

	THE NATIONAL IDENTIFICATION AUTHORITY OF INDIA BILL, 2010	
	A Bill	
	<i>to provide for the establishment of the National Identification Authority of India for the purpose of issuing identification numbers to individuals residing in India and to certain other classes of individuals and manner of authentication of such individuals to facilitate access to benefits and services to such individuals to which they are entitled and for matters connected therewith or incidental thereto.</i>	
	BE it enacted in the Parliament in the Sixty-first Year of the Republic of India as follows:ô	
	CHAPTER I PRELIMINARY	
	1. (1) This Act may be called the National Identification Authority of India Act, 2010.	Short title, extent and commencement.
	(2) It shall extend to the whole of India except the State of Jammu and Kashmir and, save as otherwise provided in this Act, it applies also to any offence or contravention thereunder committed outside India by any person.	
	(3) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.	
	2. In this Act, unless the context otherwise requires,ô	Definitions.
	(a) ðaadhaar numberö means an identification number issued	

	to an individual under sub-section (2) of section 3;	
	(b) "aadhaar number holder" means an individual who has been issued an aadhaar number under this Act;	
	(c) "Authority" means the National Identification Authority of India established under sub-section (1) of section 11;	
	(d) "authentication" means the process wherein aadhaar number, alongwith other attributes (including biometrics) are submitted to the Central Identities Data Repository for its verification and such Repository verifies the correctness thereof on the basis of information or data or documents available with it;	
	(e) "biometric information" means a set of such biological attributes of an individual as maybe specified by regulations;	
	(f) "Central Identities Data Repository" means a centralised database in one or more locations containing all aadhaar numbers issued to aadhaar number holders along with the corresponding demographic information and biometric information of such individuals and other information related thereto;	
	(g) "Chairperson" means the Chairperson of the Authority appointed under section 12;	
	(h) "demographic information" includes such information relating to the name, age, gender and address of an individual (other than race, religion, caste, tribe, ethnicity, language, income or health), as maybe specified in the regulations for the purpose of issuing an aadhaar number;	
	(i) "enrolling agency" means an agency appointed by the Authority or by the Registrars, as the case may be, for collecting information under this Act;	
	(j) "enrollment" means such process, as may be specified by regulations, to collect demographic information and biometric information from individuals by the enrolling agencies for the purpose of issuing of aadhaar number to such individuals under this Act;	
	(k) "identity information" in respect of an individual means biometric information, demographic information and aadhaar number of such individuals;	
	(l) "Member" includes the Chairperson and a part time Member of the Authority appointed under section 12 ;	
	(m) "notification" means a notification published in the Official Gazette and the expression "notified" with its cognate meanings and grammatical variations shall be construed accordingly;	
	(n) "prescribed" means prescribed by rules made under this Act;	
	(o) "Registrar" means any entity authorised or recognised by the Authority for the purpose of enrolling the individuals under this Act;	
	(p) "regulations" means the regulations made by the Authority under this Act;	
	(q) "resident" means an individual usually residing within the	

