

बिहार सरकार  
सूचना प्रावैधिकी विभाग

प्रेषक,

प्रधान सचिव  
सूचना प्रावैधिकी विभाग,  
टेक्नोलॉजी भवन, पटना

सेवा में,

अपर मुख्य सचिव / प्रधान सचिव / सचिव  
सभी विभाग,  
बिहार सरकार

पटना, दिनांक: 11.05.2022

विषय: आधार प्रमाणीकरण सेवा उपयोग करने एवं Sub-AUA Onboarding हेतु दिशा-निर्देश।

महाशय,

उपर्युक्त विषयक संदर्भ में कहना है कि, सूचना प्रावैधिकी विभाग को कई विभागों एवं जिलाधिकारियों से विभिन्न प्रयोजनों के लिए आधार प्रमाणीकरण सेवा उपलब्ध कराने हेतु अनुरोध प्राप्त हुआ है।

2. आधार अधिनियम २०१६ (संशोधित) के नियमों के अनुसार, किसी भी संस्था को आधार प्रमाणीकरण सेवाओं की अनुमति तभी दी जा सकती है, जब इस तरह के प्रमाणीकरण का उद्देश्य आधार अधिनियम, 2016 (संशोधित) की निम्नलिखित धाराओं के अनुरूप हो:

(क) धारा 7: कोई सब्सिडी, लाभ या सेवा प्रदान करने के लिए, यदि व्यय भारत की संचित निधि या राज्य की संचित निधि से है। (इसके लिए व्यय सब्सिडी के रूप में होना है और संबंधित सरकार द्वारा एक विशिष्ट अधिसूचना जारी की जानी है।)

(ख) धारा 4(4)(बी) (i): संसद द्वारा बनाए गए किसी अन्य कानून के प्रावधानों के तहत प्रमाणीकरण सेवाएं प्रदान करने की अनुमति; या

(ii): ऐसे उद्देश्य के लिए प्रमाणीकरण की मांग करना, जैसा कि केंद्र सरकार, प्राधिकरण के परामर्श से और राज्य के हित में, विहित कर सकती है।

3. अतः भारतीय विशिष्ट पहचान प्राधिकरण के द्वारा जारी दिशा-निर्देशों की प्रति संलग्न करते हुए अनुरोध है कि प्रमाणीकरण की आवश्यकता व उद्देश्य के अनुसार उचित दस्तावेज के साथ विहित प्रपत्र में इस विभाग को आवेदन उपलब्ध कराने की कृपा की जाए, ताकि इस पर भारतीय विशिष्ट पहचान प्राधिकरण का अनुमोदन लिया जा सके।

इस संबंध में विशेष सलाह व सहायता हेतु श्री प्रभात कुमार, परामर्शी, सूचना प्रावैधिकी विभाग, मो- 9910800166, ई-मेल- prabhatkumar.it@bihar.gov.in से संपर्क किया जा सकता है।

इस संदर्भ में अपने अधीनस्थ निगम/बोर्ड/सोसाइटी को कृपया अपने स्तर से सूचित किया जा सकता है।

अनु०: यथोक्त

विश्वासभाजन

सतीश 4/5/22  
प्रधान सचिव

ज्ञापांक: G-327/30/2021-SECTION\_7-ITDEPT/.....

दिनांक:.....

प्रतिलिपि: सभी जिलाधिकारी, बिहार – सूचनार्थ एवं आवश्यक कार्रवाई हेतु।

*सतीष 4/5/22*

प्रधान सचिव

**Guideline for onboarding of government departments as Sub-AUA of DIT Bihar:**

**A. Eligibility criteria to avail Aadhaar Authentication Services as per guidelines of Unique Identification Authority of India (UIDAI), Ministry of Electronics and IT (MeitY), Govt. of India:**

1. Aadhaar authentication services may be allowed to an entity if its purpose for such authentication is in conformity with following sections of The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (as amended) (Annexure-I):

(a) Section 7: For providing any subsidy, benefit or service, if the expenditure is from the Consolidated Fund of India or Consolidated Fund of State. (For this the expenditure has to be in the colour of subsidy and a specific notification is to be issued by the concerned Government, a format of which has been issued by UIDAI through circular dated 25.11.2019) (Annexure-II)

(b) Section 4(4)(b) (i): Permitted to offer Authentication Services under the provisions of **any other Law made by Parliament**; or

(ii): Seeking Authentication for such purpose, as the **Central Government in consultation with the Authority, and in the Interest of State**, may prescribe.

2. Section 4(4)(b)(ii) is further elaborated in Rule 3 & 4 of Aadhaar Authentication for Good Governance (SWIK) Rules 2020 (Annexure-III) as below:

Rule 3. Purposes for Aadhaar authentication. – (1) The Central Government may allow Aadhaar authentication by requesting entities in the interest of good governance, preventing leakage of public funds, promoting ease of living of residents and enabling better access to services for them, for the following purposes, namely: –

- (a) usage of digital platforms to ensure good governance;
- (b) prevention of dissipation of social welfare benefits; and
- (c) enablement of innovation and the spread of knowledge.

(2) Aadhaar authentication under sub-rule (1) shall be on a voluntary basis.

Rule 4. Preparation of proposal– The Ministry or the Department of the Government of India or the State Government, as the case may be, desirous of utilizing Aadhaar authentication for a purpose specified in rule 3 shall prepare a proposal with justification in regard to such purpose for which Aadhaar authentication is sought and submit the same to the Central Government for making a reference to the Authority.

3. Ministry of Electronics and IT (MeitY) has shared application form along with guidelines for submission of proposals for use of Aadhaar authentication under Rule 4, vide letter no. 13(6)/2018-EG-II(VOL-II) dated 18-08-2020 (Annexure-IV)

The departments/institutions/organizations of Government of Bihar, which are willing to avail Aadhaar Authentication services and fulfil the eligibility criteria, may apply for appointment as Sub-AUA of DIT Bihar as per process and checklist in Section-B.

**B. Checklist of Documents to be submitted with application for appointment of Sub-AUA under AUA-DIT Bihar for use of Aadhaar Authentication Services:**

- i. Cover letter addressed to Principal Secretary, Department of IT, 2<sup>nd</sup> Floor, Technology Bhawan, Vishweswaraiya Bhawan Campus, Bailey Road, Patna, Bihar - 800015
- ii. Sub-AUA application form (Annexure-V) duly seal and signed by Authorized signatory of applicant department.
- iii. Joint undertaking form (Annexure-V) duly seal and signed on each page by Authorized signatory of applicant department.
- iv. Sub-AUA Agreement (Annexure-VI) on stamp paper of Rs. 1000/-
- v. Copy of notification published under Section 7 of Aadhaar Act in state Gazette in the format prescribed in UIDAI circular dated 25.11.2019 for the schemes funded out of Consolidated fund of Govt. of Bihar

OR

Application and cover letter under section 4 of Aadhaar Act, 2016 for use of Aadhaar authentication on voluntary basis as per UIDAI Circular no. 13(6)/2018-EG-II(Vol-II) dated 18-08-2020

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## **Annexure-I**

The Aadhaar (Targeted Delivery of  
Financial and Other Subsidies, Benefits  
and Services) Act, 2016

(As Amended)

THE AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES,  
BENEFITS AND SERVICES) ACT, 2016

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THE AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES,  
BENEFITS AND SERVICES) ACT, 2016

ACT No. 18 OF 2016

[25th March, 2016.]

An Act to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, <sup>1</sup>[or the Consolidated Fund of the State] to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

(2) It shall extend to the whole of India <sup>2\*\*\*\*</sup> and save as otherwise provided in this Act, it shall also apply to any offence or contravention thereunder committed outside India by any person.

(3) It shall come into force on such date<sup>3</sup> 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. Definitions.**—In this Act, unless the context otherwise requires,—

<sup>4</sup>[(a) “Aadhaar number” means an identification number issued to an individual under sub-section (3) of section 3, and includes any alternative virtual identity generated under sub-section (4) of that section;]

<sup>5</sup>[(aa) “Aadhaar ecosystem” includes enrolling agencies, Registrars, requesting entities, offline verification-seeking entities and any other entity or group of entities as may be specified by regulations;]

(b) “Aadhaar number holder” means an individual who has been issued an Aadhaar number under this Act;

<sup>4</sup>[(ba) “Adjudicating Officer” means an Adjudicating Officer appointed under sub-section (1) of section 33B;

(bb) “Appellate Tribunal” means the Appellate Tribunal referred to in sub-section (1) of section 33C;]

(c) “authentication” means the process by which the Aadhaar number alongwith demographic information or biometric information of an individual is submitted to the Central Identities Data Repository for its verification and such Repository verifies the correctness, or the lack thereof, on the basis of information available with it;

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1. Ins. by Act 14 of 2019, s. 2 (w.e.f. 25-7-2019).

2. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

3. 12th September, 2016 — Sections 1 to 10, 24 to 47, *vide* notification No. S.O. 2927 (E), dated 12th September, 2016 *see* Gazette of India Extraordinary, Part II, s. 3 (ii).

12th July, 2016 — Sections 11 to 20, 22 and 23, 48 to 59, *vide* notification No. S.O. 2357 (E), dated 12th July 2016, *see* Gazette of India, Extraordinary, Part II, s. 3 (ii).

25th July, 2019 — Sections 1 to 30, *vide* notification No. S.O. 2649 (E), dated 25th July, 2019 *see* Gazette of India, Extraordinary, Part II, s. 3 (ii).

4. Subs. by Act 14 of 2019, s. 3, for clause (a) (w.e.f. 25-7-2019).

5. Ins. by s. 3, *ibid*, (w.e.f. 25-7-2019).

(d) “authentication record” means the record of the time of authentication and identity of the requesting entity and the response provided by the Authority thereto;

(e) “Authority” means the Unique Identification Authority of India established under sub-section (1) of section 11;

(f) “benefit” means any advantage, gift, reward, relief, or payment, in cash or kind, provided to an individual or a group of individuals and includes such other benefits as may be notified by the Central Government;

(g) “biometric information” means photograph, finger print, Iris scan, or such other biological attributes of an individual as may be specified by regulations;

(h) “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;

(i) “Chairperson” means the Chairperson of the Authority appointed under section 12;

<sup>1</sup>[(ia) “child” means a person who has not completed eighteen years of age;]

(j) “core biometric information” means finger print, Iris scan, or such other biological attribute of an individual as may be specified by regulations;

(k) “demographic information” includes information relating to the name, date of birth, address and other relevant information of an individual, as may be specified by regulations for the purpose of issuing an Aadhaar number, but shall not include race, religion, caste, tribe, ethnicity, language, records of entitlement, income or medical history;

(l) “enrolling agency” means an agency appointed by the Authority or a Registrar, as the case may be, for collecting demographic and biometric information of individuals under this Act;

(m) “enrolment” means the process, as may be specified by regulations, to collect demographic and biometric information from individuals by the enrolling agencies for the purpose of issuing Aadhaar numbers to such individuals under this Act;

(n) “identity information” in respect of an individual, includes his Aadhaar number, his biometric information and his demographic information;

(o) “Member” includes the Chairperson and Member of the Authority appointed under section 12;

(p) “notification” means a notification published in the Official Gazette and the expression “notified” with its cognate meanings and grammatical variations shall be construed accordingly;

<sup>1</sup> [(pa) “offline verification” means the process of verifying the identity of the Aadhaar number holder without authentication, through such offline modes as may be specified by regulations;

(pb) “offline verification-seeking entity” means any entity desirous of undertaking offline verification of an Aadhaar number holder;]

(q) “prescribed” means prescribed by rules made by the Central Government under this Act;

(r) “records of entitlement” means records of benefits, subsidies or services provided to, or availed by, any individual under any programme;

(s) “Registrar” means any entity authorised or recognised by the Authority for the purpose of enrolling individuals under this Act;

(t) “regulations” means the regulations made by the Authority under this Act;

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1. Ins. by Act 14 of 2019, s. 3 (w.e.f. 25-7-2019).

(u) “requesting entity” means an agency or person that submits the Aadhaar number, and demographic information or biometric information, of an individual to the Central Identities Data Repository for authentication;

(v) “resident” means an individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment;

(w) “service” means any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals and includes such other services as may be notified by the Central Government;

(x) “subsidy” means any form of aid, support, grant, subvention, or appropriation, in cash or kind, to an individual or a group of individuals and includes such other subsidies as may be notified by the Central Government.

## CHAPTER II

### ENROLMENT

**3. Aadhaar number.**—(1) Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information by undergoing the process of enrolment:

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) The enrolling agency shall, at the time of enrolment, inform the individual undergoing enrolment of the following details in such manner as may be specified by regulations, namely:—

(a) the manner in which the information shall be used;

(b) the nature of recipients with whom the information is intended to be shared during authentication; and

(c) the existence of a right to access information, the procedure for making requests for such access, and details of the person or department in-charge to whom such requests can be made.

(3) 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 individual.

<sup>1</sup>[(4) The Aadhaar number issued to an individual under sub-section (3) shall be a twelve-digit identification number and any alternative virtual identity as an alternative to the actual Aadhaar number of an individual that shall be generated by the Authority in such manner as may be specified by regulations.]

