

‘Aadhaar contradicts the role of the state’

‘State exploiting personal rights of individuals’

LEGAL CORRESPONDENT
NEW DELHI

The Aadhaar scheme contradicts the role of the state as the custodian of the citizens’ fundamental right of privacy. A duty is cast on the government and its agencies to protect the citizen’s crucial personal data from commercial exploitation by private corporates, petitioners challenging the scheme sub-

mitted in the Supreme Court on Thursday.

Referring to the nine-judge Bench judgment which upheld privacy as a fundamental right, senior advocate Shyam Divan and advocate Vipin Nair submitted before a Constitution Bench led by Chief Justice of India Dipak Misra that Aadhaar enrolment and subsequent leakages of personal mass datas how that the state itself is exploiting personal rights of individuals by giving it to private corporates who use it for commercial

ends. In a case where the private rights of an individual are exploited, it is the duty of the state to protect him from private enterprises, Mr. Divan argued.

“The state is empowered with a ‘switch’ by which it can cause the civil death of an individual. Where every basic facility is linked to Aadhaar and one cannot live in society without an Aadhaar number, the switching off of Aadhaar completely destroys the individual,” Mr. Divan submitted for the petitioners.

The Aadhaar enrolment has seen the state delegate “sensitive and exclusive sovereign” functions to private contractors and agencies. None of these private agencies which enrol citizens and collect their personal data have any agreement with the UIDAI, Mr. Divan submitted.

When Justice A.M. Khanwilkar observed that the Aadhaar Act of 2016 would protect fundamental rights, Mr. Divan responded that crores of citizens had already been enrolled between 2009 and 2016, when the Act

came into existence, and fundamental rights could not be protected retrospectively. He said there was no audit check of these private collection agents to whom the UIDAI had outsourced the work of personal data collection for years prior to the Act.

In an illustration of how Aadhaar has become an instrument of exclusion, Mr. Divan related how a couple could not register their marriage under the Special Marriage Act as the authorities insisted on Aadhaar.

SC: Why object only to info for Aadhaar?

On the second day, apex court says if citizens can give data to private companies, it can also give it to govt



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New Delhi: On the second day of its final hearings in the Aadhaar case that challenges its constitutional validity, the Supreme Court on Thursday questioned why a citizen should object to Aadhaar collecting personal information when the same was voluntarily given to insurance companies and mobile operators.

“You want insurance policy, you go to a private company. You want mobile connection, you go to private entities and part with personal information...The moment the government asks you to give proof of address and other details, you have a problem and you say ‘sorry’,” a five-judge Constitution Bench led by Chief Justice of India (CJI) Dipak Misra said.

To this, senior advocate Shyam Divan, representing one of the 27 petitioners, responded, “The objection lay in the possible profiling of individual by aggregation of information with one entity, which ought not to be happening in a democratic government.”

To make his case further, he said, “The point here is that you are being asked to part with information to someone you do not know and have no contractual relation with.”

During the day-long hear-

QUICK VOLLEY

- Divan termed the whole scheme as “unconstitutional from beginning to end”.
- Also referred to the recent ruling where privacy was accorded as a fundamental right
- Said in this highly digitised world, the State must protect citizens

ing, Divan further objected to the use of third parties to collect this information.

Divan submitted that the private party was “so much outside the control of the Unique Identification Authority of India” that the information collected could be used for their own commercial purposes. “Moreover, there is no binding contract between the UIDAI and private agencies employed to collect biometric and other details to grant Aadhaar numbers,” Divan said.

“What are the nature of safeguards to ensure that the information was not purloined?” the bench then asked, adding the Centre needed to ensure that the information collected was protected from being violated commercially. The matter will continue to be heard next Tuesday on January 23.

‘Live stream cases of nat’l importance’

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New Delhi: Senior advocate **Indira Jaising** has filed a petition in the Supreme Court, seeking live streaming of case proceedings that have national importance.

In the recent past, there have been several calls for transparency in the judicial system from across all quarters that ultimately led to the latest judicial crisis.

To that end, Jaising suggests that citizens have a right to know details and reasoning of arguments in cases that directly affect their rights.



In her petition, Jaising suggests that this year, the top court will hear several important cases that will impact the public at large. So, by streaming proceedings to important cases like the Aadhaar case, women’s right of entry into Sabarimala Temple or decriminalisation of homosexuality, the public will have access to knowledge in real time. Live streaming cases will also enable citizens to understand the reasoning put forth in these cases.

Jaising, however, opines that the court can take a decision on what cases to stream live. She suggests they could be streamed on popular video sharing platforms for now, until there is infrastructure to do so independently.



**Union Bank of India launches
"AADHAAR SEVA KENDRA"**

Union Bank of India today launched "AADHAAR SEVA KENDRA" at Prabhadevi Branch, Mumbai, Maharashtra. Union Bank will be opening "AADHAAR SEVA KENDRA" at 429 Branches i.e.10% of its total 4282 branches across India. The "AADHAAR SEVA KENDRA" was inaugurated at the hands of Shri Vinod Kathuria, Executive Director, Union Bank of India & Shri Sumnesh Joshi, Assistant Director General, UIDAI. Also present of the occasion were Shri P C Panigrahi, General Manager, Financial Inclusion and Shri H C Mittal, Regional Head, Mumbai South.

