

Government of India  
Ministry of Water Resources,  
River Development & Ganga Rejuvenation,  
(e-Governance Cell)

Shram Shakti Bhawan, Rafi Marg,  
New Delhi dated the 15<sup>th</sup> December, 2015.

To,

All Heads of the Organization under the Ministry of Water Resources, RD & GR.

**Subject: - Advice and Opinion of the Attorney General (AG) on the usage of Aadhaar by Central/State Governments.**

Sir,

I am directed to forward herewith a copy of O.M. No. 10(36)/2015-EG-II (Part-IV) dated 01.12.2015 received from Department of Electronics & Information Technology (DeitY), Ministry of Communications & Information Technology addressed to Secretaries of all Government Ministries/Departments, Government of India on the subject cited above containing advice and opinion of the Attorney General (AG) on the usage of Aadhaar by Central/State Governments for your information and appropriate action.

**Encl: - As above.**

Yours Faithfully,

  
(S. K. Kataria),  
15.12.2015

Under Secretary to the Government of India,  
Ph: - 011-23716928

Copy to: -

1. All Wing Heads of the Ministry of Water Resources, RD & GR.
2. Technical Director, NIC for uploading this on Intra-MoWR.

Copy for information to:-

1. Smt. Archana Dureja, Scientist 'F'/Director, Department of Electronics & Information Technology (DeitY), Ministry of Communications & Information Technology.

File No. 10(36)/2015-EG-II(Part-IV)  
Government of India  
Department of Electronics & Information Technology  
(E-Governance Division)

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Electronics Niketan  
6, CGO Complex  
New Delhi-110003  
Dated: 01 Dec 2015



OFFICE MEMORANDUM

Sub: Guidance on the interim orders of the Hon'ble Supreme Court dated 11-08-2015 and 15.10.2015 in W.P. 494 of 2012 and other related matters.

WR) I am directed to refer to the orders of the Hon'ble Supreme Court dated 11/08/2015 and 15/10/2015 in W.P. 494 of 2012. UIDAI had sought the advice and opinion of the Attorney General (AG) on the usage of Aadhaar by Central/State Governments. The advice/ clarification received from Attorney General is as under:-

Query

a) Whether in light of the above interim orders, a resident can use his own Aadhaar voluntarily for the purpose for the purpose of his identification and authentication and if so, whether the authorities can accept the said Aadhaar as the resident's proof of identity. For example, if a person uses his Aadhaar card as proof of identity in an airport or to authenticate his identity as part of a government application, can the airport authorities/relevant government authorities accept Aadhaar as the person's proof of identity or ask him to produce some other ID.

Response of AG

Yes, Voluntary use for purposes of identification by an Aadhar cardholder, say at the airport, is valid and it not necessary to ask for production of some other ID.

#### Query

b) Whether, in light of the fact that the Hon'ble Supreme Court has allowed use of Aadhaar in the Prime Minister's Jan Dhan Yojna (PMJDY) Scheme, an umbrella scheme, which prescribes for channelling all Government benefits through beneficiaries' Jan Dhan Accounts, can the Government implement Direct Benefit Transfer schemes of Government of India if they are channelled through PMJDY accounts.

#### Response of AG

Channelizing Govt. benefits i.e. DBT Schemes through PMJDY would be in line with the order of the Supreme Court dt. 15.10.2015.

#### Query

c) For implementation of the welfare programmes, various government agencies and departments have requested UIDAI for biometric information of the individuals who had given their consent for sharing their data at the time of Aadhaar enrolment or subsequently. In light of the interim orders stated above, whether biometrics of such individuals can be shared with the requesting entities.

#### Response of AG

No. Sharing of biometric data is prohibited.

#### Query

d) Various government agencies/departments have requested for access to the Aadhaar database to locate the details of the person whose Aadhaar number is not known by matching the demographic details. In light of the above-mentioned interim orders, whether enabling access to the Aadhaar database, in such cases, would be permissible.

Response of AG

No. There is a complete prohibition.

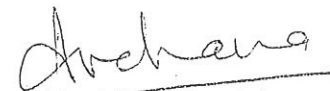
Query

e) Whether, Government departments and agencies can continue seeding Aadhaar on voluntary basis into their beneficiary database.

Response of AG

Yes, please refer to answer (a).

This issues with the approval of Secretary DeitY.



(Archana Dureja)  
Scientist 'F'/Director  
Tel. No. 24362528

To,  
Secretaries of all GOI Ministries/Departments  
Chief Secretaries of all States