<sup>2</sup>[**3A. Aadhaar number of children.**—(1) The enrolling agency shall, at the time of enrolment of a child, seek the consent of the parent or guardian of the child, and inform the parent or guardian, the details specified under sub-section (2) of section 3.

(2) A child who is an Aadhaar number holder may, within a period of six months of attaining the eighteen years of age, make an application to the Authority for cancellation of his Aadhaar number, in such manner as may be specified by regulations and the Authority shall cancel his Aadhaar number.

(3) Notwithstanding anything in section 7, a child shall not be denied any subsidy, benefit or service under that section in case of failure to establish his identity by undergoing authentication, or furnishing

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1. Ins. by Act 14 of 2019, s. 4 (w.e.f. 25-7-2019).

2. Ins. by s. 5, *ibid*, (w.e.f. 25-7-2019).

proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment.]

**4. Properties of Aadhaar number.**—(1) An Aadhaar number, issued to an individual shall not be re-assigned to any other individual.

(2) An Aadhaar number shall be a random number and bear no relation to the attributes or identity of the Aadhaar number holder.

<sup>1</sup>[(3) Every Aadhaar number holder to establish his identity, may voluntarily use his Aadhaar number in physical or electronic form by way of authentication or offline verification, or in such other form as may be notified, in such manner as may be specified by regulations.

*Explanation.*— For the purposes of this section, voluntary use of the Aadhaar number by way of authentication means the use of such Aadhaar number only with the informed consent of the Aadhaar number holder.

(4) An entity may be allowed to perform authentication, if the Authority is satisfied that the requesting entity is—

(a) compliant with such standards of privacy and security as may be specified by regulations; and

(b) (i) permitted to offer authentication services under the provisions of any other law made by Parliament; or

(ii) seeking authentication for such purpose, as the Central Government in consultation with the Authority, and in the interest of State, may prescribe.

(5) The Authority may, by regulations, decide whether a requesting entity shall be permitted the use of the actual Aadhaar number during authentication or only an alternative virtual identity.

(6) Every requesting entity to whom an authentication request is made by an Aadhaar number holder under sub-section (3) shall inform to the Aadhaar number holder of alternate and viable means of identification and shall not deny any service to him for refusing to, or being unable to, undergo authentication.

(7) Notwithstanding anything contained in the foregoing provisions, mandatory authentication of an Aadhaar number holder for the provision of any service shall take place if such authentication is required by a law made by Parliament.]

**5. Special measures for issuance of Aadhaar number to certain category of persons.**—The Authority shall take special measures to issue Aadhaar number to women, children, senior citizens, persons with disability, 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.

**6. Update of certain information.**—The Authority may require 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.

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1. Subs. by Act 14 of 2019, s. 6, for Sub-section (3) (w.e.f. 25-7-2019).

## CHAPTER III

### AUTHENTICATION

**7. Proof of Aadhaar number necessary for receipt of certain subsidies, benefits and services, etc.**—The Central Government or, as the case may be, the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred from, or the receipt therefrom forms part of, the Consolidated Fund of India,<sup>1</sup>[or the Consolidated Fund of State] require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment:

Provided that if an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.

**8. Authentication of Aadhaar number.**—(1) The Authority shall perform authentication of the Aadhaar number of an Aadhaar number holder submitted by any requesting entity, in relation to his biometric information or demographic information, subject to such conditions and on payment of such fees and in such manner as may be specified by regulations.

(2) A requesting entity shall—

(a) unless otherwise provided in this Act, obtain the consent of an individual<sup>2</sup>[or in the case of a child obtain the consent of his parent or guardian] before collecting his identity information for the purposes of authentication in such manner as may be specified by regulations; and

(b) ensure that the identity information of an individual is only used for submission to the Central Identities Data Repository for authentication.

<sup>2</sup>[Provided that the requesting entity shall, in case of failure to authenticate due to illness, injury or infirmity owing to old age or otherwise or any technical or other reasons, provide such alternate and viable means of identification of the individual, as may be specified by regulations.]

(3) A requesting entity shall inform, in such manner as may be specified by regulations, the individual submitting his identity information for authentication<sup>2</sup>[or in the case of a child, his parent or guardian], the following details with respect to authentication, namely:—

(a) the nature of information that may be shared upon authentication;

(b) the uses to which the information received during authentication may be put by the requesting entity; and

(c) alternatives to submission of identity information to the requesting entity.

(4) The Authority shall respond to an authentication query with a positive, negative or any other appropriate response sharing such identity information excluding any core biometric information.

<sup>3</sup>**[8A. Offline verification of Aadhaar number.**—(1) Every offline verification of an Aadhaar number holder shall be performed in accordance with the provisions of this section.

(2) Every offline verification-seeking entity shall, —

(a) before performing offline verification, obtain the consent of an individual, or in the case of a child, his parent or guardian, in such manner as may be specified by regulations; and

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1. Ins. by Act 14 of 2019, s. 7 (w.e.f. 25-7-2019).

2. Ins. by s. 8, *ibid*, (w.e.f. 25-7-2019).

3. Ins. by s. 9, *ibid*, (w.e.f. 25-7-2019).

(b) ensure that the demographic information or any other information collected from the individual for offline verification is only used for the purpose of such verification.

(3) An offline verification-seeking entity shall inform the individual undergoing offline verification, or in the case of a child, his parent or guardian, the following details with respect to offline verification, in such manner as may be specified by regulations, namely:—

(a) the nature of information that may be shared upon offline verification;

(b) the uses to which the information received during offline verification may be put by the offline verification-seeking entity; and

(c) alternatives to submission of information requested for, if any.

(4) No offline verification-seeking entity shall—

(a) subject an Aadhaar number holder to authentication;

(b) collect, use, or store an Aadhaar number or biometric information of any individual for any purpose;

(c) take any action contrary to any obligation on it as may be specified by regulations.]

**9. Aadhaar number not evidence of citizenship or domicile, etc.**—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.

**10. Central Identities Data Repository.**—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.

## CHAPTER IV

### UNIQUE IDENTIFICATION AUTHORITY OF INDIA

**11. Establishment of Authority.**—(1) The Central Government shall, by notification, establish an Authority to be known as the Unique Identification Authority of India to be responsible for the processes of enrolment and authentication and perform such other functions assigned to it under this Act.

(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.

(3) The head office of the Authority shall be in New Delhi.

(4) The Authority may, with the prior approval of the Central Government, establish its offices at other places in India.

**12. Composition of Authority.**—The Authority shall consist of a Chairperson, appointed on part-time or full-time basis, two part-time Members, and the chief executive officer who shall be Member-Secretary of the Authority, to be appointed by the Central Government.

**13. Qualifications for appointment of Chairperson and Members of Authority.**—The Chairperson and Members of the Authority shall be persons of ability and integrity having experience and knowledge of at least ten years in matters relating to technology, governance, law, development, economics, finance, management, public affairs or administration.

**14. Term of office and other conditions of service of Chairperson and Members.**—(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:

Provided that no person shall hold office as the Chairperson or Member after he has attained the age of sixty-five years.

(2) The Chairperson and every Member shall, before entering 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 salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and allowances or remuneration payable to part-time Members shall be such as may be prescribed.

**15. Removal of Chairperson and Members.**—(1) The Central Government may remove from office, the Chairperson, or a Member, who—

(a) is, or at any time has been adjudged as insolvent;

(b) has become physically or mentally incapable of acting as the Chairperson or, as the case may be, a Member;

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(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

(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.

(2) The Chairperson or a Member shall not be removed under clause (b), clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard.

**16. Restrictions on Chairperson or Members on employment after cessation of office.**—The Chairperson or a Member on ceasing to hold office for any reason, shall not, without previous approval of the Central Government,—

(a) accept any employment in, or be connected with the management of any organisation, company or any other entity which has been associated with any work done or contracted out by the Authority, whether directly or indirectly, during his tenure as Chairperson or Member, as the case may be, for a period of three years from the date on which he ceases to hold office:

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 clause (45) of section 2 of the Companies Act, 2013 (18 of 2013);

(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; or

(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.

**17. Functions of Chairperson.**—The Chairperson shall preside over the meetings of the Authority, and without prejudice to any provision of this Act, exercise and discharge such other powers and functions of the Authority as may be prescribed.

**18. Chief executive officer.**—(1) There shall be a chief executive officer of the Authority, not below the rank of Additional Secretary to the Government of India, to be appointed by the Central Government.

(2) The chief executive officer shall be the legal representative of the Authority and shall be responsible for—

- (a) the day-to-day administration of the Authority;
- (b) implementing the work programmes and decisions adopted by the Authority;
- (c) drawing up of proposal for the Authority's decisions and work programmes;
- (d) the preparation of the statement of revenue and expenditure and the execution of the budget of the Authority; and
- (e) performing such other functions, or exercising such other powers, as may be specified by regulations.

(3) Every year, the chief executive officer shall submit to the Authority for approval—

- (a) a general report covering all the activities of the Authority in the previous year;
- (b) programmes of work;
- (c) the annual accounts for the previous year; and
- (d) the budget for the coming year.

(4) The chief executive officer shall have administrative control over the officers and other employees of the Authority.

**19. Meetings of Authority.**—(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.

(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 presiding Member shall have a casting vote.

(4) All decisions of the Authority shall be signed by the Chairperson or any other Member or the Member-Secretary 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.

**20. Vacancies, etc., not to invalidate proceedings of Authority.**—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 Chairperson or Member of the Authority; or
- (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

<sup>1</sup>[**21. Officers and other employees of Authority.**—(1) The Authority shall appoint such officers and employees as may be required for the discharge of its functions under this Act.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Authority shall be such as may be specified by regulations.]

**22. Transfer of assets, liabilities of Authority.**—On and from the establishment of the Authority—

(a) all the assets and liabilities of the Unique Identification Authority of India, established *vide* 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.

*Explanation.*—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;

(b) without prejudice to the provisions of clause (a), 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;

(c) all sums of money due to the said Unique Identification Authority of India immediately before that day shall be deemed to be due to the Authority; and

(d) 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.

**23. Powers and functions of Authority.**—(1) The Authority shall develop the policy, procedure and systems for issuing Aadhaar numbers to individuals and perform authentication thereof under this Act.

(2) Without prejudice to sub-section (1), the powers and functions of the Authority, *inter alia*, include—

(a) specifying, by regulations, demographic information and biometric information required for enrolment 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 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) specifying the manner of use of Aadhaar numbers for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar numbers may be used;

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1. Subs. by Act 14 of 2019, s. 10, for section 21 (w.e.f. 25-7-2019).

- (i) specifying, by regulations, 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, subject to the provisions of this Act;
- (l) calling for information and records, conducting inspections, inquiries and audit of the operations for the purposes of this Act of the Central Identities Data Repository, Registrars, enrolling agencies and other agencies appointed under this Act;
- (m) specifying, by regulations, various processes relating to data management, security protocols and other technology safeguards under this Act;
- (n) specifying, by regulations, the conditions and procedures for issuance of new Aadhaar number to existing Aadhaar number holder;
- (o) levying and collecting the fees or authorising 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) appointing such committees as may be necessary to assist the Authority in discharge of its functions for the purposes of this Act;
- (q) promoting research and development for advancement in biometrics and related areas, including usage of Aadhaar numbers through appropriate mechanisms;
- (r) evolving of, and specifying, by regulations, policies and practices for Registrars, enrolling agencies and other service providers;
- (s) setting up facilitation centres and grievance redressal mechanism for redressal of grievances of individuals, Registrars, enrolling agencies and other service providers;
- (t) such other powers and functions as may be prescribed.

(3) The Authority may,—

- (a) enter into Memorandum of Understanding or agreement, as the case may be, with the 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 delivery of Aadhaar numbers to individuals 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 contract.

<sup>1</sup>[**23A. Power of Authority to issue directions.**—(1) The Authority may for the discharge of its functions under this Act, or any rules or regulations made there under, by order, issue such directions from time to time to any entity in the Aadhaar ecosystem, as it may consider necessary.

(2) Every direction issued under sub-section (1) shall be complied with by the entity in the Aadhaar ecosystem to whom such direction is issued.]

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1. Ins. by Act 14 of 2019, s. 11 (w.e.f. 25-7-2019).

CHAPTER V  
GRANTS, ACCOUNTS AND AUDIT AND ANNUAL REPORT

**24. Grants by Central Government.**—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.

<sup>1</sup>**25. Fund.**—(1) There shall be constituted a Fund to be called the Unique Identification Authority of India Fund and there shall be credited thereto—

- (a) all grants, fees and charges received by the Authority under this Act; and
- (b) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

- (a) the salaries and allowances payable to the Chairperson and members and administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority; and
- (b) the expenses on objects and for purposes authorised by this Act.]

**26. Accounts and audit.**—(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.

(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 of India 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 of India 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. Returns and annual report, etc.**—(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.

(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;
- (b) the annual accounts for the previous year; and
- (c) the programmes of work for coming year.

(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

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1. Subs. by Act 14 of 2019, s. 12, for section 25 (w.e.f. 25-7-2019).

## CHAPTER VI

### PROTECTION OF INFORMATION

**28. Security and confidentiality of information.**—(1) The Authority shall ensure the security of identity information and authentication records of individuals.

