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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th March, 2017 is hereby published for general information.

K. M. LALA,

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

GUJARAT ACT NO. 3 OF 2017.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 6th March, 2017).

AN ACT

*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;

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.

(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.