	territory of India;	
	(r) "Review Committee" means the Identification Review Committee constituted under sub-section (1) of section 28.	
	CHAPTER II AADHAAR NUMBERS	
	3. (1) Every resident shall be entitled to obtain an aadhaar number on providing his demographic information and biometric information to the Authority in such manner as may be specified by regulations:	Aadhaar number.
	Provided that the Central Government may, from time to time, notify such other category of individuals who may be entitled to obtain an aadhaar number.	
	(2) On receipt of the demographic information and biometric information under sub-section (1), the Authority shall, after verifying the information, in such manner as may be specified by regulations, issue an aadhaar number to such resident.	
	4. (1) An aadhaar number, issued to an individual shall not be re-assigned to any other individual.	Properties of aadhaar number.
	(2) An aadhaar number shall be a random number and bear no attributes or identity data or part thereof, relating to the aadhaar number holder.	
	(3) An aadhaar number shall, subject to authentication, be accepted as proof of identity of the aadhaar number holder.	
	5. (1) The Authority shall perform authentication of the aadhaar number of an aadhaar number holder in relation to his biometric information and demographic information subject to such conditions and on payment of such fees and in such manner as may be specified by regulations.	Authentication of aadhaar number.
	(2) The Authority shall respond to an authentication query with a positive or negative response or with any other appropriate response excluding any demographic information and biometric information.	
	6. The aadhaar number or the authentication thereof shall not, by itself, confer any right of or be proof of citizenship or domicile in respect of an aadhaar number holder.	Aadhaar number not evidence of citizenship or domicile, etc.
	7. The Authority may engage one or more entities to establish and maintain the Central Identities Data Repository and to perform any other functions as may be specified by regulations.	Central Identities Data Repository
	8. The Authority may require the aadhaar number holders to update their demographic information and biometric information, from time to time, in such manner as may be specified by regulations so as to ensure continued accuracy of their information in the Central Identities Data Repository.	Update of certain information
	9. The Authority shall not require any individual to give information pertaining to his race, religion, caste, tribe, ethnicity, language, income or health.	Prohibition on requiring certain information.
	10. The Authority shall take special measures to issue aadhaar number to women, children, senior citizens, persons with disability, migrant unskilled and unorganised workers, nomadic tribes or to such other persons who do not have any permanent dwelling house and such other categories of individuals as may be specified by regulations.	Special measure for issuance of aadhaar number to certain category of persons.

	CHAPTER III	
	NATIONAL IDENTIFICATION AUTHORITY OF INDIA	
	11. (1) The Central Government shall, by notification, establish an Authority to be known as the National Identification Authority of India to exercise the powers conferred on it and to perform the functions assigned to it under this Act.	Establishment of Authority.
	(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.	
2 of 1985.	(3) The head office of the Authority shall be in the National Capital Region referred to in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985.	
	(4) The Authority may, with the prior approval of the Central Government, establish its offices at other places in India.	
	12. The Authority shall consist of a Chairperson and two part time Members to be appointed by the Central Government.	Composition of Authority.
	13. The Chairperson and Members of the Authority shall be persons of ability, integrity and outstanding calibre having experience and knowledge in the matters relating to technology, governance, law, development, economics, finance, management, public affairs or administration.	Qualifications for appointment of Chairperson and Members of Authority.
	14. (1) The Chairperson and the Members appointed under this Act shall hold office for a term of three years from the date on which they assume office and shall be eligible for re-appointment:	Term of office and other conditions of service of Chairperson and Members.
	Provided that no person shall hold office as a Chairperson or Member after he has attained the age of sixty-five years:	
	Provided further that the Chairperson of the Unique Identification Authority of India appointed before the commencement of this Act by notification A-43011/02/2009-Admn.I (Vol.II) dated the 2 nd July, 2009 shall continue as a Chairperson of the Authority under this Act for the term for which he had been appointed.	
	(2) The Chairperson and every Member shall, before entering upon their office, make and subscribe to, an oath of office and of secrecy, in such form and in such manner and before such Authority as may be prescribed.	
	(3) Notwithstanding anything contained in sub-section (1), the Chairperson or Member may	
	(a) relinquish his office, by giving in writing to the Central Government, a notice of not less than thirty days; or (b) be removed from his office in accordance with the provisions of section 15.	
	(4) The Chairperson shall not hold any other office during the period of holding his office in the Authority as such.	
	(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and allowances or	

