

F.No. 13012/32/Legal/2013-UIDAI | 6885
Government of India
Planning Commission
Unique Identification Authority of India

3rd Floor, Tower-II, Jeevan Bharti Building
Connaught Circus, New Delhi, 110001
Dated the 28th May, 2013

To,
Qaneez-e-Fatemah Sukhrani
A/3, Hermes Drome
211/3/1B Viman Nagar
Pune, Maharashtra - 411014

Subject :- **REPRESENTATION - AADHAAR SCHEME : MS. QANEEZ-E-FATEMAH SUKHRANI**

Please refer to your representation dated 19th April, addressed to Chairman, UIDAI.

2. In this regard, point-wise reply to the issues raised in the Representation at subject reference is given below :-

3. ✓ **Point 1, 2 & 3.** Implementation of the UID project is pursuant to the exercise of the executive powers of the Government of India and does not circumvent legislative process. There are innumerable instances of policy being driven by executive action rather than by legislation. The UID project is just one of those instances. Neither is it unconstitutional nor illegal. Opinion of the Law Ministry and the Attorney General has been taken in this regard, and the considered view was that there is nothing illegal in the continuation of functioning of the Authority.

4. With regard to the observations/recommendations of the Standing Committee of Finance, they were related to certain Legal and Procedural issues contained in the NIDAI Bill and the same is under the examination of the Government. As regards the representationist's claim regarding the NIDAI Bill, allegedly providing an ex post facto blanket approval and regularisation of all the activities undertaken by it before the approval from Parliament. It is stated that this is to provide continuity in the Project.

5. **Point 4.** The definition of resident is in conformity with the definition in "Population Register" as given in Rule 2(l) of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 which have been framed under the Citizenship Act, 1955. It is also to be noted that the Bill clearly provides that the Aadhaar number or authentication thereof shall not by itself, confer any right of or be proof of citizenship or domicile in respect of the Aadhaar number holder.

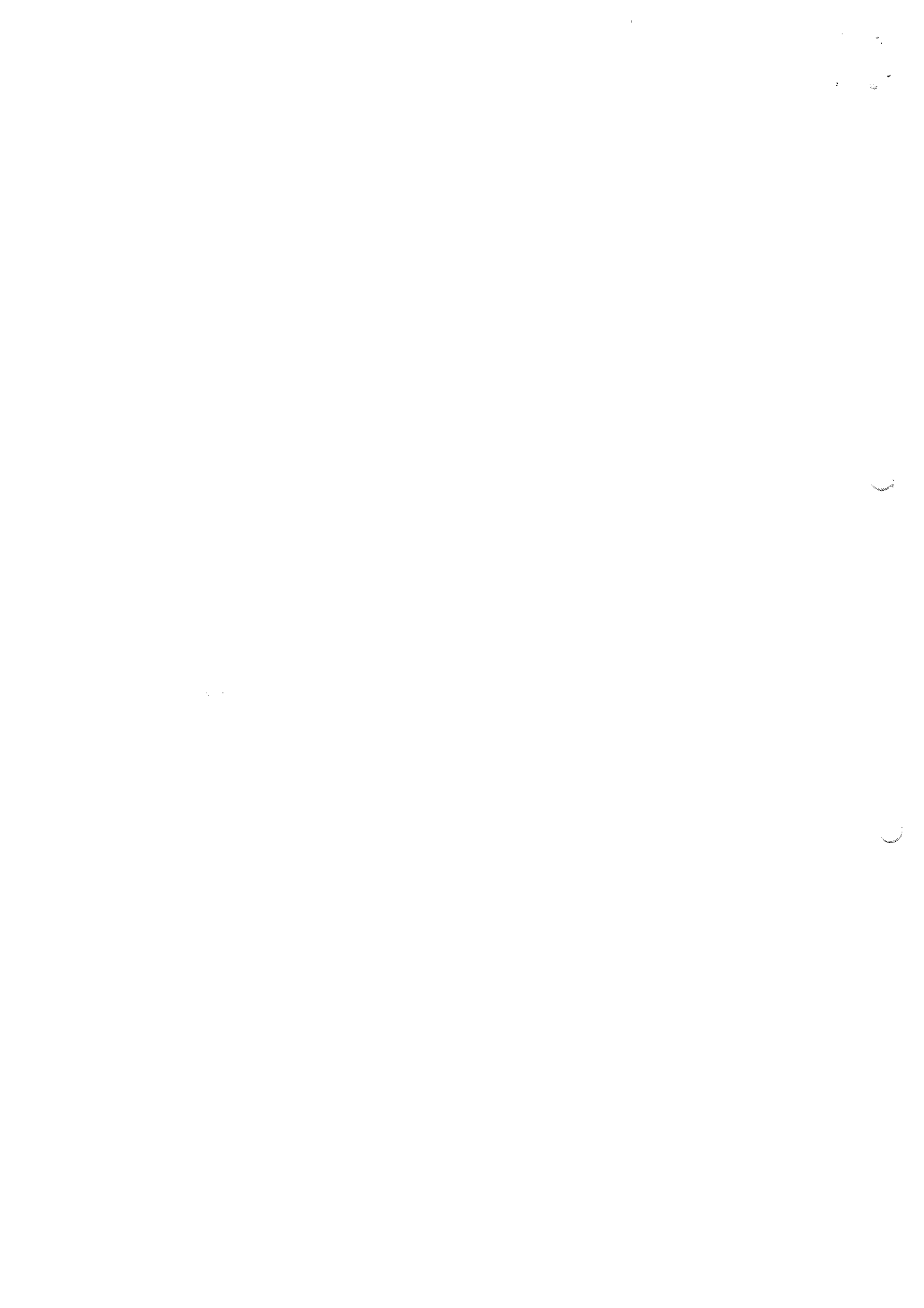
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- ✓ 6. **Point 5, 6 & 7.** In the absence of any specific legislation, offences will continue to be dealt with under the general laws like the Indian Penal Code, the Information Technology Act, 2000 etc. Measures against the defaulters can be taken under these existing laws.
- ✓ 7. **Point 8.** Enrollment for Aadhaar is voluntary. It is however, the policy decision of the concerned Departments/State Governments to link the benefits alongwith the Aadhaar number and as such, UIDAI has no comments to offer.
- ✓ 8. **Point 9.** Data protection features have been included in the architecture of the UID Project and as such, the interests of the residents are taken care of. At the cost of repetition, it stated that in the absence of any specific legislation, offences will continue to be dealt with under the general laws like the IPC, and the IT Act and measures against defaulters can be taken under these existing laws. UIDAI also has its data sharing policy that seeks security and privacy of the data being maintained.
- ✓ 9. **Point 10 & 11.** With regard to the petitions allegations on the Introducer system of verification, it is stated that the mere details of the introducer are not adequate. The introducer has to personally certify about the details of the introduced resident. Further, merely having the Aadhaar does not entitle the resident to avail of direct benefit transfer schemes. This will require the concerned Departments' accepting the claims of the resident.