(2) Subject to the provisions of this Act, the Authority shall ensure confidentiality of identity information and authentication records of individuals.

(3) The Authority shall take all necessary measures 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 access, use or disclosure not permitted under this Act or regulations made thereunder, and against accidental or intentional destruction, loss or damage.

(4) Without prejudice to sub-sections (1) and (2), the Authority shall—

(a) adopt and implement appropriate technical and organisational security measures;

(b) ensure that the agencies, consultants, advisors or other persons appointed or engaged for performing any function of the Authority under this Act, have in place appropriate technical and organisational security measures for the information; and

(c) ensure that the agreements or arrangements entered into with such agencies, consultants, advisors or other persons, impose obligations equivalent to those imposed on the Authority under this Act, and require such agencies, consultants, advisors and other persons to act only on instructions from the Authority.

(5) Notwithstanding anything contained in any other law for the time being in force, and save as otherwise provided in this Act, the Authority or any of its officers or other employees or any agency that maintains the Central Identities Data Repository shall not, whether during his service or thereafter, reveal any information stored in the Central Identities Data Repository or authentication record to anyone:

Provided that an Aadhaar number holder may request the Authority to provide access to his identity information excluding his core biometric information in such manner as may be specified by regulations.

**29. Restriction on sharing information.**—(1) No core biometric information, collected or created under this Act, shall be—

(a) shared with anyone for any reason whatsoever; or

(b) used for any purpose other than generation of Aadhaar numbers and authentication under this Act.

(2) The identity information, other than core biometric information, collected or created under this Act may be shared only in accordance with the provisions of this Act and in such manner as may be specified by regulations.

<sup>1</sup>[(3) No identity information available with a requesting entity or offline verification-seeking entity shall be—

(a) used for any purpose, other than the purposes informed in writing to the individual at the time of submitting any information for authentication or offline verification; or

(b) disclosed for any purpose, other than purposes informed in writing to the individual at the time of submitting any information for authentication or offline verification:

Provided that the purposes under clauses (a) and (b) shall be in clear and precise language understandable to the individual.]

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1. Subs. by Act 14 of 2019, s. 13, for sub-section (3) (w.e.f. 25-7-2019).

(4) No Aadhaar number <sup>1</sup>[, demographic information or photograph] collected or created under this Act in respect of an Aadhaar number holder shall be published, displayed or posted publicly, except for the purposes as may be specified by regulations.

**30. Biometric information deemed to be sensitive personal information.**—The biometric information collected and stored in electronic form, in accordance with this Act and regulations made thereunder, shall be deemed to be “electronic record” and “sensitive personal data or information”, and the provisions contained in the Information Technology Act, 2000 (21 of 2000) and the rules made thereunder shall apply to such information, in addition to, and to the extent not in derogation of the provisions of this Act.

*Explanation.*— For the purposes of this section, the expressions—

(a) “electronic form” shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);

(b) “electronic record” shall have the same meaning as assigned to it in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);

(c) “sensitive personal data or information” shall have the same meaning as assigned to it in clause (iii) of the *Explanation* to section 43A of the Information Technology Act, 2000 (21 of 2000).

**31. Alteration of demographic information or biometric information.**—(1) In case any demographic information of an 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.

(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 number holder.

(4) No identity information in the Central Identities Data Repository shall be altered except in the manner provided in this Act or regulations made in this behalf.

**32. Access to own information and records of requests for authentication.**—(1) The Authority shall maintain authentication records in such manner and for such period as may be specified by regulations.

(2) Every Aadhaar number holder shall be entitled to obtain his authentication record in such manner as may be specified by regulations.

(3) The Authority shall not, either by itself or through any entity under its control, collect, keep or maintain any information about the purpose of authentication.

**33. Disclosure of information in certain cases.**—(1) Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a <sup>2</sup>[Judge of a High Court]:

Provided that no order by the court under this sub-section shall be made without giving an opportunity of hearing to the Authority <sup>3</sup>[and the concerned Aadhaar number holder].

<sup>3</sup>[Provided further that the core biometric information shall not be disclosed under this sub-section.]

(2) Nothing contained in sub-section (2) or sub-section (5) of section 28 and clause (b) of sub-section (1), sub-section (2) or sub-section (3) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made in the interest of national security in

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1. Subs. by Act 14 of 2019, s. 13, for “or core biometric information” (w.e.f. 25-7-2019).

2. Subs. by s. 14, *ibid.*, for “District Judge” (w.e.f. 25-7-2019).

3. Ins. by s. 14, *ibid.*, (w.e.f. 25-7-2019).

pursuance of a direction of an officer not below the rank of <sup>1</sup>[Secretary] to the Government of India specially authorised in this behalf by an order of the Central Government:

Provided that every direction issued under this sub-section, shall be reviewed by an Oversight Committee consisting of the Cabinet Secretary and the Secretaries to the Government of India in the Department of Legal Affairs and the Department of Electronics and Information Technology, before it takes effect:

Provided further that any direction issued under this sub-section shall be valid for a period of three months from the date of its issue, which may be extended for a further period of three months after the review by the Oversight Committee.

## <sup>2</sup>[CHAPTER VIA

### CIVIL PENALTIES

**33A. Penalty for failure to comply with provisions of this Act, rules, regulations and directions.**—(1) Where an entity in the Aadhaar ecosystem fails to comply with the provision of this Act, the rules or regulations made there under or directions issued by the Authority under section 23A, or fails to furnish any information, document, or return of report required by the Authority, such entity shall be liable to a civil penalty which may extend to one crore rupees for each contravention and in case of a continuing failure, with additional penalty which may extend to ten lakh rupees for every day during which the failure continues after the first contravention.

(2) The amount of any penalty imposed under this section, if not paid, may be recovered as if it were an arrear of land revenue.

**33B. Power to adjudicate.**—(1) For the purposes of adjudication under section 33A and imposing a penalty there under, the Authority shall appoint an officer of the Authority, who is not below the rank of a Joint Secretary to the Government of India and possessing such qualification and experience as may be prescribed, to be an Adjudicating Officer for holding an inquiry in such manner as may be prescribed.

(2) No inquiry under sub-section (1) shall be initiated except by a complaint made by the Authority.

(3) While holding an inquiry, the Adjudicating Officer shall—

(a) provide the entity in the Aadhaar ecosystem against whom complaint is made, an opportunity of being heard;

(b) have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the Adjudicating Officer, may be useful for or relevant to the subject matter of the inquiry.

(4) If the Adjudicating Officer, on such inquiry, is satisfied that the entity in the Aadhaar ecosystem has failed to comply with any provision of this Act or the rules or regulations made there under or directions issued by the Authority under section 23A, or has failed to furnish any information, document, or return of report required by the Authority, the Adjudicating Officer may, by order, impose such penalty under section 33A as he thinks fit.

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1. Subs. by Act 14 of 2019, s. 14, for “Joint Secretary” (w.e.f. 25-7-2019).

2. Ins. by s. 15, *ibid*, (w.e.f. 25-7-2019).

**33C. Appeals to Appellate Tribunal.**—(1) The Telecom Disputes Settlement and Appellate Tribunal established under section 14 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), shall be Appellate Tribunal for the purposes of hearing appeals against the decision of the Adjudicating Officer under this Act.

(2) A person or entity in the Aadhaar ecosystem aggrieved by an order of the Adjudicating Officer under section 33B, may prefer an appeal to the Appellate Tribunal within a period of forty-five days from the date of receipt of the order appealed against, in such form and manner and accompanied with such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (2), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the Adjudicating Officer.

(5) Any appeal filed under sub-section (2) shall be dealt with by the Appellate Tribunal as expeditiously as possible and every endeavour shall be made by it to dispose of the appeal within six months from the date on which it is presented to it.

(6) The Appellate Tribunal may, for the purpose of deciding an appeal before it, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.

**33D. Procedure and powers of the Appellate Tribunal.**—The provisions of sections 14-I to 14K (both inclusive), 16 and 17 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) shall, mutatis mutandis, apply to the Appellate Tribunal in the discharge of its functions under this Act, as they apply to it in the discharge of its functions under that Act.

**33E. Appeal to Supreme Court of India.**—(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or in any other law for the time being in force, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on any substantial question of law arising out of such order.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal which the parties have consented to.

(3) Every appeal under this section shall be preferred within a period of forty-five days from the date of the decision or order appealed against:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

**33F. Civil court not to have jurisdiction.**—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Adjudicating Officer appointed under this Act or the Appellate Tribunal is empowered, by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.]

## CHAPTER VII

### OFFENCES AND PENALTIES

**34. Penalty for impersonation at time of enrolment.**—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 or with a fine which may extend to ten thousand rupees or with both.

**35. Penalty for impersonation of Aadhaar number holder by changing demographic information or biometric information.**—Whoever, with the intention of causing harm or mischief to an Aadhaar number holder, or with the intention of appropriating the identity of an Aadhaar number holder changes or attempts to change any demographic information or biometric information of an 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 also be liable to a fine which may extend to ten thousand rupees.

**36. Penalty for impersonation.**—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.

**37. Penalty for disclosing identity information.**—Whoever, intentionally discloses, transmits, copies or otherwise disseminates any identity information collected in the course of enrolment or authentication to any person not authorised under this Act or regulations made thereunder or in contravention of any agreement or arrangement entered into pursuant to the provisions of 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.

**38. Penalty for unauthorised access to the Central Identities Data Repository.**—Whoever, not being authorised by the Authority, intentionally,—

- (a) accesses or secures access to the Central Identities Data Repository;
- (b) downloads, copies or extracts any data from the Central Identities Data Repository or stored in any removable storage medium;
- (c) introduces or causes to be introduced any virus or other computer contaminant in the Central Identities Data Repository;
- (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;
- (f) denies or causes a denial of access to any person who is authorised to access the Central Identities Data Repository;
- (g) reveals any information in contravention of sub-section (5) of section 28, or shares, uses or displays information in contravention of section 29 or assists any person in any of the aforementioned acts;
- (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 affects it injuriously by any means; or
- (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,

shall be punishable with imprisonment for a term which may extend to three years <sup>1</sup>[ten years] and shall also be liable to a fine which shall not be less than ten lakh rupees.

*Explanation.*— For the purposes of this section, the expressions “computer contaminant”, “computer virus” and “damage” shall have the meanings respectively assigned to them in the *Explanation* to section 43 of the Information Technology Act, 2000 (21 of 2000), and the expression “computer source code” shall have the meaning assigned to it in the *Explanation* to section 65 of the said Act.

**39. Penalty for tampering with data in Central Identities Data Repository.**—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 <sup>2</sup>[ten years] and shall also be liable to a fine which may extend to ten thousand rupees.

<sup>3</sup>**40. Penalty for unauthorised use by requesting entity or offline verification-seeking entity.**—

Whoever,—(a) being a requesting entity, uses the identity information of an individual in contravention of sub-section (2) of section 8; or

(b) being an offline verification-seeking entity, uses the identity information of an individual in contravention of sub-section (2) of section 8A, shall be punishable with imprisonment 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.]

**41. Penalty for non-compliance with intimation requirements.**—Whoever, being an enrolling agency or a requesting entity, fails to comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be punishable with imprisonment which may extend to one year 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.

**42. General penalty.**—Whoever commits an offence under this Act or any rules or regulations made thereunder for which no specific penalty is provided elsewhere than this section, shall be punishable with imprisonment for a term which may extend to <sup>4</sup>[three year] 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.

**43. Offences by companies.**—(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:

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 had 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.

*Explanation.*— 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.

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1. Subs. by Act 14 of 2019, s. 16 for “three years” (w.e.f. 25-7-2019).

2. Subs. by s. 17, *ibid.*, (w.e.f. 25-7-2019).

3. Subs. by s. 18, for section 40 (w.e.f. 25-7-2019).

4. Subs. by s. 19, for “One year” (w.e.f. 25-7-2019).

**44. Act to apply for offence or contravention committed outside India.**—(1) Subject to the provisions of sub-section (2), the provisions of this Act shall apply also to any offence or contravention committed outside India by any person, irrespective of his nationality.

(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 any data in the Central Identities Data Repository.

**45. Power to investigate offences.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a police officer not below the rank of Inspector of Police shall investigate any offence under this Act.

**46. Penalties not to interfere with other punishments.**—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.

**47. Cognizance of offences.**—(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.

<sup>1</sup>[Provided that the court may, on a complaint made by an Aadhaar number holder or individual take cognizance of any offence punishable under section 34 or 35 or 36 or 37 or 40 or section 41.]

(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 VIII

### MISCELLANEOUS

**48. Power of Central Government to supersede Authority.**—(1) If, at any time, the Central Government is of the opinion,—

(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 a public emergency exists,

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,—

(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.

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1. Ins. by Act 14 of 2019, s. 20 (w.e.f. 25-7-2019).

(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.

**49. Members, officers, etc., to be public servants.**—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 (45 of 1860).

**50. Power of Central Government to issue directions.**—(1) 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, as the Central Government may give, in writing to it, from time to time:

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:

Provided further that nothing in this section shall empower the Central Government to issue directions pertaining to technical or administrative matters undertaken by the Authority.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

<sup>1</sup>**[50A. Exemption from tax on income.**—Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961) or any other enactment for the time being in force relating to tax on income, profits or gains, the Authority shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains.]

