

(Authorised English Translation)

THE RAJASTHAN JAN-AADHAAR AUTHORITY ACT, 2020
(Act No. 3 of 2020)

(Received the assent of the Governor on the 27th day of February, 2020)

An

Act

to provide for, as a measure for good governance, efficient, transparent and targeted delivery of public welfare benefits and services to the individual residing in the State of Rajasthan, the expenditure for which is incurred from the Consolidated Fund of the State, using Jan-Aadhaar ID as identifier; constitution of Rajasthan Jan-Aadhaar Authority and for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Seventy-first Year of the Republic of India, as follows:—

CHAPTER-I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Rajasthan Jan-Aadhaar Authority Act, 2020.

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall be deemed to have come into force on and from 18th December, 2019.

2. Definitions.—(1) In this Act, unless the context 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) "authentication" means the process by which the Aadhaar number along with demographic information and biometric information of an individual is submitted to the Central Identities Data Repository and the Jan-Aadhaar ID to the Jan-Aadhaar Resident Data Repository for its verification and such Repository verifies the correctness, or the lack thereof, on the basis of information available with it;
- (c) "Authority" means the Rajasthan Jan-Aadhaar Authority established and constituted under section 19;
- (d) "biometric information" means photograph, finger print, iris scan, or such other biological attributes of an individual specified by the Central Government;
- (e) "Central Act" means the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Central Act No.18 of 2016);
- (f) "demographic information" includes information relating to the name, date of birth, address, caste, tribe, records of entitlement, income and medical history and other relevant information of an individual;
- (g) "enrolment" means enrolment of a family under section 6 of this Act;
- (h) "family" means a group of members related to each other by blood, marriage or adoption and normally residing together and sharing meals;
- (i) "Fund" means the Fund of the Authority established under section 28;
- (j) "government body" means any body owned, controlled or substantially financed by the State Government;

- (k) "head of the family" means a woman member of the family of the age of eighteen years or above, declared by the family members in the prescribed manner as head of the family;

Provided that in case a family has no woman member of the age of eighteen years or above at the time of enrolment, any male member of the family of the age of twenty one years or above may be declared to be the head of the family till an eligible woman member of the family takes his place; or in case a family has no male member of the age of twenty one years or above at the time of enrolment, any eldest member of the family of any gender, may be declared as head of the family by the family members. If such head of the family is a male, he can remain so only till an eligible woman member of the family takes his place;

- (l) "identity information" in respect of a member of a family includes his Aadhaar number and his demographic information;
- (m) "Jan-Aadhaar ID" means a unique Jan-Aadhaar ID, for identifying a family issued, under section 6;
- (n) "Jan-Aadhaar Platform" means an electronic mechanism of interface between the resident and the Government department/government body created under the provisions of this Act;
- (o) "Jan-Aadhaar Resident Data Repository" means the Jan-Aadhaar Resident Data Repository created under section 9 of this Act;
- (p) "prescribed" means prescribed by rules made under this Act;
- (q) "public welfare benefits" means any advantage, gift, reward, relief, aid, subsidy or any payment, whether in cash or kind, provided by the State Government directly or through a government body to an individual or a family and includes such other benefits as may be notified by the State Government from time to time;
- (r) "records of entitlement" means records of public welfare benefits and services under any programme or scheme for which any family or any of its members is entitled to;
- (s) "Registrar" means any entity authorised or recognised by the Authority for the purpose of enrolment under this Act;
- (t) "regulations" means the regulations made by the Authority under this Act;
- (u) "requesting entity" means a Government Department or government body that submits the Jan-Aadhaar ID, identity information and photograph (if required) to the Jan-Aadhaar Resident Data Repository for authentication;
- (v) "resident", with all its grammatical variations, means a resident who has resided in a local area of Rajasthan for the past six months or more or a person who intends to reside in that area for the next six months or more;
- (w) "rules" means the rules made by the State Government under this Act;
- (x) "service" means any provision, facility, utility or any other assistance provided in any form to a family or an individual and includes such other services as may be notified by the State Government from time to time;
- (y) "verification" means the process of verifying the correctness of the identity information submitted by the Head of the Family or any adult member at the time of enrolment.

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

CHAPTER-II

Authentication

3. Authentication and Proof of Aadhaar and/or Jan-Aadhaar necessary for receipt of Public Welfare Benefits and services.- The State Government may, for the

purpose of establishing identity of an individual as a condition for receipt of public welfare benefits and services for which the expenditure is incurred from the Consolidated Fund of the State, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number and/or Jan-Aadhaar ID or in the case of an individual to whom no Aadhaar number and no Jan-Aadhaar ID has been assigned, such individual makes an application for enrolment:

Provided that till such time an Aadhaar number and/or Jan-Aadhaar ID is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of public welfare benefits and services.

4. Notifying schemes by the State Government.- The State Government shall, from time to time, notify public welfare benefits and services for which such authentication or proof is required as per section 3.