	remuneration payable to Members shall be such as may be prescribed:	
	Provided that the salary, allowances and the other terms and conditions of service of the Chairperson shall not be varied to his disadvantages after his appointment.	
	<p>15. (1) The Central Government may remove from office the Chairperson, or a Member, whoô</p> <p>(a) is, or at any time has been adjudged as insolvent;</p> <p>(b) has become physically or mentally incapable of acting as the Chairperson or, as the case may be, a Member;</p> <p>(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;</p> <p>(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or, as the case may be, a Member; or</p> <p>(e) has, in the opinion of the Central Government, so abused his position as to render his continuance in office detrimental to the public interest.</p>	Removal of Chairperson and Members.
	(2) The Chairperson, or a Member shall not be removed under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.	
	16. The Chairperson or a Member, ceasing to hold office as such, shall not, without previous approval of the Central Government,ô	Restrictions on Chairperson or Members on employment after cessation of office.
	(a) accept any employment in, or connected with the management or administration of, any person which has been associated with any work under the Act, for a period of three years from the date on which they cease to hold office:	
1 of 1956.	Provided that nothing contained in this clause shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company, as defined in section 617 of the Companies Act, 1956;	
	(b) act, for or on behalf of any person or organisation in connection with any specific proceeding or transaction or negotiation or a case to which the Authority is a party and with respect to which the Chairperson or such Member had, before cessation of office, acted for or provided advice to, the Authority;	
	(c) give advice to any person using information which was obtained in his capacity as the Chairperson or a Member and being unavailable to or not being able to be made available to the public;	
	(d) enter, for a period of three years from his last day in office, into a contract of service with, accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office as such.	
	17. (1) The Chairperson shall have powers of general superintendence, direction in the conduct of the affairs of the Authority	Functions of Chairperson.

	(including all its decisions) and he shall, in addition to presiding over the meetings of the Authority, and without prejudice to any of the provisions of this Act, exercise and discharge such powers and functions of the Authority as may be prescribed.	
	(2) The Chairperson, or a Member or any officer of the Authority if so authorised by the Chairperson, shall approve all financial expenditure of the Authority.	
	18. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations .	Meetings.
	(2) The Chairperson, or, if for any reason, he is unable to attend a meeting of the Authority, the senior most Member shall preside over the meetings of the Authority.	
	(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the Members present and voting and in the event of an equality of votes, the Chairperson or in his absence the Member presiding over shall have a second or casting vote.	
	(4) All decisions of the Authority shall be authenticated by the signature of the Chairperson or any other Member authorised by the Authority in this behalf.	
	(5) If any Member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any manner coming up for consideration at a meeting of the Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the Member shall not take part in any deliberation or decision of the Authority with respect to that matter.	
	19. No act or proceeding of the Authority shall be invalid merely by reason of (a) any vacancy in, or any defect in the constitution of, the Authority; (b) any defect in the appointment of a person as a Member of the Authority; or (c) any irregularity in the procedure of the Authority not affecting the merits of the case.	Vacancies etc. not to invalidate proceedings of Authority.
	20. (1) There shall be a chief executive officer of the Authority, not below the rank of the Additional Secretary to the Government of India, who shall be the Member-Secretary of the Authority, to be appointed by the Central Government.	Officers and other employees of Authority.
	(2) The Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required to the Authority in the discharge of its functions.	
	(3) The salaries and allowances payable to, and the other terms and conditions of service of, the chief executive officer and other officers and other employees of the Authority shall be such as may be specified by regulations with the approval of the Central Government.	

	<p>21. (1) The chief executive officer shall be the legal representative of the Authority and shall be responsible forô</p> <p>(a) the day-to-day administration of the Authority;</p> <p>(b) implementing the work programmes and decisions adopted by the Authority;</p> <p>(c) drawing up of proposal for the Authority's work programmes;</p> <p>(d) the preparation of the statement of revenue and expenditure and the execution of the budget of the Authority.</p>	Functions of chief executive officer of Authority.
	<p>(2) Every year, the chief executive officer shall submit to the Authority for approvalô</p> <p>(a) a general report covering all the activities of the Authority in the previous year;</p> <p>(b) programmes of work;</p> <p>(c) the annual accounts for the previous year; and</p> <p>(d) the budget for the coming year.</p>	
	<p>(3) The chief executive officer shall have administrative control over the officers and other employees of the Authority.</p>	
	<p>22. On and from the establishment of the Authority ô</p> <p>(1) all the assets and liabilities of the Unique Identification Authority of India, established <i>vide</i> notification of the Government of India in the Planning Commission number A-43011/02/2009-Admin.I, dated the 28th January, 2009, shall stand transferred to, and vested in, the Authority.</p>	Transfer of assets, liabilities of Authority.
	<p><i>Explanation.</i>— The assets of such Unique Identification Authority of India shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such Unique Identification Authority of India and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;</p>	
	<p>(2) without prejudice to the provisions of sub-section (1), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such Unique Identification Authority of India immediately before that day, for or in connection with the purpose of the said Unique Identification Authority of India, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Authority;</p>	
	<p>(3) all sums of money due to the Unique Identification Authority of India immediately before that day shall be deemed to be due to the Authority; and</p>	
	<p>(4) all suits and other legal proceedings instituted or which could have been instituted by or against such Unique Identification Authority of India immediately before that day may be continued or may be instituted by or against the Authority.</p>	

