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मुख्य कार्यकारी अधिकारी
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Chief Executive Officer



भारत सरकार
Government of India
भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India (UIDAI)
तीसरी मंजिल, टॉवर II, जीवन भारती भवन,
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No.6-1/2016-UIDAI (DBT)

Dated: 15th November 2017

CIRCULAR

Subject: Applicability of Aadhaar as an identity document for Non-Resident Indians (NRIs)/ Person of Indian Origin (PIOs) and Overseas Citizen of India (OCIs) – Regarding

In the recent past several representations have been received from individuals such as Non-Resident Indians (NRIs), Person of Indian Origin (PIOs) and Overseas Citizen of India (OCIs) informing about difficulties being faced by them on demand of Aadhaar by respective Authorities in respect of various services/benefits etc. An illustrative list of such cases wherein NRIs/PIOs/OCIs are reported to have been asked to submit or link Aadhaar in order to avail the services/benefits/schemes has been compiled and is placed as **Annexure**.

2. It has been brought to notice that some of the Ministries/Departments/Implementing Agencies concerned are insisting the NRIs/OCIs/PIOs to submit or link their Aadhaar for availing the services/benefits etc. that are directly or indirectly connected with NRIs/OCIs/PIOs, regardless of the fact they may not be entitled for Aadhaar as per the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 (Aadhaar Act, 2016)

3. In this regard, attention is invited to Section 3(1) of the Aadhaar Act, 2016, which *inter-alia*, lays down that “**every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information by undergoing the process of enrolment.**” Further Section 2(v) of the Aadhaar Act defines ‘resident’ as *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.*

4. The laws regarding submitting/linking of Aadhaar for availing the services/benefits applies to the resident as per the Aadhaar Act, 2016. In view of the foregoing, most of the *NRIs/PIOs/OCIs may not be eligible* for Aadhaar enrolment as per the Aadhaar Act, 2016. However, the implementing agency may devise a mechanism to ascertain the genuineness of status of such NRIs/PIOs/OCIs.

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5. Further, Section 7 of the Aadhaar Act, *inter-alia*, provides that “if an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of subsidy, benefit or service”.

6. Further, it has been recapitulated through various notifications/circulars that the requirement of getting Aadhaar is only in respect of those individuals who are entitled for it as per the Aadhaar Act, 2016. In this regard, reference may be drawn to Prevention of Money-laundering (Maintenance of Records) Rules, 2017 and Section 139AA of the Income Tax Act, 1961 which 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.

7. In view of the above, 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 NRIs/PIOs/OCIs may not be eligible for Aadhaar enrolment as per the Aadhaar Act, 2016.

8. 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.



(Dr. Ajay Bhushan Pandey)
Chief Executive Officer

To:

Secretaries, All Ministries/Departments, Government of India
Chief Secretaries, All State Governments/UT Administrations

Annexure:

Illustrative list of services that are directly or indirectly connected with NRIs and/or NRI Pensioners

- 1) Linking PAN and Bank Accounts with Aadhaar
- 2) Linking Service Pension with Aadhaar
- 3) Aadhaar based e-KYC
- 4) Applying for new mobile phone connections in India
- 5) Maintaining the existing NRE & NRO bank accounts in India
- 6) Registering with Jeevan Pramaan/Digital Life Certificate for pension
- 7) Registering with *Kendriya Sainik* Board Secretariat (for retired Defence personnel)
- 8) Maintaining Ex-Servicemen Contributory Health Scheme (ECHS)
- 9) Various Scholarships introduced for children of Ex-Servicemen
- 10) Applying for Defence Canteen Smart Card
- 11) Applying for LPG connection
- 12) Registering with e-District service for obtaining various services from State Governments
- 13) Issuance of fresh or renewal of driving license
- 14) Appearing by students in different entrance examinations in India
- 15) Issuance of certificates by Universities/Boards to students under different public examinations
- 16) Applying for registration of property, etc.