

क्रमांक-एफ11(76)/डीओआईटीसी/2022/भारत-6/0321/2023

दिनांक-27/06/2023

परिपत्र

राज्य में आधार आधारित बायोमैट्रिक सत्यापन का उपयोग कर विभिन्न जन-कल्याणकारी योजनाओं का लाभ पात्र लाभार्थियों तक पहुँचाया जा रहा है। इसी क्रम में माननीय मुख्यमंत्री महोदय द्वारा वित्तीय वर्ष 2023-24 की बजट घोषणा के बिंदु संख्या 11(III) में निम्न घोषणा की गई है:-

“परीक्षा में बैठने वाले और चयनित उम्मीदवारों के साथ-साथ विभागों की योजनाओं में भी identification सुनिश्चित करने के लिए बायोमैट्रिक तकनीक को काम में लिया जायेगा।”

भारतीय विशिष्ट पहचान प्राधिकरण (यू.आई.डी.ए.आई.) द्वारा राज्य में ऑथेंटिकेशन यूजर एजेंसी (AUA) के रूप में सूचना प्रौद्योगिकी और संचार विभाग को पंजीकृत किया हुआ है। डीओआईटी (AUA) के माध्यम से आधार आधारित अधिप्रमाणन सेवाओं का उपयोग करने हेतु राज्य सरकार के समस्त विभाग/निगम/बोर्ड आदि को Sub-AUA रूप में पंजीकृत किया जाता है। तत्पश्चात ही यू.आई.डी.ए.आई. द्वारा सत्यापन सेवाओं के उपयोग की अनुमति दी जाती है।

यू.आई.डी.ए.आई. द्वारा परिपत्र दिनांक 25.11.2019 (संलग्न) में धारा 7 एवं परिपत्र दिनांक 18.08.2020 (संलग्न) में धारा 4(4)(b)(ii) के अंतर्गत आधार सत्यापन सेवाओं के उपयोग हेतु विस्तृत दिशा निर्देश जारी किये गये हैं। इन दिशा निर्देशों की अनुपालना में ही विभागों द्वारा बजट घोषणा की क्रियान्वति हेतु आवश्यक कार्यवाही की जानी अपेक्षित है।

इस संबंध में किसी भी तरह की कठिनाई के निराकरण हेतु विभाग के निम्न अधिकारियों से संपर्क किया जा सकता है-

श्री रणवीर सिंह, संयुक्त निदेशक, ranveersingh.doit@rajasthan.gov.in, 9784436635

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(अखिल अरोरा)

अतिरिक्त मुख्य सचिव
सूचना प्रौद्योगिकी और संचार विभाग

क्रमांक-एफ11(76)/डीओआईटीसी/2022/भारत-6/0321/2023 दिनांक-27/06/2023

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. वरिष्ठ उप सचिव, मुख्य सचिव, राजस्थान।
2. समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन सचिव/शासन सचिव, राजस्थान।
3. निजी सचिव, अतिरिक्त मुख्य सचिव, वित्त विभाग, राजस्थान।
4. निजी सचिव, अतिरिक्त मुख्य सचिव, सूचना प्रौद्योगिकी और संचार विभाग, राजस्थान।
5. निजी सचिव, आयुक्त एवं संयुक्त सचिव, सूचना प्रौद्योगिकी और संचार विभाग, राजस्थान।
6. समस्त विभागाध्यक्ष।
7. अतिरिक्त निदेशक/एस.ए. (संयुक्त निदेशक)/एस.पी. (उप निदेशक), जिला कार्यालय, सूचना प्रौद्योगिकी और संचार विभाग, समस्त।
8. प्रभारी अधिकारी (वेबसाइट), सूचना प्रौद्योगिकी और संचार विभाग, मुख्यालय जयपुर को विभाग की वेबसाइट पर अपलोड हेतु।
9. रक्षित पत्रावली।

(आशीष गुप्ता)

आयुक्त एवं संयुक्त सचिव
सूचना प्रौद्योगिकी और संचार विभाग



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: 25th 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 12th 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 24th 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 26th 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 26th 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).
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 19th December 2017: 'Use of Aadhaar in Benefit Schemes of Government – Exception Handling' (https://dbtbharat.gov.in/data/om/Aadhaar_Exception_Handling_OM_19122017.pdf)
- 4. UIDAI Circular dated 24th 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)

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

[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) 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 19th 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**

[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) 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: 19th 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 24th October, 2017 (*copy enclosed for ready reference*). In accordance with the guidelines issued by UIDAI from time to time, the following may be considered:

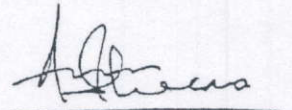
A. For extending benefits to beneficiaries who do not possess Aadhaar, the following mechanism may be adopted:

- 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

24th October, 2017

No. 23011/Gen/2014/Legal-UIDAI

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:

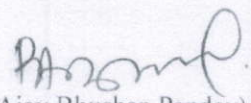
- a. Till the time Aadhaar is assigned to a beneficiary, he/she shall be provided subsidy, benefit or service based on alternate identification document as notified by the Ministry/Department in the relevant notification issued under the provision of Section 7 of the Aadhaar Act, 2016. The notifications 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 email: 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

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

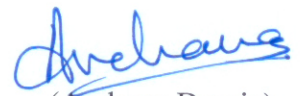
Subject: Application Form along with Guidelines for submission of proposals for use of Aadhaar authentication under the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020-regarding

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.	Brief Description of initiative / scheme (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- (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. {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.