**51. Delegation.**—The Authority may, by general or special order in writing, delegate to any <sup>2</sup>[Member or 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.

**52. Protection of action taken in good faith.**—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.

**53. Power of Central Government to make rules.**—(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(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:—

(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;

<sup>3</sup>[(aa) the purpose for which the requesting entity may be allowed by the Authority to perform authentication under sub-clause (ii) of clause (b) of sub-section (4) of section 4;]

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1. Ins. by Act 14 of 2019, s. 21 (w.e.f. 25-7-2019).

2. Subs. by s. 22, *ibid.*, for “Member, officer” (w.e.f. 25-7-2019)

3. Ins. by s. 23, *ibid.*, (w.e.f. 25-7-2019).

(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 (4) of section 14;

(c) the other powers and functions of the Chairperson of the Authority under section 17;

(d) the other powers and functions 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;

<sup>1</sup>[(ga) the qualification and experience of, and the manner of appointment of, the Adjudicating Officer under sub-section (1) of section 33B;

(gb) the form, manner, and fee for an appeal to be filed under sub-section (2) of section 33C;]

(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. Power of Authority to make regulations.**—(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.

(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:—

<sup>2</sup>[(a) the entities or group of entities in the Aadhaar ecosystem under clause (aa), the biometric information under clause (g) and the demographic information under clause (k), the process of collecting demographic information and biometric information from the individuals by enrolling agencies under clause (m), and the modes of offline verification of Aadhaar number holder under clause (pa) of section 2;]

(b) the manner of verifying the demographic information and biometric information for issue of Aadhaar number under sub-section (3) of section 3;

<sup>3</sup>[(ba) the manner of generating an alternative virtual identity under sub-section (4) of section 3;

(bb) the manner in which cancellation of an Aadhaar number may be carried out under sub-section (2) of section 3A;]

(c) the conditions for accepting an Aadhaar number as proof of identity of the Aadhaar number holder under sub-section (3) of section 4;

<sup>3</sup>[(ca) standards of privacy and security to be complied with by the requesting entities under sub-section (4) of section 4;

(cb) the classification of requesting entities under sub-section (5) of section 4;]

(d) the other categories of individuals under section 5 for whom the Authority shall take special measures for allotment of Aadhaar number;

(e) the manner of updating biometric information and demographic information under section 6;

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1. Ins. by Act 14 of 2019, s. 23 (w.e.f. 25-7-2019).

2. Subs. by s. 24, *ibid.*, for clause (a) (w.e.f. 25-7-2019).

3. Ins. by s. 24, *ibid.* (w.e.f. 25-7-2019).

(f) the procedure for authentication of the Aadhaar number under section 8;

<sup>1</sup>[(fa) the alternate and viable means of identification of individual under the proviso to clause (b) of sub-section (2) of section 8;

(fb) the manner of obtaining consent under clause (a) of sub-section (2), the manner of providing information to the individual undergoing offline verification under sub-section (3), and the obligations of offline verification-seeking entities under clause (c) of sub-section (4) of section 8A;]

(g) the other functions to be performed by the Central Identities Data Repository under section 10;

(h) 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 19;

(i) 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 (2) of section 21;

(j) 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;

(k) the manner of maintaining and updating the information of individuals in the Central Identities Data Repository under clause (f) of sub-section (2) of section 23;

(l) the manner of omitting and deactivating an Aadhaar number and information relating thereto under clause (g) of sub-section (2) of section 23;

(m) the manner of use of Aadhaar numbers for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar numbers may be used under clause (h) of sub-section (2) of section 23;

(n) 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;

(o) the manner of sharing information of Aadhaar number holder under clause (k) of sub-section (2) of section 23;

(p) various processes relating to data management, security protocol and other technology safeguards under clause (m) of sub-section (2) of section 23;

(q) the procedure for issuance of new Aadhaar number to existing Aadhaar number holder under clause (n) of sub-section (2) of section 23;

(r) manner of authorising Registrars, enrolling agencies or other service providers to collect such fees for services provided by them under clause (o) of sub-section (2) of section 23;

(s) 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;

(t) the manner of accessing the identity information by the Aadhaar number holder under the proviso to sub-section (5) of section 28;

(u) the manner of sharing the identity information, other than core biometric information, collected or created under this Act under sub-section (2) of section 29;

(v) the manner of alteration of demographic information under sub-section (1) and biometric information under sub-section (2) of section 31;

(w) the manner of and the time for maintaining the request for authentication and the response thereon under sub-section (1), and the manner of obtaining, by the Aadhaar number holder, the authentication records under sub-section (2) of section 32;

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1. Ins. by Act 14 of 2019 (w.e.f. 25-7-2019).

(x) 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. Laying of rules and regulations before Parliament.**—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.

**56. Application of other laws not barred.**—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

**57. Act not to prevent use of Aadhaar number for other purposes under law.**—*Omitted by the Aadhaar and Other Laws (Amendment) Act 2019 (Act 14 of 2019), s. 25 (w.e.f. 25-07-2019)*

**58. Power to remove difficulties.**— (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:

Provided that no such order shall be made under this section after the expiry of three 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.

**59. Savings.**—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 28th January, 2009, or by the Department of Electronics and Information Technology under the Cabinet Secretariat Notification bearing notification number S.O.2492 (E), dated the 12th September, 2015, as the case may be, shall be deemed to have been validly done or taken under this Act.

## **Annexure-II**

Guidelines on use of Aadhaar under  
Section 7 of the Aadhaar Act 2016 (as  
amended) by the state governments  
for the schemes funded out of  
Consolidated Fund of State  
(Circular dated 25.11.2019)



भारत सरकार  
Government of India

भारतीय विशिष्ट पहचान प्राधिकरण  
Unique Identification Authority of India (UIDAI)  
आधार मुख्यालय, बंगला साहिब रोड, काली मंदिर के पीछे  
गोल मार्केट, नई दिल्ली-110001  
Aadhaar H.Q., Bangla Sahib Road, Behind Kali Mandir,  
Gole Market, New Delhi-110001

No. 1-1/2019-UIDAI (DBT)

**Dated: 25<sup>th</sup> November, 2019**

### CIRCULAR

**Subject: Guidelines on use of Aadhaar under section 7 of the Aadhaar Act 2016 (as amended by the Aadhaar and Other Laws (Amendment) Act, 2019) by the State Governments for the schemes funded out of Consolidated Fund of State.**

The use of Aadhaar as identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, brings in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity.

2. The provisions of the Aadhaar Act, 2016 had come into effect from 12<sup>th</sup> September 2016 through a Gazette notification. Subsequently, to give effect to the provisions of the Act, various Regulations under the Aadhaar Act have been notified by UIDAI in the official Gazette. Further, the Aadhaar and Other Laws (Amendment) Act, 2019 has been notified on 24<sup>th</sup> July 2019 after its passing by the Parliament, which *inter-alia*, includes an amendment of section 7 of the Aadhaar Act, as under:

*"In section 7 of the principal Act, after the words "the Consolidated Fund of India", the words "or the Consolidated Fund of State" shall be inserted."*

3. Section 7 of the Aadhaar Act 2016 stipulates that as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred from the Consolidated Fund of India or the Consolidated Fund of States, the Central Government or the State Government may require the individual to undergo Aadhaar authentication or furnish proof of possession of Aadhaar number. Hon'ble Supreme Court of India in its judgment dated 26<sup>th</sup> September 2018 in the Writ Petition (Civil) No. 494: *Justice K.S. Puttaswamy v. Union of India*, has further clarified the interpretation of section 7 and held as under (Ref. para 322 and para 447 (2)(m), page 555 of the judgement):

*"(a) 'benefits' and 'services' as mentioned in Section 7 should be those which have the colour of some kind of subsidies etc., namely, welfare schemes of the Government whereby Government is doling out such benefits which are targeted at a particular deprived class.*

*(b) The expenditure thereof has to be drawn from the Consolidated Fund of India.*

*(c) On that basis, CBSE, NEET, JET, UGC etc. cannot make the requirement of Aadhaar mandatory as they are outside the purview of Section 7 and are not backed by any law". (emphasis supplied)*

The Supreme Court has, thus interpreted 'benefits' in section 7 as welfare measures targeted at a particular deprived class of persons. This class of persons as interpreted by the Supreme Court can be construed as a specific group of people having in common their socio-economic status as well as the broad causes of having that particular status. It has also been clarified by the aforementioned judgment that since earnings by an individual are a matter of right they cannot be covered by section 7 of the Aadhaar Act. Therefore, payment of remuneration, and other expenses to employees or contractual manpower cannot be considered as 'benefits' under section 7 of the Aadhaar Act.

Further, Section 3A(3) inserted *vide* the Aadhaar and Other Laws (Amendment) Act, 2019 stipulates that notwithstanding anything contained in section 7, a child shall not be denied any benefit, subsidy or service for failure to establish his identity by undergoing authentication or furnishing proof of possession of Aadhaar number or in case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment.

4. Until now, using section 7 of the Aadhaar Act 2016, only Central Ministries/ Departments have been mandating use of Aadhaar of the beneficiaries under their respective schemes (both under Central administration and Central sponsorship) through publishing section 7 notifications in the Gazette of India, after due vetting of the same by the Ministry of Law & Justice. UIDAI has been facilitating the process of vetting of all these notifications since November 2016.

5. As per provisions in the Aadhaar and Other Laws (Amendment) Act, 2019, the State Governments can henceforth, mandate use of Aadhaar authentication for the beneficiaries under section 7 of the Aadhaar Act 2016 in those schemes which are funded out of Consolidated Fund of the State. In order to do so, the State Governments will need to issue notifications under section 7 of the Aadhaar Act, 2016 in respect of the specific schemes, similar to the ones as published by the Central Ministries/Departments.

6. Accordingly, it is suggested that the State Governments may take the following steps to issue section 7 notifications under their specific schemes which are funded out of Consolidated Fund of the State:

- a) The State Governments may first identify the schemes for use of Aadhaar where 'benefits' are given to the 'individuals', and ensure that the schemes fulfil the criteria of being eligible under section 7 of the Aadhaar Act, as per

the judgement of the Hon'ble Supreme Court dated 26<sup>th</sup> September 2018 (Ref. para 3 above).

- b) Thereafter, a draft notification for the specific scheme may be prepared by the Department implementing the scheme, and vetted by the Legal Department of the State Government before publishing it, as per the extant procedure.
  - c) The State Governments may use a standard template of section 7 notification (**Annex-1**). In case, children are beneficiaries under any scheme, an additional paragraph is required to be inserted as per section 3A (3) of the Aadhaar and Other Laws (Amendment) Act, 2019. A sample of children specific scheme notification is enclosed at **Annex-2**.
  - d) After publication of the section 7 notification in the State Gazette, the State Governments may approach Authentication Division of UIDAI HQ seeking necessary permission (if not already received) for online authentication of the beneficiaries under the respective schemes. In this regard, guidelines available on UIDAI's website may be referred to ([https://www.uidai.gov.in/images/resource/Compendium\\_August\\_2019.pdf](https://www.uidai.gov.in/images/resource/Compendium_August_2019.pdf)).
7. This circular has been placed on UIDAI's website (<https://www.uidai.gov.in/about-uidai/legal-framework/circulars.html>).

  
(Pankaj Kumar)

Chief Executive Officer, UIDAI

Enclosures:

- 1. Annex-1: *Sample Template of Aadhaar Section 7 Notification for the State Schemes where beneficiaries are other than children*
- 2. Annex-2: *Sample Template of Aadhaar Section 7 Notification for the State Schemes where beneficiaries are children*
- 3. Office Memorandum of DBT Mission Cabinet Secretariat dated 19<sup>th</sup> December 2017: 'Use of Aadhaar in Benefit Schemes of Government – Exception Handling' ([https://dbtbharat.gov.in/data/om/Aadhaar\\_Exception\\_Handling\\_OM\\_19122017.pdf](https://dbtbharat.gov.in/data/om/Aadhaar_Exception_Handling_OM_19122017.pdf))
- 4. UIDAI Circular dated 24<sup>th</sup> October 2017: 'Exception handling in Public Distribution Services and other welfare Schemes' ([https://uidai.gov.in/images/tenders/Circular\\_relating\\_to\\_Exception\\_handling\\_25102017.pdf](https://uidai.gov.in/images/tenders/Circular_relating_to_Exception_handling_25102017.pdf))

To  
**Chief Secretaries, All State Governments**

Copy for information to:

- 1. Secretary (Coordination), DBT Mission, Cabinet Secretariat
- 2. Joint Secretary (in charge of UIDAI), M/o Electronics and Information Technology
- 3. Dy. Director General, All Regional Offices, UIDAI
- 4. Authentication/Legal Divisions, UIDAI HQ

**Annex-1: Sample Template of Aadhaar Section 7 Notification for the State Schemes where beneficiaries are other than children**

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**[TO BE PUBLISHED IN THE *[insert name of relevant gazette]* ]**

Government of *[insert name of appropriate state government]*  
*[insert name of relevant Department of the state government]*

**NOTIFICATION**

*[insert name of relevant city]*, the -----, 2019

**S.O.....(E).**\_\_ Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, brings in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity;

And whereas, the *[insert name of relevant department]* (hereinafter referred to as the Department), is administering the *[insert name of relevant scheme]* (hereinafter referred to as the Scheme) to *[insert description of the scheme]* , which is being implemented through the *[insert name of implementing agency at the state level]* (hereinafter referred to as the Implementing Agency(ies));

And whereas, under the Scheme, *[insert description of the benefit]* (hereinafter referred to as the benefit) is given to the *[insert description of the beneficiaries]* (hereinafter referred to as the beneficiaries), by the Implementing Agency as per the extant Scheme guidelines;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of *[insert name of the relevant state]*;

Now, therefore, in pursuance of section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the government of *[insert name of the relevant state]* hereby notifies the following, namely:-

1. (1) An individual eligible for receiving the benefits under the Scheme shall hereby be required to furnish proof of possession of the Aadhaar number or undergo Aadhaar authentication.
- (2) Any individual desirous of availing benefits under the Scheme, who does not possess the Aadhaar number or, has not yet enrolled for Aadhaar, shall be required to make application for Aadhaar enrolment before registering for the Scheme provided that he is entitled to obtain Aadhaar as per section 3 of the

said Act, and such individuals shall visit any Aadhaar enrolment centre (list available at the Unique Identification Authority of India (UIDAI) website [www.uidai.gov.in](http://www.uidai.gov.in)) to get enrolled for Aadhaar.

