Challenges against Aadhaar

What is the issue?

\n\n

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

\n\n

How did the Aadhaar evolve?

\n\n

\n
- The origins of a unique identity for Indian citizens lie in concerns about national security.
\n

\n\n

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

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

\n\n

What are the various disputes?

\n\n

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

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

\n\n

What are the key questions before the SC?

\n\n

\n
- After the privacy judgment, more petitions were filed to be impleaded with the pending cases against Aadhaar.
\n
- A five-judge Constitution Bench will decide on the following issues:
\n
- 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.
\n
- The right of Indian citizens to identify themselves using other documents issued to them by the government, instead of the above.
\n
- The individual privacy concerns with the Aadhaar project.
\n
- The validity of the Aadhaar Act as it was passed as a Money Bill.
\n

\n\n

\n\n

Source: Indian Express

\n\n

\n\n

Quick Fact

\n\n

Aadhaar

\n\n

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

\n

