

UPSC Preparation

The Aadhaar Act, 2016

The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services Act), 2016 provides for good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, [or the Consolidated Fund of the State] to individuals residing in India through assigning unique identity numbers to such individuals and for matters connected therewith or incidental thereto.

Introduction

- The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 was introduced by Minister of Finance, Mr Arun Jaitley, in Lok Sabha on March 3, 2016.
- The Bill intends to provide for targeted delivery of subsidies and services to individuals residing in India by assigning them unique identity numbers, called Aadhaar numbers. Aadhaar number means an identification number issued to an individual.
- The Aadhaar Bill plans to use the identification number issued by the Unique Identification Authority of India (UIDAI), to deliver State subsidies directly into the hands (or actually, bank accounts) of beneficiaries. Aadhaar was first mooted as the Indian equivalent to the Social Security Number in the US.

Highlights of Aadhaar Act, 2016

The highlights of the Aadhaar Act, 2016 are as follows:

- **Eligibility**
 - Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information.
 - A “resident” means an individual who has resided in India for a period or periods amounting in all to 182 days or more in the twelve months immediately preceding the date of application for enrolment.
- **Properties of Aadhaar number**

- An Aadhaar number, issued to an individual, shall not be reassigned to any other individual.
- An Aadhaar number shall be a random number and bear no relation to the attributes or identity of the Aadhaar number holder.
- Every Aadhaar number holder to establish his identity may voluntarily use his Aadhaar number in physical or electronic form by way of authentication or offline verification, or in such other form as may be notified, in such manner as may be specified by regulations.
- The Aadhaar number or the authentication thereof shall not, by itself, confer any right of, or be proof of, citizenship or domicile in respect of an Aadhaar number holder.
- **Security and confidentiality of information**
 - The Unique Identification Authority of India (UIDAI) shall ensure the security of identity information and authentication records of individuals.
 - The Authority shall take all necessary measures to ensure that the information in the possession or control of the Authority, including information stored in the Central Identities Data Repository, is secured and protected against access, use or disclosure not permitted under this Act or regulations made thereunder, and against accidental or intentional destruction, loss or damage.
- **Restriction on sharing information**
 - No core biometric information, collected or created under this Act, shall be—
 - shared with anyone for any reason whatsoever, or
 - used for any purpose other than generation of Aadhaar numbers and authentication under this Act.
 - No Aadhaar number [demographic information or photograph] 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.
- **Cases when information may be revealed**
 - In two cases, information may be revealed:
 - In the interest of national security, a Joint Secretary in the central government may issue a direction for revealing, (i) Aadhaar number, (ii) biometric information (iris scan, fingerprint and other biological attributes specified by regulations), (iii) demographic information, and (iv) photograph. Such a decision will be reviewed by an Oversight Committee (comprising Cabinet Secretary, Secretaries of Legal

Affairs and Electronics and Information Technology) and will be valid for six months.

- On the order of a court, (i) an individual's Aadhaar number, (ii) photograph, and (iii) demographic information, may be revealed.
- **Offences and penalties**
 - A person may be punished with imprisonment up to three years and a minimum fine of Rs 10 lakh for unauthorised access to the centralized data-base, including revealing any information stored in it. If a requesting entity and an enrolling agency fail to comply with rules, they shall be punished with imprisonment up to one year or a fine up to Rs 10,000 or Rs one lakh (in case of a company), or with both.
- **Cognizance of offence**
 - No court shall take cognizance of any offence except on a complaint made by the UID authority or a person authorised by it.

Unique Identification Authority of India

- The Unique Identification Authority of India (UIDAI) is a **statutory** authority established under the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (or Aadhaar Act, 2016) on 12 July 2016 by the Government of India, under the **Ministry of Electronics and Information Technology (MeitY)**.
- **Head Office - Delhi.**
- Unique Identification Authority of India is responsible for the processes of enrolment and authentication and perform such other functions assigned to it under this Act.
- **Composition** - The Authority shall consist of a Chairperson, appointed on a part-time or full-time basis, two part-time Members, and the chief executive officer who shall be Member Secretary of the Authority, to be appointed by the Central Government.