

## LOK SABHA

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### SYNOPSIS OF DEBATES\* (Proceedings other than Questions & Answers)

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Thursday, July 4, 2019 / Ashadha 13, 1941 (Saka)

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#### STATEMENT BY MINISTER

*Re: Medium of Examination for Direct Recruitment in Regional Rural Banks.*

**THE MINISTER OF FINANCE AND MINISTER OF CORPORATE AFFAIRS (SHRIMATI NIRMALA SITHARAMAN):** I beg to make a statement regarding Medium of examination for direct recruitment to certain levels in Regional Rural Banks. At present, there are 45 Regional Rural Banks (RRBs) functioning in the country having a total staff strength of around 90,000 employees. Institute of Banking Personnel Selection (IBPs) conducts Common Recruitment Process (CRP) for recruitment of Officers (Scale-I, II and III) and Office Assistants (Multipurpose) in RRBs on an all-India basis in English and Hindi medium. In the present system, candidates educated in local languages are at a disadvantage due to the medium of examination. Various references and

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\* Hon. Members may kindly let us know immediately the choice of language (Hindi or English) for obtaining Synopsis of Lok Sabha Debates.

representations have also been made and received suggesting, inter alia, to conduct the recruitment examination for RRBs in regional languages. The functioning of RRBs is State specific and rural focused and therefore, knowledge of the local language of that particular State or region would help the candidate in performing his duties effectively. Thus, with a view to provide a level playing field and to expand employment possibilities for local youths, it has been decided that the examination for direct recruitment for Officers (Scale-I) and Office Assistants (Multipurpose) in RRBs will be conducted in 13 regional languages in addition to English and Hindi. These 13 regional languages are Assamese, Bengali, Gujarati, Kannada, Konkani, Malayalam, Manipuri, Marathi, Oriya, Punjabi, Tamil, Telugu and Urdu. The candidates will, in addition to English and Hindi, also have the option to choose the regional language of the State that they have opted for, from among the above languages, as their medium of examination. This change shall be implemented from the Mains Examination of CRP RRB VIII, (2019) onwards.

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### **SUBMISSION BY MEMBERS**

*Re: Alleged derogatory remarks made against Tamils.*

**THE MINISTER OF DEFENCE (SHRI RAJNATH SINGH)** *replying to the issue raised by several hon. Members, said:* When the matter was raised in

Parliament by an hon. Member of Parliament with regard to a tweet made by the Lieutenant Governor of Puducherry, the MHA took its notice immediately. Thereafter, Lieutenant Governor of Puducherry had expressed deep regret. She has accepted it and said that what was written was a people's perspective shared in her personal capacity, as it came at a time when people were hugely suffering for want of water in Chennai. However, she admitted that it was avoidable and she should not have shared it in public in this manner. She has realized this and has deleted her tweet. She has also expressed her feeling by saying that she has the highest regard and warmth for the people of Tamil Nadu like she has for the people of Puducherry. She has no intention to hurt anyone's feeling. She deeply regrets if anyone's feeling has been hurt. In the light of the words expressed by the Lieutenant Governor, Puducherry, I would like to request the Members of this House to put this issue to rest.

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### **PANEL OF CHAIRPERSONS**

**HON. SPEAKER:** Hon. Members, I have to inform the House that under Rule 9 of the Rules of Procedure and Conduct of Business in Lok Sabha, I have nominated Dr. Kakoli Ghosh Dastidar as a Member of the Panel of Chairpersons.

