

GOVERNMENT OF TELANGANA
FINANCE (PF) DEPARTMENT

Fin U.O.No.2993/104/PF/2018



Dated:17-04-2019.

Sub:-Finance (PF) Department- DBT-Use of Aadhaar in
DBT schemes-Judgement of Hon'ble Supreme
Court-Regarding.

Ref:-No.D-14011/01/2018-DBT, Dt:01.11.2018 received
from the Director, DBT Mission, GOI, New Delhi.(copy
enclosed)

* * *

In the reference cited, the Director, DBT Mission Cabinet Secretariat, Government of India, while forwarding UIDAI circular dated:23.10.2018 along with copy of opinion of Attorney General for India have informed that Hon'ble Supreme Court of India in its judgement dt:26.09.2018 on Aadhaar has upheld the validity of Section 7 of the Aadhaar Act 2016 and requested to take necessary action for implementing DBT schemes.

Therefore, all the Departments in Secretariat are requested to issue necessary instructions to HOD's under their control to take action as per the direction of the Director, DBT Mission, Cabinet Secretariat, Government of India in reference cited.

K.RAMAKRISHNA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

To
The All Departments, Telangana Secretariat, Hyderabad.
The All HoD's / Corporations, Telangana State.

Copy to : The General manager & Convenor, SLBC, Telangana State.
The Director, DBT Mission,
Cabinet Secretariat, Government of India, 4th Floor,
Shivaji Stadium Annexe , Rajiv Chowk, New Delhi. 110001.
The Assistant Director General,UIDA, Government of India,
Aadhaar, Bangle Sahib Road, Behind Kali Mandir,
Gole Market, New Delhi-110001
SF/SC.

//Forwarded by: Order//

*Supdt/Place in the
naboo te*
2018/19

SECTION OFFICER

Admn (T) / MS
PK

14814/05/2018

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No. D-14011/01/2018-DBT
Govt. of India/भारतसरकार
Cabinet Secretariat/ मंत्रिमंडलसचिवालय
DBT Mission/प्रत्यक्षलाभअंतरणमिशन

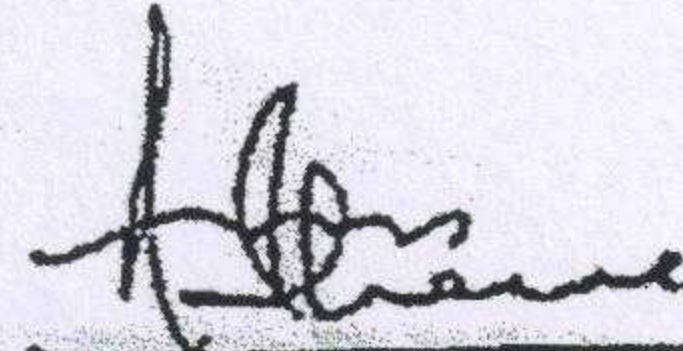
4th Floor, Shivaji Stadium Annexe
Rajiv Chowk, New Delhi-110001
Dated: 1st November, 2018

OFFICE MEMORANDUM

Subject: Use of Aadhaar in DBT schemes - Judgement of Hon'ble Supreme Court - regarding.

Hon'ble Supreme Court in its judgement delivered on 26th September 2018 on Aadhaar has upheld the validity of Section 7 of the Aadhaar Act 2016. The undersigned is directed to forward UIDAI's circular dated 23rd October 2018, along with a copy of the opinion of Attorney General for India dated 15th October 2018, for information and further necessary action for implementing DBT schemes.

Enclosed: As above.



(Arun Sharma)
Director, DBT Mission
Tele:23343860 (Ext:307)



1. Secretaries of all Ministries/Departments of Government of India
2. Chief Secretaries of all States/ UTs

Copy to:

1. Senior PPS to Secretary (Coordination), Cabinet Secretariat
2. PA to Joint Secretary (DBT), Cabinet Secretariat
3. Director, PMO (Shri Brijesh Pandey)



C.NO. 2993/104/PF/2018.

