

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 4083
TO BE ANSWERED ON: 07.04.2017

MAKING AADHAAR MANDATORY FOR AVAILING VARIOUS SCHEMES

4083. DR. T. SUBBARAMI REDDY:
SHRIMATI AMBIKA SONI:

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

- (a) whether certain State Governments have proposed Aadhaar card mandatory for beneficiaries to avail various schemes of Government, if so, the details thereof;
- (b) whether any complaints have been received from the public and from media about inconvenience being caused to public due to this;
- (c) the steps taken by Government to issue Aadhaar cards to all persons in various States by opening more card issuing centres; and
- (d) the details of the Supreme Court ruling allowing voluntary use of Aadhaar card by citizens and non-denial of service or subsidy to citizens for want of it?

ANSWER

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

(a) and (b): Unique Identification Authority of India (UIDAI), under the Ministry, only issues Aadhaar to the residents of the country. Linking of schemes with Aadhaar is decided by the organization / department administering those schemes. Records of Aadhaar cards linked to a scheme and benefits delivered to the Aadhaar card holders are maintained only by the departments administering the scheme. The organization / departments which intend to use Aadhaar as identifier for delivery of subsidy / benefit / services to the residents can do so as per provisions of Section 7 or Section 57 of Aadhaar Act, 2016.

(c): UIDAI, under the Ministry, issues Aadhaar in partnership with various States/UT Governments/Financial Institutions/India Post etc. These Registrars set up Permanent Enrolment Centres (PECs) / Aadhaar kendras for enrolment of residents, updation in Aadhaar and for providing various Aadhaar related services.

(d): (1) The Hon'ble Supreme Court in W.P. (C) No. 494 of 2012 and connected matters had passed the following orders:

(i) While referring the tagged matters to a larger bench, the Hon'ble Supreme Court had inter alia directed the following in its interim Order dated 11.08.2015:-

“...1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;

2. The production of an Aadhaar card will not be a condition for obtaining any benefits otherwise due to a citizen;

3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of food grains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation...”

(ii) In its Order dated 15-10-2015, the Hon'ble Supreme Court had inter alia directed the following:-

“3. After hearing the learned Attorney General for India and other learned senior counsels, we are of the view that in paragraph 3 of the Order dated 11.08.2015, if we add, apart from the other two Schemes, namely, P.D.S. Scheme and the L.P.G. Distribution Scheme, the Schemes like The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (Old Age Pensions, Widow Pensions, Disability Pensions), Prime Minister's Jan Dhan Yojana (PMJDY) and Employees' Provident Fund Organisation (EPFO) for the present, it would not dilute earlier order passed by this Court. Therefore, we now include the aforesaid Schemes apart from the other two Schemes that this Court has permitted in its earlier order dated 11.08.2015.”

(2) Subsequently, the Government introduced the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 in the Parliament on 03-03-2016, which was passed by the Parliament on 16-03-2016.

The Bill has since received the assent of the President on 25-03-2016 and has been published in the Official Gazette of India Extraordinary, Part-II, Section 1 dated 26-03-2016, as Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Act No. 18 of 2016) (“Aadhaar Act”) and has come into force from 12.09.2016.

The usage of Aadhaar is governed by Section 7 of the Aadhaar Act which 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 expenditure is incurred from 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 shall make an application for enrolment. Section 7 further provides 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.