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

CHAPTER-III

Jan-Aadhaar Card

6. Enrolment for Jan-Aadhaar Card.-(1) Every resident family of the State shall be entitled, through its head or through any eldest or adult member, to obtain Jan-Aadhaar Card by submitting identity information and photograph of all its members in the prescribed manner.

(2) On receipt of the identity information and photograph of the members of the family under sub-section (1), the Authority shall, after verifying the information in such manner, as may be prescribed, enrol the family and assign to the family a unique Jan-Aadhaar ID which shall be a unique random number.

7. Salient features of Jan-Aadhaar ID.-(1) A Jan-Aadhaar ID assigned to a family shall be a unique number and it shall not be re-assigned to any other family.

(2) A Jan-Aadhaar ID shall be a random number and bear no relation to the attributes or identity of the Jan-Aadhaar ID holder.

(3) A Jan-Aadhaar ID, in physical or electronic form subject to authentication and other conditions, as may be prescribed, shall be accepted as proof of identity and proof of address of the family members for the purpose of public welfare benefits and services and may also be accepted as proof of identity and proof of address for any other purpose.

Explanation.- For the purposes of this sub-section, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000 (Central Act No. 21 of 2000).

8. Jan-Aadhaar Card.-(1) On enrolment under section 6, the Authority shall issue to the head of the family a Jan-Aadhaar Card in such form, in such manner and on payment of such fees, if any, as may be prescribed.

(2) If any member of the family so desires by an application made in this behalf, he may also be issued an individual Jan-Aadhaar card in such form, in such manner and on payment of such fees, if any, as may be prescribed.

CHAPTER-IV

Jan-Aadhaar Resident Data Repository and Protection of Information

9. Creation of Jan-Aadhaar Resident Data Repository.-(1) The Authority shall create and maintain a database of identity information and photograph of all the Jan-Aadhaar card holders as the Jan-Aadhaar Resident Data Repository in such manner as may be prescribed.

(2) The Authority may, *suo motu* or on receipt of any request under sub-section (1), after such inquiry or/and verification as it may deem fit, make such alteration as may be required in the Jan-Aadhaar Resident Data Repository, and intimate such alteration to the head of the family and the member concerned in the manner as may be prescribed.

(3) No identity information and photograph in the Jan-Aadhaar Resident Data Repository shall be altered except in the manner provided in this Act.

CHAPTER-V

Delivery of Services and direct transfer of benefits

14. Delivery of Services.-(1) The State Government may, for the purpose of establishing identity of a family or any of its members, as a condition for receipt of public welfare benefits and services, notify the list of the services under section 7 of the Central Act to be delivered through Jan-Aadhaar Platform.

(2) The Authority shall endeavour to deliver public welfare benefits and services to the beneficiaries at their doorsteps or at the places nearby to their residences through e-Mitra network or through such other means, as it may deem fit.

(3) The Administration, control and management of the e-Mitra network shall vest in the Authority.

15. Direct transfer of benefit to the beneficiary.-The State Government may, by notification, specify that any public welfare benefit, whenever such benefits are in the nature of cash shall, after authentication, be transferred directly to the bank account of the beneficiary, and in case the public welfare benefits pertain to a family, to the bank account of the head of the family, in such manner, as may be prescribed.

16. Use of Jan-Aadhaar Resident Data Repository for service delivery.-(1) The State Government, through government department or government body shall deliver all public welfare benefits and services as notified under section 4 and section 14, after authentication, through the Jan-Aadhaar Platform.

(2) Every department shall seed its departmental database of a family or any of its members pertaining to public welfare benefits notified under section 14 with the Jan-Aadhaar ID, bank account number and Aadhaar number in such manner, as may be prescribed.

(3) Once the seeding of the departmental database is completed, the departments shall not create any further database at its own level and shall use identity information and photograph of a family or any of its members available in Jan-Aadhaar Resident Data Repository for transfer of any public welfare benefits and delivery of service in future.

17. Transaction mapper.- Every transaction of public welfare benefits or services notified under section 7 of the Central Act and the public welfare benefits or services notified under section 4 of this Act shall be recorded electronically in such manner, as may be prescribed.

18. Social Audit.- (1) Social audit of the delivery of public welfare benefits shall be conducted at such intervals and in such manner, as may be prescribed in the Gram Sabhas in rural areas and the Ward Committees in urban areas or any other forum specified by the State Government by notification.

(2) Particulars of the delivery of public welfare benefits shall invariably be uploaded on the Jan-Soochana Portal of the State.

Explanation.- For the purpose of this section, the expression "Gram Sabha" and "Ward Committee" shall have same meaning as assigned to them respectively in the Rajasthan Panchayati Raj Act, 1994 (Act No.23 of 1994) and the Rajasthan Municipalities Act, 2009 (Act No.18 of 2009).