Challenges against Aadhaar

What is the issue?

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With Supreme Court's final verdict on Aadhaar, it is imperative to know on Aadhaar and the grounds for petitions challenging it.

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How did the Aadhaar evolve?

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- The origins of a unique identity for Indian citizens lie in concerns about national security.
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- Following the report of the Kargil Review Committee, a Group of Ministers recommended a multipurpose National Identity Card.
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- In May 2007, the government handed out the first set of such cards.
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- As part of the National Common Minimum Programme, the need for sharp targeting of government subsidies was felt.
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- Thus, in 2006, the government unveiled a plan for a "unique ID" (UID) for Below Poverty Line (BPL) families.
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- This was to be implemented by the Ministry of Information Technology.
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- The UID project clashed with that of the National ID.
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- Thus it was decided in 2008, to create the Unique Identification Authority of India (UIDAI) under the Planning Commission.
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- The UIDAI was notified in 2009, with Nandan Nilekani, co-founder of Infosys, appointed as its first chairman.

- The first 12-digit Aadhaar number was issued on September 29, 2010.
- Today, Aadhaar is the world's largest biometric and identity database.
- Around 122 crore numbers were issued to Indian citizens or persons living in India for more than 180 days.

What are the various disputes?

- **Legitimacy** - The UIDAI was set up by an executive order and thus lacked a legislative base for seven years.
- In 2012, the first legal challenge to its legitimacy came with the petition of retired judge K S Puttaswamy challenging Aadhaar.
- In 2016, the government thus passed the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016.
- **Money Bill** - The Act gave the much needed legislative sanction to Aadhaar.
- However, the government termed it a Money Bill during the Budget Session in 2016, and passed it in Lok Sabha.
- Money Bills do not need ratification by Rajya Sabha. (Notably, the present government is in minority in the Rajya Sabha.)
- Former Union Minister Jairam Ramesh challenged the Money Bill route used for Aaadhar.
- His case was clubbed with a number of other petitions against Aadhaar.
- **Privacy** - The government claims that Aadhaar would help weed out ghost beneficiaries of welfare schemes.
- However, the unique identity number could become a tool for mass surveillance by the state.
- The electronic records and central data base are designed to track transactions across the life of the citizen.

- This will enable the State to profile citizens, track their movements, assess their habits and eventually influence their behaviour.
- Over time, the profiling enables the state to suppress dissent and influence political decision making.
- It would lead to a condition where every basic facility is linked to Aadhaar and one cannot live without an Aadhaar number.
- Given these concerns that Aadhaar could be an attack on a [person's privacy](#), it was challenged in court.
- The Supreme Court, in 2016, ruled that privacy is indeed a [fundamental right](#) guaranteed and protected by the Constitution.

What are the key questions before the SC?

- After the privacy judgment, more petitions were filed to be impleaded with the pending cases against Aadhaar.
- A five-judge Constitution Bench will decide on the following issues:
- Government's right to demand every person to authenticate his/her identity with just one proof (a unique identification number) to make sure that government benefits reach their intended targets.
- The right of Indian citizens to identify themselves using other documents issued to them by the government, instead of the above.
- The individual privacy concerns with the Aadhaar project.
- The validity of the Aadhaar Act as it was passed as a Money Bill.

Source: Indian Express

Quick Fact

Aadhaar

- Aadhaar, which means ' foundation', is a 12 digit unique-identity number issued to all Indian residents.
- This is based on their biometric and demographic data, and notably is a <u>proof of residence and not a proof of citizenship</u>.
- The data is collected by the Unique Identification Authority of India (UIDAI).