

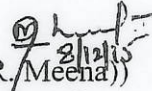
No.10(36)/2015-EG-II(Part-IV)
Ministry of Communication & Information Technology
Department of Electronics & Information Technology
Electronics Niketan, 6-CGO Complex,
Lodhi Road, New Delhi-110003

Dated: 08.12.2015

Subject: Guidance on the interim orders of the Hon'ble Supreme Court dated 11.08.2015 and 15.10.2015 in W.P. 494 of 2012 and other related matters related to Aadhaar usage.


Please find enclosed herewith a copy of OM of even no. dated 01.12.2015 on the above for information, compliance please.

Encls: as above


(G.R. Meena)
Deputy Director (eGov)

To

1. All GCs, DeitY
2. DG(I-CERT)/CCA/DG(NIC)/DG(STQC)/DG(UIDAI)
3. DD(ABC Division): with a request to circulate the same to all Autonomous Societies of DeitY for information and compliance.
4. All Programme Officers in e-Gov. Group

SD (R.B) 
JD (KR)

Office of SD (RB)

FTS No. _____

Date. 8/12/15

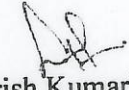
File No. 10(36)/2015-EG-II(Part-IV)
Department of Electronics & Information Technology
Government of India

Subject: Guidance on the interim orders of the Hon'ble Supreme Court dated 11-08-2015 and 15.10.2015 in W.P. 494 of 2012 and other related matters.

An Office Memorandum on "Guidance on the interim orders of the Hon'ble Supreme Court dated 11-08-2015 and 15.10.2015 in W.P. 494 of 2012 and other related matters" related to Aadhaar usage, is enclosed herewith.

We may request the section to circulate the said OM to all GCs of DeitY, its attached offices and all Program Officers of e-Governance Division.


*Deity
organs*


Amarish Kumar)
07.12.2015
Scientist B

Dir(AD) *Anelava*
7/12/15

SO
DD(KPA)

A communication is placed opposite to approval/sign. p.d.


8/12/15

DD(e-Gov)


7/8/12/15

M. 705-EG-D/15
8/12/15

File No. 10(36)/2015-EG-II(Part-IV)
Government of India
Department of Electronics & Information Technology
(E-Governance Division)

Electronics Niketan
6, CGO Complex
New Delhi-110003
Dated: 01 Dec 2015

OFFICE MEMORANDUM

Sub: Guidance on the interim orders of the Hon'ble Supreme Court dated 11-08-2015 and 15.10.2015 in W.P. 494 of 2012 and other related matters.

I am directed to refer to the orders of the Hon'ble Supreme Court dated 11/08/2015 and 15/10/2015 in W.P. 494 of 2012. UIDAI had sought the advice and opinion of the Attorney General (AG) on the usage of Aadhaar by Central/State Governments. The advice/ clarification received from Attorney General is as under:-

Query

a) Whether in light of the above interim orders, a resident can use his own Aadhaar voluntarily for the purpose for the purpose of his identification and authentication and if so, whether the authorities can accept the said Aadhaar as the resident's proof of identity. For example, if a person uses his Aadhaar card as proof of identity in an airport or to authenticate his identity as part of a government application, can the airport authorities/relevant government authorities accept Aadhaar as the person's proof of identity or ask him to produce some other ID.

Response of AG

Yes, Voluntary use for purposes of identification by an Aadhar cardholder, say at the airport, is valid and it not necessary to ask for production of some other ID.

Query

b) Whether, in light of the fact that the Hon'ble Supreme Court has allowed use of Aadhaar in the Prime Minister's Jan Dhan Yojna (PMJDY) Scheme, an umbrella scheme, which prescribes for channelling all Government benefits through beneficiaries' Jan Dhan Accounts, can the Government implement Direct Benefit Transfer schemes of Government of India if they are channelled through PMJDY accounts.

Response of AG

Channelizing Govt. benefits i.e. DBT Schemes through PMJDY would be in line with the order of the Supreme Court dt. 15.10.2015.

Jeeva
Ramasami

Query

c) For implementation of the welfare programmes, various government agencies and departments have requested UIDAI for biometric information of the individuals who had given their consent for sharing their data at the time of Aadhaar enrolment or subsequently. In light of the interim orders stated above, whether biometrics of such individuals can be shared with the requesting entities.

Response of AG

No. Sharing of biometric data is prohibited.

Query

d) Various government agencies/departments have requested for access to the Aadhaar database to locate the details of the person whose Aadhaar number is not known by matching the demographic details. In light of the above-mentioned interim orders, whether enabling access to the Aadhaar database, in such cases, would be permissible.

Response of AG

No. There is a complete prohibition.

Query

e) Whether, Government departments and agencies can continue seeding Aadhaar on voluntary basis into their beneficiary database.

Response of AG

Yes, please refer to answer (a).

This issues with the approval of Secretary DeitY.



(Archana Dureja)
Scientist 'F'/Director
Tel. No. 24362528

To,
Secretaries of all GOI Ministries/Departments
Chief Secretaries of all States