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**\*MATTERS UNDER RULE 377**

- (1) **SHRI DILIP SAIKIA** laid a statement regarding battle of Pathorighat in Assam.
- (2) **SHRI RAJENDRA AGRAWAL** laid a statement regarding need to run Nauchandi Express, Sangam Express and shuttle trains running between Meerut and Delhi as per scheduled time-table.
- (3) **SHRIMATI RAMA DEVI** laid a statement regarding need to set up rural branches of nationalized banks in Sheohar Parliamentary Constituency, Bihar.
- (4) **DR. SANJAY JAISWAL** laid a statement regarding need to set up a Mega Food Park in Bettiah in Pachim Champaran Parliamentary Constituency, Bihar.
- (5) **SHRI SUNIL KUMAR SINGH** laid a statement regarding need to establish a Kendriya Vidyalaya in Barwadih in Latehar district of Jharkhand.
- (6) **SHRI GOPAL SHETTY** laid a statement regarding implementation of Union Government's development schemes by State Governments.
- (7) **SHRI VISHNU DAYAL RAM** laid a statement regarding need to construct a bridge on Son River between Srinagar in Jharkhand and Paduka in Bihar.

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\* Laid on the Table as directed by the Chair.

- (8) **SHRI JANARDAN MISHRA** laid a statement regarding damage caused to crops by stray cattle in Rewa Parliamentary Constituency, Madhya Pradesh.
- (9) **SHRI BHANU PRATAP SINGH VERMA** laid a statement regarding need to establish a Training Centre for Para Military Forces at Madhogarh in Jalaun Parliamentary Constituency, Uttar Pradesh.
- (10) **SHRI TIRATH SINGH RAWAT** laid a statement regarding wildfire in Uttarakhand.
- (11) **SHRI SUSHIL KUMAR SINGH** laid a statement regarding illegal sand mining from rivers in Aurangabad district of Bihar.
- (12) **SHRI RAMDAS TADAS** laid a statement regarding need to expedite Wardha-Nagpur broad gauge Metro Rail Project in Maharashtra.
- (13) **SHRI MANOJ RAJORIA** laid a statement regarding fast depleting ground water resources in the country.
- (14) **SHRI PARVESH SAHIB SINGH VERMA** laid a statement regarding reported drug menace in Delhi.
- (15) **SHRI HARISH DWIVEDI** laid a statement regarding need to revamp Sant Ravidas Van Vihar Park in Basti Parliamentary Constituency, Uttar Pradesh.
- (16) **DR. SHASHI THAROOR** laid a statement regarding need to improve tourism infrastructure in Thiruvananthapuram.

- (17) **SHRI ANTO ANTONY** laid a statement regarding need to upgrade infrastructure in Tiruvalla Railway Station in Kerala.
- (18) **SHRI HIBI EDEN** laid a statement regarding development of Edappilly-Moothakunnam stretch of National Highway 17 (new NH 66) in Kerala.
- (19) **SHRI A.K.P CHINRAJ** laid a statement regarding need to import Feed Grade Maize for Poultry farmers with Zero duty.
- (20) **SHRI PRATAPRAO JADHAV** laid a statement regarding need to establish a Kendriya Vidyalaya in Buldhana Parliamentary Constituency, Maharashtra.
- (21) **SHRI KAUSHLENDRA KUMAR** laid a statement regarding need to start new academic courses at graduate and post graduate levels in Nava Nalanda Mahavihara, a deemed university in Nalanda, Bihar.
- (22) **SHRI N.K. PREMACHANDRAN** laid a statement regarding need to provide a special package for coastal region of Kerala affected due to sea erosion.
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## STATUTORY RESOLUTION

*Re: Disapproval of the Aadhaar and Other Laws (Amendment) Ordinance, 2019 (No. 9 of 2019)*

**And**

### **THE AADHAAR AND OTHER LAWS (AMENDMENT) BILL, 2019**

**SHRI ADHIR RANJAN CHOWDHURY** moved that this House disapproves of the Aadhaar and Other Laws (Amendment) Ordinance, 2019 (No. 9 of 2019) promulgated by the President on 2<sup>nd</sup> March, 2019.

