

The Karnataka Aadhaar (Targeted Delivery of Financial and Other Subsidies, benefits and Services) Act, 2018

KARNATAKA

India

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Act 10 of 2018

- Published on 1 January 2018
- Commenced on 1 January 2018
- [This is the version of this document from 1 January 2018.]
- [Note: The original publication document is not available and this content could not be verified.]

The Karnataka Aadhaar (Targeted Delivery of Financial and Other Subsidies, benefits and Services) Act, 2018(Karnataka Act No. 10 of 2018)Statement of objects and Reasons - Act 10 of 2018. - It is considered necessary to enact the Karnataka Aadhaar (Targeted Delivery of Financial and Other Subsidies, benefits and Services) Bill, 2018, to provide for,-(1) the correct identification of Targeted Beneficiaries for delivery of various subsidies, benefits, services, grants, wages and other social benefit schemes for the effective implementation of these programmes of the State Government or its agencies through Aadhaar Identification;(2) further to ensure that the subsidies, benefits and services reach to the intended beneficiaries;(3) linking the use of Aadhaar identification for delivery of various subsidies, benefits, services, grants, wages and other social benefit schemes which are funded from the consolidated fund of Karnataka or its agencies; and(4) a good governance, efficient, transparent and targeted delivery of the subsidies, benefits and services, the expenditure for which is incurred from the consolidated Fund of the State or of any agency of the State Government to individuals residing in the State of Karnataka using Aadhaar as sole the identifier.Hence, the Bill.[L.A. Bill No.52 of 2018, File No. Samvyashae 46 Shasana 2017][entries 9 and 42 of List II and entries 20, 23 and 24 of List III of the Seventh Schedule to the Constitution of India.](First Published in the Karnataka Gazette Extra-ordinary on the 9th day of March, 2018)(Received the assent of Governor on the 07th day of March, 2018)An Act to provide for, as a good governance measure, efficient, transparent, and targeted delivery of financial and other subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of State to individuals residing in the State of Karnataka using Aadhaar as a sole identifier, and for matters connected therewith.Whereas, it is expedient to make a law to provide for, as a good governance measure, efficient, transparent, and targeted delivery of financial and other subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of the State, to the individuals residing in the State of Karnataka using Aadhaar as a sole identifier, and to provide for matters

connected therewith; Be it enacted by the Karnataka State Legislature in the Sixty- ninth year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Karnataka Aadhaar (Targeted Delivery of Financial and Other Subsidies, benefits and Services) Act, 2018. (2) It extends to the whole of the State of Karnataka. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

(1) In this Act, unless the context otherwise requires, - (a) "Agency of the State Government" means any authority or body established or constituted by any Central or State law in the State of Karnataka including the local bodies, and any other body owned and controlled by the State Government and includes the bodies whose composition and administration are predominantly controlled by the State Government; (b) "Benefit" means any advantage, gift, reward, relief or payment, in cash or kind, provided to an individual or group of individuals and includes such other benefits as may be notified by the State Government, from time to time; (c) "Central Act", means the Aadhaar (Targeted Delivery of Financial and Other Subsidies, benefits and Services) Act, 2016; (Central Act 18 of 2016) (d) "Consolidated Fund of State" means a Consolidated Fund of State of Karnataka; (e) "Government" or "State Government" means the Government of Karnataka; (f) "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 State Government; (g) "Subsidy" means any form of aid, support, grant, subvention or appropriation, in cash or kind provided to an individual or a group of individuals and includes such other subsidies as may be notified by the State Government, from time to time. (2) Words and expressions used in this Act but not defined hereinabove shall have the same meanings as respectively assigned to them under the Central Act.

3. Proof of Aadhaar number necessary for receipt of certain subsidies, benefits and services, etc.

- The State Government or, as the case may be, any Agency of 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 entirely by way of withdrawal from, or the receipt therefrom forms part of the Consolidated Fund of the State, or any fund set up by any Agency of the State Government, 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, till such time 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.

4. Notifying Schemes by State Government.

- The State Government shall, within a period of three months from the date of commencement of this Act, and thereafter, from time to time, notify the list of schemes, subsidies, benefit or services for which such authentication or proof is required as per section 3.

5. Application of Chapter III and VI of Central Act.

- The provisions of Chapter III and Chapter VI of the Central Act shall mutatis mutandis apply to authentication under this Act.

6. Act to be in addition and not in derogation of any other law.

- The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

7. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against the State Government or any officer, or other employees of the State Government for anything which is in good faith done or intended to be done under this Act or rules made thereunder.

8. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules to carryout the purposes 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)specifying the manner of use of Aadhaar number for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar number may be used;(b)any other matter which is required to be, or may be, specified, or in respect of which provisions is to be made by rules.(3)Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, 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 in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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 or omitted to be done under that rule.

9. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order, published in the Official Gazette, make such provisions not inconsistent with the

provisions of this Act which appear to it to be necessary or expedient for the purposes of removing the difficulty: Provided that, no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act. (2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature. The above translation of PÀ£ÁðIPÀDzsÁgĩ (°ÀtPÁ, ÄÄªÄÄvÄÄÛ EvÀgÉ, À©ìrUÀ¼ÄÄ, ¥ÀæAiÉÆÄd£ÀUÀ¼ÄÄªÄÄvÄÄÛ , ÉÄªÉUÀ¼ÄGzÉÝÄ²vÀ «vÀgÀuÉ)CçüªAiÄÄªÄÄ