

Appendix-I

Provisions of Aadhaar Act, 2016

(Refer Paragraph no. 1.4)

Sl. No.	Section no. of Aadhaar Act 2016	Act particulars	Whether regulation exists?	Regulation Particulars	Ecosystem
1	2(aa)*	“Aadhaar ecosystem” includes enrolling agencies, Registrars, requesting entities, offline verification-seeking entities and any other entity or group of entities as may be specified by regulations;	Partial	Aadhaar (Enrolment and Update) Regulations 2016 & Aadhaar (Authentication) Regulation 2016 No amendments in Regulation for offline verification	Enrolment & Update (E&U) and Authentication
2	2(pa)*	“Offline verification” means the process of verifying the identity of the Aadhaar number holder without authentication, through such offline modes as may be specified by regulations	No	No amendments in Regulation for offline verification	Authentication
3	2(g) 54(2)(a)	“biometric information” means photograph, finger print, Iris scan, or such other biological attributes of an individual as may be specified by regulations	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016)	E&U
4	2(j)	“core biometric information” means finger print, Iris scan, or such other biological attribute of an individual as may be specified by regulations	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016)	E&U
5	2(k) 54(2)(a)	“demographic information” includes information relating to the name, date of birth, address and other relevant information of an individual, as may be specified by regulations for the purpose of issuing an Aadhaar number, but shall not include race, religion, caste, tribe, ethnicity, language, records of entitlement, income or medical history	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016)	E&U
6	2(m) 54(2)(a)	“enrolment” means the process, as may be specified by regulations, to collect demographic and biometric information from individuals by the enrolling agencies for the purpose of issuing Aadhaar numbers to such individuals under this Act	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016)	E&U

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7	3(2)	The enrolling agency shall, at the time of enrolment, inform the individual undergoing enrolment of the following details in such manner as may be specified by regulations, namely: — (a) the manner in which the information shall be used	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016)	E&U
8	3(3) 54(2)(b)	On receipt of the demographic information and biometric information under sub-section (1), the Authority shall, after verifying the information, in such manner as may be specified by regulations, issue an Aadhaar number to such individual	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016) [Clause 10&13(2)] & 6 th Amendments	E&U
9	3(4) * 54(2) (be)	The Aadhaar number issued to an individual under sub-section (3) shall be a twelve-digit identification number and any alternative virtual identity as an alternative to the actual Aadhaar number of an individual that shall be generated by the Authority in such manner as may be specified by regulations.	Yes	The term Aadhaar number to include virtual id also	Aadhaar
10	3A (2) * 54(2) (bb)	A child who is an Aadhaar number holder may, within a period of six months of attaining the eighteen years of age, make an application to the Authority for cancellation of his Aadhaar number, in such manner as may be specified by regulations and the Authority shall cancel his Aadhaar number	Yes	Aadhaar (Enrolment and Update) (eighth Amendment Regulations 2020. (3 of 2020 dated 30th June 2020)	E & U
11	4(3) 54(2)(c)	An Aadhaar number, in physical or electronic form subject to authentication and other conditions, as may be specified by regulations, may be accepted as proof of identity of the Aadhaar number holder for any purpose <i>*Substituted as</i> <i>Every Aadhaar number holder to establish his identity, may voluntarily use his Aadhaar number in physical or electronic form by way of authentication or offline verification, or in such other form as may be notified, in such manner as may be specified by regulations</i>	Yes	Aadhaar (Authentication) Regulation 2016 (No. 03 of 2016 (12/09/16) No amendments in Regulation for offline verification	Authentication
12	4(4) * 54(2) (ca)	<i>An entity may be allowed to perform authentication, if the Authority is satisfied that the requesting entity is— (a) compliant with such standards of privacy and security as may be specified by regulations;</i>	Yes	Aadhaar (Authentication) Regulation 2016 (No. 03 of 2016 (12/09/16)	Authentication

Sl. No.	Section no. of Aadhaar Act 2016	Act particulars	Whether regulation exists?	Regulation Particulars	Ecosystem
13	4(5) * 54(2) (cob)	<i>The Authority may, by regulations, decide whether a requesting entity shall be permitted the use of the actual Aadhaar number during authentication or only an alternative virtual identity</i>	Yes	No regulation for use of only an alternate virtual number. However, use of Aadhaar no allowed under authentication regulations & Aadhaar no include virtual no (as per amendments)	Authentication
14	5 54(2)(d)	The Authority shall take special measures to issue Aadhaar number to women, children, senior citizens, persons with disability, unskilled and unorganized workers, nomadic tribes or to such other persons who do not have any permanent dwelling house and such other categories of individuals as may be specified by regulations	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016)	E&U
15	6 54(2)(e)	The Authority may require Aadhaar number holders to update their demographic information and biometric information, from time to time, in such manner as may be specified by regulations, so as to ensure continued accuracy of their information in the Central Identities Data Repository.	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016) only bio of children	E&U
16	8(1) 54(2)(f)	The Authority shall perform authentication of the Aadhaar number of an Aadhaar number holder submitted by any requesting entity, in relation to his biometric information or demographic information, subject to such conditions and on payment of such fees and in such manner as may be specified by regulations	Yes	Aadhaar (Authentication) Regulation 2016 (No. 03 of 2016) (Clause 12(7))	Authentication
17	8(2)(a) 54(2)(f) *	A requesting entity shall—unless otherwise provided in this Act, obtain the consent of an individual <i>or in the case of a child obtain the consent of his parent or guardian</i> before collecting his identity information for the purposes of authentication in such manner as may be specified by regulations	Yes	Aadhaar (Authentication) Regulation 2016 (No. 03 of 2016) (Clause 16)	Authentication