**THE MINISTER OF LAW AND JUSTICE; MINISTER OF COMMUNICATIONS AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)** *moving the motion for consideration of the Bill, said:* We have certain reasons for moving the Aadhaar and Other Laws (Amendment) Bill which are necessary to be shared with. In Puttaswamy case the Supreme Court held the right to privacy as fundamental right. Later on, it found the Aadhaar Act valid. At the same time, it indicated that certain changes are required to be made in the Aadhaar Act. For example, if a child become adolescent, his consent is required to be taken. Secondly, there should be an optional identification proof other than Aadhaar. Therefore, we constituted a committee under the chairmanship of the retired justice Srikrishna who made certain recommendations such as Unique Identification Authority should be made more effective, criminal penalty should be converted

into civil penalty and the character of the Authority should be autonomous. Most importantly, Aadhaar was used to get a SIM card under the Telegraph Rules and Circular. A provision in Income Tax was made thereby linking Aadhaar with PAN Card was made mandatory. Moreover, the linkage with Aadhaar was made mandatory even under the Rules made under the Prevention of Money Laundering Act. The change made in the income tax provisions was held valid by the hon. Supreme Court as it was made under a law. But the changes made in the Telegraph Act, Circular and the Prevention of Money Laundering Act were not held appropriate and hence the Supreme Court said that these laws are required to be amended. I will move an amendment, for which I am about to give a notice, regarding the subsidies which we provide from the Central Consolidated Fund under Section 7. A number of States have also requested that same provision should also be made for the State Consolidated Fund so that the beneficiaries could avail of the benefits from the subsidies provided by them also. This is why I moved that the Consolidated Fund of States should also be added to the Bill along with the Consolidated Fund of India. I have said earlier also that process of Aadhaar was started by other side but at that time Aadhaar was without any statutory support and hence we enacted Aadhaar law. This is our effort to amend it. It is incumbent upon us to tell you that 123.81 crore people out of the India's population of 130 crore have Aadhaar. I am happy to share with this House that 69.38 crore mobile phones are linked with Aadhaar. During the last five years, we



have disbursed Rs. 7.48 lakh crore through Direct Benefit Transfer and as a result of which we saved Rs. 1.41 lakh crore which used to go into the pockets of middlemen and cheats. Thus, the Aadhaar has proved its utility. At last, I would like to say that the country has accepted and supported the Aadhaar. I am also happy to share with the august House that the Aadhaar has been developed by the scientists of the entire India. Today, we have moved certain necessary amendments and I do feel that the entire House will support them.

**SHRI ADHIR RANJAN CHOWDHURY:** First of all, I vehemently oppose the way the Ordinances are being promulgated in a frequent manner. This Government has been resorting to the Ordinance route without any substantial rhyme or reason which would certainly be detrimental to the health of democracy. As far as this Bill is concern, there are many shortcomings in it and the hon. Supreme Court has also rebuked the Government in this regard. Government was violating the fundamental rights of the people and it was also interfering into their rights against which I have been raising my objections. Secondly, Government should pay attention towards bringing in Data Protection Bill but the Government is not willing to bring Data Protection Bill to keep us misguided. So, the Government should bring it. Aadhaar Bill should be presented. Government is also not giving priority to the privacy which is an integral part of our Fundamental Rights. Therefore, Government should mitigate its shortcomings so that terrorists and anti-national activists cannot harm our country by taking advantage of such

shortcomings. Therefore, I would again urge upon this Government to bring a comprehensive legislation including the Data Protection Bill so that the fruits of Aadhaar permeate the targeted population without infringing the institution.

