-day Meal. Children were sitting on road, in front of Shashtri Bhawan, demanding as to why Aadhaar should be made compulsory. This is the issue we should take note of. Aadhaar, in fact, excludes the poor, marginalized people. How can you explain this exclusion? The Government will have to really think over it. If UPA conceived such an idea to target the beneficiaries, I don't think that now Congress, since there is no UPA now, can hold the same view. If the Congress has to discard certain things, it has to discard and it cannot own up what they did, though very correct at that point of time. But that is a different issue. My point is that Aadhaar has become an obstacle for people in getting their genuine social security benefits. For instance, we all refer to the Constitution and the Directive Principles of the Constitution make it very clear that "The State shall, in particular, strive to minimize the inequalities." It further says, "The State shall, in particular, direct its policy towards securing: that the citizen, men and women equally, have the right to an adequate means of livelihood." My question to the hon. Minister is: How will Aadhaar ensure the citizens of our country to have access to means to livelihood? First, the Government will have to ensure citizens to have the means of livelihood. How is this Aadhaar going to help them to have means of livelihood? Even if there are means of livelihood, why is Aadhaar a compulsory thing or mandatory thing for people and why is it subjecting citizens to huge sufferings and hardships?

**4.00 P.M.**

Then, regarding this biometric thing, there are many scientific theories. These biometrics can change after a particular age. There are experiences of our own Members sitting here. They had to face such situations. After a particular age, your biometrics - eyes or fingerprints - keep changing. Then, how can Aadhaar be a foolproof thing?

SHRI T. K. RANGARAJAN (Tamil Nadu): It also changes after cataract operation.

SHRI D. RAJA: Yes, this is another theory as to what happens if cataract operation takes place. I am saying that the Government should keep this aspect in mind because Aadhaar cannot be a universal thing which help the citizens at all times. If a person grows old, things can change biologically. Fingerprints can change; the iris can change; and, these biometrics can change. How are you going to address that question?

Finally, my last point is regarding freedom and privacy because after all, we are a democracy and citizens should feel secure, citizens should feel free, and after all, citizens are citizens. They should feel that they are living in a free and independent country and they should feel secure and free. Will this Aadhaar guarantee that freedom and security to our citizens? I am drawing your attention to this because in October-November 2013, the Unique Identification Authority of India signed an agreement with a United States firm called MongoDB, which is primarily a huge data warehouse, to manage the massive data collected for Aadhaar. Concerns arose, as amongst the investors of MongoDB was a company called In-Q-Tel, which was chartered by the CIA in 1999 and till now continues to co-operate with multiple intelligence agencies, including National Geospatial-Intelligence Agency (NGA), Defence Intelligence Agency (DIA) and the Department of Homeland Security, Science and Technology Directorate (DHS-S&T). Now, I would like to ask this question from my good friend, Shri Ravi Shankar Prasad. The Government has to answer whether such critical data of all Indian citizens has been compromised and whether the data is safe and secure with this foreign company. I ask Mr. Jairam Ramesh also that when they signed such an agreement with MongoDB, whether they thought of it. Now, you are in power. Will you think over this issue and ensure the privacy and freedom of our citizens is not compromised? The Government will have to answer this. I can go on raising several issues on how these intelligence agencies are operating. That is why, we must be concerned with our own citizens. We must be concerned with our own security. It is a question of national security, national sovereignty and freedom and security of our citizens. Their privacy needs to be protected. I am for transparency. I have nothing to hide, but it does not mean that citizens should not have their

[Shri D. Raja]

privacy, and why should someone encroach upon the privacy of our citizens? This is one issue. Aadhaar poses a challenge and the Government will have to address this issue in all seriousness. Thank you.

SHRI V. VIJAYASAI REDDY (Andhra Pradesh): Sir, our former Prime Minister, late Shri Rajiv Gandhi, once said that out of every rupee that was spent by the Government of India, only fifteen paise reached the citizen. What is it? Why? What are the reasons for this? He further explained that the reasons for 85 per cent erosion were on account of corruption, on account of intermediaries, who would eat away the funds, and thirdly, on account of ineligible persons, who were not otherwise eligible, getting the benefits. It is on account of these three reasons that hon. late Prime Minister had said that it was only fifteen paise that reached the citizen. Probably, taking a cue from that, the successive UPA Government had introduced this Bill and it is good that the NDA Government is taking it forward, and, it has to be supported.

Sir, I will refer to a few points covering both the positive and the negative aspects, and, I will also make some suggestions to the Hon. Minister of Law, while not repeating the points which have been covered by revered Members.

Sir, the Planning Commission conducted a study on Public Distribution System (PDS) and came out with some figures. These are not my figures, these are available on the Planning Commission's website and these are also there in the Economic Survey data. Sir, this study on the Public Distribution System found that 36 per cent of grains get leaked due to existence of ghost or bogus cards, and, according to the Planning Commission, Aadhaar can help reducing such leakages.

Secondly, Sir, according to the Economic Survey data, Aadhaar has reduced LPG leakages by 24 per cent, leading to an annual savings of ₹ 12,700 crores. My senior colleague, Mr. Jairam Ramesh mentioned that in reply to a starred or unstarred question, the hon. Minister has stated that the total savings have been around ₹ 45,000 crores or something like that, but, Sir, the Economic Survey data does not speak about; it only says that ₹ 12,700 crore is the savings.

Sir, the next aspect, which I would like to bring to the notice of the august House is the linkage of Aadhaar card with the PAN card. Yes, it is very much required. Why? Let me tell you that there are so many persons here in India who hold more than one PAN card and they open different bank accounts. As you are aware, the Reserve Bank of India has imposed some restrictions stating that one can deposit this much of amount as the maximum amount, and, one can withdraw this much of amount in a particular day. There are some restrictions like that. These

are not restrictions but whenever such transactions occur, they are to be reported to the Reserve Bank of India so that the Income Tax Department or the concerned department can take appropriate action. So, to mitigate this problem, to avoid such eventualities, there are citizens, who, while holding more than one PAN card, try to generate black money out of it. Therefore, linking of Aadhaar with the PAN card is very much reasonable and justified.

Sir, till April, 2016, the Ministry of Finance has cancelled about 11,56,000 duplicate PAN cards. This is the information which is available on the website of the Ministry of Finance.

Sir, the third point, which I would like to bring to your notice is linking of Aadhaar with voter ID card. Sir, it is my practical experience and I know very well that from every village in Andhra Pradesh, people have migrated to Hyderabad. They are settled in Hyderabad but these migrants hold the Voter ID cards both in their village as well as in Hyderabad, thereby having two voter ID cards, and, depending on their preferences, they cast their vote as per their convenience. So, by linking the Aadhaar card with the Voter ID card, it is very much possible to remove such duplicate and ghost ID cards.

Sir, according to the Chief Election Commissioner, 85 million names in the Electoral Rolls were found to be fake or duplicate in 2015. This amounts to 10 to 12 per cent of the total number of voters. Therefore, Sir, linking the Aadhaar card with Voter ID card is very much required. However, Sir, we have some concerns. I would like to draw the attention of the hon. Minister of Law, who I think, will address these issues. In fact, some of the issues have already been pointed out by Derekji. Sir, particularly, Aadhaar based biometric authentication in PDS outlets suffers from infrastructural bottlenecks. Lack of internet connectivity, low seeding of Aadhaar cards with ration cards are the infrastructural bottlenecks which many of the States are facing. Let us introspect and ask one question. Law Minister, Sir, I am asking you. The Economic Survey, 2016.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Please be quick and conclude.

SHRI V. VIJAYASAI REDDY: I am finishing it, Sir. The Economic Survey, 2016 gives an Index to measure States' preparedness to implement biometrically authenticated physical uptake of PDS.

(MR. DEPUTY CHAIRMAN *in the Chair*)

Sir, the States' average preparedness is only 12 per cent. ...(*Time-bell rings*)... Two more minutes, Sir.

[Shri V. Vijayasai Reddy]

It is zero per cent in many States such as Uttar Pradesh, Bihar, Odisha, Maharashtra and Tamil Nadu. Whether the States are prepared and infrastructure is readily available to meet the contingency or not is another question. Particularly in Andhra Pradesh, 50 per cent of the beneficiaries, as pointed out by Derekji, could not buy the ration in 2015 due to reasons associated with Aadhaar. ...(*Time-bell rings*)...

MR. DEPUTY CHAIRMAN: There is no time left.

SHRI V. VIJAYASAI REDDY: One more minute please, Sir.

MR. DEPUTY CHAIRMAN: You have taken seven minutes. Look there, your time shows 'minus 11 minutes'.

SHRI V. VIJAYASAI REDDY: Sir, another question to the Law Minister is this. Section 47, sub-section (1) of Aadhaar Act says that courts cannot take cognizance of any offence punishable under the Act unless the complaint is made by the UIDAI or a person authorized by it. What is the sanctity of this? What is the reason for this? Why an affected person cannot approach the court? Why is a bar on this? That is another point, Sir.

Finally, I would like to make one suggestion, Sir. Justice A.P. Shah Panel has recommended an overarching law to protect the privacy and personal data in the private and public spheres. The report also suggests setting up of privacy commissioners both at the Centre and at the State levels. So, I request the hon. Law Minister to kindly consider that and also address the issue of infrastructural banking facilities, which is another bottleneck. I would like to bring to your notice that only 27 per cent of the villages have banking facility within the range of five kilometers in India. What will happen to the remaining villages which do not have the banking facilities? Therefore, it is necessary for you to create banking infrastructure before you proceed.

Sir, the final suggestion is optical fibre cable network has been laid only in respect of 64,955 Gram Panchayats as against the 2.5 lakh Gram Panchayats which we have in villages.

MR. DEPUTY CHAIRMAN: Okay. Now, you conclude.

SHRI V. VIJAYASAI REDDY: Therefore, I urge upon the Law Minister to take care of these issues. I am thankful to you, Sir. Thank you very much.

MR. DEPUTY CHAIRMAN: You made a very good speech. If I had time, I would have allowed you more. I was compelled to stop you because of paucity of time. Now, Shri Ripun Bora.

