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PART-IV-- Bills introduced in the Tripura Legislative Assembly, Report of Selection Committees presented or to be presented to that Assembly ; and Bills published before introduction in that Assembly.

TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
NEW CAPITAL COMPLEX
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No.F.7(12-20)-LA/2018.

Dated, Agartala the 24th November, 2018.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “ **The Tripura Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Bill, 2018 (The Tripura Bill No. 8 of 2018)** ” as introduced in the Assembly on the **23rd November, 2018** is published in the Tripura Gazette.”


(S. Sikdar)

Secretary

Tripura Legislative Assembly

[THE TRIPURA BILL NO. 8 OF 2018]

THE TRIPURA AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES AND BENEFITS) BILL, 2018

**A
BILL**

to provide for, as a good governance measure, efficient, transparent and targeted delivery of subsidies, benefits to the individuals residing in the State of Tripura using Aadhaar number 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 to the individuals residing in the State of Tripura using Aadhaar number as a sole identifier, and to provide for matters connected therewith;

BE it enacted by the Tripura Legislative Assembly in the Sixty ninth Year of the Republic of India as follows:-

Short title and commencement	<p>1.(1) This may be called the "Tripura Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Act, 2018"</p> <p>(2) This shall come into force on and from the date of its publication in the Tripura Gazette.</p>
Definition	<p>2.(1) In this Act, unless the contexts otherwise requires,-</p> <p>(a) "Aadhaar number" means an identification number issued to an individual under sub-section (3) of section 3 of the Central Act;</p> <p>(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 Tripura 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;</p> <p>(c) "authentication" means the process by which the Aadhaar number along with 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;</p> <p>(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 be notification in the <i>Official Gazette</i>, specify, from time to time;</p> <p>(e) "biometric information" means photograph, finger print, Iris scan, or such other biological attributes of an individual specified by the Central Act;</p>

- (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 along with 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 State of Tripura;
- (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 Tripura;
- (l) "prescribed" means prescribed by the 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 services as the State Government may, by notification in the *Official Gazette*, specify;
- (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 and financial benefits

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 or financial benefits 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, benefits etc.

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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 <i>Official Gazette</i> , specify the list of schemes, subsidies, benefits 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 <i>mutatis mutandis</i> apply to authentication under this Act.
3-4 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.
Power to make rules	8. (1)	The state Government may, by notification in the <i>Official Gazette</i> , make rules generally for carrying out purposes of this Act.
	(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 and financial benefit 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 Act shall be laid before the State Legislature, as soon as after they are made.
Power to remove difficulties.	9.(1)	If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the <i>Official Gazette</i> 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 ; 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 before the State Legislature, as soon as may be, after it is made.
Repeal and Savings	10.(1)	The "The Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Ordinance, 2018" (The Tripura Ordinance no 3 of 2018), which was promulgated on 18 th August, 2018, is hereby repealed;

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- (2) Notwithstanding such repeal, any notification or order issued, anything done or any action taken under "The Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Ordinance, 2018"(The Tripura Ordinance no 3 of 2018) so repealed, shall be deemed to have been issued, done or taken under the corresponding provision of this Act.

STATEMENT OF OBJECTS AND REASONS

The Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Bill, 2018 (The Tripura Bill No. 8 of 2018), inter alia, seeks to provide for as a good governance measure, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from or receipts there from are credited to the Consolidated Fund of the State, to individuals residing in the State of Tripura using Aadhaar number.

2. The identification of genuine and deserving beneficiaries for delivery of various subsidies, benefits, grants, wages and other social benefits schemes which are funded from the Consolidated Fund of India has become a challenge for the Government. The failure to establish identity of an individual has proved to be a major hindrance for successful implementation of these programmes. This has been a grave concern for certain categories of persons, such as women, children, senior citizens, persons with disabilities, migrant unskilled and unorganised workers, and nomadic tribes. In the absence of a credible system to authenticate identity of beneficiaries, it is difficult to ensure that the subsidies, benefits and services reach to intended beneficiaries.

3. The Unique Identification Authority of India (UIDAI) is a statutory authority established on 28th January, 2009 vide notification number A-43011/02/ 2009-Admin.I, dated the 28th January, 2009. The object of the establishment of the said Authority was primarily to lay down policies and to implement the Unique Identification Scheme of the Government, by which residents of India were to be provided unique identity number. This number, when authenticated successfully, would serve as proof of identity and could be used for identification of beneficiaries for transfer of benefits, subsidies, services and other purposes.

3. Over the period of time, the use of Aadhaar number has been increased manifold. As a result, commensurate measures relating to ensuring security of such information need to be taken and offences pertaining to certain unlawful actions, created.

4. In view of this, and to provide for the effective, secure and accurate delivery of benefits, subsidies and services from the Consolidated Fund of India to targeted beneficiaries, and authenticating their identity through Aadhaar numbers, it is felt that the processes of enrolment, authentication, security, confidentiality and use of Aadhaar related information be made statutory and 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 India.

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5. This bill seeks to replace "The Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Ordinance, 2018" (The Tripura Ordinance no 3 of 2018) which was promulgated on 18th August, 2018, as the Governor was satisfied that the circumstance exists which rendered it necessary for him to take immediate action.

This Bill seeks to achieve the above objects.

TECHNICAL MEMORANDUM

The subject matter of the Tripura Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Bill, 2018 (The Tripura Bill No. 8 of 2018) is relatable to Entries 20 of List-III (Concurrent List) of the Seventh Schedule to the Constitution of India and therefore the State Legislature is competent to make a Laws on these subjects.

2. The provisions of the Bill are not repugnant to any provisions of the existing Central law.
3. The Bill does not attract the provision to clause (b) of Article 304 of the Constitution of India and therefore previous sanction of the President of India is not required for introducing or moving of the Bill in the State Legislature.
4. It is not a Money Bill within the meaning of Article 199 of the Constitution of India. This is not a Financial Bill, as it will not involve any additional expenditure from the Consolidated Fund of the State, if enacted and brought into operation. Therefore, prior recommendation of the Governor under Clause (1) or (3) of Article 207 of the Constitution of India, is not required for introduction, moving or consideration of the Bill by the House of the State Legislature.

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FINANCIAL MEMORANDUM

The Tripura Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Act, 2018 (The Tripura Bill No. 8 of 2018) if enacted and brought into operation, there shall be no additional expenditure form the Consolidated Fund of the State.