**SHRI P. P. CHAUDHARY:** I rise to speak in support of this Bill. I would like to say that if there is anything which can be said to be the game changer from the year 2014 to 2019 and now in the second term, it has been the trinity of GST, IBC and Aadhaar. They have played pivotal role in bringing mobility and reform in the economy and Digital India. I would also like to State that this Aadhaar Act, 2016 and this Bill, if we see the combined spirit and the object of both, are meant for good governance, efficient, transparent and targeted delivery of subsidies, benefits and services. I would also like to say that today the Aadhaar is the largest identity project in the world. As far as the seeding of bank accounts are concerned, all these things are being carried out in order to make sure that the benefits trickle down to the poorest of the social spectrum. I would like to submit that the idea of Aadhaar was conceived in the year 2002. So it is the brain child of the Atal Bihari Vajpayee Government. An amount of Rs. 1,42,000 crore has been saved through direct benefit transfer enabled by Aadhaar. Thus, such a huge revenue which will be saved every year can be utilized for the welfare of the poor. The leader of the main opposition party alleged that the Supreme Court has reprimanded the Government. In fact, the UPA Government, without legislative backing, had set up an authority by an administrative order and had also given all the powers to it.

The doubts were bound to be expressed about it. Why did the then UPA Government not bring this proposal before the Parliament? It is has been categorically provided in the Article 21 that if the Government intends to enact such a law then it has to bring it in the Parliament. Therefore, the UPA Government violated the Article 21. The Congress leaders are levelling charges against the NDA Government without checking their facts. The NDA Government brought the Aadhaar Act, 2016 in consonance with the Constitution and all necessary safeguards have been provided therein. The Government welcomes the verdict of the Supreme Court in this regard because the Government also wants that the law should be enacted in accordance with the Article 21. The hon. Supreme Court has validated the entire Aadhaar Scheme. Aadhaar will not be handed over to the private sector and accordingly necessary amendments have been made in consonance with the decision and observations of the Supreme Court. The Supreme Court has also stated that the privacy is not a absolute fundamental right. Reasonable restrictions can be imposed on it as per the law and such a law should be enacted by the Parliament. QR Code and Virtual ID have enhanced the security aspect of the Aadhaar. An authority has been set up in accordance with Section 11 and Section 23 for protection of privacy. Therefore, the system has been made foolproof and there is no need for any concern. This Bill of 2019 is in consonance with the decision and observations of the hon. Supreme Court and in accordance with the constitutional mandate.

**\*SHRI D. RAVIKUMAR:**

**SHRIMATI MAHUA MOITRA:** This Bill violates the Supreme Court judgement. There is a complete lack of transparency and there is a lack of public consultation and scrutiny by the Parliamentary Committee. This Bill strikes at the very heart of the primacy of an individual and the privacy of an individual's data. This is what the Supreme Court also said. In this Bill as specified by regulation has been used on more than 11 places but at the same time it has also been said that regulation is an administrative matter of procedure and it is not practicable to provide for it in the Bill itself. In Section 2, the Government is talking about the alternative virtual identity but where is the question of coming up with another alternative virtual identity? Is this not another way to just bypass the Supreme Court judgement which struck down clause 57? In Section 2 (aa), the Government says that Aadhaar ecosystem includes enrolling agencies, Registrars, requesting entities, offline verification-seeking entities and any other entity as may be specified by regulations but regarding delegated legislation yet again the Government says this is not practicable to put in the Bill. What if the ecosystem fails? The Government says that there are alternatives and viable means and will be specified by law but they have not been specified in the Bill. As far as privacy and security are concerned, there is no data protection Act available. This is a classic case of cart before the horse. In Section 5,4(a)(ii) when the Central

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\* Please see supplement.

Government thinks of anything that is in the interest of the State, they can speak to the Aadhaar Authority and decide. The idea of Aadhaar was not to be acquisitive. The idea of Aadhaar was a means to give services to the poor and to distribute subsidy. Now, Aadhaar has become a way to get information for private entities. The clause 5 (4)(a)(iii) completely flies in the face of the recommendation of the Justice Srikrishna Report because it says that the Central Government in consultation with the authority in the interest of State can do anything. By amending the PMLA, the Government assumes that every law-abiding citizen is a money launderer. As far as offline verification is concerned, why should an individual give an alternative identity in the hands of private individuals? Why Sections 37 and 38 are not applicable to the individuals and why do they have no recourse if their data has been hacked from the Central Data Repository. By amending the parent Act, the Government is completely changing the substratum of the judgement. We urge the Government that please open this to public consultation and have the closest scrutiny by referring this Bill to the Standing Committee.