(3) As per regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective Block or Taluka or Tehsil, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves:

Provided that till the time Aadhaar is assigned to the individual, benefits under the Scheme shall be given to such individual, subject to the production of the following documents, namely :-

- (a) if he has enrolled, his Aadhaar Enrolment Identification slip; and
- (b) any one of the following documents, namely :-
  - (i) Bank or Post office Passbook with Photo; or
  - (ii) Permanent Account Number (PAN) Card; or
  - (iii) Passport; or
  - (iv) Ration Card; or
  - (v) Voter Identity Card; or
  - (vi) MGNREGA card; or
  - (vii) Kisan Photo passbook; or
  - (viii) Driving license issued by the Licensing Authority under the Motor Vehicles Act, 1988 (59 of 1988); or
  - (ix) Certificate of identity having photo of such person issued by a Gazetted Officer or a Tehsildar on an official letter head; or
  - (x) any other document as specified by the Department:

Provided further that the above documents may be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through the media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted, namely:-

- (a) in case of poor fingerprint quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provisions for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;
- (c) in all other cases where biometric or Aadhaar One Time Password or Time-based One-Time Password authentication is not possible, benefits under the Scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangement of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. In addition to the above, in order to ensure that no bona fide beneficiary under the Scheme is deprived of his due benefits, the Department through its Implementing Agency shall follow the exception handling mechanism as outlined in the Office Memorandum of DBT Mission, Cabinet Secretariat, Government of India dated 19<sup>th</sup> December 2017.

5. This notification shall come into effect from the date of its publication in the Official Gazette.

[F.No. ....]

(Name.....)

***[insert designation of appropriate official of the relevant state government who is adequately empowered for this purpose]***

**Annex-2: Sample Template of Aadhaar Section 7 Notification for the State  
Schemes where beneficiaries are children**

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**[TO BE PUBLISHED IN THE *[insert name of relevant gazette]* ]**

Government of *[insert name of appropriate state government]*  
*[insert name of relevant Department of the state government]*

**NOTIFICATION**

*[insert name of relevant city]*, the -----, 2019

**S.O.....(E).**\_\_ Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, brings in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity;

And whereas, the *[insert name of relevant department]* (hereinafter referred to as the *Department*), is administering the *[insert name of relevant scheme]* (hereinafter referred to as the *Scheme*) to *[insert description of the scheme]*, which is being implemented through the *[insert name of implementing agency at the state level]* (hereinafter referred to as the *Implementing Agency*);

And whereas, under the Scheme, *[insert description of the benefit]* (hereinafter referred to as the *benefit*) is given to the *[insert description of the beneficiaries]* (hereinafter referred to as the *beneficiaries*), by the Implementing Agency as per the extant Scheme guidelines;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of *[insert name of the relevant state]*;

Now, therefore, in pursuance of section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the *said Act*), the government of *[insert name of the relevant state]* hereby notifies the following, namely:-

1. (1) A child desirous of availing the benefit under the Scheme shall hereby be required to furnish proof of possession of the Aadhaar number or undergo Aadhaar authentication.
- (2) Any child desirous of availing the benefit under the Scheme, who does not possess the Aadhaar number or, has not yet enrolled for Aadhaar, shall be required to make application for Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the Scheme provided that he is entitled to obtain Aadhaar as per section 3 of the said Act and such children shall visit any Aadhaar enrolment centre (list available at the Unique Identification Authority of India (UIDAI) website [www.uidai.gov.in](http://www.uidai.gov.in)) to get enrolled for Aadhaar.

(3) As per regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective Block or Taluka or Tehsil, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves:

Provided that till the time Aadhaar is assigned to the child, the benefit under the Scheme shall be given to such children subject to production of the following documents, namely:-

- (a) (i) if the child has been enrolled after attaining the age of five years (with biometrics collection), his Aadhaar Enrolment Identification slip, or of bio-metric update identification slip; and
- (b) any one of the following documents, namely:-
  - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
  - (ii) School identity card, duly signed by the Principal of the school, containing parents' names; and
- (c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant Scheme guidelines, namely:-
  - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
  - (ii) Ration Card; or
  - (iii) Ex-Servicemen Contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or
  - (iv) Pension Card; or
  - (v) Army Canteen Card; or
  - (vi) any Government Family Entitlement Card; or
  - (vii) any other document as specified by the Department:

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted, namely:-

- (a) in case of poor fingerprint quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provisions for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;
- (c) in all other cases where biometric or Aadhaar One Time Password (OTP) or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangement of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained herein above, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of other documents as mentioned in clauses (b) and (c) of the proviso of subparagraph (3) of paragraph 1, and where benefit is given on the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in the Official Gazette.

[F.No.....]

(Name:.....)

**[insert designation of appropriate official of the relevant state government who is adequately empowered for this purpose]**

No. D-26011/04/2017-DBT  
Government of India  
Cabinet Secretariat  
(DBT Mission)

Dated: 19<sup>th</sup> December 2017

Office Memorandum

Subject: Use of Aadhaar in Benefit Schemes of Government - Exception Handling - Regarding.

Aadhaar based DBT is a significant governance reform to ensure greater transparency and accountability in public service delivery through effective use of technology. Aadhaar as an identity proof obviates the need for producing multiple documents for proving one's identity, thereby simplifying procedures and eliminating fake/ ghost beneficiaries through de-duplication.

2. However, Government is sensitive to the fact that the Aadhaar enrolment process has not been completed and infrastructure constraints may pose difficulty in online authentication. To ensure that bona fide beneficiaries are not deprived of their due benefits, sufficient provisions have been made in the Aadhaar Act, 2016. UIDAI has also issued regulations to handle exceptions, ensuring that no beneficiary is denied benefits for want of Aadhaar, vide circular dated 24<sup>th</sup> October, 2017 (*copy enclosed for ready reference*). In accordance with the guidelines issued by UIDAI from time to time, the following may be considered:

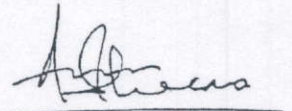
A. For extending benefits to beneficiaries who do not possess Aadhaar, the following mechanism may be adopted:

- i. The beneficiary shall be provided subsidy, benefit or service based on alternate identification document as notified in the relevant notifications issued under the provisions of Section 7 of the Aadhaar Act, 2016.
- ii. Efforts should be made to ensure that all such beneficiaries are facilitated for enrolment under Aadhaar. The concerned Department through its Implementing Agencies may offer Aadhaar enrolment facilities for such beneficiaries at convenient locations through centres in the respective Block/ Taluka/ Tehsil (including through Post Offices, Banks, ICDS Centres etc).
- iii. As per regulation 12 of Aadhaar (Enrolment and Update) Regulations, 2016, the State Government/ Implementing Agencies should also make special arrangements for bed ridden, differently-abled, or senior citizens, who are unable to visit the registration centre(s), to get them enrolled for Aadhaar.
- iv. Till such time Aadhaar is assigned to a beneficiary, a separate register, preferably electronic, shall be maintained for recording such transactions, whenever the beneficiary is provided benefits/ services on the basis of alternative identification documents. This register may be periodically reviewed and audited.

B. In all such cases where Aadhaar authentication fails, the following mechanism may be adopted:

- i. Departments and Bank Branches may make provisions for IRIS scanners along with fingerprint scanners, wherever feasible.
  - ii. In cases of failure due to lack of connectivity, offline authentication system such as QR code based coupons, Mobile based OTP or TOTP may be explored.
  - iii. In all cases where online authentication is not feasible, the benefit/ service may be provided on the basis of possession of Aadhaar, after duly recording the transaction in register, to be reviewed and audited periodically.
3. In view of above, DBT implementing Ministries/ Departments and State Governments are requested to implement proper exception handling mechanism in conformity with the Aadhaar Act 2016 and subsequent regulations and guidelines issued from time to time. A robust mechanism for ensuring their compliance and its periodic monitoring may also be put in place.

Enclosure: As above



(Arun Sharma)

Director (DBT)

Tel - (011) 23343860 Ext: 318

To:

1. Secretaries to all Ministries/ Departments of Government of India
2. Chief Secretaries of all States/ Administrators of all UTs
3. CEO, UIDAI

Copy to:

1. Coordinators, DBT Cells in all Ministries / Departments
2. Coordinators, DBT Cells in all States / UTs.

NOO:

1. AS (TB), PMO
2. SO to CS / Sr. PPS to Addl. Secretary (Coordination) / JS (AG) / JS (DBT)

डा० अजय भूषण पांडे, भा.प्र.से.  
मुख्य कार्यकारी अधिकारी  
Dr. Ajay Bhushan Pandey, IAS  
Chief Executive Officer



भारत सरकार  
Government of India  
भारतीय विशिष्ट पहचान प्राधिकरण  
Unique Identification Authority of India (UIDAI)  
तीसरी मंजिल, टॉवर II, जीवन भारती भवन,  
कनॉट सर्कस, नई दिल्ली-110001  
3rd Floor, Tower II, Jeevan Bharati Building,  
Connaught Circus, New Delhi-110001

No. 23011/Gen/2014/Legal-UIDAI

24<sup>th</sup> October, 2017

**Circular**

**Subject:** Exception handling in Public Distribution Services and other welfare Schemes

Section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 provides that:

“The Central Government or, as the case may be, the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred from, or the receipt therefrom forms part of, the Consolidated Fund of India, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment:

Provided that if an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.”

2. Various Ministries/Departments have issued notification under Section 7 of Aadhaar Act to require Aadhaar / Aadhaar authentication for delivery of various benefits, subsidies or service for which the expenditure is incurred from, or the receipt therefrom forms part of the Consolidated Fund of India.

3. It has come to notice that some beneficiaries are being denied the benefit, subsidy or service for various reasons such as not having Aadhaar; failure of authentication; and other extraneous circumstances like electricity outage, internet connectivity issues etc despite above provisions of Aadhaar Act and other adequate mechanisms to handle such exceptions already provided in the Regulations and notifications issued under Section 7.

4. Therefore, the following exception handling mechanism and back-up identity authentication mechanisms may be followed for implementation to ensure seamless delivery of subsidy, benefit or service to beneficiary:

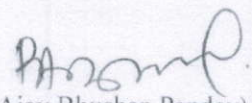
- a. Till the time Aadhaar is assigned to a beneficiary, he/she shall be provided subsidy, benefit or service based on alternate identification document as notified by the Ministry/Department in the relevant notification issued under the provision of Section 7 of the Aadhaar Act, 2016. The notifications also give powers to both Central Ministry and State Governments (as the case may be) to add more alternate documents depending on local conditions.



Tel.: 23752675 Fax : 23752679  
Website: [www.uidai.gov.in](http://www.uidai.gov.in) email: [ceo@uidai.gov.in](mailto:ceo@uidai.gov.in)



- b. In case of failure of Biometric authentication due to network/connectivity issue or due to poor biometric of resident etc, he/she shall be provided subsidy, benefit or service based on possession of Aadhaar by him/her as provided in Section 7 of the Aadhaar Act, 2016 and the notification.
  - c. In case of a family based scheme, such as PDS, an option shall be provided that any member of the family can authenticate and receive the benefit, as notified by the Ministry/Department in the relevant notification issued under the provision of Section 7 of the Aadhaar Act, 2016. This flexibility should be used for ensuring delivery of benefit in case biometric authentication for a member (senior) fails.
  - d. The State Governments/Implementing agency should also make special arrangements for bed ridden senior residents to get them verified/ authenticated including but not limited to sending a village level worker to their home for this purpose.
  - e. All such exception handling shall be recorded in the system and steps be taken to avoid any misuse of the exception. The front end service provider shall also maintain record of exception such as copy of Aadhaar letter, signature/thumbprint of the beneficiary and other supporting documents as notified by the Ministry/Department.
  - f. The Ministry/Department shall devise and implement mechanism for audit and inspection of such exceptions.
5. The Ministries/Department are requested to issue appropriate directions to the State Governments/Implementing agencies for the above exception handling mechanism and also monitor the same on periodical basis.