As regards, the representationist's allegations that the introducer system is the easiest way for an illegal immigrant to become a tax paying citizen of India, UIDAI states that this is the representationist's own interpretation and UIDAI, as such, has no comments to offer.

Aadhaar numbers are issued to all residents as a developmental initiative. The key role of UID number is thus, that of an enabler – a number that helps Governments design better welfare programmes, enables residents to access resources and services more easily wherever they live, and allows agencies and programmes – such as the NREGA, PDS, SSA – to deliver benefits and services effectively and transparently.

- ✓ 10. **Point 12.** In this regard, it is stated that the Representationist has referred to a decision taken by the Ministry of Petroleum and Natural Gas, and as such, UIDAI has no comments to offer in this regard.
- ✓ 11. **Point 13.** The RGI is mandated to create a NPR of persons usually residing in India and issue National Identity Cards under the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 read with the Citizenship Act, 1955. The identity Cards will also carry the Aadhaar numbers.
The purpose of the UID project is to promote inclusion and benefit to marginalized sections of society who have no formal proof of identity vis-à-vis the State and hence experience difficulties in accessing various welfare schemes that are implemented by the Government of India and State Governments. The key role of UID number is that of an enabler - a number that helps Governments design better welfare programmes, enables residents to



access resources and services more easily wherever they live, and allows agencies and programmes - such as the NREGA, PDS, SSA - to deliver benefits and services effectively and transparently. The number will thus be an identity infrastructure, and the foundation over which multiple services and applications can be built for the resident.

12. **Point 14.** It is wrong to state that no feasibility study has been conducted. In this context, the study conducted by the NIPFM is an example of study conducted. The UIDAI website has numerous other reports which address in detail the various aspects of UIDAI project.

The source of the quoted project cost stated in the representation is not known and cannot be commented or replied to.

The UIDAI is enrolling the residents through the multiple registrar model and RGI is one of the Registrars of UIDAI. The Govt. has decided that in states where UIDAI has made good progress or where States/UTs/Administrations have given commitment for Aadhaar and are planning to integrate with various service delivery mechanisms, Aadhaar enrolments will move at full speed. Accordingly, certain states have been specified where the non-RGI registrars of UIDAI can collect data. It has also been decided that the NPR enrolment will continue as envisaged, but if in the course of enrolment, a person indicates that he/she is already enrolled for Aadhaar, the biometric data will not be captured by the NPR. Instead, the Aadhaar number / enrolment number will be recorded in the NPR and the biometric data will be given to the NPR.



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