**SHRI SRIDHAR KOTAGIRI:** I commend the Union Government for clearly aiming to omit the controversial sections on use of Aadhaar by corporate and private entities. No State in the world should directly or indirectly compromise the privacy of individuals' sensitive information. This Bill attempts to create much needed regulatory framework, enforcement capabilities and penalising

powers for the Unique Identification Authority of India. Layers of encryption are being added to conceal the Aadhaar number and its data sets. The idea of informed consent and protection of children by their guardians until adulthood are measures of a good public policy. The Bill states that no citizen will be denied services for want of Aadhaar verification. This Bill decentralises funding by creating the UIDAI Fund. All these are positive things. But, the Government should also be aware of the lurking dangers of our times like data theft. I would like to suggest the Union Government to incentivise independent security researchers to report data weaknesses for monetary rewards and domain recognition. I fully support this Bill and amendments made in it.

**SHRI PINAKI MISRA:** What the Government is really doing is tinkering with the law. It is a new law. As this law distils and crystallises, we will see that many more amendments will come about. But, the fact is that the law is now upheld and the constitutionality is upheld. Therefore, now, there is no question of going back on Aadhaar. Aadhaar is a good law and that is the first thing that we have to acknowledge. The Odisha Government has benefited from it by weeding out lakhs of undeserving persons from the various welfare schemes. The basic sentiment of a certain section of this House seems that the Data Protection Bill, should be brought in simultaneously. That sentiment is not unfounded as we are suffering from some practical problems because of the absence of this Data Protection Bill. We are supporting the Government on this very important Bill.

**SHRI RITESH PANDEY:** I oppose the Aadhaar and other Laws (Amendment) Bill because without a robust data protection Bill, it is an irresponsible legislation. While we can't have in this country an ad hoc legislation that simply determines when privacy will be accorded legal protection in the form of various laws, what we don't have is a comprehensive and an exhaustive definition of what constitutes as private data of the citizen. Only when we will have a robust data protection law, can we begin to safeguard citizens' private data, and the rights and ownership over their private data. Until such legislation is in effect, even a voluntary or consensual use of Aadhaar data by private players is a gross infringement of privacy. The Government has attempted to reintroduce access to Aadhaar data, which was determined unlawful by the hon. Supreme Court in 2018. This attempt of legalising breach of citizens' data in the name of national security is dangerous as it allows the Government to infringe the Fundamental Right to Privacy as guaranteed by the Constitution.

**SHRI AJAY MISRA TENI:** Through Aadhaar Act, 2016, an effort had been made to provide unique identity to every citizen of the country residing in India by equipping them with a 12 numeric UID. For want of a unique identity of people a number of schemes whether it be subsidy, or pension was being grossly misused. On coming to power in the year 2014, it was a big challenge facing us as to how to ensure that the subsidy provided by the Government reaches the genuine persons who are yet to be benefited. One can raise questions with regard to the

Aadhaar, but it has contributed immensely in identifying the beneficiaries and streamlining the facilities to them. It also has helped India to lead the world on the digital front. With the help of Aadhaar, the Government has been able to lay the foundation of new India and open up new opportunities. I will conclude with a request to all the hon. Members to pass this Bill unanimously.

**SHRIMATI SUPRIYA SADANAND SULE:** I stand here on the day the Economic Survey has just been published. The Economic Survey gives you the vision of the Government. It has been said that the private sector may be granted access to select databases for commercial use. At least a part of the generated data should be monetised to ease the pressure on Government finances. It is completely in contradiction with what the hon. Law Minister of India has said here. I want a clear clarification in this regard. The London School of Economics and the McKenzie's have shown great loopholes of privacy in this. The Government should have brought the data protection Act. The Government should not make it mandatory. It is almost becoming like a police state. The Government says that they have saved over a lakh crore rupees. I really want to know where he has got this figure from. If Aadhaar is so effective and you are serving so many lakhs of people, how are there so many malnutrition deaths in this country? I think, this is all a hoax. I would just like to request the Government not to misuse our information.