SHRI RIPUN BORA (Assam): Thank you, Sir. First of all, I stand up here not to oppose the Aadhaar. I fully support it. But I want to bring to the notice of the hon. Minister and this august House some self-contradictions of the Bill and some implementation constraints. Before that, I want to dispute one thing. My friend from the Treasury Benches, Mr. Vinay Sahasrabuddhe, is not here. Jairamji spoke about how he was a part of the Aadhaar and how it germinated in the days of the UPA Government. My friend, Mr. Sahasrabuddhe, in his speech, advised us that we should not depend on nostalgia. So, I want to dispute it and say that nostalgia is very much required to build up our present and to make the roadmap for the future. The second point which he mentioned was that Aadhaar was most essential to stop the corruption lobby. Yes, we also never support the corruption lobby, but I want to ask what crime the young children have committed, those who are five years, those who are six years, that they have been deprived of getting their Mid-Day Meal for not having the Aadhaar card. What crime has the eighty-year old man committed; what crime has the seventy five year old woman has committed? Just because they don't have an Aadhaar card, they are deprived of the Old Age Pension and many welfare schemes of the Government.

Sir, now I come to a very peculiar situation that has arisen in my own State of Assam. I want the intervention of hon. Minister in this regard. I want you to address my grievance in your reply. When Aadhaar was started in Assam, there was a hue and cry, a huge protest demanding not to prepare Aadhaar card on the ground that illegal migrants may get the Aadhaar card. In order to permanently settle the issue of illegal migrants in Assam, our UPA Government, under the leadership of Prime Minister Dr. Manmohan Singh, took the decision to update the NRC. The National Register of Citizens (NRC) is being updated in Assam. Nowhere in India is it going on. It is only going on in Assam.

To update the NRC, the consensus among the various sections of society and organisations was that the cut-off date should be 25th March 1971. On that basis, the NRC preparation is going on. As per the guidance of the hon. Supreme Court, it was decided that 31st March 2016 should be the final date for publication of draft NRC. Unfortunately, because of the delaying tactics of the NDA Government, it is delayed. A lot of obstacles have come. The Government has now taken the route of Citizenship (Amendment) Bill for giving citizenship to all those who came to Assam from Bangladesh till 31st December 2014. Because of all this, the work to update the NRC is delayed in Assam. That is one thing. Because of that, the Government has given an exemption to Assam from preparing Aadhaar card. Unfortunately, what is happening is that there is no coordination. There is no clear-cut direction from the Central Government to the Assam Government. As there is no coordination,

[Shri Ripun Bora]

many Departments are now insisting on Aadhaar card. For example, recently, the Education Department was not issuing even the scholarship forms to the students in the absence of Aadhaar card.

Between 2013 and March 2017, the Supreme Court has passed seven interim orders on the issue of Aadhaar card. The last one was passed on 17th March 2017. Before this, an order was passed on 16th March 2015. In that, the Supreme Court clearly says this. "Clearing all doubts about the validity of Aadhaar card to avail of government subsidies, the Supreme Court confirmed that the Aadhaar card is not compulsory, and further, officials who insist on them will be taken to task." It is a very strict warning. It says that the officials who insist on them will be taken to task. But in spite of that, the officials have been insisting on Aadhaar card. The last order was of 17th March 2017. The apex court maintained that the Government cannot make the use of Aadhaar mandatory in welfare schemes. The Supreme Court, however, also said that Government can continue to use Aadhaar for non-welfare schemes like opening a bank account or filing of Income Tax Returns. So far as non-welfare schemes are concerned, we have nothing to say. But, the apex court has made it clear that under no circumstances, should it be made mandatory for welfare schemes. Even then, that happened in the Assam Government. On the one hand, there is exemption from Aadhaar from the Government of India; and, on the other hand, in spite of this order of the apex court, the officials in various Departments in Assam have been insisting on Aadhaar. As a result, all people – who are getting old-age pensions, who are getting other pensions and who are getting benefits under other Government schemes like MNREGA, Indira Awas Yojana, Mid-day Meal scheme, scholarship scheme and others – are now facing problems. So, my humble submission to the hon. Minister is that he should give clear instructions to the Government of Assam so that there is no confusion and there is well-coordinated order in all the Departments of Assam Government and he must ensure that because of this confusion, genuine persons, young children, school children and old people do not suffer in Assam. Thank you, Sir.

**श्री शिव प्रताप शुक्ल** (उत्तर प्रदेश): मान्यवर, आज लगभग 6 वर्ष बीत चुके हैं, जब 'आधार' को लागू किया गया और मुझे लगता है कि इस देश में ऐसे एक अरब से ज्यादा लोग हैं, जो 'आधार' से जुड़ चुके हैं। देश की 85 प्रतिशत जनसंख्या 'आधार' से जुड़ चुकी है। 'आधार' को समर्थन सभी देते हैं, ऐसा नहीं है कि वे इसको समर्थन नहीं देते हैं। माननीय जयराम जी ने भी समर्थन की बात तो कही, लेकिन उन्होंने कुछ मुद्दों को भी उठाया है। जब विनय जी बोल रहे थे, तो उनके संदर्भ में वे कह रहे थे कि उनसे केवल सीखने को ही नहीं मिलता है, बल्कि मैं समझता हूँ कि अगर देखा जाए तो सदन में उनकी सर्वाधिक उपस्थिति रहती है, जिससे हम लोग भी सीख लिया करते हैं।

## [उपसभाध्यक्ष (श्री बसावाराज पाटिल) पीठासीन हुए]

मान्यवर, यहां दो-तीन मुद्दों को ज्यादा उठाया गया। उनमें से एक निजता की बात उठाई गई, जो आर्टिकल 21 में उल्लिखित है। दूसरी बात यह उठाई गई कि उसको पीडीएस सिस्टम में पूरी तौर पर लागू किया गया और सरकार 'आधार' को पूरे तौर पर हर चीज़ पर क्यों लागू करती जा रही है? मान्यवर, मैं बहुत साफ शब्दों में इस बात को कहना चाहूँगा कि कहीं न कहीं हर जगह loopholes रहते हैं और उन्हीं loopholes के आधार पर — आप भी सरकार में रहे हैं और बहुत अच्छे मंत्री के रूप में रहे हैं, आप जानते हैं कि उन्हीं loopholes के आधार पर यह तय किया जाता है कि इसको कैसे ठीक किया जाए।

अभी माननीय मंत्री जी यहां हैं। इस निजता की बात पर मुझे इनका एक जवाब याद है, जो इन्होंने एक प्रश्न के उत्तर में दिया था कि सरकार निश्चित रूप से इस बात का ख्याल रखेगी कि किसी की निजता भंग न हो। लेकिन, इस संबंध में महेंद्र सिंह धोनी का एक विषय आया था, उनकी निजता की बात आई थी और उसी पर निजता का यह पूरा विषय उठता चला गया। हम यह कहना चाहते हैं कि निजता के संदर्भ में विश्व बैंक की एक रिपोर्ट अभी आई है, जिसमें विश्व बैंक ने यह माना है कि अमेरिकन सोशल सिम्योरिटी ऐक्ट से भी अधिक सुरक्षित हिन्दुस्तान का यह 'आधार' है। विश्व बैंक ने अपनी रिपोर्ट में पूरी तौर पर यह माना और एक स्टेटमेंट के द्वारा उसने इस बात को कहा कि भारत का जो यह 12-अंकों वाला 'आधार' कार्ड है, यह अमेरिकन सोशल सिम्योरिटी ऐक्ट से भी बेहतर है और आज तो ऐसी स्थिति हो गई है कि हमारे अड़ोस-पड़ोस के अनेक देश हमसे सीख लेकर के अपने यहां भी आधार कार्ड को लागू करने के लिए अपना मत भी व्यक्त कर चुके हैं। मान्यवर, जब मंत्री जी का बयान भी आया था कि किसी की निजता को हम कम करने नहीं देंगे, हमको कहीं न कहीं इस पर विश्वास करना चाहिए कि सरकार निश्चित रूप से लोगों की निजता का ध्यान रखेगी। जहां तक PDS system की बात है, पहले आधार कार्ड को पूरे तौर से सबसे लिंक नहीं किया गया था। जोड़ने की स्थिति इस नाते आ गई कि अब तो हर क्षण बदलाव आ रहा है और बदलाव में आधार कार्ड सब लोगों के लिए जरूरी हो गया है। जो PDS system की बात आई, उसमें भ्रष्टाचार दिखा तो उस रिपोर्ट के आधार पर यह कहा गया कि इसमें भी एक loophole है। रिपोर्ट में आया कि गलत नाम पर राशन जा रहा है। इसको मनरेगा से क्यों जोड़ा गया? विद्यालयों में अनुदान लेने की बात है, स्थिति यह हो गई कि लोग अपने बच्चों को विद्यालयों में प्रवेश दिला देते हैं। जब रजिस्टर देखा जाता है तो उनकी उपस्थिति कहीं नहीं रहती है। इस पर पाया गया कि आखिरकार यह अनुदान अधिक क्यों जा रहे हैं, मनरेगा पर राशन क्यों अधिक जा रहा है? Mid day meal में राशन क्यों व्यर्थ जा रहा है? जिस loophole की बात मैंने निवेदन की है, उस loophole के आधार पर तब यह सोचा गया कि अगर मनरेगा से भी इसको जोड़ दिया जाएगा, स्कूलों के अनुदान में भी इसे जोड़ दिया जाएगा तो कम से कम जो लोग इसको गलत ढंग से लेने का काम करते थे, उस पर रोक लग जाएगी, इस नाते जब इसमें विषय आया तो मुझे कहीं न कहीं मंत्री जी का और सब का इस ओर ध्यान आया होगा कि हमें अब इस पर बढ़ना चाहिए और बढ़ गए। और बढ़ करके इस बात को कहना चाहिए कि नहीं, हमें अन्य लोगों पर, उन लोगों पर जो गरीबी की रेखा के नीचे हैं, जैसे जन धन योजना है, जन धन योजना में आधार कार्ड को जोड़ करके



[श्री शिव प्रताप शुक्ल]

कितना भला किया गया कि भारत सरकार ने zero balance पर खाता खुलवाने का काम किया। जो कभी खाता खोलने की बात भी नहीं जानते थे कि हम खाता खोल भी पाएंगे, उनको भी भारत सरकार ने, माननीय प्रधान मंत्री जी ने एक निर्णय के तहत सब का खाता खुलवाने का काम किया और जब ...(व्यवधान)...