Two Uzbek women held, one with fake Aadhaar card

OUR CORRESPONDENT

GURUGRAM: Gurugram police on Thursday night arrested two female Uzbek national from Sushant Lok, for their alleged involvement in a sex racket.

Not only were the two women without visa, but the law enforcement officials also seized a fake Aadhaar card from one of the women.

This is the second time that an Aadhaar card has been recovered by Gurugram police from the foreign sex workers.

On December 20 last year, an Afghan woman, who was arrested in a raid from Sector 39 area, was also found to be having an Aadhaar card.

This is also not for the first time when sex rackets have been busted in Gurugram. On December 10, the district police unearthed an illegal sex racket that was being run in a spa of a renowned mall in Sector-53 area.

Aadhaar: Petitioners challenge process of gathering personal info

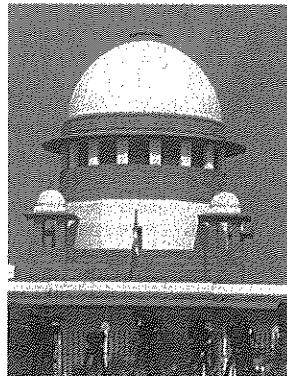
BY PRIYANKA MITTAL
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NEW DELHI

Petitioners before a Constitution bench of the Supreme Court set up to hear the case against Aadhaar on Thursday challenged the process of collecting personal and biometric information for the unique identification number programme, and highlighted its implications for privacy.

“Everything about it is patently unconstitutional. It’s a complete invasion -- cannot stand up to minimal standards of scrutiny,” said Shyam Divan, counsel for petitioners, who include leading non-government organizations, privacy campaigners, retired army officers, Magsaysay award winners and the government of West Bengal.

Compelling citizens to part with personal information to a third party—the Unique Identification Authority of India (UIDAI)—with whom they had no contractual relations had resulted in compromising their privacy rights, Divan told



Compelling citizens to part with personal data to a third party violates their privacy rights, the court was told. HT

the Constitution bench comprising Chief Justice of India Dipak Misra and justices A.K. Sikri, A.M. Khanwilkar, D.Y. Chandrachud and Ashok Bhushan.

The court was then shown for examination the original Aadhaar enrolment form as it existed before the passing of the Aadhaar Act, 2016 when a majority of the people enrolled.

Nowhere in the form, the judges were told, did it state that parting of information was voluntary. There was no

mention of biometric information, no provision for verification of information collected, or any kind of counselling to tell citizens of the advantages, reasons and shortcomings of the enrolment.

At this, Chandrachud intervened: “Even when you apply for an insurance policy or a mobile connection, the private insurance agent or the mobile service provider requires identity proof. So, why is there an issue with parting with the same to the government?”

Divan explained that the problem did not lie with parting of personal information, but with the fact that the information was being given to third parties that could use it for commercial purposes.

“As long as its backed by a statute, I don’t see a problem. Take for instance the collection of information under the Census Act, 1948 where demographic data is collected by the state,” Divan said.

He also drew the top court’s attention to the privacy judgment that grounds privacy in ideas of dignity, autonomy, and identity, which pervade the entire Constitution.

PILs mount pressure on SC to telecast live very important cases

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New Delhi: Pressure is mounting on the judiciary for live telecast of its proceedings on the lines of that done by Parliament and state assemblies. A PIL was dismissed three years ago but two writ petitions were filed by advocates seeking live telecast of court proceedings, at least in cases of national importance like validity of Aadhaar and right to sexual orientation by the LGBTQ community.

Following the footsteps of advocate Mathew J Nedumpara, who has been repeatedly and unsuccessfully mentioning his petition filed last year for early listing so that a judicial debate on the necessity of live telecast of court proceedings could be held, senior advocate Indira Jaising on Thursday mentioned a petition on the same issue before a bench headed by Chief Justice Dipak Misra seeking early hearing.

Though Nedumpara and Jaising come from diverse backgrounds, they supplemented each other in saying live telecast of court proceedings was the need of the hour because judiciary functioned under the fundamental principle that all judicial proceedings be conducted in open court and any member of the public who wishes to be present in court shall have the right to do so.

In her petition, Jaising

gave a long list of her personal achievements and mentioned that she was the 'editor-in-chief' of a digital magazine focussing on legal matters and issues. She said as SC judgments impacted every single citizen of India, it was necessary that those getting impacted by the apex court's decisions be aware of the manner in which such decisions were taken.

Mentioning a few cases of public importance — challenge to the validity of Aadhaar, the petition seeking right to sexual orientation of LGBTQ community, entry of women of all ages into Sabarimala temple in Kerala and the petition seeking to make women equal partners in the offence of adultery, Jaising said live telecast of court proceedings in cases of national importance would "improve public understanding of law, adherence to law and have an educative value furthering the principle of 'open justice'".