  
(Dr. Ajay Bhushan Pandey)  
Chief Executive Officer

To  
All Ministries/Departments  
All State Governments

## **Annexure-III**

Aadhaar Authentication for Good  
Governance (Social Welfare,  
Innovation, Knowledge) Rules 2020



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-05082020-220856  
CG-DL-E-05082020-220856

असाधारण  
EXTRAORDINARY  
भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

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नई दिल्ली, बुधवार, अगस्त 5, 2020/श्रावण 14, 1942

No. 385]

NEW DELHI, WEDNESDAY, AUGUST 5, 2020/SRAVANA 14, 1942

इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय

अधिसूचना

नई दिल्ली, 5 अगस्त, 2020

सा.का.नि.490(अ).—आधार (वित्तीय और अन्य सहायकियों, लाभों और सेवाओं का लक्षित परिदान) अधिनियम, 2016 (2016 का 18वां) की धारा 53 की उप-धारा (2) के खंड (कक) के साथ पठित धारा 53 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार एतद्वारा भारतीय विशिष्ट पहचान प्राधिकरण के परामर्श से निम्नलिखित नियम बनाती है: -

1. संक्षिप्त नाम और प्रवृत्त होना.— (1) ये नियम सुशासन के लिए आधार अधिप्रमाणन (समाज कल्याण, नवाचार, ज्ञान) नियमावली, 2020 कहलाएंगे।

(2) ये सरकारी राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएँ.— इन नियमों में संदर्भ के अनुसार जब तक कि अन्यथा अपेक्षित न हो—

(क) "अधिनियम" से अभिप्रेत आधार (वित्तीय और अन्य सहायकियों, लाभों और सेवाओं का लक्षित परिदान) अधिनियम, 2016 (2016 का 18) है;

(ख) "प्राधिकरण" से अभिप्रेत अधिनियम की धारा 11 की उप-धारा (1) के तहत स्थापित भारतीय विशिष्ट पहचान प्राधिकरण है;

(ग) इन नियमों में प्रयुक्त और परिभाषित न किये गए शब्दों और अभिव्यक्तियों का अर्थ अधिनियम या सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21वां) में उनके लिए निर्धारित किया गया अर्थ ही होगा।

3. **आधार अधिप्रमाणन के प्रयोजन-** (1) केंद्र सरकार निम्नलिखित प्रयोजनों के लिए सुशासन के हित में, सार्वजनिक निधियों के अपव्यय की रोकथाम, नागरिकों के जीवन की सहूलियत बढ़ाने और उनके लिए सेवाओं तक बेहतर पहुंच समर्थ करने लिए, अनुरोधकर्ता निकायों द्वारा आधार अधिप्रमाणन की अनुमति दे सकती है, अर्थात्:-

(क) सुशासन सुनिश्चित करने के लिए डिजिटल प्लेटफार्मों का उपयोग;

(ख) सामाजिक कल्याण लाभों के अपव्यय की रोकथाम; तथा

(ग) नवोद्भव को समर्थ बनाना और ज्ञान का प्रसार करना।

(2) उप-नियम (1) के अंतर्गत आधार अधिप्रमाणन स्वैच्छिक आधार पर होगा।

4. **प्रस्ताव तैयार करना-** नियम 3 में विनिर्दिष्ट प्रयोजनों के लिए आधार अधिप्रमाणन का उपयोग करने का इच्छुक भारत सरकार या राज्य सरकार का मंत्रालय या विभाग, जैसा भी मामला हो, ऐसे प्रस्ताव के बारे में औचित्य के साथ प्रस्ताव तैयार करेगा जिसके लिए आधार अधिप्रमाणन की मांग की गई है और इसे प्राधिकरण के संदर्भ के लिए केंद्र सरकार के समक्ष प्रस्तुत करेगा।

5. **प्रस्ताव की जांच-** नियम 4 के तहत प्रस्ताव प्राप्त होने पर, यदि प्राधिकरण संतुष्ट है कि प्रस्ताव नियम 3 में वर्णित प्रयोजनों और अधिनियम के प्रावधानों के अनुसार है, तो यह केंद्र सरकार को सूचित करेगा कि अनुरोधकर्ता निकाय को आधार अधिप्रमाणन की अनुमति दी जाए और इसके बाद भारत सरकार या राज्य सरकार के मंत्रालय या विभाग, जैसा भी मामला हो, को केंद्र सरकार द्वारा इसे तदनुसार अधिसूचित करने के लिए प्राधिकृत किया जाए।

[फा.सं. 13(6)/2018-ईजी-II (वॉल्यूम- II)]

डॉ. राजेंद्र कुमार, अपर सचिव

## MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

### NOTIFICATION

New Delhi, the 5th August, 2020

**G.S.R.490(E).**—In exercise of the powers conferred by sub – section (1) of section 53 read with clause (aa) of sub-section (2) of section 53 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016), the Central Government, in consultation with Unique Identification Authority of India, hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**— In these rules, unless the context otherwise requires,—

(a) “Act” means the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016);

(b) “Authority” means the Unique Identification Authority of India established under sub-section (1) of section 11 of the Act;

(c) Words and expressions used and not defined in these rules shall have the same meaning assigned to them in the Act or in the Information Technology Act, 2000 (21 of 2000).

3. **Purposes for Aadhaar authentication.**— (1) The Central Government may allow Aadhaar authentication by requesting entities in the interest of good governance, preventing leakage of public funds, promoting ease of living of residents and enabling better access to services for them, for the following purposes, namely:—

- (a) usage of digital platforms to ensure good governance;
- (b) prevention of dissipation of social welfare benefits; and
- (c) enablement of innovation and the spread of knowledge.

(2) Aadhaar authentication under sub-rule (1) shall be on a voluntary basis.

4. **Preparation of proposal.**— The Ministry or the Department of the Government of India or the State Government, as the case may be, desirous of utilising Aadhaar authentication for a purpose specified in rule 3 shall prepare a proposal with justification in regard to such purpose for which Aadhaar authentication is sought and submit the same to the Central Government for making a reference to the Authority.

5. **Examination of proposal.**— On receipt of the proposal under rule 4, if the Authority is satisfied that the proposal is in accordance with the purposes mentioned in rule 3 and the provisions of the Act, it shall inform the Central Government that the requesting entity may be allowed to perform Aadhaar authentication and thereafter, the Ministry or the Department of the Government of India or the State Government, as the case may be, may be authorised by the Central Government to notify the same accordingly.

[F.No. 13(6)/2018-EG-II(Vol-II)]

Dr. RAJENDRA KUMAR, Addl. Secy.

## **Annexure-IV**

Application Form along with Guidelines  
for submission of proposals for use  
Aadhaar Authentication under Aadhaar  
Authentication for Good Governance  
(Social Welfare, Innovation,  
Knowledge) Rules 2020

भारत सरकार  
Government of India  
इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय  
Ministry of Electronics & Information Technology  
इलेक्ट्रॉनिक्स निकेतन, 6, सी जी ओ कॉम्प्लेक्स, नई दिल्ली-110003  
Electronics Niketan, 6, C G O Complex, New Delhi-110003  
Website: www.meity.gov.in

संख्या 13(6)/2018-EG-II(Vol-II)  
No.....

दिनांक 18.08.2020  
Date.....

**CIRCULAR**

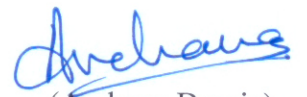
**Subject: Application Form along with Guidelines for submission of proposals for use of Aadhaar authentication under the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020-regarding**

Ministry of Electronics and Information Technology (MeitY) has notified *the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020* in the Gazette of India on 05.08.2020 (copy enclosed).

2. As per Rule 4 of aforesaid notification, *the Ministry or the Department of the Government of India or the State Government, as the case may be, desirous of utilising Aadhaar authentication for a purpose specified in rule 3 shall prepare a proposal with justification in regard to such purpose for which Aadhaar authentication is sought and submit the same to the Central Government for making a reference to the Authority.*

3. In this regard, an Application Form (**Annexure-I**) along with Guidelines (**Annexure-II**), for submission of proposals for use of Aadhaar authentication under above rules, is enclosed herewith for reference.

This has the approval of competent authority.



(Archana Dureja)

Scientist 'G'/Sr. Director

Tel. no. 24362528

To

1. Secretaries of all Ministries/ Departments of Govt. of India
2. Chief Secretaries of all States/ UTs



**APPLICATION TO MEITY FOR ALLOWING USE OF AADHAAR**  
**AUTHENTICATION**

**{under Rule 4 of the Aadhaar Authentication for Good Governance (Social Welfare,  
Innovation, Knowledge) Rules, 2020}**

To,

The Secretary,  
The Ministry of Electronics and IT,  
Government of India,  
Electronics Niketan,  
6, CGO Complex,  
Lodhi Road, New Delhi – 110 003.

Sir/Madam,

The ..... (Name of Ministry/Department of Central or State government) would like to use Aadhaar authentication services for .....(use-case) as per the provisions of Section 4(4)(b)(ii) of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016. This application is being made under Rule 4 of the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020 for approval of the purpose of use of Aadhaar to the Central Government.

The details of the use-case, applicable purpose, justification and proposed Authentication User Agency/KYC User Agency are provided in the prescribed format at Annexure I. Any other information/ document will be provided immediately to the Ministry or UIDAI, as and when required.

(Signed by)  
Secretary of the Ministry/Head of Department

**Annexure I**

(Please refer to guidelines in Annexure II for preparing the proposal and application form).

| Applicant Ministry/Department Details      |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                               |                       |  |                 |  |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------|--|-----------------|--|
| 1.                                         | Name of Applicant Ministry/Department                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                               |                       |  |                 |  |
| 2.                                         | Registered office address                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                               |                       |  |                 |  |
| 3.                                         | Correspondence address                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                               |                       |  |                 |  |
| Contact Details                            |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                               |                       |  |                 |  |
| 4.                                         | Contact Name                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                               |                       |  |                 |  |
| 5.                                         | Designation                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                               |                       |  |                 |  |
| 6.                                         | Email Address                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                               |                       |  |                 |  |
| 7.                                         | Mobile Number                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                               |                       |  |                 |  |
| 8.                                         | Office Number                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                               |                       |  |                 |  |
| 9.                                         | <b>Brief Description of initiative / scheme</b><br>(Ecosystem and processes involved in achievement or delivery of benefit)                                                                                                                                                                                                                                                            |                                                                                                                               |                       |  |                 |  |
| Authentication Requirements                |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                               |                       |  |                 |  |
| 10.                                        | Proposed Aadhaar authentication service Use case                                                                                                                                                                                                                                                                                                                                       |                                                                                                                               |                       |  |                 |  |
| 11.                                        | Aadhaar Authentication service Use case will meet following Purpose-<br>(a) usage of digital platforms to ensure good governance;<br>(b) prevention of dissipation of social welfare benefits; and<br>(c) enablement of innovation and the spread of knowledge.<br>{Ref: Rule 3 of the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020} |                                                                                                                               |                       |  |                 |  |
| 12.                                        | Justification for the Use-case to be considered for the above purpose                                                                                                                                                                                                                                                                                                                  |                                                                                                                               |                       |  |                 |  |
| 13.                                        | Name of proposed Authentication User Agency (AUA) / e-KYC User Agency (KUA) for the use of Aadhaar Authentication services                                                                                                                                                                                                                                                             |                                                                                                                               |                       |  |                 |  |
| 14.                                        | Aadhaar Authentication services proposed to be used (Please select one)                                                                                                                                                                                                                                                                                                                | <table border="1"> <tr> <td>Yes/No Authentication</td> <td></td> </tr> <tr> <td>Yes/No and eKYC</td> <td></td> </tr> </table> | Yes/No Authentication |  | Yes/No and eKYC |  |
| Yes/No Authentication                      |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                               |                       |  |                 |  |
| Yes/No and eKYC                            |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                               |                       |  |                 |  |
| Other details (May be attached separately) |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                               |                       |  |                 |  |
| 15.                                        | Technology Architecture of the authentication system to be deployed                                                                                                                                                                                                                                                                                                                    | Attached (Yes/No)                                                                                                             |                       |  |                 |  |
| 16.                                        | Service delivery process using Aadhaar authentication and eKYC                                                                                                                                                                                                                                                                                                                         | Attached (Yes/No)                                                                                                             |                       |  |                 |  |
| 17.                                        | In principal commitment of the Ministry/Department to comply with all security and privacy provisions of the Aadhaar Act, 2016, regulations thereunder and various guidelines issued by UIDAI                                                                                                                                                                                          | (Yes/No)                                                                                                                      |                       |  |                 |  |

(Signed by)  
Secretary of the Ministry/Head of Department

## Annexure-II

**Guidelines for Central / State Government Ministries / Departments to submit proposals to the Central Government for Aadhaar authentication under the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020.**

The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Aadhaar Act) was amended in 2019 following Supreme Court's judgment dated 26.09.2018 in Writ Petition (Civil) No. 494 of 2012 [Justice K S Puttaswamy (retired) & anr vs Union of India vs ors]. The amendments include addition of sub-section (4) in Section 4 of the Aadhaar Act reproduced below:

*“(4) An entity may be allowed to perform authentication, if the Authority is satisfied that the requesting entity is –*

- (a) compliant with such standards of privacy and security as may be specified by regulations; and*
- (b) (i) permitted to offer authentication services under the provisions of any other law made by Parliament; or*  
*(ii) seeking authentication for such purpose, as the Central Government in consultation with the Authority, and in the interest of State, may prescribe.”*

2. Further, clause (aa) was added in sub-section (2) of section 53 enabling the Central Government to make rules for *“the purpose for which the requesting entity may be allowed by the Authority to perform authentication under sub-clause (ii) of clause (b) of sub-section (4) of section 4”*.