**SHRI P.K. KUNHALIKUTTY:** We are not against the Bill. These reforms were initiated by the UPA earlier. But the question connected with the use of technology is that of privacy and transparency. The full Bench of the hon. Supreme Court had recommended that we should not make it mandatory. But the Government has not cared about it. The Government should have brought the Data Protection Bill along with this Bill. The Government should have taken into consideration the dangers that the leakage of data can create. In that spirit, I oppose this Bill.

**SHRI MANOJ TIWARI:** Before the Aadhaar card came into existence, there were 80 million people in our country who had been receiving all the benefits including subsidies, but they were never born. The Government has saved around Rs.90000 crore by resorting to direct benefit transfers through Aadhaar. The Aadhaar number has helped the hon. Prime Minister to fulfil the expectations of the people. The Aadhaar card is the biggest enemy of corruption. I, therefore, support the amendment Bill to stop the menace of corruption.

**SHRI KAUSHLENDRA KUMAR:** The Aadhaar has greatly benefited the poor people. With the introduction of Aadhaar card, even the deprived sections of society are now able to access public services easily. Aadhaar card will give a fillip to the digitalisation process in our country. There are enough safeguards against the possible misuse of the Aadhaar data and no one can steal data. I, on behalf of my party, support this Bill.

**SHRI P. R. NATARAJAN:** The amendment Bill violates the Supreme Court's decision on the Aadhaar project and puts the data and privacy of Indian residents into jeopardy. Lack of transparency, public consultation and scrutiny by any Parliamentary Committee are all glaring omissions. According to the Government, it is voluntary in nature, but all the Government organisations including Reserve Bank of India says that it is mandatory. All these amendments are meant to benefit the private managements. Privacy and security concerns related to Aadhaar remain unaddressed. A special law like the personal data protection law must be there. A public consultation is not properly done by the Government.

**SHRIMATI ANUPRIYA PATEL:** This Bill intends to amend the Aadhaar Act, 2016, the Indian Telegraph Act, 1885 and the Prevention of Money-laundering Act, 2002. The Supreme Court held that the right to privacy is a fundamental right under Article 21 of the Constitution. It banned mobile service providers and banking service providers to use Aadhaar authentication without a law permitting to do so. It was in the background of these developments that the new Aadhaar (Amendment) Bill has been brought by the Government. It makes important provisions which says that now an individual may voluntarily use his Aadhaar number to establish his identity either by Aadhaar authentication or by means of an offline verification. In the case of a child's enrolment, the agency has to necessarily seek the permission of the parents and once the child attains the age

of 18 years, he may even cancel his Aadhaar number. The third important provision is, the mobile service providers or the banking companies can verify the identity of their clients by using three important documents. It could be Aadhaar authentication or passport or any other document notified by the Government of India. The only two options that we are left either Aadhaar authentication or passport. If an individual does not have a passport also, he or she would have the only option of Aadhaar authentication. Further, the Supreme Court has said that Aadhaar authentication data should not be retained for a period of more than six months whereas Aadhaar regulations do not specify any certain duration. As per the Bill, biometric information includes finger prints, photographs and iris scans. As per the Bill another category or types of biometric information can only be decided by the UIDAI. I wish to say that the other categories of biometric information must be prescribed by Parliament and not by the UIDAI. A committee under the Chairmanship of Justice B.N. Srikrishna suggested a draft Data Protection Bill. I wish to know whether the Government has any intention of introducing that Data Protection Bill. I support the Bill.

