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.
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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.
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3. Although not mandatory, DBT beneficiaries are encouraged to give the Aadhaar details as it safeguards against duplication and leakage.
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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.
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- The digital footprints and extensive data are valuable information which the State could use to exercise undue control over the people.
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- The privacy claim is further strengthened by the recent SC judgement declaring privacy as a fundamental right.
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- **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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