	23. (1) The Authority shall develop the policy, procedure and systems for issuing aadhaar numbers to residents and perform authentication thereof under this Act.	Powers and functions of Authority.
	(2) Without prejudice to the provisions contained in sub-section (1), the powers and functions of the Authority may, <i>inter alia</i> , include all or any of the following matters, namely:-	
	(a) specifying, by regulation, demographic information and biometric information for enrollment for an aadhaar number and the processes for collection and verification thereof;	
	(b) collecting demographic information and biometric information from any individual seeking an aadhaar number in such manner as may be specified by regulations;	
	(c) appointing of one or more entities to operate the Central Identities Data Repository;	
	(d) generating and assigning aadhaar numbers to individuals;	
	(e) performing authentication of the aadhaar numbers;	
	(f) maintaining and updating the information of individuals in the Central Identities Data Repository in such manner as may be specified by regulations;	
	(g) omitting and deactivating of an aadhaar number and information relating thereto in such manner as may be specified by regulations;	
	(h) specify the usage and applicability of the aadhaar number for delivery of various benefits and services as may be provided by regulations;	
	(i) specifying, by regulation, the terms and conditions for appointment of Registrars, enrolling agencies and service providers and revocation of appointments thereof;	
	(j) establishing, operating and maintaining of the Central Identities Data Repository;	
	(k) sharing, in such manner as may be specified by regulations, the information of aadhaar number holders, with their written consent, with such agencies engaged in delivery of public benefits and public services as the Authority may by order direct;	
	(l) calling for information and records, conducting inspections, inquiries and audit of the operations of the Central Identities Data Repository, Registrars, enrolling agencies and other agencies appointed under this Act;	
	(m) specifying, by regulation, various processes relating to data management, security protocols and other technology safeguards under this Act;	
	(n) specifying, by regulation, the conditions and procedures for issuance of new aadhaar number to existing aadhaar number holder;	
	(o) levy and collect the fees or authorise the Registrars, enrolling agencies or other service providers to collect such fees for the services provided by them under this Act in such manner as may be specified by regulations;	
	(p) appoint such committees as may be necessary to assist the	

	Authority in discharge of its functions for the purposes to this Act;	
	(q) setting up institutions and centres of expertise and research for advancement in biometrics, usage and applications of aadhaar numbers and such other matters;	
	(r) evolving of, and specifying, by regulation, policies and practices for Registrars, enrolling agencies and other service providers;	
	(s) setting up facilitation centres and grievance redressal mechanism for addressing grievances of residents, Registrars, enrolling agencies and other service providers;	
	(t) such other powers and functions as may be prescribed.	
	(3) The Authority may,ô	
	(a) enter into Memorandum of Understanding or agreement, as the case may be, with Central Government or State Governments or Union Territories or other agencies for the purpose of performing any of the functions in relation to collecting, storing, securing or processing of information or performing authentication;	
	(b) by notification, appoint such number of Registrars, engage and authorise such agencies to collect, store, secure, process information or do authentication or perform such other functions in relation thereto, as may be necessary for the purposes of this Act.	
	(4) The Authority may engage such consultants, advisors and other persons as may be required for efficient discharge of its functions under this Act on such allowances or remuneration and terms and conditions as may be specified by regulations.	
	CHAPTER IV GRANTS, FUND, ACCOUNTS AND AUDIT AND ANNUAL REPORT	
	24. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority, grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.	Grants by Central Government.
	25. (1) There shall be constituted a Fund to be called the National Identification Authority Fund and there shall be credited theretoô	National Identification Authority Fund.
	(a) all grants made to the Authority by the Central Government under section 24;	
	(b) all fees and charges received by the Authority under this Act; and	
	(c) all sums received by the Authority from such other sources as may be decided upon by the Central Government.	
	(2) The Fund may be applied for meeting forô	
	(a) the salaries, allowances and other remuneration of the Chairperson, Members and other officers and employees of the Authority; and	
	(b) the other expenses of the Authority in connection with the	

