

PW/O/B -10/14M-02/07(PT-1)



E-17/DY.No-204 dt. 3.6.16

Government of West Bengal
Home Department
Co-ordination Branch,
NPR Cell, Room No. - 510,
Nabanna
325, Sarat Chatterjee Road, Howrah- 711 102.

No. 386 -Home (Cons.)/R3CEN-03/2016.

Dated: 23.05.2016

To
The Additional Chief / Principal / Secretary,

PW Department, (All Departments)
Government of West Bengal.

Subject: The AADHAR (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

Sir,

I am directed to forward herewith a copy of letter No. 10(36)/2015/EG-II (Vol.-I) dated 29.03.2016 of the Secretary, Ministry of Communications and Information Technology, Government of India, on the above subject and to request you to take necessary action thereon. The above act may be downloaded from the following link:

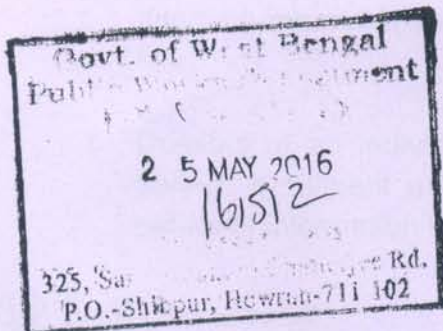
<http://www.dnh.nic.in/Docs/13April2016/AadhaarAct2016.pdf>

Encl:

As stated

Yours faithfully,

[Signature]
Joint Secretary to the Government of West Bengal.



[Signature]
26/5/16

[Signature]
31/5

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07.04.16

F.No. 10(36)/2015/EG-II (Vol.-I)
Government of India

Ministry of Communications & Information Technology
Department of Electronics & Information Technology

for Secy
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Electronics Niketan, 6 CGO Complex
New Delhi, the 29th March, 2016

OFFICE MEMORANDUM

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

The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, ("Act") has been published in the Official Gazette on 26th March 2016 pursuant to the assent of the President received on 25th March 2016. The Act will come into force on the day it is notified under section 1(3) of the Act. Whilst the salient features of the Act are enumerated in a separate Annexure attached hereto, the key provisions are as below:

1. Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information during enrolment
2. An Aadhaar number, in physical or electronic form, subject to authentication and other conditions may be accepted as a proof of identity, however, Aadhaar number does not confer any right or proof of citizenship or domicile.
3. The resident shall be informed at the time of enrolment of the manner in which the information so collected shall be used and the nature of recipients with whom the information is intended to be shared during authentication.
4. The Central or the State Government as the case may be, under section 7 of the Act may require Aadhaar authentication or the Proof of possession of Aadhaar Number as a condition for receipt of government subsidy, benefits or service funded from Consolidated Fund of India. Incase an individual does not have an Aadhaar number, he would be required to enroll for the same and in the interim alternate means of identification for service delivery shall be made available to him.
5. Consent of an individual would be obtained for using his identity information during enrolment and authentication and he would also be informed of the nature of information that may be shared upon authentication and usage thereof.

IP
Nehal
N. Chavhan
R. S. Bhat

SS/AGT

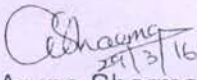
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AGS ACS, Home

- 6. No core biometric information (iris and fingerprints) shall be shared with anyone for any reason whatsoever and the same shall not be used for any purpose other than Aadhaar generation and authentication
- 7. Identity information of a resident shall not be used for any purpose other than specified at the time of authentication and not disclosed further except with the prior consent of the concerned Aadhaar holder.
- 8. Disclosure of Identity information can be made only pursuant to an order of a court not inferior to that of a District Judge and/or disclosure made in the interest of national security in pursuance of a direction of an officer not below the rank of a Joint Secretary to the Government of India specially authorized for the said purpose. Further, any direction issued pursuant to concerns of national security shall be subject to review ^{by} an Oversight Committee headed by Cabinet Secretary.
- 9. Contravention of any provisions of the Act would attract penalties as specifically provided for under the Act.

You may like to bring the provisions of the Act to the notice of all concerned. A copy of the Act is also enclosed alongwith Annexure *ibid*.


 (Dr. Aruna Sharma)
 Secretary
 Tel. No. 24364041
 E-Mail : secretary@mit.gov.in

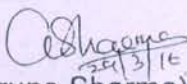
Enclosure: as above (2)

To

All Secretaries to the Government of India
 All Chief Secretaries of State Governments/UT Administrations

Copy to:-

- 1. Principal Secretary to PM
- 2. Staff Officer to Cabinet Secretary
- 3. PS to MCIT
- 4. DG, UIDAI


 (Dr. Aruna Sharma)
 Secretary
 Tel. No. 24364041
 E-Mail: secretary@mit.gov.in

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

1. Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information during enrolment
2. The resident shall be informed by the enrolling agency at the time of enrolment of the manner in which the information so collected shall be used and the nature of recipients with whom the information is intended to be shared during authentication.
3. An Aadhaar number, in physical or electronic form, subject to authentication and other conditions may be accepted as a proof of identity.

Authentication

4. The Central or the State Government as the case may be, may require Aadhaar authentication or the Proof of possession of Aadhaar Number as a condition for receipt of government subsidy, benefits or service funded from Consolidated Fund of India. Incase an individual does not have an Aadhaar number, he would be required to enroll for the same and in the interim alternate means of identification for service delivery shall be made available to him.
5. Consent of an individual would be obtained for using his identity information during authentication and he would also be informed of the nature of information that may be shared upon authentication and usage thereof.
6. Aadhaar number shall not confer any right of or proof citizenship or domicile.

Establishment & Composition of Authority

7. The Act provides for the establishment of the Unique Identification Authority of India for enrolment and authentication and other function under the Act.

8. The Authority shall consist of a Chairperson (part-time or full time) and two part time Members and a Chief Executive Officer who shall be appointed by the Central Government not below the rank of an Additional Secretary to the Government of India.
9. The Authority shall develop the policy, procedure and systems for issuing Aadhaar numbers to individuals and perform authentication thereof.

Protection of Information

10. No core biometric information (iris and fingerprints) shall be shared with anyone for any reason whatsoever and the same shall not be used for any purpose other than Aadhaar generation and authentication
11. Identity information of a resident shall not be used for any purpose other than specified at the time of authentication and not disclosed further except with the prior consent of the concerned Aadhaar holder.
12. No Aadhaar number or core biometric information 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.
13. Every Aadhaar number holder shall be entitled to obtain his authentication records
14. The Authority shall not collect, keep or maintain any information about the purpose of authentication.
15. The Act provides in detail the circumstances and manner in which disclosure of identity information or authentication records can be made. Disclosure can be made only pursuant to an order of a court no inferior to that of a District Judge and/or disclosure made in the interest of national security in pursuance of a direction of an officer not below the rank of a Joint Secretary to the Government of India specially authorized for the said purpose. Further, any direction issued pursuant to concerns of national security, 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. Any such direction would be valid for three months from date of issue and extended for further period of three months after review by the Oversight Committee. However, under no circumstances core biometrics shall be shared under whatsoever circumstances

Offences and penalties

- 16. Contravention of any provisions of the Act would attract penalties as specifically provided for under the Act.
- 17. Penalties has been prescribed
 - for impersonation of Aadhaar number holder,
 - disclosing identity information
 - unauthorized access/tampering to CIDR
 - unauthorized used of identity information by requesting entity
 - for non-compliance of the intimation requirements
 - residuary penalties

, Misc

- 18. The Aadhaar Number may be used for establishing the identity of an individual for any purpose under law by the State or anybody corporate or person subject to other provisions of the Act.