3. Accordingly, the Central Government has notified the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020 (the Rules) published in the official gazette on 05.08.2020 (Annexe) permitting Aadhaar authentication on voluntary basis for following purposes (Rule 3):

- (i) usage of digital platforms to ensure good governance;
- (ii) prevention of dissipation of social welfare benefits; and
- (iii) enablement of innovation and spread of knowledge.

4. Proposals for Aadhaar authentication can be prepared for consideration of the Central Government by a Department or Ministry of Government of India or a State Government. The proposal may be prepared keeping in view the following aspects:

- (i) Proposals which would be eligible for consideration under section 7 (i.e. involving giving of subsidy, benefit or service for which expenditure is incurred from

Consolidated Fund of India or Consolidated Fund of State) may be made under the provisions of that section only and in accordance with UIDAI's Circular No. 1-1/2019-UIDAI(DBT) dated 25.11.2019.

- (ii) Proposals which do not qualify for consideration under section 7, but fulfil one or more of the purposes may be preferred under the Rules.
- (iii) The proposal should contain a brief description of the initiative or scheme highlighting the benefit that would accrue from its implementation. Such benefit should be relatable to the purpose(s) specified under Rule 3, for example, by facilitating participation, accountability, transparency, responsiveness, efficiency, effectiveness, equity, inclusion etc. which reduce or eliminate transaction costs, or promote ease of living of residents or enable better access to services for them. The justification in regard to the purpose(s) under Rule 3 should be brought out clearly.
- (iv) The proposal should briefly explain the eco-system and the processes involved in achievement or delivery of the benefit.
- (v) It should specify the type of Aadhaar authentication service proposed to be used (whether yes/no authentication or yes/no and e-KYC authentication).
- (vi) The name of Authentication User Agency (AUA)/e-KYC User Agency (KUA) proposed for the use of Aadhaar authentication services should be mentioned.
- (vii) Technology architecture of the authentication system to be deployed should be highlighted.
- (ix) The service delivery process using yes/no authentication and eKYC should be described.
- (x) In principal commitment of the sponsoring Ministry/Department or State Government to comply with all security and privacy provisions of the Aadhaar Act, 2016, regulations thereunder and guidelines issued by UIDAI from time to time should be clearly indicated in the proposal.
- (xi) The proposal should be sent with the approval of the Secretary of the Ministry/Department in the Central Government, or the State Government, as the case maybe, to the Secretary, Ministry of Electronics & Information Technology, Government of India, Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi – 110 003.
- (xii) The contact details of the officer incharge of the proposal (name, designation, address, email, mobile number) should be indicated.

\*\*\*\*\*



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-05082020-220856  
CG-DL-E-05082020-220856

असाधारण  
EXTRAORDINARY  
भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 385]

नई दिल्ली, बुधवार, अगस्त 5, 2020/श्रावण 14, 1942

No. 385]

NEW DELHI, WEDNESDAY, AUGUST 5, 2020/SRAVANA 14, 1942

इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय

अधिसूचना

नई दिल्ली, 5 अगस्त, 2020

सा.का.नि.490(अ).—आधार (वित्तीय और अन्य सहायकियों, लाभों और सेवाओं का लक्षित परिदान) अधिनियम, 2016 (2016 का 18वां) की धारा 53 की उप-धारा (2) के खंड (कक) के साथ पठित धारा 53 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार एतद्वारा भारतीय विशिष्ट पहचान प्राधिकरण के परामर्श से निम्नलिखित नियम बनाती है: -

1. संक्षिप्त नाम और प्रवृत्त होना.— (1) ये नियम सुशासन के लिए आधार अधिप्रमाणन (समाज कल्याण, नवाचार, ज्ञान) नियमावली, 2020 कहलाएंगे।

(2) ये सरकारी राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएँ.— इन नियमों में संदर्भ के अनुसार जब तक कि अन्यथा अपेक्षित न हो—

(क) "अधिनियम" से अभिप्रेत आधार (वित्तीय और अन्य सहायकियों, लाभों और सेवाओं का लक्षित परिदान) अधिनियम, 2016 (2016 का 18) है;

(ख) "प्राधिकरण" से अभिप्रेत अधिनियम की धारा 11 की उप-धारा (1) के तहत स्थापित भारतीय विशिष्ट पहचान प्राधिकरण है;

(ग) इन नियमों में प्रयुक्त और परिभाषित न किये गए शब्दों और अभिव्यक्तियों का अर्थ अधिनियम या सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21वां) में उनके लिए निर्धारित किया गया अर्थ ही होगा।

3. **आधार अधिप्रमाणन के प्रयोजन-** (1) केंद्र सरकार निम्नलिखित प्रयोजनों के लिए सुशासन के हित में, सार्वजनिक निधियों के अपव्यय की रोकथाम, नागरिकों के जीवन की सहूलियत बढ़ाने और उनके लिए सेवाओं तक बेहतर पहुंच समर्थ करने लिए, अनुरोधकर्ता निकायों द्वारा आधार अधिप्रमाणन की अनुमति दे सकती है, अर्थात्:-

(क) सुशासन सुनिश्चित करने के लिए डिजिटल प्लेटफार्मों का उपयोग;

(ख) सामाजिक कल्याण लाभों के अपव्यय की रोकथाम; तथा

(ग) नवोद्भव को समर्थ बनाना और ज्ञान का प्रसार करना।

(2) उप-नियम (1) के अंतर्गत आधार अधिप्रमाणन स्वैच्छिक आधार पर होगा।

4. **प्रस्ताव तैयार करना-** नियम 3 में विनिर्दिष्ट प्रयोजनों के लिए आधार अधिप्रमाणन का उपयोग करने का इच्छुक भारत सरकार या राज्य सरकार का मंत्रालय या विभाग, जैसा भी मामला हो, ऐसे प्रस्ताव के बारे में औचित्य के साथ प्रस्ताव तैयार करेगा जिसके लिए आधार अधिप्रमाणन की मांग की गई है और इसे प्राधिकरण के संदर्भ के लिए केंद्र सरकार के समक्ष प्रस्तुत करेगा।

5. **प्रस्ताव की जांच-** नियम 4 के तहत प्रस्ताव प्राप्त होने पर, यदि प्राधिकरण संतुष्ट है कि प्रस्ताव नियम 3 में वर्णित प्रयोजनों और अधिनियम के प्रावधानों के अनुसार है, तो यह केंद्र सरकार को सूचित करेगा कि अनुरोधकर्ता निकाय को आधार अधिप्रमाणन की अनुमति दी जाए और इसके बाद भारत सरकार या राज्य सरकार के मंत्रालय या विभाग, जैसा भी मामला हो, को केंद्र सरकार द्वारा इसे तदनुसार अधिसूचित करने के लिए प्राधिकृत किया जाए।

[फा.सं. 13(6)/2018-ईजी-II (वॉल्यूम- II)]

डॉ. राजेंद्र कुमार, अपर सचिव

## MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

### NOTIFICATION

New Delhi, the 5th August, 2020

**G.S.R.490(E).**—In exercise of the powers conferred by sub – section (1) of section 53 read with clause (aa) of sub-section (2) of section 53 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016), the Central Government, in consultation with Unique Identification Authority of India, hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**— In these rules, unless the context otherwise requires,—

(a) “Act” means the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016);

(b) “Authority” means the Unique Identification Authority of India established under sub-section (1) of section 11 of the Act;

(c) Words and expressions used and not defined in these rules shall have the same meaning assigned to them in the Act or in the Information Technology Act, 2000 (21 of 2000).

3. **Purposes for Aadhaar authentication.**— (1) The Central Government may allow Aadhaar authentication by requesting entities in the interest of good governance, preventing leakage of public funds, promoting ease of living of residents and enabling better access to services for them, for the following purposes, namely:—

- (a) usage of digital platforms to ensure good governance;
- (b) prevention of dissipation of social welfare benefits; and
- (c) enablement of innovation and the spread of knowledge.

(2) Aadhaar authentication under sub-rule (1) shall be on a voluntary basis.

4. **Preparation of proposal.**— The Ministry or the Department of the Government of India or the State Government, as the case may be, desirous of utilising Aadhaar authentication for a purpose specified in rule 3 shall prepare a proposal with justification in regard to such purpose for which Aadhaar authentication is sought and submit the same to the Central Government for making a reference to the Authority.

5. **Examination of proposal.**— On receipt of the proposal under rule 4, if the Authority is satisfied that the proposal is in accordance with the purposes mentioned in rule 3 and the provisions of the Act, it shall inform the Central Government that the requesting entity may be allowed to perform Aadhaar authentication and thereafter, the Ministry or the Department of the Government of India or the State Government, as the case may be, may be authorised by the Central Government to notify the same accordingly.

[F.No. 13(6)/2018-EG-II(Vol-II)]

Dr. RAJENDRA KUMAR, Addl. Secy.

## **Annexure-V**

Application for Sub-AUA under  
Regulation 15 of Aadhaar  
(Authentication) Regulations, 2016  
&  
Joint Undertaking

**Application for SUB AUA under Regulation 15 of Aadhaar  
(Authentication) Regulations, 2016**

| <b>Sub AUA Organization Details</b>                           |          |
|---------------------------------------------------------------|----------|
| Name of the Sub AUA                                           |          |
| Sub AUA Code                                                  |          |
| Registered Office address                                     |          |
| Correspondence address                                        |          |
| Management Point of Contact                                   |          |
| Technical Point of Contact                                    |          |
| Purpose for which<br>Authentication Services will be<br>used. | 1.<br>2. |

(Authorized signatory: Sub-AUA)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_

---

**All the details mentioned above are verified by AUA**

(Authorized signatory: AUA)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_

## **Joint Undertaking**

We (      AUA Organization name      ) intend to appoint (      Sub AUA organization name      ) as Sub Authentication User Agency (Sub AUA) and both of us are fully aware and understand the provisions of The Aadhaar (Targeted Delivery of Financial And Other Subsidies, Benefits and Services) Act, 2016 and Regulations made thereunder and further warrant that we shall at all times abide by the same.

We (      AUA Organization name      ) and (      Sub AUA organization name      ) jointly and severally certify that the information filled up in the application form and supplied therewith has been read over and verified to be true and correct to our personal knowledge and belief and no particulars have been concealed.

By this writing, the undersigned on behalf of ( AUA Organization name) and (Sub AUA Organization name ) affirm, declare and undertake the following:

1. We (      AUA Organization name      ) shall ensure that the Aadhaar authentication services are used by Sub AUA (      Sub AUA Organization name      ) only for the purpose as mentioned in the application form.
2. (      AUA Organization name      ) shall create separate License Key and assign unique Sub-AUA code to the Sub-AUA (      Sub AUA Organization name      ), which shall not further be shared with any other person or entity for any purpose.
3. (      AUA Organization name      ) shall ensure that the Sub AUA (      Sub AUA Organization name      ) complies with the provisions of the Aadhaar Act, 2016 and its Regulations, processes, standards, guidelines, specifications and protocols of the Authority that are applicable to the requesting entity.
4. We, (      AUA Organization name      ) and (      Sub AUA Organization name      ) shall be jointly and severally liable for non-compliance of the Aadhaar Act, 2016 and its Regulations, processes, standards, guidelines and protocols of the Authority and shall be liable for disincentives and penalties as per the schedule of disincentives of AUA agreement and other provisions of the Aadhaar Act, 2016 and its Regulations.
5. We (      AUA Organization name      ) shall ensure that the client application to be used for Aadhaar authentication is developed and digitally signed by us OR Sub-AUA (      Sub AUA Organization name      ) shall integrate digitally signed SDK developed by us in their client application for

capturing Aadhaar information like Aadhaar number, biometric details, demographic details etc.

6. (      AUA Organization name      ) shall ensure that the (      Sub AUA Organization name      ) client application or SDK, as the case may be, for Aadhaar authentication is audited, at the time of appointment of (      Sub AUA Organization name      ) and also every year thereafter, by information systems auditor(s) certified by STQC / CERT-IN and compliance audit report is submitted to UIDAI
7. (      AUA Organization name      ) and (      Sub AUA Organization name      ) have ensured that the declared information filled up in the application form as well as this undertaking was placed before the board of directors / partners of our respective organizations in their meetings dated \_\_\_\_\_ and dated \_\_\_\_\_ and has been read over and verified to be true and correct.
8. No particulars have been concealed and upon verification of the application, the board / partners have approved the same for submission at the hands of \_\_\_\_\_. Any change in the name, contact details, addresses etc. as filled up in this application form shall also be immediately conveyed to UIDAI.
9. The board resolutions / minutes of the meetings dated \_\_\_\_\_ and dated \_\_\_\_\_ approving the application form and authorizing \_\_\_\_\_ to submit the same are being annexed herewith.
10. The application form having been duly filled up and all its particulars having been verified by all the directors / partners, each one of them shall be jointly and severally liable for any discrepancy in the information supplied herein above and as may be found by the authority.