	discharge of its functions and for the purposes of this Act.	
	26. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.	Accounts and audit.
	(2) The accounts of the Authority shall be audited annually by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.	
	(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts, and in particular, shall have the right to demand production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.	
	(4) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.	
	27. (1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and particulars in regard to any matter under the jurisdiction of the Authority, as the Central Government may from time to time require.	Returns and annual report, etc.
	(2) The Authority shall prepare, once in every year, and in such form and manner and at such time as may be prescribed, an annual report giving— (a) a description of all the activities of the Authority for the previous years; (c) the annual accounts for the previous year; and (d) the programmes of work for coming year.	
	(3) A copy of the report received under sub-section (2) shall be laid by Central Government, as soon as may be after it is received, before each House of Parliament.	
	CHAPTER V IDENTITY REVIEW COMMITTEE	
	28. (1) The Central Government may, by notification, constitute the Identity Review Committee to discharge functions specified under sub-section (1) of section 29 in respect of any matter connected with the usage of the aadhaar numbers.	Review Committee.
	(2) The Review Committee shall consist of three members who are persons of eminence, ability, integrity and standing in public life having knowledge and experience in the fields of technology, law, administration and governance, social service, journalism, development,	

	economics, finance, management, social sciences or public affairs.	
	<p>(3) The members of the Review Committee shall be appointed by the Central Government on the recommendations of a committee consisting of</p> <p>(a) the Prime Minister, who shall be the chairperson of the committee;</p> <p>(b) the Leader of Opposition in the Lok Sabha; and</p> <p>(c) a Union Cabinet Minister to be nominated by the Prime Minister.</p>	
	<i>Explanation.</i> For the removal of doubts, it is hereby declared that where the Leader of the Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of the Opposition.	
	(4) The member of the Review Committee shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or a member of any political party.	
	(5) The members of the Review Committee shall hold office for a term of three years from the date on which they enter upon office and shall not be eligible for re-appointment.	
	(6) The Central Government may by order remove from office any member of the Review Committee, who	
	<p>(a) is, or at any time has been adjudged as insolvent;</p> <p>(b) has become physically or mentally incapable of acting as a member;</p> <p>(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;</p> <p>(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or</p> <p>(e) has, in the opinion of the Central Government, so abused his position as to render his continuance in office detrimental to the public interest:</p>	
	Provided that a Member shall not be removed under clause (d) or clause (e) unless he has been given a reasonable opportunity of being heard in the matter.	
	29. (1) The Review Committee shall ascertain the extent and pattern of usage of the aadhaar numbers across the country and prepare a report annually in relation to the extent and pattern of usage of the aadhaar numbers along with its recommendations thereon and submit the same to the Central Government.	Functions of Review Committee.
	(2) The manner of preparation of the report referred to in subsection (1) shall be such as may be determined by the Review Committee.	
	(3) A copy of the report along with the recommendations of the Review Committee shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.	
	CHAPTER VI	

