

Comparison of the 2010 and the 2016 Aadhaar Bills

The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 was introduced in Lok Sabha on March 3, 2016. It intends to provide for targeted delivery of subsidies and services to individuals residing in India by assigning them unique identity numbers. Currently, under the central government Aadhaar scheme, unique identity numbers, are being issued by the Unique Identification (UID) Authority. In 2010, a Bill was introduced to provide legislative backing to the UID Authority. The 2010 Bill was subsequently withdrawn from Rajya Sabha on March 3, 2016. The table below compares the 2010 and 2016 Bills along some provisions:

Table 1: Comparison of the 2016 and 2010 Aadhaar Bills

The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016	The National Identification Authority of India Bill, 2010
Who is entitled to obtain an Aadhaar number (Clause 2 (v))	
<ul style="list-style-type: none"> Any person who has resided in India for 182 days (in the one year preceding the application for Aadhaar). 	<ul style="list-style-type: none"> Any person residing in India.
Use of Aadhaar (Clause 7, Clause 57, Clause 9)	
<ul style="list-style-type: none"> To verify the identity of a person receiving a subsidy or service, the government may require them to have an Aadhaar number. However, in case a person has applied for an Aadhaar number and not been assigned one, the government will offer an alternative means of identification. Aadhaar number can be used to verify the identity of any person, for any purpose, by any public or private entity. Aadhaar number shall not confer any right of citizenship or domicile to an aadhaar number holder. 	<ul style="list-style-type: none"> No provision. No provision. Similar.
Types of information maintained by the UID Authority (Clause 2 (n), Clause 2 (d), Clause 32 (3))	
<ul style="list-style-type: none"> <i>Identity information:</i> includes photograph, biometric information (iris scan and fingerprint), demographic information (name, date of birth, address but excludes race, religion, caste, etc.), and Aadhaar number. Other biological and demographic information to be collected under Aadhaar may be specified by the UID Authority. <i>Information on requests for verification of identity:</i> Identity of the entity requesting verification of person's identity, the time of request and the response he gets. However, the purpose for which an individual's identity needs to be verified is not collected. 	<ul style="list-style-type: none"> Similar. However, did not specify what kinds of biometric information will be maintained. Also, did not mention photograph. Similar, but did not mention what kinds of information related to requests for verification of identity will be covered. No provision.
Enrolment and authentication for Aadhaar number (Clause 3 (2), Clause 8 (2),(3))	
<ul style="list-style-type: none"> At the time of enrolment, the individual undergoing enrolment shall be informed, (i) the manner in which the information will be used, (ii) the nature of recipients with whom the information will be shared during authentication, and (iii) the right to access information. A requesting entity (an agency or person that wants to authenticate identity information of a person) has to obtain the consent of an individual before collecting his identity information. Additionally, it has to ensure that this information is only submitted to the Central Data Repository for authentication of the individual. The requesting entity has to inform the individual submitting his identity information for authentication, (i) the information that may be shared upon authentication, (ii) the uses to which information received during authentication may be put, and (iii) alternatives to submitting identity information to the requesting entity. 	<ul style="list-style-type: none"> No provision. No provision. No provision.

UID Authority (Clause 12, Clause 13, Clause 23 (2) (k))

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| <ul style="list-style-type: none">▪ The authority shall consist of a Chairperson, two part-time members and a chief executive officer.▪ The Chairperson and members of authority shall have experience and knowledge of at least <i>ten years</i> in matters related to technology, governance, law, etc.▪ The revenue collected by the authority shall be credited to the Consolidated Fund of India.▪ No committee to analyse use of Aadhaar numbers. | <ul style="list-style-type: none">▪ Similar.▪ Time period of experience not specified.▪ The revenue collected by the authority shall be credited to the Consolidated Fund of India and the entire amount shall then be transferred to the authority.▪ The central government may constitute an Identity Review Committee to analyse the extent and pattern of usage of Aadhaar numbers across the country. |
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Restrictions on sharing information captured under Aadhaar number (Clause 29 (1), (4), Clause 8 (4))

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| <ul style="list-style-type: none">▪ Biometric information such as an individual's fingerprints, iris scan and other biological attributes (specified by regulations) will be used only for Aadhaar enrolment and authentication, and for no other purpose. Such information will not be shared with anyone. It will be stored in electronic form and the provisions contained in the Information Technology Act, 2000 shall apply to this information.▪ Aadhaar number and information related to an Aadhaar number holder's fingerprints and iris scan shall not be published or displayed publicly, except for purposes specified by regulations.▪ When authenticating an individual's identity, the UID authority cannot reveal information related to iris scan and fingerprints to the entity requesting for authentication.▪ The agency requesting authenticating of an individual's identity may use the disclosed information only for purposes for which the individual has given consent. | <ul style="list-style-type: none">▪ No provision.▪ No provision.▪ Similar. Additionally, the UID authority cannot reveal the individual's demographic information.▪ No provision. |
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Circumstances in which an individual's information may be revealed (Clause 33 (1), (2))

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| <ul style="list-style-type: none">▪ <i>In the interest of national security:</i> A Joint Secretary in the central government may issue a direction for revealing (i) an individual's Aadhaar number, (ii) biometric (iris scan, finger print and other biological attributes specified by regulations), (iii) demographic information, and (iv) photograph. Such a decision will be valid for 6 months and has to be reviewed by an Oversight Committee (Cabinet Secretary, Secretaries of Legal Affairs and Information Technology).▪ <i>On the order of a District Judge or a higher court:</i> (i) an individual's Aadhaar number, (ii) photograph, and (iii) demographic information, may be revealed. | <ul style="list-style-type: none">▪ Similar, except no requirement of Oversight Committee. Also, validity period has not been specified.▪ Similar, except on the order of a competent court. |
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Offences and penalties (Clause 38, Clause 41, Clause 42, Clause 47 (1))

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| <ul style="list-style-type: none">▪ A person shall be punished with imprisonment for a term upto three years and a fine not less than Rs 10 lakh for unauthorised access to the Central Identities Data Repository, including revealing any information stored in Central Data Repository.▪ If a requesting entity uses identity information for any purpose other than authentication, and an enrolling agency fails to comply with its rules, they shall be punishable with imprisonment extendable to three years or a fine upto Rs 1 lakh (in case of a company) or both.▪ If an offence is committed for which no penalty is specified, the person concerned shall be punished with imprisonment upto one year or fine upto Rs 25,000 or Rs 1 lakh (in case of a company) or both.▪ No court shall take cognizance of any offence except on a complaint made by the authority. | <ul style="list-style-type: none">▪ Similar, except fine was Rs 1 crore.▪ No provision.▪ Similar, except imprisonment upto three years.▪ Similar. |
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Power of UID authority to make regulations in respect of (Clause 54 (2) (c),(u))

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| ▪ The conditions for accepting Aadhaar number as a proof of identity of the Aadhaar number holder. | ▪ No provision. |
| ▪ The manner of sharing the identity information, other than a person's biometric (iris scan and finger print), collected or created under the authority. | ▪ No provision. |
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