

Unique Identification Authority of India

Press Release

07.12.2017

New Delhi. The Unique Identification Authority of India (UIDAI) clarified today that Aadhaar Act being in force, all notifications for requiring Aadhaar for various welfare programmes, verifying bank account, PAN card and SIM card with Aadhaar stand valid and lawful. Today's legal position is that there is no stay as on Dec. 7, 2017 from the Supreme Court on Aadhaar and its linking to various services. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 ("Aadhaar Act 2016") was passed by the Parliament on 16th March 2016 and notified in the Gazette of India on 26th March 2016. Therefore, subsequent notifications issued under section/s of Aadhaar Act for requiring Aadhaar as primary identifier by various ministries and departments of Government of India and States/UTs Governments for various services, benefits and subsidies hold the field today.

UIDAI has advised people not to get misled by an outdated video doing rounds in Social Media and Whatsapp and has recommended that people should instead verify their banks accounts, investment accounts, SIM cards, etc. as per the current laws and deadlines as early as possible to avoid any inconvenience.

UIDAI has clarified on a video circulated purportedly out of context of a lady lawyer on WhatsApp, Twitter and Social Media and said that the video refers to an order passed by the Supreme Court on 11th August 2015 when the court had restricted use of Aadhaar to only few programs. The video does not reflect true legal position as it obtains today, i.e., Dec. 7, 2017 because after the said Supreme Court order of 2015, Aadhaar Act was passed by Parliament in 2016 and subsequently notifications have been issued under the Aadhaar Act making Aadhaar mandatory for availing various welfare benefits such as PDS, LPG, MNREGS, scholarships, pensions etc. The Income Tax Act was amended in

March 2017 to make Aadhaar mandatory for PAN cards. On June 1, 2017, PML Rules have been amended to make Aadhaar mandatory for linking all bank accounts, insurance, pension, mutual funds, DMAT accounts. Supreme Court too in *Lokniti Foundation* case through an order passed in Feb. 2017 has approved verification of all SIM cards with Aadhaar. The Supreme Court has upheld the linkage of Aadhaar with PAN in the case of *Binoy Viswam v. Union of India* which mandates Aadhaar for income tax returns and PAN. The mandatory requirements of Aadhaar for PAN, bank accounts, welfare programs, and SIM cards have been challenged in the Supreme Court and no stay has been granted. Therefore, it is clear that the video is outdated because it does not reflect the latest legal position as on today (Dec. 7, 2017). It is reiterated that there is no stay from the Supreme Court as on Dec. 7, 2017 on Aadhaar and its linking to various services.

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