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## "Aadhaar infringes privacy"

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The Centre has told the Supreme Court that securing Aadhar cards was optional and it has not made it mandatory for the citizens. File photo

The Aadhaar scheme is unconstitutional as applicants are required to part with personal information on biometrics, iris and fingerprints, infringing their right to privacy, which is held part of the fundamental right to life under Article 21 of the Constitution, Justice K.S. Puttaswamy, retired judge of the Karnataka High Court, and other petitioners told the Supreme Court.

"There are no safeguards or penalties and no legislative backing for obtaining personal information, and the proposed law introduced by the government has been rejected by the Parliamentary Standing Committee on Finance. Provisions for collection and retention of biometric data have been held impermissible in the United Kingdom and France by their top courts."

Justice Puttaswamy said linking of the Aadhaar number with food security under the new Act, LPG subsidy, the Employees' Provident Fund and other direct transfer of benefits made enrolment under the Aadhaar scheme mandatory, falsifying the government's claim that it was voluntary.

Moreover, he alleged, Aadhaar numbers were being given indiscriminately, including to migrants without papers, creating a serious threat to national security. The executive order was "mala fide" as the whole object of rushing through the Aadhaar scheme was to "secure political gains."

### Denial of services

Senior counsel Anil Divan and counsel Ankit Goel, appearing for the petitioners, said Aadhaar resulted in denial of many benefits and services to persons who were otherwise eligible. They cited payment of salaries to teaching and non-teaching staff in Maharashtra only on the basis of Aadhaar; registration of marriages in Jharkhand; restriction of LPG connections.

Solicitor-General, Mohan Parasaran and Additional Solicitor-General L. Nageswara Rao, appearing for the Centre, however, said the Aadhaar card was voluntary and not mandatory, and, therefore, no interim directions were required.

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