

# Aadhaar: NRIs can assert ‘we are not eligible’

To widen ambit of identification system, existing law must be amended by parliament, top official says



Image Credit: Courtesy: UIDAI

Dr Ajay Bhushan Pandey, CEO, Unique Identification Authority of India (UIDAI)

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Abu Dhabi: If banks, or any Indian institutions, demand that Non-Resident Indians (NRIs) produce Aadhaar for official transactions, simply inform them that NRIs are not eligible for the identity card issued to residents of India, a top Indian official told *Gulf News* on Tuesday.

Aadhaar applicants have to give a declaration that they have stayed in India for 182 days (in the preceding year).

“Just tell them that we [NRIs] are not eligible for Aadhaar, therefore, don’t force us to produce it,” Dr Ajay Bhushan Pandey, CEO, Unique Identification Authority of India (UIDAI), said in a telephone interview from New Delhi.

The authority is responsible for the processing and authentication of data for India’s unique identification system — Aadhaar — and maintaining India’s Central Identities Data Repository.

The authority has issued 1.16 billion cards as of now, Dr Pandey said.

He reiterated that there has been no change in laws and rules on NRIs' eligibility for Aadhaar since March 29 when he gave an exclusive interview to Gulf News clarifying the issue.

In his first media interview on the matter of Aadhaar eligibility, Dr Pandey had said that millions of NRIs living abroad need not bother about Aadhaar as it was not applicable to them.

According to the Aadhaar Act, only residents of India are entitled to an unique Aadhaar number.

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Dr Pandey urged NRIs not to pay attention to misleading reports in some sections of the media.

“I have asked a newspaper to correct a wrong report,” Dr Pandey said, referring to a news report published by a Dubai-based newspaper that quoted a State Bank of India executive urging NRIs to get Aadhaar at the earliest. “They [the newspaper] did not give the correct information, or perhaps the banker did not know the correct information,” he said.

Bank employees can talk about their own bank policy, “but they should not talk about wrong things,” Dr Pandey added.

The SBI headquarters in Mumbai did not comment on the issue despite repeated reminders.

Dr Pandey said that even if the government wants to extend the ambit of Aadhaar to NRIs in the future, the existing law has to be amended by parliament. A mere amending of the rules by the government is not enough, he explained.

On whether NRIs who have applied, or obtained, Aadhaar risk prosecution for committing an illegality, Dr Pandey said: “I don't think we will extend it that far.”

At this point, he said, “what we would like to make sure is that NRIs do not need Aadhaar”.

Asked whether NRIs who already obtained Aadhaar can use it in India for official transaction, Dr Pandey said: "If they obtained it when they were residents and later became NRIs, they can use it freely."

When pointed out to him that most of them took the card without knowing the legal position, he said : "They did not follow the law. I cannot advise someone who did not follow the law. I have to look at it case by case."

Section 3.1 of the Aadhaar Act 2016 says that only a resident is entitled to an Aadhaar number.

Although the act does not specifically and explicitly exempt NRIs from the enrolment, an Indian is treated as non-resident if he/she has not stayed in Indian for at least 182 days in the preceding year as per other relevant laws, including the Income Tax Act.