



सत्यमेव जयते

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MEMBER OF PARLIAMENT  
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Co-Chairman, Vigilance & Monitoring Committee, Bangalore Urban District  
Vice Chairman, National Military Memorial Management Trust, Bangalore

March 15, 2016

Dear Secretary General,

I hereby give notice of my intention to move the attached Amendments to Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 during the 238 Session of the Rajya Sabha.

Thanking you,

Yours Sincerely,

RAJEEV CHANDRASEKHAR  
Division No. 51

The Secretary General  
Rajya Sabha  
Parliament of India  
New Delhi



## Proposed Amendments to the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016

### PREAMBLE

1. That at Page 1, for the words "to individuals residing in India", the words "to those citizens who are eligible" be substituted.

*Explanation - The subsidies, benefits and services which are incurred from the Consolidated Fund of India should only be received by citizens of India.*

### CLAUSE 2

1. That at Page 2, line 17, the words "or other such biological attributes of an individual as may be specified by regulations" be deleted.

*Explanation - The Authority should not have the discretion to expand the elements within this definition, thereby collecting more data than necessary.*

2. That at Page 2, line 25, the words "or other such biological attributes of an individual as may be specified by regulations" be deleted.

*Explanation - The Authority should not have the discretion to expand the elements within this definition, thereby collecting more data than necessary.*

3. That at Page 2, line 28, the words "and other relevant information" be deleted.

*Explanation - The Authority should not have the discretion to collect more data than necessary.*

4. That at Page 2, line 33, after the word "collecting", the words "and verifying" be inserted.

*Explanation - The enrolling agency should be responsible for the veracity of the data it is collecting from the individual enrolling for the Aadhaar number.*



5. That at Page 2, line 36, after the word “collect”, the words “and verify” be inserted.

*Explanation - The Authority should be responsible for the veracity of the data it is collecting from the individual enrolling for the Aadhaar number.*

6. That at Page 3, line 9, for the words “individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment”, the words “individual who is a citizen of India, as per the provisions of The Citizenship Act, 1955, and satisfies additional criteria as may be specified by the Central Government from time to time” be substituted.

*Explanation - The subsidies, benefits and services which are incurred from the Consolidated Fund of India and linked to the Aadhaar number should only be received by citizens of India.*

### CLAUSE 3

7. That at Page 3, line 22 and 23 be deleted.

*Explanation - Only citizens of India may be entitled to be enrolled for an Aadhaar number.*

### CLAUSE 4

8. That at Page 3, line 40, 41 and 42 be deleted – i.e. delete Clause 4(3)

*Explanation: The Aadhaar number should not be used as proof of identity of the Aadhaar number holder for any purpose, except receipt of subsidies, benefits and services. Refer to amendments to Clause 9 of this Bill.*

### CLAUSE 5

9. That at Page 4, line 4, after the word “regulations” the words “subject to section 3(1)” be inserted.

*Explanation: The subsidies, benefits and services which are incurred from the Consolidated Fund of India should only be received by citizens of India.*



#### CLAUSE 7

10. That at Page 4, line 11, for the words "State Government may for the purpose" the words "State Government only for the purposes" be substituted.

*Explanation: The subsidies, benefits and services which are incurred from the Consolidated Fund of India should not be expanded to include other services within the ambit of the Aadhaar system in the future.*

#### CLAUSE 9

11. That at Page 4, line 41, after the word "citizenship" the word "identity" be inserted.

*Explanation: The Aadhaar number should only be used for the purposes of identifying the Aadhaar number holder for the receipt of subsidy, benefit or services.*

12. That at Page 4, line 41, after the word "holder." the words "except for receipt of subsidy, services and benefits as under section 7(1)." be inserted.

*Explanation: The Aadhaar number should only be used for the purposes of identifying the Aadhaar number holder for the receipt of subsidy, benefit or services.*

#### CLAUSE 11

13. That at Page 5, line 4, for the words "the processes of enrolment and authentication", the words "all aspects of enrolment, verification, authentication, data security, data integrity, privacy" be substituted.

*Explanation: This is to expand the responsibilities and obligations of the Authority to include all aspects of enrolment, verification, authentication, data security, data integrity, privacy.*

#### CLAUSE 23

14. That at Page 8, line 7, after the words "numbers" the words ",for verifying, enrolling, issuing, maintaining Aadhaar numbers, being responsible for all aspects of data security and data integrity' be inserted.

*Explanation: This is to expand the responsibilities and obligations of the Authority to include all aspects of enrolment, verification, authentication, data security, data integrity, privacy.*





15. That at Page 8, line 13, after the word “collecting” the word “and verifying” be inserted.

*Explanation - The Authority should be responsible for the veracity of the data it is collecting from the individual enrolling for the Aadhaar number.*

16. That at Page 8, line 21, for the words “as may be specified by regulations” the words “that data integrity and privacy, are maintained” be substituted.