**उपसभाध्यक्ष (श्री बसावाराज पाटिल):** आपका समय हो गया है, जल्दी खत्म करिए।

**श्री शिव प्रताप शुक्ल:** मान्यवर, बस खत्म कर रहा हूँ।

जब नोटबंदी हुई तो वे लोग जो अपना धन तिजोरी में रखे हुए थे, अपने गांव-घर के लोगों के नाम पैसा जमा करा दिए। यह सोचा कि बाद में निकाल लेंगे, अपने पैसे को उनके जन धन खाते में डालना शुरू किया। जिनका ज़ीरो बैलेंस था, वे दो-दो लाख रुपए के मालिक हो गए। कई जगह तो ऐसी स्थिति आई कि जो लोग कम्पनियों में काम कर रहे थे, फैक्टरियों में काम कर रहे थे, इससे ऐसे लोगों का ऐसी शर्त से फायदा हो गया कि इस पैसे को वे 7 साल तक निकाल नहीं सकते। तो इस सिस्टम के पक्ष में मैं खड़ा हुआ हूँ।

मैं माननीय मंत्री जी को धन्यवाद देना चाहूंगा कि निश्चित रूप से जिस तरह से अब 10 दिनों में पासपोर्ट मिल जाएगा, आधार कार्ड बैंक अकाउंट से जुड़ जाएगा, digital certification की स्थिति भी निर्मित हो जाएगी।

**उपसभाध्यक्ष (श्री बसावाराज पाटिल):** आपका समय हो गया है, अब आप समाप्त करें।

**श्री शिव प्रताप शुक्ल:** इसी तरह प्रोविडेंट फंड को भी आधार से जोड़ा गया है और सब से बड़ी बात पेंशन की है। आज हम निश्चित रूप से कह सकते हैं कि ऐसे बुजुर्ग लोग जो कहीं नहीं जा सकते हैं, अगर आधार से उनकी पेंशन को लिंक कर दिया गया, तो उन्हें पेंशन प्राप्त करने में बड़ी सुविधा रहेगी। महोदय, इस तरह से जहां एक-एक बिंदु को जोड़ा गया है, मैं भारत सरकार से आशा करूंगा कि वह अन्य सुविधाओं को भी पूरे तौर पर आधार से जोड़े ताकि सभी लोग इस से लाभान्वित हो सकें। अंत में मैं सरकार के इस कदम का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

**SHRI TIRUCHI SIVA (Tamil Nadu):** Thank you, Mr. Vice-Chairman, Sir. Sir, we need Aadhaar card but, simultaneously, the Government must also put in place a properly enacted law for protection of privacy. Aadhaar card demands collection of biometric details without concomitant privacy protection. It also permits sharing of data under a lot of circumstances with private operators also. Initially, the Aadhaar card was envisaged as a means to help subsidies and for a seamless distribution of benefits. But, now, it has become a tool of surveillance. It is unprecedented and nowhere found in any part of the world. Even in the Social Security Number in the U.S., the details which are required here to be shared by an Aadhaar card holder is not required by the Social Security card holder in U.S. Sir, we are very much concerned only about these two issues, the privacy policy. The Government of India

doesn't have a policy for privacy and it is again unconstitutional as per Article 21. I would like to point out here two Judgements of the Supreme Court. One was of 2015 in the case of Justice K.S. Puttuswamy & Another vs. Union of India & Others that, "The Unique Identification Number or the Aadhaar Card will not be used for any other purpose other than...", and "the Union of India shall give wide publicity in the electronic media and television networks, that is it not mandatory for a citizen to obtain an Aadhaar card." The second, Sir, is, the same Supreme Court has reiterated, "The Aadhaar card scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by the Court." And, now, I would like to point out, considering the constraints of time, two main issues. Recently, the Ministry of Human Resource Development has issued a notification that "It makes mandatory for students and cooks attached to the flagship Mid-Day Meal Scheme, to be enrolled for Aadhaar, and that this process should be completed by 30th June, 2017. This move has been taken in a bid to increase transparency and effectiveness." Sir, I would like to say that this is in contravention of the Judgement of the Supreme Court as well as against the provisions of the National Food Security Act, 2013. With this compulsion of Aadhaar card, it disallows a student to get the benefit of the Mid-Day Meal Scheme. Supposing a student or a cook does not have an Aadhaar card, he will be deprived of the Mid-Day Meal Scheme. It is totally against the provisions of an already enacted Act, that is, the National Food Security Act. And, we know, very well about the Mid-Day Meal and how it benefits a lot of students and how it encourages students to come to the school. Actually, the Mid-Day Meal Scheme was introduced only to encourage the poor children to come to the school. But that scheme is now curtailed by way of making this Aadhaar card compulsory. Sir, it is a very big issue of concern.

The second issue is that of Pan Card for which an Amendment was brought in the recent Finance Bill. It says very clearly, "A failure to provide this number would result in the PAN number being invalidated and the person would be treated at par with anyone who has not applied for a PAN." Sir, Pan Card itself is a proof of identity. If the Aadhaar card is not shown as a proof of identity, then Pan Card will be invalidated. Sir, we don't understand the reason. Why do you expect a person to share his biometric details and other income tax returns through an Aadhaar Card because they may say, "It is a tampered proof." It is not so. I give you an example. But other than that, one may argue that when you are going for a passport, you are giving your fingerprints. Then, why don't you give it for this also? But, Sir, the passport details are not shared by anyone else and no private operator comes there and moreover, it is intended for only one purpose and above all, anyone can choose to remain without a passport. It is not a compulsory one whereas Aadhaar card is

[Shri Tiruchi Siva]

a compulsory one and you say for Pan Card that only if Aadhaar card is there, it will be validated. It is a big issue of concern. I again quote and I will just read out a passage of 2013 and then say who wrote this. It was in an article, titled, "My Call Detail Records and A Citizen's Right to Privacy", "We are now entering the era of the Aadhaar number. The Government has recently made the existence of Aadhaar number—it was in 2013 when Aadhaar card was introduced—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 breaking into the system? If this ever becomes possible." This was written by the present hon. Finance Minister, Shri Arun Jaitley, and the then Leader of Opposition. So, when they were on the other side, they were against the Aadhaar card questioning about the privacy and now they are advocating and introducing many other schemes. If you bring everything under the Aadhaar, it means there is no privacy existence. I will give you an example and I think, the hon. Minister is very much aware of that. Recently, a news came and it was not very well published. The former Indian cricket team captain, Mr. Mahendra Singh Dhoni's wife, Mrs. Shakshi, had brought this violation to the notice of the Union Minister, Shri Ravi Shankar Prasad. Sir, the Director of Unique Identification Authority of India said that they have blacklisted the agency for ten years which had erroneously leaked the former Indian Cricket team captain, Mr. M.S. Dhoni's Aadhaar details. Shri Ajay Bhushan Pandey said that an investigation has been launched into the matter. Sir, maybe, Mahendra Singh Dhoni's wife has access to Twitter and she was able to convey it and it became a big news, but what about Tom, Dick and Harry? If they have such an issue, how will that be brought to the notice? What will happen if my privacy details are hacked by anyone? Nowadays, hacking is quite possible. We are already very much harassed by the social media and the developed information technology and, now, by way of compulsion of this Aadhaar card information, that too, biometric details, Sir, it is very, very dangerous. So, I would suggest to the hon. Minister—as I started, yes; we need an Aadhaar card, we are not against it—that the Government must be very careful. Now, the Supreme Court has advanced the date of hearing of the Constitutional Bench on the issue of privacy to 18th April. I think the hon. Minister is very well aware that the Constitutional Bench, which was to hear about the privacy issue, during the vacation period, has now advanced it to 18th April, considering the seriousness and importance of the matter.. ...(*Interruptions*)...

**उपसभाध्यक्ष (श्री बसावाराज पाटिल):** शिवा जी, समाप्त कीजिए।

SHRI TIRUCHI SIVA: Yes, Sir. I am concluding. So I would suggest to the

Minister, we are not against the issue of Aadhaar Card or possessing an Aadhaar Card, but, at the same time, the Government must be very keen in ensuring that the law is properly enacted for the protection of privacy, and that alone will strengthen the Aadhaar card's purpose as well as it will also help us to believe that this will not encroach upon the privacy details of any individual person. Thank you very much.

SHRI LA. GANESAN (Madhya Pradesh): Sir, my point is very simple. एक सुप्रसिद्ध चित्रकार था। उन्होंने एक बार अपने एक अच्छे चित्र को एक प्रदर्शनी में प्रदर्शन के लिए रखा। उनके मन में उस चित्र के प्रति गर्व था। उन्होंने उस चित्र के नीचे लिखा, "इस चित्र में यदि आपको कुछ गलत दिखायी देता है, तो X मार्क कर दें।" उनके मन में था कि इस चित्र को कोई भी touch नहीं करेगा, लेकिन प्रदर्शनी में जाने वाले were just like us. उस चित्र के बारे में लोगों ने मार्क लगाए कि इस का मुंह ठीक नहीं है, नाक ठीक नहीं है, कान कुछ गलत दिखता है। वे चित्रकार जब शाम को अपना वह चित्र देखने गए तो पाया कि पूरे चित्र में सब लोगों ने X मार्क किया है। फिर वह उस चित्र को अपने गुरुजी को दिखाने ले गए और पूछा कि इस चित्र में मैंने क्या गलती की है? उनके गुरुजी ने कहा कि गलती चित्र में नहीं है वरन् आपने जो नीचे लिखा है, उस में है। So, the next day, the same picture was drawn, और उन्होंने उस में नीचे लिखा कि, "इस चित्र में आपको कुछ गलत दिखायी देता है, तो ठीक कर दें।" उन्होंने वहां ब्रश और पेंट भी रख दिया, लेकिन nobody touched the picture. The people are here to state as to where all the fault is. कमी कहां है, गलती कहां है, ऐसा कहने वाले सब लोग हैं, लेकिन what is the remedy? How to correct it? We, all of us, here, have been talking about problems. No one ever thought that this problem can ever be addressed, leave alone, eradicated, but, the hon. Prime Minister, Shri Narendra Modi did not just lament and pass on the buck but thought about the solution. When he mentioned about the Jan Dhan Yojana, even I never thought that the Jan Dhan Yojana would be this much successful. It may be for flood relief, giving some subsidy of sending ₹ 5,000 rupees, the entire amount goes to them. My friend, Shri Vijayasai Reddy has mentioned about Shri Rajiv Gandhi. Shri Rajiv Gandhi told, "If I send ₹ 100, only ₹ 15 will go to the beneficiary." Now I say that if Shri Narendra Modi says tomorrow that he will send ₹ 100 to the beneficiary, and the beneficiary, delayed taking the money, he will get ₹ 115! That is the difference between Rajiv Gandhi's period and Narendra Modi's period. When it comes to the other problems, the Prime Minister thought long, hard about the way by which we can overcome all these things. The diversion of urea again to the chemical companies for making soap, etc., made it scare for farmers. But the master stroke of simply coating urea with neem, made unusable for such purposes but also enhanced the potency for the crops of the farmers. This is the idea. I can quote many such examples. I will come to Aadhaar card. Our people were telling about MGNREGA. Really speaking, our Prime Minister, Shri Narendra Modi, never thinks about the next elections. He thinks about the next generation or future generation. The explanation for a statesman