This undertaking is being executed on this \_\_\_\_\_ day of \_\_\_\_\_ 2017 at \_\_\_\_\_.

|                                                                                                                                                            |                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Authorized signatory of (AUA Organization name )</b><br><br>Signature: _____<br>Name: _____<br>Designation: _____<br>Organization: _____<br>Date: _____ | <b>Authorized signatory of (Sub AUA Organization name )</b><br><br>Signature: _____<br>Name: _____<br>Designation: _____<br>Organization: _____<br>Date: _____ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|

# **Annexure-VI**

## MOU for Sub-AUA

**MoU for SUB-AUTHENTICATION USER AGENCY (SUB-AUA)**

This **MoU for SUB AUTHENTICATION USER AGENCY ("MoU")** is made as of this \_\_\_\_ day of \_\_\_\_\_, and year \_\_\_\_\_, by and between:

1. The Governor of Bihar acting through \_\_\_\_\_ Name, \_\_\_\_\_ Designation  
\_\_\_\_\_  
**(Department of Information Technology ,Government of Bihar)**, having  
its office at 2<sup>nd</sup> Floor, Technology Bhawan, Vishweswaraiya Bhawan Campus, Bailey Road,  
Patna - 800015 , Bihar (hereinafter called the “DIT”, which expression shall unless excluded  
by or repugnant to the context be deemed to include his successor in office, administrators  
and permitted assigns), OF THE FIRST PART

AND

2. \_\_\_\_\_, having its address at \_\_\_\_\_ (hereinafter referred to as “**Sub Authentication User Agency**”, which expression shall unless repugnant to the context or meaning thereof, include its successors and permitted assigns), OF THE SECOND PART.

## **WHEREAS:**

DIT has signed agreement with UIDAI to provide AUA / ASA platform for DIT's e-Governance projects. Bihar Aadhaar Authentication Framework, DIT has established redundant links with UIDAI Data Centre to provide authentication services which can be used by the e-Governance applications.

Bihar Aadhaar Authentication Framework platform shall mean that the authentication services provided by UIDAI and used by Authentication User Agency where the personal identity information /data of an Aadhaar-holder (who is a beneficiary, customer, employee or associate of the Authentication User agency) is matched with their personal identity information/data that is stored in the UIDAI's Central Identity Data Repository (CIDR).

Basically there are two types of authentication services provided by UIDAI

A) Authentication services using Biometric/ Demographic/OTP

B) eKYC service using Biometric/OTP

### **Authentication using Biometric/ demographic /OTP Information**

E-Governance applications can use Aadhaar based Demographic Validation for matching Aadhaar number and the demographic attributes (name, address, date of birth, etc) of a resident.

E-Governance applications can use Biometric Aadhaar Authentication system to authenticate residents using one of the biometric attributes, either iris or fingerprint.

E-Governance applications can use OTP Aadhaar Authentication system to authenticate residents through One-Time-Password (OTP) which is delivered on resident's mobile number and/or email address registered with UIDAI.

Combination of above methods may also be used based on the application requirements.

### **eKYC service using Biometric / OTP**

Service application can use eKYC system of UIDAI to fetch demographic information of the residents using biometric/OTP or both authentication after obtaining the consent of resident.

### **Responsibilities /obligations of DIT as AUA:**

As a signatory to AUA/ASA Agreement, DIT has obligations for all Aadhaar transactions originating from its AUA/ASA, audit, security, logging etc. Few major points are listed below:

UIDAI has made the Authentication services free of charge till now, after some time the transactions may or may not be charged for, as depends on the sole discretion of UIDAI.

- AUA will be solely responsible for the Aadhaar transactions done under AUA/ASA MoUs.
- DIT cannot share eKYC data of the beneficiaries with other agencies for whatsoever purpose. For **eKYC services**, the Ministries / Depts. / Organizations have to sign e-KYC Service Annexure with DIT.

## **Responsibilities of Sub-AUA willing to use DIT AUA Platform:**

- Ministry / Departments / Organizations willing to use AUA platform of DIT for Aadhaar Authentications Services shall act as Sub-AUA for their application (Ministry / Departments / Organizations are the custodian of residents' data for the services offered by them to the residents).
- All obligations of DIT under AUA/ASA agreement with UIDAI shall be equally applicable to Sub-AUAs (Ministry/Department/Organizations). The management of Sub-AUAs and the corresponding transactions will be under the purview of DIT, which is serving as aggregator of Sub-AUA authentication requests.
- Sub-AUA shall be sole responsible for all transactions originating from their application.
- In the event of Aadhaar Authentication failure for whatever reasons, the Sub-AUA may invoke other means of Identity authentication for service provisions to the Aadhaar Holder, and Sub-AUA shall bear full responsibility for any decision taken in this regard.
- DIT will in no way responsible for the services offered to residents by the Sub-AUA.
- The application s/w used by Sub-AUA must follow UIDAI and DIT guidelines including for sending auth XML, registration and identification of Biometric terminals / devices, logging of transaction etc.
- The Sub-AUA shall make suitable provisions in the application to obtain consent from the Aadhaar holder; for using the Aadhaar number and Biometric information for providing Aadhaar authentication service.
- Sub-AUA will not store residents' biometric data or use it in any form other than the purpose for that was stated in the business scope and agreed with DIT (AUA). Sub-AUA will comply with MoU that would be made with DIT.
- For each Sub-AUA application, DIT will assign a unique code to be included in application's request XML.
- Sub-AUA has to fill the Production Access form for production access of Authentication. Production Access will be granted after minimum 100 successful test transactions in pre-production environment platform.

## **TERM, TERMINATION AND CONSEQUENCES**

- This MoU shall be in force initially for a period of 2 years from the signing date / till date of expiry of DIT Agreement with UIDAI, whichever is earlier, unless renewed by mutual consent, in writing, of the Parties, prior to expiry of this MoU, upon such terms and conditions as may be mutually agreed between the Parties.
- DIT shall have the right to terminate this MoU by giving thirty (30) days' notice, in writing, prior to expiry of the Term, without any protest or demur from the Sub-AUA, in the event of the Authentication User Agency:
  - a) fails to comply with the Standards or the decision and directions issued by UIDAI/DIT, from time to time, with regard to the interpretation and enforcement of the Standards;
  - b) is in breach of its obligations under this MoU;
  - c) Uses the Aadhaar Authentication Services for any other purpose than those specified in Schedule of this MoU;
  - d) Is in liquidation, or if a receiver has been appointed in respect of the Authentication User Agency or the Authentication User Agency becomes subject to any form of insolvency administration or files for voluntary liquidation.
  - e) In case the Sub-AUA, termination of the ASA MoU with UIDAI will automatically terminate this MoU.
- The Sub-AUA shall have no right to compensation for termination of this MoU by DIT, in pursuance of clauses above.
- The Sub-AUA may terminate this MoU by giving 30 days' notice in writing to the DIT.

## **FORCE MAJEURE**

- The Parties agree that neither of them shall be liable to the other for any loss, delay, damage or other casualty suffered or incurred by the other owing to earthquakes, floods, fires, explosions, acts of God, acts of State, war, terrorism, action of any governmental authority or any other cause, which is beyond the reasonable control of that Party ("**Force Majeure**") and any failure or delay by any Party in the performance of any of its obligations under this MoU owing to one or more of the foregoing causes shall not be considered as a breach of any of its obligations under this MoU. The Parties however agree that any financial failure or non-performance of any financial obligations or covenants of the Parties shall not constitute Force Majeure.
- In the event, the Force Majeure event continues for a period of more than ninety (90) days, the Party shall renegotiate this MoU in good faith and if the Parties do not reach

any consensus on modifications to this MoU within a period of one hundred twenty (120) days from the date of occurrence of the Force Majeure event, this MoU shall automatically stand terminated on such date.

## **NON SUABILITY**

No party can be sued in any court of law in India or abroad by the other party, for the events, if any party is not able to perform as per any of the stipulations of this MoU, due to circumstances beyond the control of it.

## **GOVERNING LAW AND DISPUTE RESOLUTION**

- This MoU shall, in all respects, be governed by, and construed in accordance with the laws of India.
- Any dispute of whatever nature, which arises out of, in relation to, or otherwise connected with:
  - (a) The interpretation or effect of;
  - (b) The validity, enforceability or rectification (whether in whole or in part) of;
  - (c) The respective rights or obligations of the Parties; and/or
  - (d) a breach (including a breach of any representation and warranty and/or the materiality thereof and/or the amount of compensation payable in order to remedy such breach and/or the breach or failure to comply with any covenants or undertakings contained herein) or the termination or cancellation of, this MoU or in regard to whether either Party have unreasonably withheld its approval or consent under circumstances in which it may not do so; shall be dealt with in accordance with succeeding provisions of this Clause.

(All disputes arising out of reasons mentioned herein-above shall be collectively referred to hereinafter as a “**Dispute(s)**”).

- All Disputes shall at the first instance be resolved through good faith negotiations, which negotiations shall begin promptly after a Party has delivered to the other Party a written request for such consultation. If the parties are unable to resolve the dispute competent authority of DIT will have the final say to decide on the dispute. The award of the Arbitrator shall be binding upon Parties to the dispute.
- The venue for arbitration shall be Patna (Bihar), India and the language used in the arbitral proceedings shall be English.

IN WITNESS WHEREOF the parties have each executed this MoU by its duly authorized officer as of the day and year first above written.

SIGNED AND DELIVERED FOR AND ON BEHALF OF **THE GOVERNOR OF BIHAR ACTING THROUGH ( NAME & DESIGNATION ) DEPARTMENT OF INFORMATION TECHNOLOGY**

Title: \_\_\_\_\_

Designation: \_\_\_\_\_

Signature: \_\_\_\_\_

SIGNED AND DELIVERED FOR AND ON BEHALF OF

\_\_\_\_\_

Title: \_\_\_\_\_

Designation: \_\_\_\_\_

Signature: \_\_\_\_\_

Email: \_\_\_\_\_

Phone/Mobile: \_\_\_\_\_

**WITNESSES:**

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

**MoU for e-KYC Service**  
(Annexure to DIT SUB AUA MoU)

**1. Terms & Conditions**

- i. Aadhaar e-KYC is an Aadhaar enabled Service extended by DIT to its SUB AUA on request.
- ii. Aadhaar e-KYC service is offered free of charge till a pricing policy decision is announced by UIDAI.
- iii. UIDAI hereby grants the Authentication User Agency (AUA) a nonexclusive and revocable to use the Aadhaar e-KYC service to provide services to Aadhaar Holders. The Authentication User Agency understands that the Aadhaar e-KYC Service shall be provided at the sole discretion of UIDAI, which reserves the right to add, revise, suspend in whole, or in part any of the Aadhaar e-KYC Service, at any time with prior notice, in its sole discretion, for any reasons whatsoever. All the obligations of the Authentication User Agency under this MoU shall be equally applicable to the sub AUAs.
- iv. DIT would extend e-KYC service to the e-Gov applications (as applicable) hosted in DIT's data centers.

**2. Obligations of DIT**

DIT shall:

- i. Provide e-KYC service to e-Gov applications upon authorization of the e-KYC request by an Aadhaar Holder, in the form of successful biometric or OTP based Aadhaar authentication. The organization has to take consent of the Aadhaar holder/individual requesting for e-KYC service from DIT during the process of authorization as mandated by Aadhaar Act, 2016.
- ii. Provide e-KYC service in the manner as authorized by UIDAI and other legislation of India.
- iii. DIT will assign Project/applications specific parameter to each application (as per decided feature/format).

### **3. Obligations of Organizations** (requesting for e-KYC service form DIT)

- i. Organization has to send/provide the required parameter assigned by DIT in each XML of the application. These parameters are application specific and are non-transferable and cannot be used in other application.
- ii. Organizations have to maintain audit log of e-KYC requests.
- iii. The e-KYC data shall not be used by the AUA for purposes other than that for which the resident has explicitly given his/her consent.
- iv. Organization/applications have to specify the purpose and obtain the explicit consent from the Aadhaar holder for e-KYC request as envisaged in Aadhaar Act, 2016.
- v. Organization has to follow and implement the UIDAI circular no. K-110020/156/2015-UIDAI (Auth) dated 26/5/16, K-11020/25/2012-UIDAI (Auth-I) and other circulars/ guidelines issued by UIDAI/DIT from time to time.
- vi. Organization will follow and implement Aadhaar Act, 2016 in its eGov application.
- vii. The organization shall not share the e-KYC data with any other agency for whatsoever purposes.
- viii. The e-KYC data resulting from an e-KYC request contains PID data for the purposes of service delivery. The storage of e-KYC data shall comply at all times with all the relevant laws, rules and regulations, including but not limited to, the Information Technology Act, 2000 and the Evidence Act, 1872.

## SCHEDULE

**Purposes for which Aadhaar Authentication Services shall be used by the SUB  
Authentication User Agency**

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