

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 2643**  
TO BE ANSWERED ON: 24.03.2017

**PENAL PROVISIONS FOR BREACH OF AADHAAR DATA**

**2643. SHRI NARAYAN LAL PANCHARIYA:**

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether in the last three years there has been any incident where Aadhaar data and biometrics have been breached with or without the connivance of any intermediary or Aadhaar data handler, if so, the details thereof;
- (b) whether there are any penal provisions for punishment for such breach, if so, the details thereof;
- (c) the action initiated against those responsible for breach of Aadhaar data; and
- (d) whether any steps are being taken or contemplated to strengthen the security of Aadhaar database ?

**ANSWER**

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY  
(SHRI P.P. CHAUDHARY)

(a): No instance of Aadhaar data or biometrics breach has occurred till date.

(b): Offences and penalties have been identified in the Chapter VII of The Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits, and Services) Act, 2016. The various Sections for Offences and Penalties are:

- 34 – Penalty for impersonation at time of enrolment
- 35–Penalty for impersonation of Aadhaar number holder by changing demographic information or biometric information
- 36 – Penalty for impersonation
- 37 – Penalty for disclosing identity information
- 38 – Penalty for unauthorised access to the Central Identities Data Repository
- 39 – Penalty for tampering with data in Central Identities Data Repository
- 40 – Penalty for unauthorised use by requesting entity
- 41 – Penalty for non-compliance with Intimation requirements
- 42 – General penalty
- 43 – Offences by companies
- 44 – Act to apply for offence or contravention committed outside India
- 45 – Power to investigate offences
- 46 – Penalties not to interfere with other punishments
- 47 – Cognizance of offences.

(c): Does not arise in view of (a) above.

(d): UIDAI has adequate legal, organizational and technological measures in place to strengthen the security of the data stored in UIDAI. Data Protection measures have also been mandated for the requesting entities and ecosystem partners to address the security concerns surrounding Aadhaar.

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