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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*.
The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES, BENEFITS AND SERVICES) BILL, 2017.

GUJARAT BILL NO. 2 OF 2017.

A BILL

to provide for, as a good governance measure, efficient, transparent, and targeted delivery of subsidies, benefits and services, to the individuals residing in the State of Gujarat using Aadhaar as a sole identifier, and for matters connected therewith and incidental thereto.

WHEREAS it is expedient to make a law to provide for, as a good governance measure, efficient, transparent and targeted delivery of subsidies, benefits and services, to the individuals residing in the State of Gujarat using Aadhaar as a sole identifier, and to provide for matters connected therewith;

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2017.

(2) This section shall come into force at once and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. (1) In this Act, unless the contexts otherwise requires,-

- (a) “Aadhaar number” means an identification number issued to an individual under sub-section (3) of section 3 of the Central Act;
- (b) “Agency of the State Government” means any authority or body established or constituted by any Central or a State law in the State of Gujarat including the local bodies, and any other body owned and controlled by the State Government and includes the bodies whose composition and administration are predominantly controlled by the State Government;
- (c) “authentication” means the process by which the Aadhaar number alongwith demographic information or biometric information of an individual is submitted to the Central Identities Data Repository for its verification and such Repository verifies the correctness, or the lack thereof, on the basis of information available with it;
- (d) “benefit” means any advantage, gift, reward, relief or payment, in cash or kind, provided to an individual or group of individuals and includes such other benefits, as the State Government may by notification in the *Official Gazette*, specify, from time to time;
- (e) “biometric information” means photographs, finger print, Iris scan, or such other biological attributes of an individual specified by the Central Act;

- (f) “Central Act” means the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016;
- (g) “Central Identities Data Repository” means a centralised database in one or more locations containing all Aadhaar numbers issued to Aadhaar number holders alongwith the corresponding demographic information and biometric information of such individuals and other information related thereto;
- (h) “Consolidated Fund of State” means a Consolidated Fund of the State of Gujarat;
- (i) “demographic information” includes information relating to the name, date of birth, address and other relevant information of an individual as per the provisions of Central Act, but shall not include race, religion, caste, tribe, ethnicity, language, records of entitlement, income or medical history;
- (j) “enrolment” means the process to collect demographic and biometric information from individuals by the enrolling agencies for the purpose of issuing Aadhaar number to individual as provided under the Central Act;
- (k) “Government” means the Government of Gujarat;
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “service” means any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals and includes such other services as the State Government may, by notification in the *Official Gazette*, specify;
- (n) “subsidy” means any form of aid, support, grant, subvention or appropriation, in cash or kind, to an individual or a group of individuals and includes such other subsidies as the State Government may, by notification in the *Official Gazette*, specify.

18 of 2016.

(2) Words and expressions used in this Act but not defined shall have the meanings as respectively assigned to them under the Central Act.

Proof of Aadhaar number necessary for receipt of certain subsidies, benefits and services, etc.

3. The State Government or, as the case may be, any agency of the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred entirely by way of withdrawal from, or the receipt therefrom forms part of the Consolidated Fund of the State, or any fund set up by any agency of the State Government, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or, in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment:

Provided that, till such time an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.

Notifying Schemes by State Government.

4. The State Government shall, within a period of three months from the date of commencement of this Act, and thereafter, from time to time, by notification in the *Official Gazette*, specify the list of schemes, subsidies, benefit or services for which such authentication or proof shall be required as per section 3.

Application of Chapters III and VI of Central Act.

5. The provisions of Chapter III and Chapter VI of the Central Act shall *mutatis mutandis* apply to authentication under this Act.

Act to be in addition and not in derogation of any other law.

6. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Protection of action taken in good faith.

7. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer, or other employees of the State Government for

anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

8. (1) The State Government may, by notification in the *Official Gazette*, make rules generally for carrying out the purposes of this Act. **Power to make rules.**

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

- (a) specifying the manner of use of Aadhaar number for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar number may be used;
- (b) any other matter which is required to be, or may be, specified, or in respect of which provision is required to be made by rules.

(3) All the rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as after they are made shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette* make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty: **Power to remove difficulties.**

Provided that, no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The correct identification of Targeted Beneficiaries for delivery of various subsidies, benefits, services, grants, wages and other social benefits schemes which are funded from the Consolidated Fund of Gujarat is critical to the effective implementation of these programs. Such correct targeting of programs would facilitate more complete coverage for certain categories of persons such as women, children, senior citizens, persons with disabilities, migrate unskilled and unorganized workers and nomadic tribes. A credible system to authenticate the identity of beneficiaries would further ensure that the subsidies, benefits and services reach to intended beneficiaries.

The Government of India has enacted the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 for delivery of various subsidies, benefits, services, grants, wages and other social benefits schemes which are funded from the Consolidated Fund of India. As per section 57 of said Central Act, it does not prevent the use of Aadhaar number for the State Governments also under law. Accordingly, it is required to have State's own Act for linking the use of Aadhaar identification for delivery of various subsidies, benefits, services, grants, wages and other social benefits schemes which are funded from the Consolidated Fund of the State of Gujarat.

In view of this, and to provide for the effective, secure and accurate delivery of benefits, subsidies and services from the Consolidated Fund of the State of Gujarat to targeted beneficiaries, and authenticating their identity through Aadhaar Numbers, it is felt necessary that the processes of authentication, security, confidentiality and use of Aadhaar related information should be made statutory so as to facilitate the use of Aadhaar number for delivery of various benefits, subsidies and services the expenditure of which is incurred from the Consolidated Fund of the State of Gujarat.

The Bill seeks to achieve the aforesaid objects.

NITIN PATEL,

FINANCIAL MEMORANDUM

It is proposed to enact a law to provide for, as a good governance measure, efficient, transparent and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred by way of withdrawal from the Consolidated Fund of the State, to the individuals residing in the State of Gujarat, by using Aadhaar Number as a sole identifier in the State of Gujarat and for matters connected therewith.

Although, there is no provision for recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature, the Bill provides for the enactment of law to provide for targeted delivery of financial and other subsidies, benefits and services by way of withdrawal of money from the Consolidated Fund of the State for the beneficiaries in the State of Gujarat by using Aadhaar Number as sole identifier and for matters connected therewith.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill provides for delegation of legislative powers in the following respects:-

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date for bringing into force the remaining provisions of the Act.

Clause 2.— (i) Sub-clause (d) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the benefits other than any advantage, gift, reward, relief or payment, in cash or kind, provided to an individual or group of individuals;

(ii) sub-clause (m) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the services other than any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals;

(iii) sub-clause (n) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the subsidies other than any form of aid, support, grant, subvention or appropriation, in cash or kind, to an individual or a group of individuals.

Clause 4.— This clause empowers the State Government to specify, by notification in the *Official Gazette*, the list of schemes, subsidies, benefit or services for which such authentication or proof shall be required as per section 3 of the Act.

Clause 8.- This clause empowers the State Government to make, by notification in the *Official Gazette*, rules generally for carrying out the purposes of the Act and particularly for the matters as specified therein.

Clause 9.- This clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty that arises in giving effect to the provisions of this Act within a period of two years .

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 10th February, 2017.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 13th February, 2017

K. M. Lala,
Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.