As (Feb)
5/11
80/PP)

Subject: Use of Aadhaar in DBT Schemes - Judgment of Hon'ble Supreme Court regarding

Date: 11/01/18 04:30 PM

From: Shalini Gupta <gupta.shalini@nic.in>

To: cs@ap.gov.in, cs-arunachal@nic.in, cs-assam@nic.in, cs-bihar@nic.in, cs@office.cg.gov.in, cs-go@nic.in, chiefsecetary@gujarat.gov.in, cs@hry.nic.in, cs-hp@nic.in, cs-jandk@nic.in, cs-jharkhand@nic.in, cs@karnataka.gov.in, chiefsecy@kerala.gov.in, cs@mp.nic.in, chiefsecretary@maharashtra.gov.in, cs-manipur@nic.in, cso-meg@nic.in, cs-mizoram@nic.in, cs-miz@rediffmail.com, csngl@nic.in, csori@nic.in, cs@punjab.gov.in, cs-rajasthan@nic.in, cs-skm@nic.in, cs@tn.gov.in, cs@telangana.gov.in, cs-tripura@nic.in, csup@nic.in, cs-uttarakhand@nic.in, cs-westbengal@nic.in, cs.pon@nic.in, lk-advisor@gov.in, csdelhi@nic.in, devcom-dd@nic.in, adviser-chd@nic.in, advadmr-dnh@gov.in, cs-andaman@nic.in

Cc: js.dbt@nic.in, "Shri Arun Sharma (Dir, DBT)" <arun.s@gov.in>, "Shri Soumitra Mandal (Dir, DBT)" <soumitra.mandal@gov.in>, "Shri Rakesh Sharma (US, DBT)" <rakesh.sharma67@nic.in>, "Shri Ravi Ranjan (US, DBT)" <ranjan.ravi@nic.in>, "Shri Pravin Somra (RP, DBT)" <pravin.somra@nic.in>, tulsipriya.rk@nic.in, "Ms. Aishwarya Menon (AD, DBT)" <aishwarya.menon@gov.in>, "Ms. Shaivalini Sharma (YP, DBT)" <shaivalini.sharma@gov.in>

Opinion of Ld. AG on Aadhaar Judgement dated 26-09... (3.3MB)
OM dt 1.11.2018 reg Use of Aadhaar in DBT Schemes... (89kB)

UIDAI Circular dt 23 Oct 2018 on Use of Aadhaar.pd... (1.2MB)

Sir, 11 pages attachment is available

Sir/Ma'am,


I am directed to attach OM No. D-14011/01/2018-DBT dated 1st November 2018 regarding 'Use of Aadhaar in DBT Schemes - Judgment of Hon'ble Supreme Court' along with enclosures for information and necessary action please.

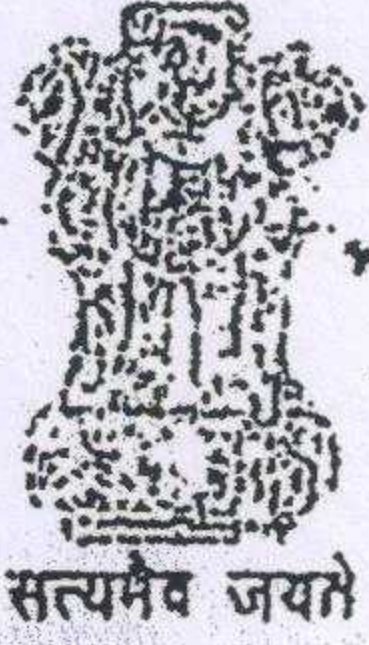
Regards,

Shalini Gupta | Deputy Director,
Direct Benefit Transfer Mission,
Cabinet Secretariat | Govt. of India
4th Floor, Shivaji Stadium Annexe, New Delhi
Tel: 23343860, Ext. 363
gupta.shalini@nic.in | <https://dbtbharat.gov.in/>

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भारत सरकार
Government of India
भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India (UIDAI)
आधार, बंगला साहिब रोड, काली मंदिर के पीछे,
गोल मार्केट, नई दिल्ली-110001
Aadhaar, Bangla Sahib Road, Behind Kali Mandir,
Gole Market, New Delhi-110001

F. No.13012/171/2018/Legal/UIDAI/114

Dated: 23.10.2018

CIRCULAR

Subject: Hon. Supreme Court's Aadhaar judgement - Use of Aadhaar for opening bank accounts and withdrawal of money through AePS - regd.

Ref: Opinion of Ld. Attorney General for India dated 15.10.2018.

The Unique Identification Authority of India (hereinafter referred to as "UIDAI") is in receipt of the opinion of the Ld. Attorney General for India in respect of queries raised by UIDAI which arose after the judgment of the Hon. Supreme Court of India, delivered on 26.09.2018 in W.P. (Civil) No. 494/ 2012 (hereinafter referred to as the "Aadhaar Judgment"). A copy of the Opinion of Ld. Attorney General for India is attached herewith as **Annexure**.

