

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(DEPARTMENT OF ELECTRONICS & INFORMATION TECHNOLOGY)

RAJYA SABHA

STARRED QUESTION NO. *152
TO BE ANSWERED ON: 11.03.2016

LEGISLATIVE SANCTION FOR AADHAAR

***152. SHRI RAJEEV CHANDRASEKHAR:**

Will the Minister of Communications & Information Technology be pleased to state:

- (a) whether it is a fact that Aadhaar programme is world's single largest biometric database and is operational without legislative sanction and, therefore, without legislative safeguards for individual data privacy and protection;
- (b) if so, whether Government intends to review and re-introduce the UIDAI Bill in Parliament to ensure that the programme is subject to adequate Parliamentary scrutiny with legislative sanction; and
- (c) if so, the details thereof and if not, the reasons therefor? ”

ANSWER

MINISTER FOR COMMUNICATIONS & INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (c): A statement is laid on the Table of the House.

**STATEMENT REFERED TO IN REPLY TO RAJYA SABHA STARRED QUESTION
NO. *152 REGARDING LEGISLATIVE SANCTION FOR AADHAAR**

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(a): Yes, Sir. The Aadhaar Scheme is the largest biometric based identity programme in the world seeking to provide a unique identification number to more than 121 crore residents of India. The Aadhaar biometric system design has followed global best practices and in designing Aadhaar biometric system, existing state-of-the-art biometric systems were reviewed, the world's top biometric experts from universities were consulted, proof of concept study was conducted and biometric system built that is currently considered to be state of the art and world's best.

While the enrolment process for generation of Aadhaar had begun in September 2010 and the very first Aadhaar number was generated, the 'National Identification Authority of India Bill, 2010' was introduced in the Rajya Sabha in December 2010. Thereafter, the Government, pursuant to considering the Report of the Standing Committee, had moved the Official Amendments to the NIDAI Bill during the Winter Session, 2013. However, the same could not be taken up for discussion.

The absence of specific legislation on Aadhaar however does not mean that resident data is insecure or no legal support is available to UIDAI. The extant legal framework, ensuring protection of resident data is as given below in brief:

(i) Indian Penal Code.

(ii) Information Technology Act, 2000, as amended:

- (a) Section 66C - Punishment for identity theft
- (b) Section 66D - Punishment for cheating by impersonation using a computer resource
- (c) Section 72 and 72A - Breach of confidentiality and privacy and Punishment for disclosure of information in breach of a lawful contract

(iii) Other laws:

- (a) Credit Information Companies (Regulation) Act, 2005 contains privacy principles to be followed and consequences for breach.

(a) and (c): To bring the legislation, in line with emerging issues related to Aadhaar and Aadhaar Project, the Government has introduced 'The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 in the Lok Sabha on 03-03-2016 and subsequently, the National Identification Authority of India Bill, 2010 has since been withdrawn from the Rajya Sabha. Legislative initiatives are underway to get the introduced Bill, be considered by the Parliament and passed at the earliest.
