

Recd 5/8/2013 Speedpost

No. F-12013/130(iv)/2013/RTI-UIDAI
Government of India
Planning Commission
Unique Identification Authority of India
2nd Floor, Tower-I, Jeevan Bharati Building,
Connaught Circus, New Delhi – 110 001.

Dated the 30th July, 2013

To

Ms. Qaneez-e-Fatemah Sukhrani
A/3 Hermes Drome I,
211/3/1B Viman Nagar
Pune-411014

Subject: Application under RTI Act, 2005 seeking information with regards to UIDAI.

Madam,

Please refer to your RTI Application dated 30th May, 2013 and forwarded through Planning Commission's reference No. RTI-1939/2012-(RTI cell) dated 17.06.2013. Information is given as under:

Q. 1 : State the Act and / or Law under which powers were exercised by the Planning Commission to issue notification No. A-43011/02/2009-Admin.I dated 28.01.2009 to constitute UIDAI as an attached office.

Reply : The Unique Identification Authority of India (UIDAI) has been set up and duly constituted as an Authority of the Government of India by an Executive Order dated 28.01.2009, by virtue of the powers under Article 73 of the Constitution of India as an 'attached office' of the Planning Commission. The copy of the notification has already been provided to you.

Q.2 : Copy of the Gazette of India where this notification was published thereafter.

Reply : A copy of the extracts of the relevant Gazette of India is attached herewith.

Q. 3 : Name the Ministry who framed the Draft NIAI Bill 2010

Reply : The NIAI Bill has been drafted by the UIDAI, with the due approval of Planning Commission and the Ministry of Law and Justice.

Q. 4 : All file notings to commence implementation of the UID project between circulation of the stated notification to the listed entities and introduction of the stated Bill in Rajya Sabha on 03.12.2010.

Q. 5 : All file notings of the urgency to commence the UID project under an executive order, rather through Parliamentary process for a subject which has serious implications of biometrics privacy and security.

Reply 4 & 5: As the query is not specific, it is requested to visit the UIDAI (HQ) and inspect the specific records.

Q. 6 : All file notings that pertain to expanding the initial scope for UID to be an identification for Below Poverty Line families to include citizens of India, residents in India and any other categories of persons.

Reply: The matter were discussed in the eGOM Meetings that were convened before the constitution of the UIDAI. It is requested to refer to the 'background' available in the 'About UIDAI' link on the website <http://uidai.gov.in>. A print out of this information is also enclosed.

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Q. 7 : State the provisions of the Act under which the Government found it necessary to put citizens of India and residents in India on the same platform since the UID random number issued is not intelligent enough to be able to differentiate.

Reply : The definition of the 'Resident' has been taken from the definition of "Population Register" as given in Rule 2 (I) of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 which have been framed under the Citizenship Act, 1955.

Q. 8 : State the legislative provisions and orders (along with copy) under which the UIDAI project continued to be implemented after the Rajya Sabha referred the Draft Bill to the Standing Committee of Finance on 10.12.2010 for examination and report thereof by the Speaker, Lok Sabha under Rule 331E of the Rules of Procedure and Code of Business in Lok Sabha; and until the time SCoF Report (42) emphasizing rejection was presented to Lok Sabha and laid before Rajya Sabha on 13.12.2011.

Q. 9 : State the chronology of events for discussion, debate, decision of the said Draft Bill after 13.12.2011 in both Houses of Parliament.

Reply 8 & 9 : UIDAI is not in possession of any such documents.

Q. 10 : Extract of the proceeding in both Houses of the Parliament for above item 6 above between 13.12.2011 upto date.

Reply : The matters were discussed in the eGOM Meetings that were convened before the constitution of the UIDAI. This Authority has no information on any such proceedings in both House of the Parliament on the Item '6' of the RTI Application.

Q. 11 : State the Government's Legal opinion on life span of a Draft Bill that is tabled, pending but not passed by Legislation.

Reply : Information related to Lapsing of a Bill is contained in the 'Legislative Procedure in the Rajya Sabha' published by the Rajya Sabha Secretariat which can be downloaded from the website <http://rajyasabha.nic.in>

Q. 12 : State the Government's Legal opinion on whether UIDAI project can continue to be implemented under an executive order when the Draft Bill is not yet passed, thereby circumventing the role of Legislation.

Reply : As per the opinion of the Ld. Attorney General, he had opined that the Authority is presently functioning under the Executive notification and there is nothing in law or otherwise which prevent the Authority from functioning as executive authority. As and when the Bill is passed and the Act is brought into force, all actions taken by the executive authority shall be deemed to have been passed by the new authority. Therefore, there is nothing illegal in the continuation of functioning of the Authority.

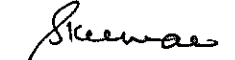
Q. 13 : Under which Article / section of the Constitution was the budget approved for the UIDAI project.

Reply : Budgets are allocated every year under the Demands for Grants for Ministry of Planning.

2. If you are not satisfied with the reply, you may appeal to the Appellate Authority, UIDAI within 30 days from the receipt of this letter. The name, address and contact number of the Appellate Authority is given below:-

Shri Davinder Kumar,
DDG & Appellate Authority,
Unique Identification Authority of India
Jeevan Bharti Building, 2nd Floor, Tower-I,
Connaught Circus, New Delhi – 110001.

Yours faithfully,


(Shrish Kumar)

Assistant Director General & CPIO
Tele : 011-23466823

Encl : As above.

Copy for information to :

Ms. Mary B. Barla
CPIO
RTI Cell, Planning Commission
Yojana Bhavan, Sansad Marg
New Delhi – 110001

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12