

Non-Resident Indians are ‘not eligible for Aadhaar IDs’

Onus on government departments to exempt NRIs from ambit of the card, top official says

ABU DHABI
BY BINSALABDUL KADER
Senior Reporter

Millions of Non-Resident Indians (NRIs) living across the world do not need to bother about their Aadhaar identity card as it is not applicable to them, a top Indian official told *Gulf News* yesterday.

“According to Aadhaar Act, only residents of India are entitled to get an Aadhaar number. NRIs cannot get an Aadhaar because they are not entitled to get it,” Dr Ajay Bhushan Pandey, CEO, Unique Identification Authority of India (UIDAI), said in a telephone interview from New Delhi yesterday.

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

Pandey was referring to Section 31 of the Aadhaar Act 2016, which says that only a resident shall be entitled to obtain an Aadhaar number.



■ Dr Ajay Bhushan Pandey

Although the act does not specifically and explicitly exempt NRIs from the enrolment, the official was referring to the fact that an Indian would be treated as non-resident if he or she did not stay for at least 182 days in India in the preceding year as per other relevant laws, including Income Tax Act.

As *Gulf News* reported yesterday, Indian expatriates in the UAE had expressed their concerns about the latest move by the Indian government to make Aadhaar card mandatory for accessing several services and transactions.

When *Gulf News* took up these concerns with the Indian embassy in Abu Dhabi and the Indian ministry of external affairs in New Delhi,

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they said they were awaiting clarifications from New Delhi in this regard.

Dr Pandey explained that the authority was not supposed to issue Aadhaar card to NRIs. “They [NRIs] cannot get a [Aadhaar card].”

While applying for Aadhaar card, he explained, Indians have to make a declaration in the application stating that he/she is a resident (not an NRI). The declaration reads: “I confirm that I have been residing



■ The move to make Aadhaar mandatory for accessing official services has left many in a tizzy.

In India for at least 182 days in the preceding 12 months.”

However, when pointed out that Indian expatriates NRIs have already obtained the card, Dr Pandey said: “The legal position is that they were not supposed to apply for the card.”

Asked whether Indian expatriates would face any legal action for “illegally obtaining the card”, he said: “I am not sure. But technically there is a violation; they should not have taken it.” Dr Pandey said.

He made it clear that NRIs need not worry about access being denied to government services for not having Aadhaar card. It is the responsibility of the relevant departments to give exemption to NRIs in this regard, he added.

What the law says

Section 31 of the Aadhaar Act 2016 says: “Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information by undergoing the process of enrolment provided that the central government may, from time to time, notify such other category of individuals who may be entitled to obtain an Aadhaar number.”

What about NRIs who have obtained the card?

An Indian lawyer said those NRIs who have already obtained an Aadhaar card do not need to worry at all. “Those who have given their correct demographic information [name, date of birth, address etc.] and genuine biometric [photo, finger prints, iris scan] should not be worried,” said TV George, advocate on record at Supreme Court of India in New Delhi.

Even though, technically, there may be a false declaration which may attract Section 34 of the Aadhaar Act 2016 or Section 465 of Indian Penal Code, it should be noted that there is no dishonest intention on the part of those NRIs in obtaining the Aadhaar card, he said. In such circumstances, it is unlikely that Indian government may initiate any legal action in this case, George said.

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