

# Bill Summary

## The National Identification Authority of India Bill, 2010

- The National Identification Authority of India Bill, 2010 was introduced in the Rajya Sabha on December 3, 2010 by the Ministry of Planning, Parliamentary Affairs and Personnel, Public Grievances and Pension. The Bill was referred to the Standing Committee on Finance (Chairperson: Shri Yashwant Sinha), which is scheduled to submit its report within three months.
- The Bill seeks to establish the National Identification Authority of India to issue unique identification numbers (called 'aadhaar') to residents of India and any other category of people that may be specified. The purpose of these numbers is to facilitate access to benefits and services.
- Every resident of India, including children, shall be entitled to obtain an aadhaar number after furnishing demographic (name, age, gender and address) and biometric (biological attributes such as fingerprints and iris scan) information in such manner as may be specified. However, no information pertaining to race, religion, caste, language, income or health shall be collected.
- The aadhaar number shall be issued after the information provided by the person is verified. It shall serve as sufficient proof of identity, subject to online authentication. However, it shall not confer any right to citizenship or entitlement. The aadhaar number holder may be required to update his biometric and demographic information in a manner to be specified.
- The aadhaar number shall be a random number and the number itself shall bear no information of the individual. Aadhaar once issued to an individual shall not be re-assigned to any other person.
- There are three main steps in the aadhaar process. First, information for each person must be collected and verified after which an aadhaar number shall be allotted. Second, the collected information shall be stored in the Central Identities Data Repository. Finally, the database shall be used to authenticate the identity of each person if he wants to avail a service.
- The Authority shall appoint registrars and enrolling agencies to collect demographic and biometric information for the purpose of issuing aadhaar numbers. Special measures shall be taken to issue aadhaar numbers to women, children, senior citizens, migrant workers, and nomadic tribes.
- The Authority shall establish and maintain the Central Identities Data Repository.
- Service providers (such as banks, fair price shops etc.) may ask a customer to provide his aadhaar number and biometrics as proof of identity. Authentication shall involve an online request for verification from the portal of the service provider. The Authority shall then verify the correctness of the information provided, subject to payment of such fees to be specified. It shall respond to the query with a positive or negative response but shall not divulge demographic or biometric information.
- The National Identification Authority of India shall have a chairperson and two part-time members. Each member shall have experience in matters related to technology, finance, law, or public administration. The tenure of each member shall be three years with an age-limit of 65 years. The members shall be eligible for re-appointment.
- The functions of the Authority include (a) specifying demographic and biometric information to be collected during enrolment; (b) assigning aadhaar numbers to individuals; (c) authenticating aadhaar numbers; (d) specifying the usage of aadhaar numbers for delivery of services; (e) appointing registrars, enrolling agencies and service providers; (f) establishing and maintaining the Central Identities Data Repository; and (g) setting up grievance redressal mechanisms for residents, registrars, enrolling agencies and service providers.
- The Authority may enter into Memorandums of Understanding with central or state governments or other agencies to perform functions such as collecting, storing, and securing information.
- The central government shall have the power to supersede the Authority for a maximum period of six months, if the Authority is unable to discharge its duties.
- The Authority shall be responsible for the security and confidentiality of identity information. It is required to take measures to protect information against loss or unauthorized access.
- The Authority may share information of aadhaar number holders, based on their written consent, with agencies engaged in delivery of public benefits.
- The Authority or any agency which maintains the Central Identities Data Repository is forbidden from revealing any information stored in the repository. However, an aadhaar number holder may request the Authority to provide access to his own identity information. He may also ask for information on authentication requests of his aadhaar number.



- The Authority may also reveal information on a court order or in the interest of national security, if authorised by an official of the rank Joint Secretary or above in the central government.
- The central government may constitute an Identity Review Committee to analyse the extent and pattern of usage of aadhaar numbers across the country. The Committee shall prepare a report annually and submit its recommendations to the central government. The report shall be laid before each house of Parliament.
- The Committee shall consist of a Chairperson and two members. Each member shall have knowledge in the field of technology, law, administration or journalism. The members shall be appointed by the central government on the advice of the Prime Minister, a Union Cabinet Minister and the Leader of Opposition in the Lok Sabha. Each member shall hold office for a term of three years and shall not be eligible for reappointment.
- The Bill lists several offences such as unauthorized collection of information, impersonation, manipulation of biometric information, and unauthorised access or damage to the Central Identities Data Repository. Penalties vary from three years imprisonment and a fine of Rs. 10,000 (for impersonation) to a fine of Rs. 1 crore (for unauthorized access to the Data Repository). Penalties have also been prescribed for offences committed outside India by a person of any nationality.
- The Bill states that no court shall take cognizance of any offence except on a complaint made by the Authority.
- The Bill estimates an expenditure of approximately Rs 3,023 crore in phase two of the scheme. Of this total expenditure, Rs 477 crore is expected to be recurring establishment expenditure and Rs 2,546 non-recurring project related expenditure. The estimated cost for the first phase of the scheme was Rs 147 crore towards setting up necessary infrastructure for project initiation.

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January 25, 2011

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