PROTECTION OF INFORMATION		
	30. (1) The Authority shall ensure the security and confidentiality of identity information of individuals.	Security and confidentiality of information.
	(2) The Authority shall take measures (including security safeguards) to ensure that the information in the possession or control of the Authority (including information stored in the Central Identities Data Repository) is secured and protected against any loss or unauthorised access or use or unauthorised disclosure thereof.	
	(3) Save as otherwise provided in this Act, the Authority or any of its officer or other employee or any agency who maintains the Central Identities Data Repository shall not, whether during his service as such or thereafter, reveal any information stored in the Central Identities Data Repository to any person.	
	Provided that an aadhaar number holder may request the Authority to provide access to his identity information in such manner as may be specified by regulations.	
	31. (1) In case any demographic information of a aadhaar number holder is found incorrect or changes subsequently, the aadhaar number holder shall request the Authority to alter such demographic information in his record in the Central Identities Data Repository in such manner as may be specified by regulations.	Alteration of demographic information or biometric information.
	(2) In case any biometric information of aadhaar number holder is lost or changes subsequently for any reason, the aadhaar number holder shall request the Authority to make necessary alteration in his record in the Central Identities Data Repository in such manner as may be specified by regulations.	
	(3) On receipt of any request under sub-section (1) or sub-section (2), the Authority may, if it is satisfied, make such alteration as may be required in the record relating to such aadhaar number holder and intimate such alteration to the concerned aadhaar holder.	
	32. (1) The Authority shall maintain details of every request for authentication of the identity of every aadhaar number holder and the response provided thereon by it in such manner and for such time as may be specified by regulations.	Access to own information and records of requests for authentication.
	(2) Every aadhaar number holder shall be entitled to obtain details of request for authentication of his aadhaar number and the response provided thereon by the Authority in such manner as may be specified by regulations.	
	33. Nothing contained in sub-section (3) of section 30 shall apply in respect of	Disclosure of information in certain cases.
	(a) any disclosure of information (including identity information or details of authentication) made pursuant to an order of a competent court; or	
	(b) any disclosure of information (including identity information) made in the interests of national security in pursuance of a direction to that effect issued by an officer not below the rank of Joint Secretary or equivalent in the Central Government after obtaining approval of the Minister in charge.	
CHAPTER VII		

OFFENCES AND PENALTIES		
	34. Whoever impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary, by providing any false demographic information or biometric information shall be punishable with imprisonment for a term which may extend to three years and with a fine which may extend to ten thousand rupees or with both.	Penalty for impersonation at time of enrolment.
	35. Whoever, with the intention of causing harm or mischief to an aadhaar number holder, or with the intention of appropriating the identity of a aadhaar number holder, changes or attempts to change any demographic information or biometric information of a aadhaar number holder by impersonating or attempting to impersonate another person, dead or alive, real or imaginary, shall be punishable with imprisonment for a term which may extend to three years and shall be liable to a fine which may extend to ten thousand rupees.	Penalty for impersonation of aadhaar number holder by changing demographic information or biometric information.
	36. Whoever, not being authorised to collect identity information under the provisions of this Act, by words, conduct or demeanour pretends that he is authorised to do so, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.	Penalty for impersonation.
	37. Whoever, intentionally discloses, transmits, copies or otherwise disseminates any identity information collected in the course of enrollment or authentication to any person not authorised under this Act shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.	Penalty for disclosing identity information.
	38. Whoever, not being authorised by the Authority, intentionally,- (a) accesses or secures access to the Central Identities Data Repository; or (b) downloads, copies or extracts any data from the Central Identities Data Repository or stored in any removable storage medium; or (c) introduces or causes to be introduced any virus or other computer contaminant; or (d) damages or causes to be damaged the data in the Central Identities Data Repository (e) disrupts or causes disruption of the access to the Central Identities Data Repository; or (f) denies or causes a denial of access to any person who is authorised to access the Central Identities Data Repository; or (g) provides any assistance to any person to do any of the acts aforementioned, (h) destroys, deletes or alters any information stored in any removable storage media or in the Central Identities Data repository or diminishes its value or utility or effects it injuriously by any means, (i) steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used by the Authority with an intention to cause damage,	Penalty for unauthorised access to the Central Identities Data Repository.