Sl. No.	Section no. of Aadhaar Act 2016	Act particulars	Whether regulation exists?	Regulation Particulars	Ecosystem
18	8(2)(b) * 54(2) (fa)	<i>“Provided that the requesting entity shall, in case of failure to authenticate due to illness, injury or infirmity owing to old age or otherwise or any technical or other reasons, provide such alternate and viable means of identification of the individual, as may be specified by regulations</i>	No	No amendment in regulations found to provide for alternate and viable means of identification of an individual	Authentication
19	8(3) 54(2)(f)	A requesting entity shall inform, in such manner as may be specified by regulations, the individual submitting his identity information for authentication, the following details with respect to authentication, namely:— (a) the nature of information that may be shared upon authentication; (b) the uses to which the information received during authentication may be put by the requesting entity; and (c) alternatives to submission of identity information to the requesting entity	Yes	Aadhaar (Authentication) Regulation 2016 (No. 03 of 2016)	Authentication
20	8A(2)(a) *	<i>Every offline verification-seeking entity shall, — (a) before performing offline verification, obtain the consent of an individual, or in the case of a child, his parent or guardian, in such manner as may be specified by regulations</i>	Partial	No amendments in Regulation for offline verification however in other cases it is available in Authentication Regulation	Authentication
21	8A (3) *	<i>An offline verification-seeking entity shall inform the individual undergoing offline verification, or in the case of a child, his parent or guardian, the following details with respect to offline verification, in such manner as may be specified by regulations,</i>	Partial	No amendments in Regulation for offline verification however in other cases it is available in Authentication Regulation	Authentication
22	8A(4)(c) *	<i>No offline verification-seeking entity shall— (c) take any action contrary to any obligation on it as may be specified by regulations.</i>	No	No amendments in Regulation for offline verification	Authentication
23	10 54(2)(g)	The Authority may engage one or more entities to establish and maintain the Central Identities Data Repository and to perform any other functions as may be specified by regulations.	Yes	Aadhaar (Data Security) Regulations, 2016 (No. 04 of 2016)	IS /Tech
24	18(2)(e)	The chief executive officer shall be the legal representative of the Authority and shall be responsible for— (e) performing such other functions, or exercising such other powers, as may be specified by regulations	Yes	UIDAI (Transaction of Business at Meetings of the Authority) Regulations, 2016 (No. 1 of 2016)	Administration

Sl. No.	Section no. of Aadhaar Act 2016	Act particulars	Whether regulation exists?	Regulation Particulars	Ecosystem
30	23(2)(g) 54(2)(l)	Without prejudice to sub-section (1), the powers and functions of the Authority, inter alia, include— (g) omitting and deactivating of an Aadhaar number and information relating thereto in such manner as may be specified by regulations	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016) (Clause 27, 28)	E&U
31	23(2)(i) 54(2)(n)	Without prejudice to sub-section (1), the powers and functions of the Authority, inter alia, include—(i) specifying, by regulations, the terms and conditions for appointment of Registrars, enrolling agencies and service providers and revocation of appointments thereof	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016) and 2 nd & 4 th Amendments	E&U
32	23(2)(k) 54(2)(o)	Without prejudice to sub-section (1), the powers and functions of the Authority, inter alia, include—sharing, in such manner as may be specified by regulations, the information of Aadhaar number holders, subject to the provisions of this Act	Yes	Aadhaar (Sharing of Information) Regulations, 2016 (No. 05 of 2016)	IS
33	23(2)(m) 54(2)(p)	Without prejudice to sub-section (1), the powers and functions of the Authority, inter alia, include— (m) specifying, by regulations, various processes relating to data management, security protocols and other technology safeguards under this Act	Yes	Aadhaar (Data Security) Regulations, 2016 (No. 04 of 2016)	IS
34	23(2)(n) 54(2)(q)	Without prejudice to sub-section (1), the powers and functions of the Authority, inter alia, include— (n) specifying, by regulations, the conditions and procedures for issuance of new Aadhaar number to existing Aadhaar number holder	No	<i>The enrolment and update division of UIDAI informed that the purpose of the provision in the Act was not known to them</i>	E&U
35	23(2)(o) 54(2)(r)	Without prejudice to sub-section (1), the powers and functions of the Authority, inter alia, include—(o) levying and collecting the fees or authorising the Registrars, enrolling agencies or other service providers to collect such fees for the services provided by them under this Act in such manner as may be specified by regulations	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016)	E&U
36	23(2)(r) 54(2)(s)	Without prejudice to sub-section (1), the powers and functions of the Authority, inter alia, include—(r) evolving of, and specifying, by regulations, policies and practices for Registrars, enrolling agencies and other service providers	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016)-	E&U