*Explanation - The Authority should be responsible for the data integrity and privacy of the identity information it has collected from the individual enrolling for the Aadhaar number.*

17. That at Page 8, line 30, after the word “maintaining” the words “the data integrity and privacy” be inserted.

*Explanation - The Authority should be responsible for the data integrity and privacy of the identity information it has collected from the individual enrolling for the Aadhaar number.*

18. That at Page 9, line 6, after the word “may” the words “without diluting its obligations, data integrity, privacy and data security obligations under this Act” be inserted.

*Explanation - The Authority should be responsible for the data integrity and privacy of the identity information it has collected from the individual enrolling for the Aadhaar number.*

#### CLAUSE 28

19. That at Page 10, line 10, for the words “ensure the security” the words “be responsible for the integrity, data security and privacy” be inserted.

*Explanation - The Authority should be responsible for the data integrity, privacy and data security of the identity information it has collected from the individual enrolling for the Aadhaar number.*



20. That at Page 10, after line 36, the following be inserted, namely:-

“(6) Any breach of the obligations under this section by the Authority, shall make the management of the Authority liable under Chapter VII of this Act”.

*Explanation - The Authority should be held responsible for the breach of data integrity and privacy of the identity information it has collected from the individual enrolling for the Aadhaar number.*

#### CLAUSE 29

21. That at Page 10, line 37, before the word “no”, the words “The Authority shall ensure that” be inserted.

*Explanation - The Authority should ensure that the data integrity, privacy and data security of the identity information it has collected from the individual enrolling for the Aadhaar number is maintained and not shared with anyone in a manner not consistent with the provisions of this Act.*

22. That at Page 10, line 37, after the word “information”, the words “or demographic information” be inserted.

*Explanation - The Authority should be held responsible for all types of information it holds of the Aadhaar number holder.*

23. That at Page 10, line 41, the words “other than core biometric information” be deleted.

*Explanation - The Authority should be held responsible for all types of information it holds of the Aadhaar number holder, without exception.*

#### CLAUSE 30

24. That at Page 11, after line 18, the following be inserted, namely:-

“30A. If the Authority is negligent in implementing, maintaining, verification and reasonable security practices and procedures and thereby causes loss of privacy or any other loss to any Aadhaar number holder, the Authority shall be liable under this Act to



pay damages by way of compensation, as may be determined by the competent civil court, to the person so affected."

*Explanation - The Authority should be held responsible for negligent handling of data and breaches of data security, thereby compromising the data of the Aadhaar number holder. Due to the fact that the Cyber Appellate Tribunal, as provided for under s.48 of the Information Technology Act, 2000 has not been established, an appropriate civil judicial avenue for the redressal of such a breach is required.*

#### CLAUSE 33

25. That at Page 11, line 42, after the word "Judge", the words "including in case of national security" be inserted.

*Explanation - The application for disclosure of information under this section needs to be covered by judicial oversight, even in cases of national security.*

26. That at Page 12, line 5, after the word "Secretary", the words "the Attorney General, a retired Supreme Court judge" be inserted.

*Explanation - The application for disclosure of information under this section needs to be covered by judicial oversight of the decisions taken by the Oversight Committee.*

#### CLAUSE 34

27. That at Page 12, after line 16, the following be inserted, namely:-

"34A. Notwithstanding anything contained in this Act, or any other legislation, the Authority is responsible to ensure the security and privacy of biometric and demographic information of the Aadhaar number holder, and any breach of this obligation, would make the Authority liable for damages, as may be determined by the competent civil court, to the person so affected".

*Explanation - The Authority should be held responsible for negligent handling of data and breaches of data security, thereby compromising the data of the Aadhaar number holder, notwithstanding this or any other legislation.*



#### CLAUSE 38

28. That, at Page 12, line 36, after the word "Whoever", the words "without diluting the obligations of the Authority towards data integrity, privacy and data security" be inserted.

*Explanation - The Authority should be held responsible for negligent handling of data and breaches of data security.*

#### CLAUSE 47

29. That, at Page 14, line 17 and 18 be deleted. – i.e. Clause 47(1) is deleted.

*Explanation – The Authority should not have special sanction powers to file complaints for offences punishable under this Act.*

#### CLAUSE 50

30. That, at Page 15, line 16, 17, 18 and 19 be deleted. – i.e. Clause 50 is deleted.

*Explanation – The Central Government should not have the power to supersede the Authority, or issue directions to it, without an Act of Parliament to support such a change.*