**SHRI SANJAY KAKA PATIL:** Aadhaar will act as a tool to find a solution to the problem of identification on various counts. This will arm the Indian citizens with a digital identity. This will put a check on the misuse of public funds and the underlying corruption, this would considerably help in identifying the foreign infiltrators residing in the country illegally which has given a rise to

tension in several States. Aadhaar would mother a paradigm shift in the functioning of Indian trade and commerce as well as the functioning of the Government machinery including ushering in a new revolution in the Banking system. This will essentially prove to be very useful in ensuring the availability a host of facilities to the citizens of the country. Besides, this would further strengthen the concept of our being a welfare State. Direct Benefit Transfer has considerably contained the incidence of corruption.

**SHRI MANISH TEWARI:** This Amendment Bill provides a very good opportunity to revisit the founding principles of the entire Aadhaar programme. On the 28th of January, 2009, the then Government came out with a Notification creating the Unique Identification Authority of India. That notification listed 13 objectives which the UIDAI was supposed to achieve. The Government decided to pick one of them for delivery of various services. The germane question whether this Amendment Bill actually gives effect to the judgements of the Supreme Court. One very salient aspect of that judgement which has been overlooked in the Amendment Bill is the Right to be forgotten. This Bill gives the child the right that when he attains majority, he can possibly have his Aadhaar Card or his Aadhaar identity cancelled. The question is when that right is available to a child, why is that right not available to an adult? Right to be Forgotten must also form a part of the Aadhaar Act. The Aadhaar Act provides for oversight by the Government in case of release of Aadhaar data. The Supreme Court in its judgement has called

for judicial oversight. 'Why can this not be substituted by Parliamentary oversight? The Bill mandates that the decision of the adjudicating officer, who is a Joint Secretary rank officer of the Government of India, should actually be subject to an appeal before the TDSAT. 'Why doesn't the Government make the decision of the adjudicating officer subject to the writs jurisdiction of the court'? The TDSAT is already overloaded with multifarious functions. My two most fundamental objections pertain to Clause 24 and 25 that seeks to amend the Telegraph Act and the Prevention of Money Laundering Act. If data is the new oil what stops the Government from becoming a data refinery?

**DR. SHRIKANT EKNATH SHINDE:** In the wake of rolling out of Jan Dan Yojana, there followed the linking of Aadhaar with bank accounts which prove to be milestone in bridging the gap between the Government and the common man. The issue of privacy and security related to Aadhaar has been resolved to a great extent and a severe check has been carried out to check the misuse of privacy of data. A new number linked with Aadhaar number would be sufficient to conceal the original Aadhaar number. Doubtless, the introduction of Aadhaar has brought transparency in the delivery of services and leakages have been stopped. It is only due to Aadhaar that the benefits directly reach the beneficiary. Compliance through Aadhaar is now voluntary but most Indians are not aware of it. Data leaks are a gold mine for criminals who now use sophisticated hackers. I urge upon the Government to take note of this aspect and

would suggest that data stored by mobile companies or by any other agencies should be permanently deleted.

**\*SHRI M SELVARAJ:**

**SHRI P. RAVEENDRANATH KUMAR:** I wholeheartedly support this Aadhaar and Other Laws (Amendment) Bill, 2019. The issue of Aadhaar card was conceptualized a decade before but it has been implemented effectively only after the year 2014 by our hon. Prime Minister. Aadhaar is now backed by a robust and healthy law. This Act is playing a significant role in linking the physical with the digital to facilitate seamless delivery of services in a transparent manner. The delivery of welfare measures and benefits directly to the bank accounts of the poor under the DBT, have led to a saving of Rs.1.41 lakh crore during the past five years. The move is aimed at making Aadhaar ‘people friendly’. In view of these good features, I support this amendment.