[Shri La. Ganesan]

is this. A person who always thinks about the next election is a politician, and who thinks of next generation is a statesman. That is why Shri Narendra Modi is The statesman. I want to just mention this to Shri Jairam Ramesh, my hon. friend here because he has mentioned few days ago something else. Now, I will tell you about the MGNREGA. Everybody knows here about it. If we are really in politics, we know what is happening in the field. When the Government announced the MGNREGA, will be named after Mahatma Gandhi, I was sad because the scheme is being implemented in such a bad way. Muster roll is different but people working are different. The members and relatives of the Panchayat President and other people will be getting money. Even those who are working in the field have not been given the full amount. But they are getting only 80 per cent, 60 per cent and 20 per cent. Everybody knows about it. Since you have named it after Mahatma Gandhi, we want to correct and improve it. That is why we want to link it with Aadhaar Card so that all pilferages are stopped. The same thing is about the Mid-day Meal Programme. We are not against feeding the school children. We are for it. But in the name of feeding the school children, people are eating away the money. We want to stop it. So, simply criticising the Government is not correct. Of course, exceptions may be there, I agree; and exceptions prove the rule. In that way Aadhaar Card will be helpful. My hon. friend, Shri Vijayasai Reddy is not here. Whatever I wanted to mention here, he has already mentioned it. Even then, in short, I want to tell you, this is not sufficient. I want the Government to enhance the scope of the Aadhaar Card even to other fields. For example, voters' list. I request the Government to correct all bogus voters' lists. ...*(Time-bell rings)*... I am concluding. I know that more than two crore infiltrators have entered into India from Bangladesh. Many people have spread throughout the country. So, it should be linked to citizenship card also. I will conclude in a lighter vein. I am saying this that one person went to a temple. He went with a coconut, flowers and fruits. He gave them to the pujari. He told him his gotra, rashi and birth star. But the pujari asked him the Aadhaar card number. He was surprised. Pujari told him, "Unless you tell your Aadhaar Card number, your prayer will not reach the God."

**श्री रवि शंकर प्रसाद:** माननीय उपसभाध्यक्ष जी, आज सदन में जो चर्चा हुई है, यह चर्चा तर्कों के साथ, अनुभवों के साथ, पीड़ा के साथ, उत्साह के साथ तथा भूगोल के साथ बहुत ही सार्थक हुई है। उधर से हमारा भूगोल बताया जा रहा था कि हम उधर थे, तब क्या बोलते थे और जब इधर आ गए हैं, तो क्या बोलते हैं। कुछ लोग उनके भूगोल की चर्चा कर रहे थे और कुछ लोगों का भूगोल स्थिर था, जो पहले जहां है, वह अभी भी वहीं है, तो यह शायद देश की राजनीति का भी एक संकेत था। मैं माननीय राजीव चंद्रशेखर जी, जयराम रमेश जी, डा. विनय पी. सहस्रबुद्धे जी, देरेक ओब्राईन जी, सी. पी. नारायणन जी, श्री डी. राजा जी, रेड्डी जी, रिपुन बोरा जी, शिव प्रताप शुक्ल जी, ला. गणेशन जी और बाकी जिन माननीय सदस्यों ने अपनी बातें

## (श्री उपसभापति पीठासीन हुए)

कहीं हैं, उन सभी के प्रति हृदय से अपनी कृतज्ञता ज्ञापित करता हूँ कि उन्होंने बहुत ही प्रभावी टिप्पणियाँ दी हैं। माननीय उपसभापति जी, मैं पहले कुछ जनरल बातें कहना चाहता हूँ, उसके बाद जो विषय उठाए गए हैं, उनका विषयवार उत्तर दूंगा। एक बात बार-बार कही गई कि भारत के एक प्रधान मंत्री थे, माननीय राजीव गांधी जी, जिन्होंने यह टिप्पणी की थी कि मैं दिल्ली से सौ रुपये भेजता हूँ तो नीचे तक पंद्रह रुपये पहुंचते हैं। इसके पीछे एक दर्द है। हमें इस दर्द को समझना है या नहीं समझना है? इस दर्द का उत्तर मिलना चाहिए या नहीं मिलना चाहिए? स्कूल में मास्टर है, स्कूल में बच्चे हैं, मास्टर की तनखाह जा रही है, बच्चों की स्कॉलरशिप्स जा रही हैं। मालूम किया, तो पता चला कि बच्चे हैं सत्तर, पर स्कॉलरशिप्स भेज रहे हैं सौ बच्चों की। इसी तरह से मास्टर हैं दस, तनखाह ले रहे हैं पचास की। यह होता है या नहीं होता है, हम इस बात पर जानकारी प्राप्त कर लें। यह होता है और देश में हो रहा था। हमने यह भी सुना था कि बेटा पैदा हुई नहीं, पर विधवा हो गई और विधवा की पेंशन ले रही है। यह हो रहा है या नहीं हो रहा है, इस बात को तय करना पड़ेगा। आज जब आधार पर खुलकर चर्चा हो रही है, तो इस पर खुलकर चर्चा करने की जरूरत है। बाकी मित्रों ने अपनी पीड़ा बताई है।

माननीय उपसभापति जी, मैं अभी मुंबई गया था। वहां पर मुझे एक बात बताई गई, यह इनके समय से भी हो रहा है कि महाराष्ट्र सरकार सारे आदिवासी बच्चों के स्कूल का पूरा खर्चा देती है। महाराष्ट्र सरकार उनके रहने, स्कॉलरशिप, खाने-पीने, खेलने, कपड़े और स्कूल की शिक्षा, इन सबका खर्चा देती है। जब दो जिलों में सर्वे कराया गया, तो गड़बड़ी पाई गई। उनसे कहा गया कि आधार पर आ जाओ। आधार पर आ गए, तो बच्चों की संख्या में 30-40 परसेंट की गिरावट हो गई। उन्होंने कहा फिर गिनती करो, फिर वही नंबर आया, कहा फिर गिनती करो, फिर वही नंबर आया। मैं उस कलेक्टर की तारीफ करना चाहूंगा, जिसने कोशिश की और कहा कि शिक्षक को भी आधार पर लाओ, उसका भी वैरिफिकेशन करो। इसमें शिक्षकों की संख्या 20 परसेंट तक कम हो गई। आप मुझे यह बताइए कि यह जो पैसा fictitious लोगों के हाथ में जा रहा है, वह हमारा पैसा है, गरीबों का पैसा है, टैक्सपेयर का पैसा है, क्या यह पैसा उनके पास जाना चाहिए? ये बड़े सवाल हैं, जिनका हमें उत्तर देना पड़ेगा।

महोदय, डीबीटी पर बहुत बात चल रही है। चाहे हम दिल्ली में जाएं, कोलकाता में जाएं, हैदराबाद में जाएं या मुंबई में जाएं, क्या यह सच्चाई नहीं है कि गैस की सब्सिडी का दुरुपयोग हो रहा था? एक रेस्टोरेंट छोटा है, लेकिन गैस के बीस-बीस कनेक्शन्स हैं। पूछने पर मालूम पड़ता है कि पंद्रह गैस कनेक्शन्स पर सब्सिडी मिल रही है और हर महीने लाखों रुपये कमा रहे हैं। This was a lingering problem in the country, where public money was sought to be abused for extraneous, fictitious and corrupt purposes. It is the hard reality.

माननीय जयराम रमेश जी चर्चा कर रहे थे कि लोगों को मनरेगा नहीं मिल रहा है, मैं उसका उत्तर दूंगा, लेकिन मैं उस गांव के लोगों का नाम लेकर उनको परेशान नहीं करना चाहता। जो मुझे बताया गया, वह यह बताया गया कि एक गांव में पैसा आता था, तो मुखिया जी, 50 परसेंट मनरेगा काट दिया करते थे। दूसरा, यह कहा गया कि हमारे गांव में सब लोग संपन्न लोग हैं, लेकिन मुखिया की सेंटिंग थी, इसलिए सारे लोग मनरेगा के वर्कर बने हुए थे।

[श्री रवि शंकर प्रसाद]

क्या यह नहीं हो रहा था? माननीय उपसभापति जी, आज इस देश में इस बात की चर्चा करेंगे, तो ऐसे एक नहीं, सैकड़ों गांव मिलेंगे, जहां ऐसा हो रहा था। इसकी कुछ बातें श्री ला. गणेशन ने कीं, कुछ माननीय शिव प्रसाद शुक्ल जी ने कीं। So, let us not run away from the reality. And, when I am saying all this, I wish to compliment Mr. Jairam Ramesh that his Government thought of Aadhaar. You quoted a lot of our comments. One feels like also quoting what Prime Minister had said. Dr. Manmohan Singh had said, “Our Government wants to use new technology in a big way to curb dishonesty and bring transparency in governance. Aadhaar is an important step in this direction.” पहली दो लाइन के बाद dishonesty को कर्ब करना है, उस पर हम डिबेट कर सकते हैं, but the idea as to why Aadhaar was brought was eloquently spoken about by him.