2. It is noted that as per the opinion of the Attorney General, *Banks would be entitled to seek authentication of the beneficiaries, who are availing subsidies/benefits/services covered by Section 7 of the Aadhaar Act, for the purpose of transfer of any monetary subsidy or benefit to the bank account of the beneficiary, as well as for facilitating the withdrawal of money by the beneficiary through Aadhaar based micro-ATM machines (refer to page 8-9 of the Opinion).* Accordingly, the Aadhaar enabled Payment System (AePS) and BHIM Aadhaar Pay shall remain operative and bank may continue to maintain and provide these facilities so that the DBT beneficiaries can conveniently withdraw their money through the micro-ATMs, AePS, BHIM Aadhaar Pay etc. without having to visit bank branches which are, in many cases, far away from the places where they live.

3. From the above quoted opinion, there is also no bar on the Banks to perform Aadhaar based authentication using e-KYC authentication facility for opening bank accounts of the client who gives a declaration that s/he is desirous of receiving her/his entitled benefits or subsidies of welfare schemes funded from the Consolidated Fund of India in her/his account directly. Banks may therefore use Aadhaar e-KYC for such clients.

4. For clients who are not beneficiaries of the aforesaid welfare schemes or who do not give the declaration as mentioned in para 3 above, as per the Aadhaar judgement and opinion given by Ld Attorney General banks cannot use Aadhaar E-KYC authentication for opening bank accounts etc. However, they are not prohibited from accepting physical Aadhaar card/E-Aadhaar card/Masked Aadhaar/Offline Electronic Aadhaar xml (if offered voluntarily by the client) for



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Website: www.uidai.gov.in

Atul



the purpose of opening bank accounts in such cases and verifying the authenticity through QR code etc. The Attorney General has opined that the voluntary use of a physical Aadhaar card, without authentication, by the Aadhaar number holder who wishes to establish his/her identity, is not prohibited by the judgment. This would include physical copies of 'e-Aadhaar' and 'masked Aadhaar' and offline xml as well. It would also, in my view, permit offline verification of the Aadhaar card, to establish its genuineness through QR code embedded in the Aadhaar card. (Refer to page 4-5 of the Opinion). Accordingly, banks and RBI are at the liberty to use physical copy of the Aadhaar card as well as e-Aadhaar, masked Aadhaar and offline electronic Aadhaar xml provided by UIDAI, which are various forms of Aadhaar, as Officially Valid Documents (OVD) for KYC purpose. However, as per Aadhaar Regulations, the Banks must mask the first 8 digits of the Aadhaar number while storing the physical copy of the Aadhaar card or e-Aadhaar.

For the convenience of such non-DBT beneficiary clients and to avoid paper based manual process, banks are also at liberty and are encouraged to develop a fully electronic web/mobile application which can use the QR code printed on Aadhaar card/ E-Aadhaar/ Masked Aadhaar/ offline Electronic Aadhaar xml (which contain UIDAI's digitally signed KYC information in electronic form), if offered voluntarily, for opening bank accounts. This will make the account opening process completely paperless and hassle-free even for a non-DBT beneficiary client whose bank account, in view of Supreme Court's Judgment, is not permissible to be opened through online Aadhaar authentication.

5. Since Banks will be using facility of Aadhaar e-KYC for the purpose of opening bank accounts and withdrawal of money through AePS by DBT beneficiaries, it will be mandatory for the banks to provide Aadhaar enrolment facilities as per Regulation 12A of the Aadhaar (Enrolment and Update) Regulations, 2016. Therefore, it is hereby reiterated that the UIDAI's Circular dated 14 July, 2017 which requires every Scheduled Commercial Bank to provide Aadhaar enrolment and update facilities to its customers shall continue to operate.

6. This issues with the approval of the competent Authority.

Encl: Annexure

R P Pant
23/10/18
(R P Pant)

Assistant Director General

To,

1. Chairpersons of all Banks
2. Deputy Governor, Reserve Bank of India

CC:

1. Secretary, Department of Financial Services, Government of India
2. Secretary, Department of Revenue, Government of India
3. Secretary, Ministry of Electronics and Information Technology, Government of India
4. DBT Mission, Cabinet Secretariat
5. Indian Banking Association