**SHRI ASADUDDIN OWAISI:** I stand here to oppose the Bill. The Supreme Court has said that the private entities cannot get the Government data. This Government is favouring private industry and commercial profit rather than protecting the privacy of individuals. This Bill also shows us the ill effects of electoral bonds. Let us see Clause 24, which amends Section 4 of the Act. This completely violates the fundamental rights, the right to livelihood, the right to equality and everything. The Government says that it is ‘voluntary’, I want to say

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\* Please see Supplement

that it is not 'voluntary'. Bill says that the relevant entity shall identify clients. You want to help private entities. Bringing Clause 8 in the Bill means you are decreasing the powers of Parliament. Why are you doing it, the Parliament is sovereign? Why are you bringing down dignity of this august House? This online and offline verification will lead to fraud. Clause 5 violates the judgement of the Supreme Court mentioned at Page 387. Clause 18 violates paragraph 409 of the judgment. So, this is unconstitutional.

**SHRI RAM MOHAN NAIDU KINJARAPU:** I do not think that there is any discussion on what the Aadhaar is intended to do. It was for the betterment, for the efficiency and transparency in the way the Government wanted to disburse its funds to the poor and rendering of Government services or money reaching the poor. How much of the Supreme Court judgement is being translated into this Bill, is not shown clearly. The other Members have also mentioned that the Data Protection Act is the need of the hour. What happened is that to save our constitutional right to privacy, people have to go to the Supreme Court to protect it. That is why I appeal to the Government again to re-deliberate this whole thing. Now the data is being monetized. You can sell the data. This is the intention of the Government. We need to give the confidence to the citizens of India, not to any private company in this country.

**SHRI RAMESH BIDHURI:** Aadhaar means targeted delivery of financial and other subsidies, benefits and services. Justice B.N. Krishna Committee was

constituted on 27<sup>th</sup> July, 2018. The Committee had recommended some important amendments to the Aadhaar Act in its report. Aadhaar is for free and fair digital economy, protecting privacy and for empowering Indians. Today, 1.20 crore people have been provided Aadhaar cards. This has facilitated delivery of subsidy directly to the poor. Hon. Supreme Court in its judgement has said for protecting the privacy of individuals under Article 21 of the Constitution which is a Fundamental Right of a citizen. This is clearly mentioned in this Bill. Therefore, I support this Bill.

**SHRI N.K. PREMACHANDRAN:** I rise to oppose both the Ordinance as well as the Bill because it basically violates the fundamental Rights of the citizens of the Country. Article 21 of the Constitution provides that no person shall be deprived of his life and personal liberty. The Constitutional validity of Aadhaar Act, 2016 was accepted by the Hon. Supreme Court on two grounds. One is, obtaining the consent of the guardian or father of the children who are being enrolled in the Aadhaar list and the second is, which is very important, providing for informed consent for authentication. The use of Aadhaar data can only be limited to the purposes permitted by law. Therefore, this Bill should comply with the principles of natural justice. I would like to urge upon the hon. Minister to send this Bill to some Standing Committee or Select Committee. The Ordinance violates the Supreme Court judgement. The judgement explicitly prohibits the use of Aadhaar by private parties. Privacy and security concerns related to Aadhaar



remain unaddressed. The Ordinance re-opens the door for commercial exploitation by private companies. The Bill gives greater power to Unique Identification Authority of India (UIDAI) with lesser accountability. The Supreme Court has directed to have the judicial review but here it is missing. The Government has to come up with a data protection law. It is unfair and unconstitutional. Hence, I oppose this Bill.

**SHRI HANUMAN BENIWAL:** The Hon. Supreme Court had banned the mandatory use of Aadhaar with the direction to enact a new law. The Aadhaar should not compromise the privacy of common man. This Bill will curb corruption and help collect crime data. This has enabled lakhs of poor people to access Government services. Aadhaar conforms with the best international standards and there is a provision of bio-metric locking for enhanced security. Aadhaar has facilitated direct benefit transfer to the tune of Rs.7.3 lakh crore into the accounts of beneficiaries. The Government saved Rs.1.4 lakh crore. If any company leaks any data, there is a provision of fine of rupee one crore. This Aadhaar Bill will be very beneficial to the people of the country.

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**SNEHLATA SHRIVASTAVA**

*Secretary General*

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\*\*Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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