सर दूसरा कमेंट, hon. Member and then a Minister, Mr. Jairam Ramesh had said, “It is politically a revolutionary step. It was a promise made in the 2009 manifesto.” आज जब मैं उनका भाषण सुन रहा था, तो मुझे कौतूहल हुआ, I was wonderstruck. Is he trying to paint Aadhaar as a ghost? Is he trying to convey that Aadhaar is a curse? Is he trying to observe that Aadhaar is the biggest tragedy that has happened to the country? Sorry. We can now change our position. Let me acknowledge here very honestly that once we came to power, I was the Law Minister then and also the IT and Communications Minister. I am very proud of my Prime Minister Narendra Modi. How can we deny what he said then? His direction to all of us was आधार को ठीक से समझो, इसकी पूरी गहराई को मालूम करो, देश की मजबूती के लिए इसका क्या करना है, उसको पहचानो, इसको कानूनी जामा देना है, वह करो। हमें देश के लिए इसका उपयोग करना है।

When this leader is elected as the Prime Minister of India with a massive mandate, he has got a statesman-like vision that regardless of whatever position we have taken, that we have to refine, we have to technologically reinforce and make it a great instrument of change. That is why we came up with the Aadhaar Act. I will come to that point subsequently. But why was I constrained to make this observation, Mr. Deputy Chairman, Sir? Some of my friends in the Congress Party are repeatedly trying to paint Aadhaar as the biggest curse to have happened for the country. Sorry, don't do that. You have created it and we compliment you. आज सदन में जब मैं इस बात को शुरू कर रहा हूँ, I want to compliment Mr. Nandan Nilekani; I want to compliment Shri Ram Sevak Sharma, the CEO of Aadhaar; I want to compliment the present CEO, Shri Ajay Bhushan Pandey, who have done a great job against all the opposition in respect of Aadhaar. We need to respect their dedication for the country. What they have done, they have done it for the country, not for themselves. हमारे पोलिटिकल डिफरेंसेज होंगे। अब जो कहा जा रहा है कि आप सुप्रीम कोर्ट के आदेश का उल्लंघन कर रहे हैं, तो मैं उसकी बात करता हूँ।

This I am explaining both as the IT Minister of India, as the Law Minister of India and as a Member of Parliament, having a little knowledge of law. When the Supreme Court passed the two interim orders—11.8.2015 and 15.10.2015—permitting a set of subsidies to be given directly to the Aadhaar card holders, there was no Aadhaar law then. Let the House know, let the nation know, through the House, Sir, that at that point in time the biggest argument done in the court was that without any statutory instrument, you are taking biometrics of crores of people. Mr. Jairam Ramesh, you were wrong then. By an Executive Order, you can't have so many biometrics. It needed a statutory enactment. That was the first argument.

The second argument was the right to privacy. Because it was an Executive Order, there was no mechanism available. There are other arguments also. Now, Sir, day in and day out, in both Houses of Parliament, I am asked a question: Why are you ceding everything to Judiciary? "We are the law-making authority, we are the sovereign body, we should run the country, we should seek accountability." Here is a case where Parliament has come up with a robust law on Aadhaar. It is completely robust. "There is a problem and you are disobeying the Supreme Court order!" Legally-speaking, the law is well settled. The Parliament can remove the lacunae which the court points out. If one of the arguments in the court was that there was no legal framework available, then the answer was that the Parliament came up with the Aadhaar Act. Therefore, the main ground was taken care of.

Secondly, this Aadhaar Act carries forward the whole architecture on how biometrics shall be done, under what condition, for what purpose, and with what accountability. Therefore, the whole architecture is available. It is not the eco-system, Mr. Jairam Ramesh. The architecture is available. Now, Sir, if that is there, that is the law. There is no stay by the Supreme Court on Aadhaar Act. We are being governed by a mandate of the Aadhaar Act passed by the Parliament. When I am standing here, I wish to say that I stand by the sovereignty of Parliament as far as law-making is concerned. That is also a job of the Law Minister of India.

SHRI JAIRAM RAMESH: Sir, can you yield for a minute, please?

SHRI RAVI SHANKAR PRASAD: No, I am not yielding. I am just not yielding.

SHRI JAIRAM RAMESH: Let me quote the order.

SHRI RAVI SHANKAR PRASAD: I have got the order.

MR. DEPUTY CHAIRMAN: Mr. Jairam Ramesh, you may speak after he finishes.

SHRI JAIRAM RAMESH: You are misquoting the order.



SHRI RAVI SHANKAR PRASAD: Sir, I have got a copy of the order. The Supreme Court says only this. I will read it.

SHRI JAIRAM RAMESH: Please read Para 5.

SHRI RAVI SHANKAR PRASAD: Why are you shouting at me? What is the problem today? ...*(Interruptions)*...

SHRI JAIRAM RAMESH: Don't mislead us. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: I am not misleading. Sorry! ...*(Interruptions)*... Sir, I am repeatedly saying that I should not be disturbed. I didn't disturb any Member and I will beseech them not to disturb me.

MR. DEPUTY CHAIRMAN: Unless he yields...

SHRI RAVI SHANKAR PRASAD: I am only saying that these interim orders were passed in 2015. The dates I will quote. The dates are 11.8.2015 and 15.12.2015. The Aadhaar Act came in 2016, assented by the President and became effective. Now whole of Aadhaar ecosystem, if I can use that word, is governed by this law. That is what I am saying. ...*(Interruptions)*... My understanding of law is very clear that an interim order is only for the purposes of interim arrangement till the Parliament structures it. It is not a judgment. It has been referred to a Nine-Bench or Seven-Bench. Maybe, this law will also be considered. But, I am very clear in my understanding of law that if the Parliament enacts a law and unless the court stays the operation of that law, this law will hold the field and that is what that is holding the field. ...*(Interruptions)*...

SHRI JAIRAM RAMESH: What about the order of September 2016?

SHRI RAVI SHANKAR PRASAD: It is all right. ...*(Interruptions)*... Can you have some patience?

MR. DEPUTY CHAIRMAN: He is not yielding, so you have to wait. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: The second thing I would like to highlight is that there were also issues before the Supreme Court where the Supreme Court in particular mentioned about this verification of SIM cards. He is quoting Supreme Court, Sir. We have got about 13 crore verifications of mobile new connections by SIM card. Sir, you are aware that when you go to purchase a SIM card, you have to show the verification of identity. It may either be ration card or there has to be a paper filled up, the paper used to be sent for examination and all these things. Then there is the system of Aadhaar-enabled verification for SIM card for the user. I

**5.00 P.M.**

have got the copy of the order. The Supreme Court has approved it as a very good system which has been incorporated. Therefore, that was an interim order. Therefore, I repeat that when the law is there and the law is not stayed by the Supreme Court, the law will hold the field. Secondly, while upholding the permission granted by the Supreme Court in the mandate of the interim order, there is a provision under Section 157 that other things can be done and which have been done in the proper perspective. Now, Sir, while coming to certain basic things, first of all, let me ask a question. How safe is Aadhaar? Let me say proudly that Aadhaar is safe. How secure is the data? Let me say proudly that data is secure. I want to make it very, very emphatic and I have reasons to say so. Sir, what is the purpose? The purpose is that minimum data is collected. One is core biometrics and one is demographic information. Both are actually explained in law itself. Core biometric means fingerprint, iris scan or such other biological attributes. What is demographic information, Sir? The demographic information includes relating to name, date of birth, address and any other information for the purpose of issuing. But, Sir, it does not include race, religion, caste, tribe ethnicity, language, records of entitlement, income or medical history. Therefore, there is a clear statutory injunction in law itself that you can only take the iris, you can take the fingerprint, you can take the name, you can mention sex and address. Your e-mail and your mobile number is optional. If you want to give, some information can be conveyed to you. If you don't want, it will not be given. Therefore, Sir, no religion is being profiled, educational qualification is not being profiled, language, record of entitlement, income or medical history or ethnicity, none of this is being profiled at all. Let me show it. I hope I am having my Aadhaar Card in my purse, hopefully, yes. My name is there, not even my father's name is there, my date of birth is there, my name and Aadhaar number. That is my address of Patna. That is all.

SHRI DEREK O'BRIEN: Ravi Shankarji, can you yield for one clarification?

SHRI RAVI SHANKAR PRASAD: No. You are a great debater yourself. Flow is important. You respect my flow. I respected yours. Sir, the point is, there is no information कि मैं कितना पढ़ा-लिखा हूँ, M.A., L.L.B. हूँ या मैट्रिक फेल हूँ, मेरी इन्कम कितनी है, मेरे मां-बाप का नाम क्या है, मेरी जाति क्या है, मेरी मेडिकल हिस्ट्री क्या है, none of this is there in this data at all. Therefore, there is minimum information and maximum utilization. This is the first thing. Sir, what happens? We have a registrar, either the Central Government or the State Government Registrar. Then we appoint operator in Government agencies under strict competition. A very specialized agency undertakes it. Sir, let me very simply explain what happens in Aadhaar. When we go to the enrolment agency, if I am an MP we go with an MP card or we go with

