

# Aadhaar may be sought only from those eligible for it: UIDAI

Suggests govt agencies to consider that most NRIs, PIOs may not be eligible for ID

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BRINGING RELIEF to millions of Non Resident Indians (NRIs), Persons of Indian Origin (PIOs) and Overseas Citizens of India (OCIs), the Unique Identification Authority of India (UIDAI) has said that Aadhaar as an identity document should be sought only from those who are eligible for the unique ID as per the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

"...it is suggested that all Central Ministries/Departments/State Governments and other implementing agencies may keep in consideration the following while seeking Aadhaar as a proof of identity: (a) Aadhaar as an identity document may be sought only from those who are eligible for it as per the Aadhaar

Act 2016; and (b) most of the NRIs/PIOs/OCIs may not be eligible for Aadhaar enrolment as per the Aadhaar Act, 2016", UIDAI CEO Ajay Bhushan Pandey said in a circular issued on November 15.

This means that government agencies can now exempt those belonging to these categories from furnishing Aadhaar identity for availing services as they are not eligible for enrolling for the unique ID. The circular said the UIDAI had received several representations from these sections, informing about difficulties faced by them as various authorities demanded Aadhaar from them in respect of various services/benefits etc.

What made the situation tricky for NRIs, PIOs and OCIs is that the Act as it stands today, allows only "residents" of India to enroll for the unique identity. Section 3(1) of the Act says "every resident shall be entitled to obtain an Aadhaar number by submit-

ting his demographic information and biometric information by undergoing the process of enrolment". Who is a resident is further defined in Section 2(V) of the Act as referring to "an individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment".

The circular stated that the Prevention of Money Laundering (Maintenance of Records) Rules, 2017 and the Income Tax Act, 1961 "clearly stipulate that the linking of Bank Accounts and PAN respectively, is for those persons who are eligible to enrol for Aadhaar as per the Aadhaar Act, 2016".

It referred to Section 7 of the Act which says that individuals who were not assigned Aadhaar numbers "shall be offered alternate and viable means of delivery of subsidy, benefit or service".

"The Ministries/Departments are requested to issue appropriate directions to the State Governments/ implementing agencies concerned on the above and also give it wide publicity", the circular added and left it to the "implementing agency" to "devise a mechanism to ascertain the genuineness of status of such NRIs/PIOs/OCIs".

In a related development, the top court Friday allowed Dubai-based NRI Femin P Subramanyan to intervene in a batch of petitions already pending in the court challenging Constitutional validity of the Act and notifications issued under it. Subramanyan has claimed that the drive to link Aadhaar numbers to bank accounts was causing problems for NRIs like him. The petitioner's counsel Shinoj K Narayanan later told *The Indian Express* that he was not aware of the notification and hence did not bring it to the court's attention.