

**Government of India  
Ministry of Consumer Affairs, Food & Public Distribution  
Department of Food & Public Distribution**

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**Krishi Bhawan, New Delhi – 110001**

**Dated the 08<sup>th</sup> November, 2018**

**To**

**Principal Secretary/Secretary,  
Food & Civil Supplies Department,  
All States/UTs**

**Subject: Requirement of Aadhaar as per verdict of Hon'ble Supreme Court of India – reg.**

**References:**

- 1. Aadhaar notification SO No. 371(E) dated 08.02.2017 and as extended from time to time.**
- 2. Advisory to States/UTs for Aadhaar seeding with ration cards vide letter number 1(8)/2017-PD-II dated 24.10.2017**

**Sir/Madam,**

I am directed to refer to notification issued by this Department vide SO No. 371(E) dated 08.02.2017 under Section-7 of the Aadhaar Act for use of Aadhaar in PDS and to inform that Hon'ble Supreme Court of India, in its recent order dated 26/09/2018 in connection with Writ Petition (Civil) No. 494 of 2012 & connected matters, has held that it is compulsory to possess an Aadhaar number (or proof of making an application for enrolment where Aadhaar number is not assigned) for those who seek to receive any subsidy, benefit or service under the welfare schemes of the Government, expenditure whereof is to be met from the Consolidated Fund of India. An added requirement is that such individual would be required to undergo biometric authentication (fingerprint/IRIS) at the time of receiving such benefit/subsidy, etc.

2. It is further informed that the aforesaid notification issued under Section-7 was extended from time to time, and has been last extended up to 31.12.2018 vide notification SO No. 4998(E) dated 27.09.2018. In view of that, it is necessary that the available time up to 31.12.2018 is utilized to allow beneficiaries who do not possess an Aadhaar number to obtain the same by making an application to the Competent Authority. To achieve this State/UT Governments may organize special drives/camps at different locations in the State (with special focus on rural/remote areas). As per first proviso to sub-paragraph (3) of paragraph 1 of the notification dated 08/02/2017, all State/UT Governments are requested to ensure that till the time an Aadhaar number is assigned to a beneficiary, such beneficiary shall not be

denied subsidized foodgrains or cash transfer of food subsidy on the ground of non possession of Aadhaar. In such cases, the benefit (subsidized foodgrains/cash transfer) shall be allowed upon producing either Aadhaar Enrolment ID slip or a copy of application submitted for obtaining an Aadhaar number, along with valid ration card and any of the 8 documents as specified in the said Notification.

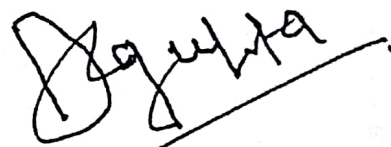
3. The Hon'ble Supreme Court has also directed that failure of authentication should not automatically result in the denial of subsidy/benefit/service to any genuine beneficiary; instead, alternate methods should be adopted for identifying such persons, after finding the causes of failure in their cases. Also if biometric authentication through fingerprint of a person fails due to change/deformation of fingerprints (old age beneficiaries); or due to damage to the fingers as a result of accident or some disease etc. or due to some kind of disability, and authentication through IRIS also fails due to certain reasons including blindness of a person, in such situation a suitable provision shall be made for establishing identity of such persons by alternate means.

4. This Department has already provided for such an arrangement vide letter dated 24.10.2017 (copy enclosed) wherein, in case of failure of biometric authentication due to network/connectivity/linking issue or due to poor biometric of the beneficiary or other technical reasons, the beneficiary is to be provided subsidized foodgrains or cash transfer of food subsidy on the basis of physical production of Aadhaar card by him/her in place of biometric authentication, as provided by Section 7 of Aadhaar Act ["proof of possession of Aadhaar number"], along with ration card. In all cases where Aadhaar based online authentication is not feasible and the benefit, service or subsidy is provided on the basis of exception handling mechanism as described in para-6 of the letter dated 24.10.2017, the transactions shall be duly recorded in exception handling register as prescribed in the said letter and these may be audited from time to time. It is further re-iterated that no beneficiary should be denied subsidized foodgrains under NFSA only on grounds of failure of biometric authentication for reasons stated above.

5. All State/UT Governments are therefore requested to initiate necessary actions, as may be required, on above points urgently.

Encl: As above.

Yours faithfully,



(D.K. Gupta)  
Director (PD)  
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