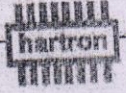


हरियाणा राज्य इलेक्ट्रॉनिक्स विकास निगम लिमिटेड
एस. सी. ओ. 109 - 110, सेक्टर 17 बी, चण्डीगढ़ - 160017 (भारत)



haryana state electronics development corporation limited

(a state government undertaking)

CIN U00000CH1982SGC004963

Regd. Office : S.C.O. 109-110, Sector 17-B,
Chandigarh - 160 017 (India)

From

Secretary, E&IT-cum-Managing Director, Hartron
Chandigarh

To

1. All Administrative Secretaries to Government of Haryana.
2. All Head of the Department in Haryana.
3. All the Divisional Commissioners in Haryana.
4. Managing Directors/Chief Administrators/Chief Executive Officer of all the Boards, Corporations etc. in Haryana.
5. All Deputy Commissioners in Haryana.
6. Registrars of all the Universities in Haryana.
7. State Informatics Officer, Haryana State Unit, Chandigarh.

Memo No.: Hartron:AGM(Services)-II:2016: 4495

Dated: 1-1-16

Subject: Regarding interim order of the Hon'ble Supreme Court dated 11.08.2015 and 15.10.2015 in W.P. 494 of 2012 and connected cases referred to as the "Aadhaar Matters"

Dear Sir,

This is with reference to the DO Letter No. F.No. 13012/20/Legal/2012-UIDAI (Pt. IV) dated 09.12.2015 received from Dr. Ajay Bhushan Pandey, IAS, Director General & Mission Director, Government of India, Department of Electronics & Information technology (DeITY), Unique Identification Authority of India (UIDAI) (Copy attached).

Vide this letter, it has been informed that in the light of the orders of the Hon'ble Supreme Court on dated 11.08.2015 and 15.10.2015, the clarifications and opinion of the Ld. Attorney General, Govt. of India was sought on the usage of Aadhaar and further course of action since the setting up of the constitutional bench is likely to take considerable time.

The Ld. Attorney General, GOI was pleased to opine in writing on the issues raised as follows:

- (a) Voluntary use for purpose of identification by an Aadhaar cardholder is valid;
- (b) Channelising DBT Scheme through PMJDY would be permissible;
- (c) Sharing of biometric data is prohibited;

हरियाणा राज्य इलैक्ट्रॉनिक्स विकास निगम लिमिटेड

एस. सी. ओ. 109 - 110, सैक्टर 17 बी, चण्डीगढ़ - 160017 (भारत)

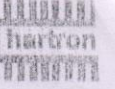
haryana state electronics development corporation limited

(a state government undertaking)

CIN U00000CH1982SGC004963

Regd. Office : S.C.O. 109-110, Sector 17-B,

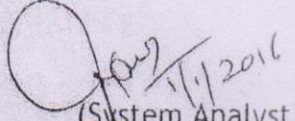
Chandigarh - 160 017 (India)



(d) Providing access to the Aadhaar database to Government agencies/Department enabling them to locate details of persons whose Aadhaar number is not known by matching of demographic details, is completely prohibited; and,

(e) Seeding is permissible if it is voluntary by an Aadhaar cardholder.

I am directed to circulate the DO letter alongwith extract of the opinion of Ld. Attorney General for your perusal and further necessary action.


(System Analyst)
For MANAGING DIRECTOR/प्रबंध निदेशक
Hartron/हारट्रोन
Chandigarh/चण्डीगढ़

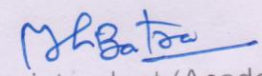
Encl.: As Stated.

MAHARSHI DAYANAND UNIVERSITY ROHTAK
ACADEMIC BRANCH

Endst.No.ACS-I/2016/ 497-546 Dated: 21/1/16

Copy of the above is forwarded to the following for information and necessary action :-

1. All the Heads of the University Teaching Departments, M.D. University, Rohtak
2. The Deans, Student Welfare, M.D. University, Rohtak.
3. The Dean, Colleges Development Council, M.D. University, Rohtak
4. The Provost (Boys), M.D. University, Rohtak.
5. The Provost (Girls), M.D. University, Rohtak.
6. The Controller of Examinations, M.D. University, Rohtak.
7. The Finance Officer, M.D. University, Rohtak.
8. The Director (Sports), M.D. University, Rohtak.
9. The Deputy Registrar (R&S), M.D. University, Rohtak.
10. The Deputy Registrar (Estt. NT), M.D. University, Rohtak.
11. The Assistant Registrar (Estt. T), M.D. University, Rohtak.
12. The Director, UCC, M.D.U. Rohtak.


Superintendent (Academic)

डा० अजय भूषण पांडे, भा.प्र.से.
महानिदेशक एवं मिशन निदेशक

Dr. Ajay Bhushan Pandey, IAS
Director General & Mission Director



भारत सरकार
संचार एवं सूचना प्रौद्योगिकी मंत्रालय
इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी विभाग
भारतीय विशिष्ट पहचान प्राधिकरण (यूआईडीएआई)
Government of India
Ministry of Communications & IT
Department of Electronics & Information Technology (DeitY)
Unique Identification Authority of India (UIDAI)

F. No. 13012/20/Legal/2012-UIDAI (Pt. IV)

9th December 2015

Dear Sir,

May be
circulated
to all depart
ments.