[Shri Ravi Shankar Prasad]

the ration card. First, the operator will enter his biometrics in the system to open the system. The system will not open unless the operator tells his Aadhaar number or her Aadhaar number and the thumb impression. Then our photo is taken, iris is taken, fingerprint is taken and the name etc. and the matter is corrected and sent for process. Thereafter, some manual checking is done whether the name is rightly mentioned or not. Then, Sir, it goes to the automatic system. Today, in India, we have got 113 crore Aadhaar cards. That is the total number we have and Sir, let me give certain numbers to this House. Over 113 crore residents have Aadhaar cards, 99 per cent adults have Aadhaar cards, 22.25 per cent children of 5-18 years have Aadhaar cards and Sir, 554 crore authentication is done by the Authority and 17 crore e-KYC is done by the Authority. Sir, 43.4 crores Aadhaar cards have been linked with bank accounts, 69.97 crore LPG connections have been linked with Aadhaar cards, 17.51 crore ration cards are linked with Aadhaar cards, 8.69 crore MNREGA Active card is linked with Aadhaar and Sir, 18.1 crore PMJDY account is linked with Aadhaar, and there are others too. I need not say that. Sir, 1.04 crore passports are linked with Aadhaar, 1.08 crore pan cards are linked with Aadhaar, 48 lakh pensioners use their Aadhaar to get Jeevan Pramaan. Sir, this is not a small number. India having a population of 125 crore, today, 113 crores are trusting Aadhaar. If I talk of the poor, 50-60 crore people are not complaining at all. On the contrary they are happy that what was the apprehension of Rajiv Gandhi is turning out to be incorrect. When they are claiming that MNREGA is dead, they don't have to fear that some strong man, a mukhia will come to take his cut. It will go to the bank account. These are the important qualitative changes which Aadhaar is making in the lives of the people. Therefore, Sir, in my very considered view, I just addressed the interim part, but when it goes for the final processing, सर, इस बात को समझिए और देश के टेक्नोलॉजी के एक्सपर्ट लोगों का अभिनन्दन कीजिए। 24 घंटे के अंदर, 113 करोड़ का जो पूरा सिस्टम है, वह नये आधार नम्बर से उसको मैच करता है कि यह नम्बर पहले से रजिस्टर्ड है या नहीं है। What is the beauty of this system? If I, Shri Ravi Shankar Prasad, already have an Aadhaar card, if I again try to re-book myself even through a duplicate name, the system will reject because my iris is there, my fingerprint is there. That is the beauty of Aadhaar system. Therefore, डिप्टी चेयरमैन साहब, आप याद कीजिए, आपका बहुत लम्बा अनुभव है, we have heard many cases. In my legal capacity I have heard that someone else opens a bank account in the name of a son of a father and pockets the entire amount which his father has willed his son. We have seen such cases. Fake bank account is a known phenomenon. We cannot wish away how poor people have lost their savings. These realities are there. Now, hear what is there. Some 113 crore Aadhaar already matches that and if the match is found, it is rejected. If it is not found, then, okay, it goes to the system. The

card is printed and goes back to the person who is there. That is the working of this. What is the other thing?

Sir, a lot of issues on privacy have been raised. Suppose, a bank system asks the Aadhaar System, 'This man has this Aadhaar Number. Please, check and बताओ।' सर, आधार को यह मालूम नहीं है कि बैंक किस बात के लिए हम से पूछ रहा है, बैंक का एकाउंट खोलने के लिए या पेमेंट करने के लिए। बैंक को तो उसे सिर्फ यह बताना है कि, this Aadhaar Number bears the name of so and so. That is all. Therefore, minimum information is asked and there is no profiling. मान लीजिए सर, सिम कार्ड के बारे में बताया, अगर कोई मोबाइल कंपनी Know Your Customer की बात कर रही है और उसमें, अगर उसका data सिर्फ इसी consent के साथ कि आप हमें सिम कार्ड देंगे, अगर उस सिम कार्ड के data का दुरुपयोग किया, तो he can go to jail for three years. That is important.

Sir, I have a great personal regard for Mr. Rajeev Chandrasekhar, because he is a very knowledgeable man in the field of technology. And, I wanted to tell him in this House itself that all his suggestions are most welcome. He is free to give suggestions how to improve the system, because he understands the rationale of Aadhaar System. But, Sir, I wanted to convey this House, in the last six years, we have cancelled and blacklisted 34,000 operators who tried to pollute the system or tried to make fake Aadhaar Cards. Since December, 2016, we have taken action against 1,000 operators. The reason why I am constrained to convey these statistics before the hon. House is to inform that we have a proper oversight system available which we do with maximum authority at our command. Therefore, the issue of privacy is important.

Now, I will elaborate, one-by-one, privacy concerns. Sir, I am the IT Minister of India. Even then, I cannot disclose iris and finger prints of anybody even with one's own consent. If I do so, I can be prosecuted under Section 29(1). That is the specific mandate which we have given.

What is number two? The other biometrics can be used only for Aadhaar purposes as outlined. If it is done for any extraneous purposes, he can also be hauled up. And, this hauling up also includes officers of the UIDAI, the operators and the Registrar, because this law is applicable to all. And, I would like to, very gently, inform hon. Mr. Derek O'Brien — I always look forward to his intervention with great interest and a little curiosity — that NATGRID linking is not there. I want to deny it emphatically, because if NATGRID comes in, it will be violative of Section 29. Therefore, I thought I must clarify it very clearly.

Now, we have a whole provision. Consent is important. This brings two issues. One is, under Section 7, there is a lot of talk whether it is mandatory or directive.

[Shri Ravi Shankar Prasad]

Section 7 is very clear. You need to come on Aadhaar, but the benefits will not be denied to you. You can come with alternative identity proof, be it Ration Card, be it MGNREGA Card, be it Driving Licence or other. But, please, apply for Aadhaar. That is the whole sense of it. And, I am asking a question to myself. I would like to share this with the House. अगर देश के करोड़ों गरीब लोगों को कोई चिन्ता नहीं है, तो बाकी लोग क्यों परेशान हैं? कोई गरीब आकर मुझ से कहे कि मैं गरीब हूँ, मुझे 'मनरेगा' नहीं चाहिए। गरीब तो आज खुश है, अब मुखिया उसके मनरेगा के पेमेंट में कट नहीं लगाता। वह तो खुश है कि उसकी गैस की सब्सिडी उसके एकाउंट में सीधे आती है। मुझे याद है, there was a very interesting programme I saw. I would like to clarify a point for my Leftist friends. It was from a tea garden in Bengal. During my youth days — Derek, I never told you this — I was in-charge of Bengal on behalf of my party. Therefore, I have seen Bengal very closely.

SHRI DEREK O'BRIEN: You are still a very young boy.

SHRI RAVI SHANKAR PRASAD: Okay. I appreciate this gesture.

Sir, I used to travel in tea gardens in Jalpaiguri. We used to constantly hear that हमें पूरा पैसा नहीं मिलता, because there is a cut due to variety of reasons. and when I saw, when a Jan Dhan Account was opened, a lady worker of the Jalpaiguri teagarden was telling on NDTV, I am quoting, "I am so happy that my money will directly come to my bank account." That is what is happening. Technology is transparent. I would like to clarify that very clearly.

Sir, Mr. Jairam Ramesh also mentioned about the CAG Report. It was very nice to see of late his belated appreciation of the role of the CAG. Good luck to him. But, when this very sketchy CAG report of the Ministry of Petroleum and Natural Gas came about... I am telling you that I very sincerely respect the institution of the CAG. But the CAG has got no mechanism to make a conclusive comment that this saving is only and only because of the lowering of the international crude oil price. No; this is too judgemental, not factual. And, what happened, the Ministry of Petroleum issued a public statement that for the financial year 2014-15, for 3.3 crore consumers under PAHAL, there was a saving of ₹ 3.3 crore because they did a survey of all the fake claimants, it is mentioned here, and they found that this was a fake number which was linked to the DBT PAHAL. And, that was the saving. And, what they further said was most important, "Furthermore, it should be noted that concrete evidence of successful elimination of bogus connections is seen in the phenomenal growth of non-subsidized commercial LPG sales which have registered an increase of 39.3 per cent in the period April 2015 to March 2016. This is in

contrast to pre-PAHAL experience when commercial sale growth was negligible or declining.” Therefore, all the facts are speaking for us. And, if the recipients are very happy about it, I fail to understand what the problem is.

Now, I come to the privacy issue. Hon. Member, Shri Derek O’Brien has raised it. My friend, Siva raised it. Mr. Jairam Ramesh also fleetingly touched it. What do you mean by privacy, Sir? Privacy is certainly a right which ought to be given respect. I am not going to debate whether it is a Fundamental Right under Article 21 or not. Maybe, as a democrat, I will feel that it should be a part of Fundamental Rights under Article 21 – Right to Life and Liberty. But, I will await the final view of the hon. Supreme Court. Whether it is a Fundamental Right or not, right of privacy of individual must be respected. And, here, I am not on the affluent or the poor. For us, every Indian is common. The question to be considered is: Are we invading privacy under the Aadhaar law? The reply is: ‘No, a categorical no’. Let me outline one by one: (a) the most minimum of data has been taken, I have explained that; (b) the authorities are under strict instructions to maintain that secrecy, and if they flout, they can also suffer three years of imprisonment and prosecution; (c) the national security is very important. I was also handling it as the IT Minister. A question was raised as to how we maintain the privacy and security. Because there is a clamour कि fingerprint दो, देश के लिए जरूरी है; national security जरूरी है। Then, we came with a mechanism. The hon. Supreme Court, in a case of call tracking in 1995, said, I have got a copy of the judgement, that you must have a mechanism that you will track a call only when a Joint Secretary officer, for reasons to be recorded, certifies that and thereafter it can be done; subsequently, a Cabinet-Secretary-headed committee must approve it. And, what have we done? Section 33 is very clear that even in case of national security there will be a designated Joint Secretary officer of the Home Ministry, who shall, for the reasons to be recorded in writing, certify that. But before coming into effect, a committee headed by the Cabinet Secretary and consisting of the Law Secretary and the IT Secretary will confirm it. This is the kind of safeguard we have given that the biometrics of an ordinary person, even in case of national security, cannot be opened unless certified by this level of higher authority. That is very important and appreciable. Sir, we know that courts do interfere. In case of courts also, there is a clear provision that such an order can be given only by a District Judge, and not without hearing the Authority. And, I am very proud that my Authority took a very firm stand. In a particular case, the CBI asked for biometrics. But they said, “No, we cannot.” The law is very clear. The matter went to a particular High Court. They allowed this. The authority went to the Supreme Court and got the order stayed, because the mandate of law has to