	shall be punishable with imprisonment for a term which may extend to three years and shall be liable to a fine which shall not be less than one crore rupees.	
	<i>Explanation.</i> — For the purposes of this section, the expressions “computer contaminant”, “computer virus” and “damage” shall have the meanings respectively assigned to them in the <i>Explanation</i> to section 43 of the Information Technology Act, 2000.	21 of 2000.
	39. Whoever, not being authorised by the Authority, uses or tampers with the data in the Central Identities Data Repository or in any removable storage medium with the intent of modifying information relating to aadhaar number holder or discovering any information thereof shall be punishable with imprisonment for a term which may extend to three years and shall be liable to a fine which may extend to ten thousand rupees.	Penalty for tampering with data in Central Identities Data Repository.
	40. Whoever gives or attempts to give any biometric information which does not pertain to him for the purpose of getting an aadhaar number or authentication or updating his information, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or with both.	Penalty for manipulating biometric information.
	41. Whoever, commits an offence under this Act for which no penalty is provided elsewhere than in this section, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to twenty-five thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.	General penalty.
	42. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:	Offences by companies.
	Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.	
	(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.	
	<i>Explanation.</i> For the purposes of this section—	
	(a) “company” means any body corporate and includes a firm or other association of individuals; and	
	(b) “director”, in relation to a firm, means a partner in the firm.	
	43. (1) Subject to the provisions of sub-section (2), the provisions of this Act shall apply also to any offence or contravention committed	Act to apply for offence or contravention

	outside India by any person, irrespective of his nationality.	committed outside India.
	(2) For the purposes of sub-section (1), the provisions of this Act shall apply to any offence or contravention committed outside India by any person, if the act or conduct constituting the offence or contravention involves the Central Identities Data Repository.	
2 of 1974.	44. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a police officer not below the rank of Inspector of Police shall investigate any offence under this Act.	Power to investigate offences.
	45. No penalty imposed under this Act shall prevent the imposition of any other penalty or punishment under any other law for the time being in force.	Penalties not to interfere with other punishments.
	46. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it.	Cognizance of offences.
	(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act.	
	CHAPTER VII MISCELLANEOUS	
	47. Notwithstanding anything contained inô	Exemption from tax on wealth and income, profits and gains.
27 of 1957.	(a) the Wealth Tax Act, 1957;	
43 of 1961.	(b) the Income-tax Act, 1961, or	
	(c) any other law for the time being in force relating to tax, including tax on wealth, income, profits or gains or the provision of services,	
	the Authority shall not be liable to pay wealth-tax, income-tax or any other tax in respect of its wealth, income, profits or gains derived.	
	48. (1) If, at any time, the Central Government is of the opinion,ô	Power of Central Government to supersede Authority.
	(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or	
	(b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or	
	(c) that circumstances exist which render it necessary in the public interest so to do,	
	the Central Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:	
	Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to	

	make representations against the proposed supersession and shall consider the representations, if any, of the Authority.	
	(2) Upon the publication of a notification under sub-section (1) superseding the Authority,ô	
	(a) the Chairperson and other members shall, as from the date of supersession, vacate their offices as such;	
	(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and	
	(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.	
	(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.	
	(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.	
45 of 1860.	49. The Chairperson, Members, officers and other employees of the Authority shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.	Members, officers, etc., to be public servants.
	50. Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give, in writing to it, from time to time:	Power of Central Government to issue directions.
	Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.	
	(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.	
	51. The Authority may, by general or special order in writing, delegate to any Member, officer of the Authority or any other person, subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 54) as it may deem necessary.	Delegation.
	52. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Authority or the Chairperson or any Member or any officer, or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rule or regulation made thereunder.	Protection of Action Taken in Good Faith.
	53. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.	Power of Central Government to make rules.

