

Aadhaar And Privacy

Why in news?

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The Supreme Court has decided to constitute a five-judge Constitution Bench to hear petitions against the validity of the Aadhaar scheme.

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How indispensable has Aadhaar become?

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- Ever since its introduction, life without Aadhaar is getting to be rather difficult.

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- There is a list of documents and accounts where linking Aadhaar number has been made mandatory. The directions include:

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1. Banks have to verify and link Aadhaar with savings accounts; not doing so beyond the deadline will render the accounts inoperable.

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2. Income tax returns would be accepted only after a tax assessee links PAN with Aadhaar.

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3. Financial institutions including mutual fund houses have to link their customers' Aadhaar numbers to respective accounts.

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4. Availing benefits of social security schemes is now being made impossible without Aadhaar (includes Pradhan Mantri Ujjwala Yojana, Atal Pension Yojana, etc).

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5. The EPFO (Employees' Provident Fund Organisation) has made Aadhaar or enrolment ID mandatory for pensioners to continue as beneficiaries.

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6. The government has asked telecom operators to re-verify all existing mobile

subscribers via Aadhaar-based e-KYC.

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7. It has also become mandatory to provide Aadhaar details for new mobile connections.

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- There are other documents and accounts where linking Aadhaar is not mandatory, but doing so facilitates an easier process. E.g:

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1. Linking Aadhaar to a PF account will allow applying for PF claims online and get it within 5 days, as against a month's period without Aadhaar.
2. Death certificates will need to have the person's Aadhaar number for the purpose of establishing the identity of the deceased, to avoid misuse in claiming benefits.
3. Although not mandatory, DBT beneficiaries are encouraged to give the Aadhaar details as it safeguards against duplication and leakage.
4. Linking driving license and registration of vehicles with Aadhaar is encouraged to curb the issue of fake licences and registering stolen vehicles.

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What are the concerns?

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- **Privacy** - The wide range of 'data' that Aadhaar collects is argued to be an invasion of the right to privacy.
- The digital footprints and extensive data are valuable information which the State could use to exercise undue control over the people.
- The privacy claim is further strengthened by the recent SC judgement declaring privacy as a fundamental right.
- **Court** - A number of petitions are pending before the courts challenging the validity of various directions in regards with Aadhaar linkage.

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- Clearly, the Courts have limited the Aadhaar programme to a voluntary program restricted to specific services.
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- **Centre** - The government is instead pushing for making Aadhaar mandatory in every sphere of human activity.
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- It has also set December 31, 2017 as the deadline for most of the above directions.
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Given all these the Constitution Bench is to decide, once and for all, the various Aadhaar challenges pending, instead of passing numerous interim orders.

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Quick Fact

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Aadhaar

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- Aadhaar, which means ' foundation', is a 12 digit unique-identity number issued to all Indian residents.
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- This is based on their biometric and demographic data, and notably is a proof of residence and not a proof of citizenship.
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- The data is collected by the Unique Identification Authority of India (UIDAI).
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- UIDAI is a statutory authority established under the Ministry of Electronics and Information Technology.
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- It is created under the provisions of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and services) Act, 2016.
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Source: The Hindu, Economic Times

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