[Shri Ravi Shankar Prasad]

be obeyed. Except in the case of national security, and other specified things, we cannot disclose the data. Mr. Tulsi is not here in the House. We have taken these kinds of robust mechanisms and they are available. Sir, certain questions were raised by Shri Rajeev Chandrasekhar. He is not here. What is the sunety of pre-Aadhaar Act data and are you sure of its authenticity? There was a question. I want to assure this House that 'We are'. Though that system was started by them, we must salute the scientists and the people of technology, for having come with this robust system. I would like to convey to this hon. House that I have visited their Centre in Bengaluru. It is a marvel of technology. I have recommended that all the new IAS people must be allowed to visit that in 'Bharat Darshan', to see as to how India has developed this robust system, how completely safe and secure it is. Therefore, there is no data leak, there is no systematic problem, but, if any one tries to be smart, the law ignites into action. As it was said, 34,000 operators earlier and also 1,000 operators since December have been blacklisted. In case of Mahendra Dhoni, a specific query was raised. It was part exuberance and part negligence, I would say. I should be very honest. When the authority people brought it to my notice, I said, "Take a call, but be very firm." सर, हुआ यह था कि वह महेंद्र सिंह धोनी का 'आधार' बनाने गया था and Mr. Dhoni is a celebrity, इसलिए उसने उनकी फोटो अपने साथ खींची। Sir, even MPs become very pally with celebrities, he, being an ordinary operator, was equally bound to become pally. उसने गलती यह की कि उसने अपने कंप्यूटर में जो biometric को capture किया, उस कंप्यूटर में ही फोटो आ गयी, बस यही बात थी। But the moment it was brought to my notice, even before Mrs. Dhoni complained to me, I said, "It is wrong." I assured Mrs. Dhoni that action will be taken, and he was, straightaway, blacklisted for 10 years. Therefore, Mr. Siva, not only in the case of Mrs. Dhoni, but also 34,000 other blacklistings have been done. We shall continue to be very firm as far as protection is concerned.

Sir, there are two, three more points. Some suggestions have come to me and I will be concluding with that. The suggestions are like this. Number one, do you need to reinforce that? Yes. Dr. Vinay Sahasrabuddhe talked about a daughter going to her in-laws' house after marriage. Yes, Sir, the change of name is permissible. Therefore, you can go to the system saying, 'I don't want to be Ravi Shankar Prasad; I want to be Ravi Shankar Singh.' It is possible, Sir. We have to certify that. But what if someone says 'change of biometrics'? Some specific issues of Rajasthan and Andhra Pradesh have been raised. So, I will reply to them. We have started a technology, and we have taken all the scientific feedbacks. Sir, the feedback is that after 15 to 20 years, your system matures. Even if you have a cataract, the iris does not change, unless there is an accident in the eyes. Your fingerprints do not change even if you

have become too old, because it is captured by technology and it is not captured by photograph. That is the important difference you need to understand. The system scans that. But, Sir, even if there is a problem with the fingerprint — the iris is there or not, your photograph is there or not — verification *per se* cannot be stopped. Therefore, what is there in the core biometrics? There is your iris, your fingerprints in the system where you have your photograph, sex and the date of birth. Therefore, this problem should not come. But, since Mr. Jairam Ramesh has mentioned to me about the case of Andhra Pradesh, he has mentioned to me about a particular district, I want to assure him that I will convey to the Rural Development Ministry, which is in charge of this. I will convey that some concerns have been expressed, these must be addressed and the people should not have any problem at all. सर, infrastructure की शिकायत होती है, उसको इंप्रूव करना है। Mr. Siva asked: What is the issue of optical fibre? Mr. Reddy also mentioned about the optical fibre network. I want to assure this hon. House that, earlier, it was known as NOFN. It was started in 2011. सर, तीन साल में पिछली सरकार ने 358 किलोमीटर ऑप्टिकल फाइबर लगाया था, हमने ढाई साल में 1 लाख 78 हजार किलोमीटर लगाया है। हमें इस system को और improve करना है। अभी तक देश के 80,000 गांव कवर हो चुके हैं, अगले साल हमें और ज्यादा करने हैं। मैं देश में Electronics का भी मंत्री हूँ। यहां phones की बात आई। जब इनकी सरकार थी, तो सिर्फ 11,000 करोड़ रुपए का Electronics में पूंजी-निवेश हुआ था। हमारी सरकार के समय में 1,27,000 करोड़ रुपए का पूंजी-निवेश हुआ है। इनके समय में एक नोकिया कम्पनी थी, जो बंद हो गई थी। हमने पिछले दो साल में 12 करोड़ mobile phones बनाए हैं और 72 Mobile manufacturing factories हिन्दुस्तान में आई हैं, जिनमें से 42 mobile phones की हैं और 30 batteries and chargers की हैं। ...**(व्यवधान)**... हमने ऐसा कभी नहीं कहा कि ये अच्छा काम नहीं करते थे। वे अच्छा काम शुरू करते थे, लेकिन उसे और बढ़िया करने की जिम्मेदारी हमारी है, इसीलिए जनता हमें जिताकर यहां ले आई और हम उसे कर रहे हैं। Infrastructure को ठीक करना हम सबकी priority है। ...**(व्यवधान)**... लेकिन एक बात मैं जरूर कहूंगा। ...**(व्यवधान)**... मैं बड़ी विनम्रता से कहूंगा कि माननीय जयराम रमेश जी बहुत ही अनुभवी सांसद हैं, प्रखर चिन्तक हैं, बुद्धिजीवी हैं और हम उनका सम्मान करते हैं, लेकिन उन्हें दिल से इस बात को समझना पड़ेगा कि जब जनता ने उन्हें विपक्ष में बैठाया है तो उन्हें विपक्ष में रहना पड़ेगा। ऐसा समझने के बाद उन्हें कोई कठिनाई या दिक्कत नहीं आएगी। ...**(व्यवधान)**...

महोदय, एक दूसरा विषय भी यहां उठा, बार-बार कहा गया लेकिन उस समय माननीय प्रकाश जावड़ेकर साहब यहां उपस्थित नहीं थे। उनका जिक्र किया गया। Sir, I want to make it very clear on behalf of the Government that no poor shall be denied his subsidy rights at all. Be very clear about it. I am sure, you have also said that. Sir, whether it is a Mid Day Meal or any other benefits, we are only saying, you also come on Aadhaar. But no denial shall be there.

राजस्थान के संबंध में मैं स्थिति स्पष्ट करना चाहूंगा, जिसकी यहां बहुत चर्चा की गई। जो भी हमें थोड़ा-बहुत मालूम हुआ है, एक करोड़ वहां राशन कार्ड्स हैं, जिनके against 74 लाख



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लोगों ने वहां राशन उठाया है। Sir, can we deny that whether it is in Kerala or in Bihar or in Tamil Nadu or in Rajasthan or U.P., all people don't lift the ration allocation? And, there are ghost ration cards, there are duplicate claimants, there are fictitious claimants. अगर राजस्थान सरकार ने good governance का परिचय देते हुए, इसमें आधार को mandatory कर दिया, अगर 26 लाख ghost card-holders को रोक दिया, तो वह अच्छी बात है। यह तो गरीबों का पैसा बच रहा है। जो राशन बचेगा, वह शेष गरीबों के पास जाएगा। उसे लेकर, it is necessarily denial, it is something I don't at all accept. ...*(Interruptions)*... The same is the case also about pension and, Sir, I want to assure this House that if in any particular area, if specific cases come to light, we will look into it. He had mentioned about Chitradurga, Sir. My officers are here. We will look into it. But today the country is excited, the country is confident.

मैं आपको दो चीजें बताना चाहूंगा। मैं यहां न Economic Political Weekly से quote कर रहा हूँ, जिसका leftist stand सबको मालूम है। जिस magazine को यहां quote किया गया, उसने श्री नरेंद्र मोदी की कभी तारीफ नहीं की। इसे हम भी जानते हैं, आप भी जानते हैं। मेरे सामने World Bank की एक रिपोर्ट है, World Bank की World Development Report है, 'Digital Identify'. इसमें उन्होंने क्या कहा है। "For example, in India's fuel subsidy programme, implementing cash transfers to Aadhaar-linked bank accounts to buy liquefied petroleum gas cylinders saved about US\$1 billion per year when applied throughout the country. This is just one of many subsidy programmes in India that are being converted to direct transfers using digital ID, potentially saving over US\$11 billion per year in Government expenditures through reduced leakage and efficiency gains." आज यू.एन. की Development Report हमारी तारीफ कर रही है। ये तो World Bank के Chief Economist हैं, World Bank संस्थाओं से जयराम रमेश जी का काफी परिचय रहता है। ये काफी लिखते-पढ़ते रहते हैं, जो अच्छी बात है। हमें भी लिखने का मौका मिले, अगर नक़वी साहब मौका दें, ...*(व्यवधान)*... लेकिन what the Chief Economist of the World Bank is saying, Sir? Sir, the Chief Economist of the World Bank says, "India's Unique Identification Number system, Aadhaar, is a good example for the rest of the world to follow." This is according to Paul Romer, World Bank's Chief Economist. "The system in India is the most sophisticated that I have seen", Romer told Bloomberg. "It is the basis for all kinds of corrections that involve things like financial transactions. It could be good for the world if this becomes widely adopted", the 61-year old said.

सर, अगर वर्ल्ड बैंक के चीफ इकोनॉमिस्ट इसकी तारीफ कर रहे हैं, अगर यूएन की डेवलपमेंट रिपोर्ट इसकी तारीफ कर रही है, तो जयराम जी, आप भी थोड़ा मुस्कुरा दीजिए, यह तो आपने शुरू किया था। क्या हो गया है कि आपने इसको अभिशाप बताया?

Sir, I want to dispel all misconceptions. Aadhaar is robust. Aadhaar is safe. Aadhaar is secure, and totally accountable. Aadhaar works under the IT Ministry, I

am accountable to the Parliament and they are accountable to the Parliament through us. And the action we are taking, Sir, is something which is giving us results, and that needs to be respected.

What is my last take, Sir? What is the preamble of the Aadhaar Act? The preamble of Aadhaar Act is – I would read just two lines, Sir – “An Act 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...”

Now, Sir, if we are saving close to ₹ 50,000 crores, if people are happy, if the muscle prowess of the *sarpanch* and the *mukhiya* is stopped, it is a good development. If fake driving licenses are being curbed, what does that mean? People used to cause accidents, kill people and run away; they used to have other driving licenses. Aadhaar-enabled driving licenses would stop that because, if a driving license is already linked to the Aadhaar card in the name of Mahesh, Ramesh cannot take it. This is the systematic change that Aadhaar is bringing about.