	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:ô	
	(a) the form and manner in which and the authority before whom the oath of office and of secrecy is to be subscribed by the Chairperson and Members under sub-section (2) of section 14;	
	(b) the salary and allowances payable to, and other terms and conditions of service of, the Chairperson and the allowances or remuneration payable to Members of the Authority under sub-section (5) of section 14;	
	(c) the other powers and function of the Chairperson of the Authority under sub-section (1) of section 17;	
	(d) the other powers and function of the Authority under clause (t) of sub-section (2) of section 23;	
	(e) the form of annual statement of accounts to be prepared by Authority under sub-section (1) of section 26;	
	(f) the form and the manner in which and the time within which returns and statements and particulars are to be furnished under sub-section (1) of section 27;	
	(g) the form and the manner and the time at which the Authority shall furnish annual report under sub-section (2) of section 27;	
	(h) any other matter which is required to be, or may be, prescribed, or in respect of which provision is to be or may be made by rules.	
	54. (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder, for carrying out the provisions of this Act.	Power of Authority to make regulations.
	(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:ô	
	(a) the biometric information under clause (e) and the demographic information under clause (h) of section 2;	
	(b) the process of collecting demographic information and biometric information from the individuals by enrolling agencies under clause (j) of section 2;	
	(c) the manner of furnishing the demographic information and biometric information by the resident under sub-section (1) of section 3;	
	(d) the manner of verifying the demographic information and biometric information for issue of aadhaar number under sub-section (2) of section 3;	
	(e) the procedure for authentication of the aadhaar number under sub-section (1) of section 5;	
	(f) the other functions to be performed by the Central Identities Data Repository under section 7;	
	(g) the manner of updating biometric information and demographic information under section 8;	

	(h) the other categories of individuals under section 10 for whom the Authority shall take special measures for allotment of aadhaar number;	
	(i) the time and places of meetings of the Authority and the procedure for transaction of business to be followed by it (including the quorum) under sub-section (1) of section 18;	
	(j) the salary and allowances payable to, and other terms and conditions of service of, the chief executive officer, officers and other employees of the Authority under sub-section (3) of section 20;	
	(k) the demographic information and biometric information under clause (a) and the manner of their collection under clause (b) of sub-section (2) of section 23;	
	(l) the manner of maintaining and updating the information of individuals in the Central Identitties Data Repository under clause (f) of sub-section (2) of section 23;	
	(m) the manner of omitting and deactivating an aadhaar number and information relating thereto under clause (g) of sub-section (2) of section 23;	
	(n) the usage and applicability of the aadhaar number for delivery of various benefits and services under clause (h) of sub-section (2) of section 23;	
	(o) the terms and conditions for appointment of Registrars, enrolling agencies and other service providers and the revocation of appointments thereof under clause (i) of sub-section (2) of section 23;	
	(p) the manner of sharing information of aadhaar number holder under clause (k) of sub-section (2) of section 23;	
	(q) various processes relating to data management, security protocol and other technology safeguards under clause (m) of sub-section (2) of section 23;	
	(r) the procedure for issuance of new aadhaar number to existing aadhaar number holder under clause (n) of sub-section (2) of section 23;	
	(s) manner of authorising Registrars, enrolling agencies or other services providers to collect such fees for services provided by them under clause (o) of sub-section (2) of section 23;	
	(t) policies and practices to be followed by the Registrar, enrolling agencies and other service providers under clause (r) of sub-section (2) of section 23;	
	(u) the allowances or remuneration and terms and conditions of consultants, advisors and other persons under sub section (4) of section 23;	
	(v) the manner of accessing the identity information by the aadhaar number holder under the proviso to sub-section (3) of section 30;	
	(w) the manner of alteration of demographic information under sub-section (1) and biometric information under sub-section (2) of section 31;	

	(x) the manner of and the time for maintaining the request for authentication and the response thereon under sub-section (1) of section 32;	
	(y) the manner of obtaining, by the aadhaar number holder, the records of request for authentication and response thereon under sub-section (2) of section 32;	
	(z) any other matter which is required to be, or may be, specified, or in respect of which provision is to be or may be made by regulations.	
	55. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both the Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.	Laying of rules and regulations before Parliament.
	56. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.	Application of other laws not barred.
	57. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:	Power to remove difficulties.
	Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.	
	(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	
	58. Anything done or any action taken by the Central Government under the Resolution of the Government of India, Planning Commission bearing notification number A-43011/02/2009-Admin.I, dated the 28 th January, 2009, shall be deemed to have been done or taken under the corresponding provisions of this Act.	Savings.