17-12-15

AGS(II) 18-12-15

Chief Secretary's Office
104733
Receipt No.
Dtd 18-12-15
MID/Harsham

AGM (Sec) II

SA

29/12/15

As you may be aware that the Hon'ble Supreme Court of India in W.P. No. 494 of 2012 & connected cases collectively referred to as the "Aadhaar Matters" had passed an interim order dated 11.08.2015 wherein it had restricted the usage of Aadhaar to distribution of food grains, kerosene etc through PDS and LPG Distribution system.

2. The Five Judge Bench headed by Hon'ble CJI, while hearing the Modification/Clarification Application filed by UIDAI and the IAs filed by various regulatory authorities and some states, had vide its order dated 15.10.2015 extended the usage of Aadhaar to four more schemes viz. MGNREGS, NSAP, PMJDY and EPFO, in addition to PDS and LPG without diluting the earlier order passed by the Court.

3. The said order of 15.10.2015 reiterated that (i) the Union of India shall strictly follow all the earlier orders passed by this Court commencing from 23.09.2013, & (ii) that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other.

4. In light of the above orders of the Hon'ble Supreme Court, clarifications and opinion of the Ld. Attorney General was sought on the usage of Aadhaar and further course of action since the setting up of the constitutional bench is likely to take considerable time.

5. The main clarifications sought were whether the resident can use his own Aadhaar voluntarily for the purpose of his identification and authentication; whether the Government can implement DBT schemes if they are channelized through PMJDY accounts; whether biometrics of individuals can be shared with govt. agencies and deptts. for implementation of welfare programmes; whether it would be permissible to provide access to the Aadhaar database to government agencies/ departments enabling them to locate details of persons whose Aadhaar number is not known by matching of demographic details; whether Govt. deptts. and agencies can continue seeding Aadhaar on voluntary basis into their beneficiary database.



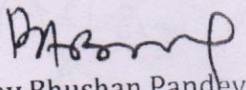
3rd Floor, Tower-II, Jeevan Bharati Building,
Connaught Circus, New Delhi - 110001
Tel:- 23752675 Fax : 23752679
Website www.uidai.gov.in email: dg@uidai.gov.in



6. The Ld. AG was pleased to opine in writing on the issues raised as follows:
- (a) Voluntary use for purpose of identification by an Aadhaar cardholder is valid;
 - (b) Channelising DBT Scheme through PMJDY would be permissible;
 - (c) Sharing of biometric data is prohibited;
 - (d) Providing access to the Aadhaar database to government agencies/departments enabling them to locate details of persons whose Aadhaar number is not known by matching of demographic details, is completely prohibited; and,
 - (e) Seeding is permissible if it is voluntary by an Aadhaar cardholder.
7. The extract of the opinion of the Ld Attorney General is herewith attached along with our queries, for your perusal.
8. You may like to consider the above and take necessary action accordingly.

Regards

Yours sincerely,


(Dr. Ajay Bhushan Pandey)

Shri Depinder Singh Dhesi ,
Chief Secretary,
Government of Haryana,
Secretariat, Chandigarh-160 001

Encl: as above

**EXTRACT OF THE CLARIFICATION SOUGHT AND THE OPINION OF THE
LD ATTORNEY GENERAL**

Query (a). Whether in light of the above interim orders, a resident can use his own Aadhaar voluntarily 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. The interim orders seek to restrain the respondents or the government authorities from using Aadhaar apart from the permitted uses mentioned in the orders; however, the same restriction is not extended to the residents. 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.

Opinion of Ld AG. Yes. Voluntary use of purposes of identification by an Aadhaar card holder, say at the airport, is valid and it is 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 Yojana (PMJDY) Scheme, an umbrella scheme, which prescribes for channeling all Government benefits through beneficiaries' Jan Dhan accounts, can the Government implement Direct Benefit Transfer schemes of Government of India if they are channeled through PMJDY accounts.

Opinion of Ld AG. Channelizing Govt benefits ie. 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.

Opinion of Ld 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 abovementioned interim orders, whether enabling access to the Aadhaar database, in such cases, would be permissible.

Opinion of Ld AG. No. There is complete prohibition.

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

Opinion of Ld AG. Yes, please refer to answer (a).

List of Universities in Haryana

1. Registrar Guru Jambheshwar University of Science & Technology, Hisar, Haryana 125001
2. Registrar Lala Lajpat Rai University of Veterinary & Animal Sciences, Hisar 125001
3. Registrar Central University of Haryana Jant-Pali Village, Mahendergarh District, Pali, Haryana 123029
4. Registrar Pt. Bhagwat Dayal Sharma University of Health Sciences, Rohtak, Haryana. 124001
5. Registrar Kurukshetra University, Kurukshetra, Kurukshetra, Haryana 136119
6. Registrar Chaudhary Devi Lal University, Sirsa, Barnala Road, Sirsa, Haryana 125055
7. Registrar Maharishi Dayanand University, Rohtak, Delhi Road, University Secretariat, Rohtak, Haryana 124001
8. Registrar Chaudhary Charan Singh Haryana Agricultural University, Hisar, Haryana 125004
9. Registrar Bhagat Phool Singh Mahila Vishwavidyalaya, Sonapat, Gohana, Haryana 131301
10. Registrar Deenbandhu Chhotu Ram University of Science & Technology, sonapat , 50th K.M. Stone, NH-1, Murthal, Sonipat, Haryana 131039

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Regd
AR (Acad) 14/1/16
SAC-I / SAC-II
AC-I 14/1/2016