Mr. Jairam Ramesh, I acknowledge that you had started it, but you lost hope very quickly. Trust us, we are doing it fine and you couldn't do it well.

Thank you, Sir. I am grateful for the time.

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, I have a point of order. ...*(Interruptions)*...

SHRI JAIRAM RAMESH: Sir, please allow me for a minute. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Yes, Mr. Jairam Ramesh.

SHRI JAIRAM RAMESH: Sir, I thank the hon. Minister for a very comprehensive reply. But, I would like to make just three quick points in one minute. He did not mention that there was a Supreme Court Order after the Act was passed on 14th September, 2016. Number two, he quotes selectively from the 2015 Supreme Court Orders. Nowhere in those Supreme Court Orders does it say that the Supreme Court's Orders are contingent on Parliament passing an Act. All they say is, 'we want to make it clear that the Aadhaar scheme is purely voluntary and cannot be made mandatory till the matter is finally decided by this Court, one way or the other'. My third point is, the cat is out of the bag! The hon. Minister has just quoted the preamble and said that the Aadhaar Bill was brought for better targeting of subsidies. That is absolutely and 100 per cent right. I am 100 per cent with you. Unfortunately, you have expanded it much beyond the targeting of subsidies, which means that your bringing it as a Money Bill was a complete mockery of parliamentary processes.

MR. DEPUTY CHAIRMAN: Okay. Now, Mr. Derek O'Brien.

SHRI TAPAN KUMAR SEN: Sir, I wish to seek one clarification. ...(*Interruptions*)...

DR. T. SUBBARAMI REDDY: Sir, I have a point of order. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: No; Mr. Derek O'Brien, please. I would call you after him. ...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: Mr. Deputy Chairman, Sir, I respect the very esteemed Dr. Subbarami Reddy, and he has a point of order after the reply has been made! This is a new precedent, Sir. I seek your protection.

MR. DEPUTY CHAIRMAN: Now, Mr. Derek O'Brien.

SHRI DEREK O'BRIEN: Sir, I have two specific clarifications to ask of the Minister, who today declared on the floor of the House, "No one from the poor would be denied their rights." ...(*Interruptions*)... Now, this is good and that is why we had this discussion and, as a responsible Opposition, we needed to hear this from the Government, because the signals for the last one month were different. If you have said that on the floor of the House, we respect that and we appreciate that. I have two clarifications, Sir. Since we have you here and your officials are also here and you took up the case of M.S. Dhoni — all good luck to Mr. Dhoni that his case got solved...

MR. DEPUTY CHAIRMAN: Put your question.

SHRI DEREK O'BRIEN: Sir, my question is this. On the 17th of February, a website had leaked the Aadhaar demographic data of five lakh minors. Demographic data of five lakh minors — children between the age of 6 and 14 — of women rescued from sexual trafficking or of disabled citizens leaked. I bring this to your notice with all responsibility. If you protected M.S. Dhoni, it is very good. But please protect these people who don't have the celebrity status of a Dhoni. There are five lakh minors and there are other such data leaks which happened. That is one. Sir, when you talked about biometrics and demographics, you gave us the example of the difference between the two. We are all aware of the difference between the two. By the way, this was not biometric data which was leaked; this was demographic data of these five lakh minors, which was leaked. My second question is this. You have given us the numbers which you have linked with Aadhaar and those are good numbers which you have already linked with Aadhaar. After somebody has an Aadhaar Card, how would you bring those numbers down of people who do not get the benefit of MGNREGA, of PDS or ICDS because of other reasons where Aadhaar Cards don't work because of biometrics, because of slow connections and because

of other reasons? How will you ensure those numbers come down? Now, it is 40 per cent or 45 per cent, who, in spite of Aadhaar Cards are not getting the benefits.

DR. T. SUBBARAMI REDDY: Sir, I have a point of order.

MR. DEPUTY CHAIRMAN: Why point of order now? ...*(Interruptions)*... There is no scope for point of order now. ...*(Interruptions)*... Do you want to seek a clarification?

DR. T. SUBBARAMI REDDY: Yes.

MR. DEPUTY CHAIRMAN: I will allow it after Shri Tapan Kumar Sen.

SHRI TAPAN KUMAR SEN: Sir, I heard the very brilliant explanation of hon. Minister. I like his eloquence. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Not his arguments!

SHRI TAPAN KUMAR SEN: No; I like many things of his. Sir, I have very pointed questions. As Jairam Ramesh has pointed out, citing the website data, out of one crore, 26 lakh have not taken wheat and that was the trend consecutively for four or five months. On an average, the percentage exclusion is around 25 per cent. Do you consider the entire number fake? And that holds good not only for PDS but for many other areas. So, these exclusions are there which, I understand, are not entirely fake. Maybe, some percentage is fake, and it is because of, as I have been told from many sources, non-matching of biometrics. How are you going to address this? I have no complaint, but you kindly allay my apprehensions because I have been told like this. I think the hon. Minister has understood my apprehension and can very well explain to me. Kindly allay my apprehension. I have been told by experts of different fields that so far as biometric particulars are concerned, particularly after growing old and also for manual labour who work by hand, that gets changed over time. I think that is one of the reasons of non-matching. In many cases, because of non-matching of biometric, even Aadhaar Card Holders are deprived of their benefits and a very big exclusion is taking place. If your purpose is not to exclude, I believe, but to include and properly include the entitled, how are you taking care of them? In view of this, will you be revising the biometrics on a periodic basis? It is a loud suggestion and, I think, that is the only solution here.

DR. T. SUBBARAMI REDDY: Sir, I have a small question. Mr. Ravi Shankar Prasad is a very good speaker, a very good orator and has a very good command over English language. He gave a comprehensive reply. It is a fact that the Aadhaar concept, the philosophy, was introduced by the UPA Government. Earlier, they used to oppose this concept.

MR. DEPUTY CHAIRMAN: He has accepted that. Now, put your question.

DR. T. SUBBARAMI REDDY: I want to know what made him criticize Aadhaar earlier. I am happy that, at least, he has accepted the philosophy given by the UPA Government which is very good for the country and the world. Now, I want a clarification from the hon. Minister as to what magic has happened suddenly, whether Lord Shiva met him in his dream and said that Aadhaar card is good. I want to know this.

SHRI RIPUN BORA: Sir, I compliment the hon. Minister for a comprehensive reply.

MR. DEPUTY CHAIRMAN: Put the question.

SHRI RIPUN BORA: So far as Assam is concerned, will the hon. Minister issue a clear instruction to the Government of Assam that till the completion of National Register of Citizens (NRC), the Aadhaar card will be kept in abeyance in Assam?

SHRI V. VIJAYASAI REDDY: Sir, what is the sanctity of Section 47, sub-section (1) of Aadhaar Act prohibiting the aggrieved party to approach the court directly unless the Unique Identification Authority of India itself is a party to it, or, a person authorized by it?

SHRI RAVI SHANKAR PRASAD: Sir, I will first reply to the clarification sought by Tapanbabu. I have great personal regard for him. His point is well taken. I would personally direct the officers because under the Aadhaar Act, there is a provision for revision, and if *mazdoors* and other people of MNREGA become very old, and if biometric is creating some problem, a special drive must be taken for revision of their biometrics. I want to tell him that I will surely do this. I have got his point.

Secondly, as far as point raised by Mr. Derek O'Brien is concerned, he mentioned about a specific case. I will have to enquire about it, and I want to assure him that I will get the facts on board and I will convey the reply to him.

As far as Mr. Vijayasai Reddy's point is concerned, he asked as to why an FIR can be filed only upon the authority of the UIDAI. There is a rationale behind it. Kindly understand that 113 crore Aadhaar cards are there, five lakh operators are there, all the State Governments and Central Government and municipal authorities are helping the Registrar. If we allow everyone to file an FIR, kindly understand the havoc that will be created in the system because the punishment is very hard. If a company wants to interfere in the UIDAI system, apart from three years imprisonment, it can be fined ₹ 10 lakhs. So, these are the heavy penalties. Therefore, first, the UIDAI must verify the complaint and then only, they should file an FIR.

Lastly, as far as Mr. Jairam Ramesh is concerned, I am sorry, I have my differences with him. I have not concealed anything. What the Supreme Court has said is very clear that these things only are allowed, and that only was before the law came into force. I repeat.

MR. DEPUTY CHAIRMAN: You have already said that.

SHRI RAVI SHANKAR PRASAD: Sir, I am only repeating. I do acknowledge the fact that I am a lawyer and I am also the Law Minister of India, and I hold the majesty of this Parliament with full authority, I would say that once Aadhaar Act has come into being, this will hold the field and we have respect for the Supreme Court also. Sir, I hope that I have replied to all the queries.

SHRI RIPUN BORA: Sir, I asked about Assam.

MR. DEPUTY CHAIRMAN: Why do you ignore Dr. Subbarami Reddy?

SHRI RAVI SHANKAR PRASAD: I will reply to him last. As far as Mr. Ripun Bora's point is concerned, I know that the problem is severe because in the infiltration-affected part, it was not done there, but Mr. Bora must understand that if an infiltrator takes Aadhaar, he can be tracked very easily and the subsidy can be stopped because he is verifiable. But I will take note of his concern for Assam. I will convey that to the authorities in Assam.

Now, as far as great Dr. T. Subbarami Reddy is concerned, it so happened one day that he gave me a very serious lecture on Aadhaar about what a game-changer it was. That was an important factor in helping me. I am extremely grateful to all the hon. Members.

MR. DEPUTY CHAIRMAN: Thanks to the hon. Minister for his reply to every point. It was an eloquent reply. You argued as if in a Court.

SHRI RAVI SHANKAR PRASAD: Thank you, Sir.

MR. DEPUTY CHAIRMAN: Now, message from Lok Sabha.

DR. T. SUBBARAMI REDDY: Sir, he has not complimented the Congress for introducing Aadhaar.

MR. DEPUTY CHAIRMAN: He did it. He complimented.

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