

RAJYA SABHA

***SUPPLEMENT
TO
SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Monday, July 08, 2019 / Ashadha 17, 1941 (Saka)

I. STATUTORY RESOLUTION

**Disapproving the Aadhaar and Other Laws (Amendment)
Ordinance, 2019 (No. 9 of 2019) - *Contd.***

II. GOVERNMENT BILL

The Aadhaar and Other Laws (Amendment) Bill, 2019 - *Contd.*

SHRI ASHWINI VAISHNAW, making his maiden speech, said: I support this Bill. I have served in many districts of Odisha. I served the people with great humility. We all know that how much subsidies were being received by the beneficiaries. Such practice was there for a long time in spite of presence of system, means and technology. Political will was not there. Nobody had the courage to take on the giant of corruption. We all were responsible for that. I can say with pride that today our mistakes are rectified due to Aadhaar. It is a good effort to change the system. You can see the number of beneficiaries of LPG connections, Ration Cards, NSAP etc. Aadhaar Act completely follows the triple test laid down by the Supreme Court and the Shrikrishna Commtee. If Aadhaar Act is to be implemented,

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there should a legal backing, there should a legitimate State interest and there should be proportionality. Data security is necessary and there are limitations on collections, use, purpose and sharing of data. I must say that data collection is purpose-blind. This data is secure enough. There are a number of schemes for poor people such as Ayushman Bhart Scheme, Jan-Dhan Yojna, Ujjwala Yojna etc. The present generation has a confidence that any big thing can happen today. Our Prime Minister is fully dedicated to bring qualitative improvement in the life of poor people.

SHRI ANIL DESAI: I support the Bill. The Supreme Court has also upheld the constitutional validity of the Aadhaar Act with certain restrictions. With over 122 crore Aadhaar numbers having been issued and with widespread use of Aadhaar as a proof of identity for various purposes by the Government of India, State Governments and other entities, it is essential to have a regulatory framework for operation of Aadhaar. The Unique Identification Authority of India created under the Aadhaar Act, therefore, must have powers similar to that of a regulator for taking enforcement actions. The Aadhaar Act, in its present form, does not empower the Authority to take enforcement action against errant entities. This needs to be addressed with a view to protect privacy and also ensure autonomy of the Authority. Aadhaar has proved to be an important and all powerful tool to bring transformation in the governance and empowerment of people and also bring transparency in delivery system and stoppage of leakages. Because of application of Aadhaar, benefits and schemes directly reach the beneficiaries. So, it is that important document which has come as a beneficial document to the people of India. If data protection is taken care of, I think Aadhaar is a foolproof, the most wanted and the most needed legislation which will really help the economy.

SHRI T.K.S. ELANGOVAN: I oppose this Bill because this Bill is brought just to supersede the judgment of the Supreme Court. Section 57 was removed but an amendment to the Indian Telegraph Act was introduced. The Government should see and ensure that the order of the Supreme Court is still supreme and it should be respected. If the Government does things like this just to circumvent the order of

the Supreme Court, in the long run, it is very bad. I also recommend that this Bill be sent to a select committee of the Parliament for further discussion and to eliminate any other issues in this.

SHRI V. VIJAYASAI REDDY: In September, 2018, the hon. Supreme Court had struck down Section 57, which allowed sharing of Aadhaar data with the private entities, saying that it is deemed unconstitutional. Therefore, the telecom companies or e-commerce companies cannot request companies for authorization using Aadhaar data. The Supreme Court has categorically stated that the Data Protection law should be introduced first and passed by the Parliament and thereafter the amendment to the Aadhaar Act. So, this is nothing but circumventing the judgment of hon. Supreme Court. Government should assure this august House that the data that is being given to the private entities for offline authentication would not be misused.

SHRI BINOY VISWAM: I oppose the Bill. The State's surveillance is going to come on everybody in this country. On all Indians living in this great country, State would have a leverage to have a look into their biometric data. Politically, that is a very sensitive issue. In a democracy, where the rule of law is in prevalence, this cannot be approved. Economically, this data which you collect would not be safe with you. Government is still saying that a day would come when we will have a Data Protection Act. By the time you come with Data Protection Act, all the data you collected, will reach them and the Act will be of no use. A very poor adivasi from Odisha died of starvation. For the last three months, he was refused to give his ration because of Aadhaar. Poor people are often denied of their rightful ration. Both the rich and the poor are equally concerned about their data. They are concerned very much about their privacy and privacy is uncompromisable. The Government is violating the human rights. They are talking against the poor but pretend that their activities are for the poor. The Minister talked about DBT. The Government is transferring benefits but not for the poor. This Bill is your tool to hide your real face, your class interest. You are cheating the poor. Hence, we, the Communists oppose it.

SHRI SANJAY SINGH: Aadhaar is an important issue. A girl child had died of starvation in Simdega district of Jharkhand because the ration shopkeeper had denied her giving ration as the aadhaar was not linked with ration. After the data leak of Mr. Mahendra Singh Dhoni, somewhere you have started accepting yourself that any person's personal information, his entire data can be leaked from a Aadhaar centre and that is why you have blacklisted that centre. You have made aadhaar compulsory in every thing. Already 88 crore bank accounts and 70 crore mobile phones have been linked to aadhaar card. All the data of a person, his personal information, from bank accounts to all the details can be leaked whenever it may and anything can happen with him/her. Therefore, by introducing the Data Protection Bill, first it should be ensured that how personal information of people will be protected. After that, bringing this bill may be a more meaningful and relevant step.

