

Circular
2nd Self
(67(a))

-F. No. HQ-13065/1/2022-AUTH-II HQ/
Unique Identification Authority of India
(Authentication and Verification Division)

UIDAI Head Office
Bangla Sahib Road, Behind Kali Mandir
Gole Market, New Delhi – 110 001
Dated 23 April 2024

To:

All Aadhaar User Agencies (AUAs) and e-KYC User Agencies (KUAs)

Subject: Clarification regarding usage of Aadhaar as proof of date of birth — regarding

Madam/sir,

Please refer to UIDAI's Circular No. 08 of 2023, dated 22.12.2023, regarding acceptance of Aadhaar as a proof of date of birth. It also drew attention to the contents of UIDAI OM F. no. 4(4)/57/186/2016-E&U-pt-II, dated 20.12.2018 (copy enclosed), on the above subject.

2. The said communications brought out that Aadhaar is intended to serve as a proof of identity, when used with authentication. They further highlighted that while the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 ("Aadhaar Act") mentions that Aadhaar may be accepted for establishing identity in the manner specified by regulations, the same is silent with regard to its acceptance as proof of date of birth; therefore, in the event of dispute regarding correctness of date of birth in Aadhaar, the burden of proof lies with the Aadhaar number holder. In view of this and certain High Court judgements, they clarified that an Aadhaar number can be used for establishing identity of an individual subject to authentication; however, in itself, it is not a proof of date of birth.

3. Subsequently, UIDAI has received queries regarding use of Aadhaar for purposes relating to establishing the date of birth. In this regard, the undersigned is directed to hereby clarify as under:

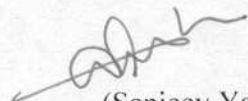
- (a) While the Aadhaar Act and regulations made by UIDAI there under are silent regarding use of Aadhaar for purposes relating to establishing the date of birth, the same provide for the collection, updating and maintenance of biometric information and demographic information including date of birth, sharing of the same with AUAs/KUAs by way of a response to an authentication query, and making of regulations in this regard. Accordingly, UIDAI has made regulations and has laid down procedure regarding the said matters. *
- (b) As per the same, the individual concerned submits supporting documents, or otherwise discloses information as per laid down procedure, regarding the date of birth as claimed by him/her at the time of enrolment/update.

(c) As such, it is open to AUAs/KUAs to take a view on use of Aadhaar for purposes relating to establishing the date of birth.

4. This issues with the approval of competent authority.

Yours faithfully,

Encl.: as above



(Sanjeev Yadav)

Director

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Email: dir1.auth-hq@uidai.net.in

Copy to:

All Deputy Directors General, UIDAI

UIDAI Hqrs. Building,
Bangla Sahib Road, New Delhi-01
Dated : 20/12/2018

OFFICE MEMORANDUM

Sub:- Clarification regarding usage of Aadhaar.

This authority has received references seeking clarification on whether Aadhaar can be used as proof of Date of Birth. Furthermore, it has been observed that usage of Aadhaar (as proof of Date of birth) is being interpreted in a differing manner by various Government Department/ Ministry / Court. In this regard, following clarification is issued :-

(1) Aadhaar is an identification number issued to a resident after he /she undergoes the process of Aadhaar enrolment by submitting his/her demographic / Biometric information. Once a resident is assigned an Aadhaar number it can be used to authenticate the resident through various modes as prescribed under Aadhaar Act,2016 and Regulations framed thereunder.

(2) At the time of enrolment/ Updation, UIDAI records date of birth as claimed by the resident, on the basis of the documents submitted by them such as Birth Certificate, SSLC Book/Certificate, Passport and Certificate of Date of Birth issued by Group A Gazetted Officer on letterhead etc. If a resident does not have any valid supporting date of birth document, date of birth is recorded on the basis of Declared and Approximate date of birth. In case of approximate date of birth the age is verbally communicated by resident to the enrolment operator and the enrolment / updation software calculates the year of Birth and by default, the date of birth is recorded as 1st January of that calendar year. Section 4(3) of the Aadhaar Act,2016 mentions that an Aadhaar number, in physical or electronic form subject to authentication and other conditions, as may be specified by regulations, accepted as proof of identity of Aadhaar number holder but, it doesn't mention that Aadhaar can be accepted as proof of date of birth. The date of birth is recorded on the basis of the self declaration given by the resident. Therefore, in case of dispute regarding correctness of the date of birth, the burden of proof lies with the resident.

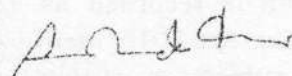
3. That in other words, Aadhaar is only a proof of the fact the person who is trying to obtain a subsidy/service by identifying himself on the basis of Aadhaar number is the same person who had enrolled for Aadhaar after providing his biometrics and other documents at the time of his Enrolment. Aadhaar is only the method of identification of the identity that the Aadhaar holder presented at the time of Enrolment.

4. That in light of the above, the issue with regard to the correctness of the date of birth etc., has been gone into threadbare by the Hon'ble Supreme Court and it has been found that the purpose of Aadhaar is to ensure that the person who seeks to receive the subsidy etc. is the person who had enrolled, is ensured by way of a positive authentication.

5. It is also clarified that role of UIDAI is limited to issue of Aadhaar numbers and provide authentication services for establishing identity of the individual/ residents. Authentication means the process by which the Aadhaar number along with demographic information or biometric information of an individual is submitted to the Central Identities Data Repository for its verification and such Repository verifies the correctness, or the lack of thereof, on the basis of information available with it. The usage of Aadhaar for delivery of welfare services benefits etc or for any other purpose and the extent to which Aadhaar is to be used is to be determined by the implementing agencies such as state Governments/ Central Ministries and other agencies.

6. In view of the above, it is suggested that all Central Ministries/ Departments/ State Governments and other implementing agencies may keep in consideration the following :-

- (a) An Aadhaar number can be used for establishing identity of an individual subject to authentication and thereby, per se its not a proof of date of birth.
- (b) the usage of Aadhaar for delivery of welfare services, benefits or subsidies pursuant to Section 7 of the Aadhaar Act, 2016 or for any other purpose as may be required under any applicable law and the extent to which Aadhaar is to be used is to be determined by the implementing agencies such as State Government/ Central Ministries and other agencies.
- (c) Aadhaar which includes Aadhaar card, physical copy of e-aadhaar, masked Aadhaar, offline Aadhaar XML, and QR code embedded on the Aadhaar card, may be used as a proof of identity / proof of address along with other acceptable documents (subject to such terms and conditions as may be imposed by the Authority from time to time), however, same may not be used as a proof of date of birth.



(Ashok Kumar)

Assistant Director General

To,

- (i) Secretaries, All Ministries/ Departments, Government of India.
- (ii) Chief Secretaries, All State Governments/ UT Administrations