Sl. No.	Section no. of Aadhaar Act 2016	Act particulars	Whether regulation exists?	Regulation Particulars	Ecosystem
37	28(3)	The Authority shall take all necessary measures to ensure that the information in the possession or control of the Authority, including information stored in the Central Identities Data Repository, is secured and protected against access, use or disclosure not permitted under this Act or regulations made thereunder, and against accidental or intentional destruction, loss or damage	Yes	Aadhaar (Data Security) Regulations, 2016 (No. 04 of 2016)	IS
38	28(5) * 54(2)(t)	Provided that an Aadhaar number holder may request the Authority to provide access to his identity information excluding his core biometric information in such manner as may be specified by regulations	Yes	Aadhaar (Authentication) Regulation 2016 (No. 03 of 2016) [clause 28]	Authentication
39	29(2) 54(2)(u)	The identity information, other than core biometric information, collected or created under this Act may be shared only in accordance with the provisions of this Act and in such manner as may be specified by regulations.	Yes	Aadhaar (Sharing of Information) Regulations, 2016 (No. 05 of 2016)	IS
40	29(4)	No Aadhaar number or core biometric information collected or created under this Act in respect of an Aadhaar number holder shall be published, displayed or posted publicly, except for the purposes as may be specified by regulations.	Yes	Aadhaar (Sharing of Information) Regulations, 2016 (No. 05 of 2016) [Clause 6]	IS
41	31 (1) 54(2)(v)	In case any demographic information of an Aadhaar number holder is found incorrect or changes subsequently, the Aadhaar number holder shall request the Authority to alter such demographic information in his record in the Central Identities Data Repository in such manner as may be specified by regulations	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016) and Amendments (7 th , 6 th)	E&U
42	31(2) 54(2)(v)	In case any biometric information of Aadhaar number holder is lost or changes subsequently for any reason, the Aadhaar number holder shall request the Authority to make necessary alteration in his record in the Central Identities Data Repository in such manner as may be specified by regulations.	Yes	Aadhaar (Enrolment and Update) Regulations 2016 (No. 02 of 2016) and Amendments (7 th , 6 th)	E&U
43	31(4)	No identity information in the Central Identities Data Repository shall be altered except in the manner provided in this Act or regulations made in this behalf	Partial	No amendments in Authentication Regulations (cl 26) found to include the change.	Authentication

Sl. No.	Section no. of Aadhaar Act 2016	Act particulars	Whether regulation exists?	Regulation Particulars	Ecosystem
44	32 (1) 54(2)(w)	The Authority shall maintain authentication records in such manner and for such period as may be specified by regulations	Yes	Aadhaar (Authentication) Regulation 2016 (No. 03 of 2016)	Authentication
45	32 (2) 54(2)(w)	Every Aadhaar number holder shall be entitled to obtain his authentication record in such manner as may be specified by regulations	Yes	Aadhaar (Authentication) Regulation 2016 (No. 03 of 2016)	Authentication
46	37	Whoever, intentionally discloses, transmits, copies or otherwise disseminates any identity information collected in the course of enrolment or authentication to any person not authorised under this Act or regulations made there under or in contravention of any agreement or arrangement entered into pursuant to the provisions of this Act, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one Lakh rupees or with both.	Yes	<i>Part of the act and covered in Authentication Regulations, Data Sharing Regulations and Sharing of Information Regulations</i>	IS
47	54(2)(x)	any other matter which is required to be, or may be, specified, or in respect of which provision is to be or may be made by regulations	Yes	Aadhaar (Enrolment and Update) Regulations 2016 Regulation no 10(2) and 7 th Amendments	E & U

Appendix-I shows the requirements of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, (“**Aadhaar Act 2016**”) including **the Aadhaar and Other Laws (Amendment) Act** (dated 23 July 2019)⁵¹ and corresponding provisions in the various Regulations issued by the UIDAI as on 31 March 2020.

* denotes the requirement of regulations as per the amendment to the Aadhaar Act 2016 by **The Aadhaar and Other Laws (Amendment) Ordinance 2019** (No. 9 of 2019) (dated 02 March 2019) which become **the Aadhaar and Other Laws (Amendment) Act** (dated 23 July 2019)

⁵¹ The Aadhaar and Other Laws (Amendment) Ordinance 2019 (No.9 of 2019) (dated 02 March 2019)