SHRI SHIV PRATAP SHUKLA: This is an important bill. This bill creates a more robust mechanism for the public, to serve the poor and prevent misuse of aadhaar. After this amendment, no person can force to make the aadhaar number available as evidence for the purpose of establishing the identity. No agency will collect either the data of the aadhaar nor will provide the information to anyone else in this regard. It will be completely safe after the passage of this bill. If any deficiency is left in any way, this bill has been brought to remove it. At the same time, on the basis of Aadhaar, the person will get a PAN, i.e., both of them will be linked to each other. It cannot be said that we have not corrected the provisions of Aadhaar. This is the kind of law that we are making today to give justice to our people. In the UK also, national insurance numbers, NIN is used for all important services. The reality is that to connect the poor of this country, to link them with a public wealth account, to fully link them with banks and to secure them, to protect them, to protect and give them one-on-one rights, the 'base' is being legalised. If the 'currency loan scheme' is being availed by the people today, it is because of Aadhaar. I support the Bill moved by the hon. Ravi Shankar Prasadji in the House.

THE MINISTER OF LAW AND JUSTICE, THE MINISTER OF COMMUNICATIONS AND THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD), replying to the discussion,

said: The first thing that we did was to give Aadhaar a legal basis, we are in Parliament, it should not be made a court. The people of the country have given universal right to both the Houses to make laws. Parliament has the right to terminate the decision by removing the basis of the judgement. We have given full respect to the Supreme Court. If there is Rs.1 lakh, 41 thousand crores saved in the DBT amounting rupees 7 lakh 48 thousand, then this is tax payer's money or not. If the fake ration cards of Rs 2.98 crore are noticed, you tell us that this is not a good thing. I think there are a lot of confusion about Aadhaar. Today, out of the 123 crore people of India the prominent scientists have made this Aadhar. We verify 2.88 crore Aadhaar every day. It's safe. There is 256 bit encryption for the bank's data, 2,048 bit encryption for Aadhaar data. In fact this is Section 29 of the original Act which we had passed. According to it, mark of fingers and impression of iris will be never shared. If it is necessary for the national security and a court orders to issue it, then it will be shared. Thus the complete security of the data has been arranged. The Supreme Court's judges are honorable but they should not use words like constitutional fraud. Bill Gates, Thomas Fried Man and others have achieved tremendous success in the digital field. He has also praised Aadhar. Carnegie Mellon University has also praised Aadhar. The United Nations' Digital Development Report is saying that Aadhar will save \$ 11 billion every year. Section 7 is the core provision of the Aadhar Act and this provision meets the conditions of Article 110 of the Constitution. Aadhar is not exclusion. The right of foodgrains to the poor will never taken away. When money comes from the consolidated fund, Aadhar card is mandatory. One thing was said why the telephone and the Money Laundering Act was linked? It was said that Aadhar should never be compulsory for a SIM card. Now, it comes to banking. If 69 crore people want to stop the money laundering in this country, I have no problem in connecting my bank account with my Aadhar. There is a special programme for the digital

literacy of six million Indians. About 2.5 million people have been digitally educated already. There are common service centres in the country. The number of common service centres was 80 thousand, which has been increased to 3.5 lakh. In these centres, 12 lakh boys and girls are working. They provide different types of services.

Hon'ble Prime Minister of India trusted that ordinary Indians can change their life with the power of technology. That is digital India and the people have responded and so many people have become digitally literate. Do not underestimate the strength of the people of the country. We are not touching the architecture of Aadhaar. We are only changing the concerned law because the Supreme Court said that since the government has brought SIM card provision by a Rule and that too mandatory, the government must come with a proportionate law. It has said that we are doing dictatorship. We need to respect the mandate of the people of India that a poor family-born, Narendra Modi ji has metamorphosed the country's poor for development. A lot of questions were asked about the data protection law. Work on the data protection law is in progress. The government is going to come up with a very comprehensive data protection law. Justice Srikrishna has given a very good report. First, the Report came and thereafter, the Supreme Court judgement on privacy came. Then, we decided that we should have further stakeholder consultations by putting it up on the website. Data sovereignty is integral to us. That shall never be compromised as far as India is concerned. India is producing some of the biggest data in the world. India should become a big centre of data analysis. India must become the centre of data refineries. we have to have a proper balance of data availability, data anonymity, data innovation, data utility, data privacy and data security. The judgement of the Supreme Court said that Aadhaar does not violate privacy. It has been said very clearly. There are proper protection security walls available in the Aadhaar ecosystem whereby these can't be invaded. The Supreme Court also said that UIDAI also needs to be reinforced. That is also a recommendation of the Srikrishna Committee. Therefore, with this amendment, we are also giving the power. A lot of questions had been raised about private telecom companies. Neither core biometric

information nor the Aadhaar number of the person shall be stored. If they store it, they would be fined one crore rupees, and ten lakh rupees daily in the event of non-payment, and seven years of jail. 'Aadhaar' is a huge achievement in the country. We need to have the widest consultation of data protection. They talked about the GDR of the European Union, which is troubling the whole world. During a lecture at Stanford University, many professors said that India's data protection law is being eagerly awaited because India is a democracy and a country of reforms and empowerment. Therefore, this country's data protection law would become a beacon for the whole world. The authority of 'Aadhaar' will remain preserved within this law like a fiduciary trust. Under the Data Protection law, like other entities, the UIDAI will also have the same restrictions. Under this law, we wish to secure the entire strength of the country's data as a real platform to be globally followed. I think it should be passed by the whole House.

I. The Statutory Resolution was negative.

II. The motion for consideration of the Bill was adopted.

Clauses etc. were adopted.

The Bill was passed.

Desh Deepak Verma,
Secretary-General.

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**ERRATA TO THE SYNOPSIS OF DEBATE
DATED 08th JULY, 2019**

Page No.	Line No.	Correction
354	4	Add ", THE MINISTER OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF EARTH SCIENCES" after "WELFARE".
365	19	Read "fake" for "fraudulent".