The SC and high courts have repeatedly rejected pleas for live telecast or audio/video recording of court proceedings. In 2015, an SC bench headed by then CJI H L Dattu had dismissed a PIL and said, "You want to put CCTV in the court? Right now, whatever we discuss in the innermost chamber is out there in the public. What we discuss among judges in the collegium meetings are also out in the public. There is no need for CCTV."

Even Dhoni's UID details public, list privacy safeguards, says SC

How Can You Stop Info Sale, Centre Asked

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New Delhi: The Centre will need to assure the Supreme Court that data collected under Aadhaar is fully protected and cannot be misused to ensure its ambitious scheme passes muster, with the apex court on Thursday asking what is the nature of the safeguard to prevent sale of information by private operators.

With a nine-judge bench last year declaring the right to privacy a fundamental right and asking the government to prepare a robust data protection regime, the apex court's Constitution bench of Chief Justice Dipak Misra and Justices A K Sikri, A M Khanwilkar, D Y Chandrachud and Ashok Bhushan asked whether the government had taken measures to protect data related to Aadhaar.

'Reasonable view on deadline extension likely'

The government may take a reasonable view on whether to extend the March 31 deadline for linking Aadhaar to all services, UIDAI CEO Ajay Bhushan Pandey has indicated. In an interview to Rajya Sabha TV, he said, "If I were to decide that I could have given some definitive answer. I think they will definitely take a reasonable view of this and take an appropriate decision." He also said that the government has been very accommodative to bring more people in this system and the original deadline was last year. Pandey said right now the deadlines are set by the departments concerned and not UIDAI. TNN

Senior advocate Shyam Divan, appearing for the petitioners challenging the constitutional validity of Aadhaar scheme, told the bench that information collected by private operators was being sold and the Unique Identification Authority of India (UIDAI) had no control over them. Referring to news reports and sting operation of a news channel, he alleged private operators continued to hold demographic and biometric data which could be easily purchased and misused, violating the people's fundamental rights.

In its statements relating to leak of data, the UIDAI has repeatedly



M S Dhoni

asserted that there has been no breach as far as biometric data are concerned and that Aadhaar authenticates identity but not the purpose of a transaction.

The bench, however, noted that Aadhaar details of former captain of Indian cricket team M S Dhoni was also made public. "What safeguard the government has introduced to ensure that information is not sold out and what is the nature of the safeguard?" Justice Chandrachud asked.

Divan claimed that the Aadhaar scheme had been unconstitutional from the beginning as the government could not compel citizens to

part with personal information to private operators without sanction of law. He said 49,000 operators were blacklisted by the government till September 2017 and it showed something is wrong in the process. "I am questioning the very integrity and pervasive nature of the process. A person cannot travel or go to school or open a bank account or have an insurance policy or invest in mutual fund if he or she does not have Aadhaar," he said.

The bench, however, pointed out that people provide personal information to private companies while getting mobile connection and insurance and asked why they should be reluctant in giving information under Aadhaar scheme. "How can you say that it (information) is part of your identity while denying information to the government while you provide information to private parties. If you want mobile connection or insurance, you go to private entity and provide information to them," Justice Chandrachud said.

The arguments remained inconclusive and hearing would resume on January 23.

SC: If personal info with pvt firm OK, why not with state

SATYA PRAKASH
TRIBUNE NEWS SERVICE

NEW DELHI, JANUARY 18

If one can share one's personal information with a private company, why not with the state? This was the question posed by a five-judge Constitution Bench headed by Chief Justice of India Dipak Misra on the second day of hearing on a batch of petitions challenging the validity of the Aadhaar Act and related 139 government notifications.

This comes a day after senior counsel Shyam Divan contended on behalf of the petitioners that Aadhaar was a switch that could be used by government to cause civil death of an individual.

The Bench — also comprising Justices AK Sikri, AM Khanwilkar, DY Chandrachud and Ashok Bhushan— wanted an answer to the question. "If you need insurance, you go to a private party. If you need a phone, you go to a private party. If private players ask for your address proof, it is okay, but if the government asks for the same, then you say it's at the core of my identity," Jus-

tice Chandrachud said.

"Per se, there is no problem with an individual parting with private information willingly. The point is that you are being asked to part with information to someone you do not know and have no contractual relation with," submitted Divan.

Divan, representing petitioners such as former Justice KS Puttaswamy, activists Aruna Roy, Shantha Sinha and veteran CPM leader VS Achuthanandan, has maintained the State cannot compel citizens to part with personal information, that too to a private company, as it violated their fundamental rights, including the right to privacy.

He questioned the State's right to compel citizens to share information with private parties which used the information shared for commercial purposes. The Bench sought to know the safeguards put in place by the UIDAI to protect personal data collected from citizens.

The Bench may further take up the matter on Tuesday next.

SC on Aadhaar: If ID with pvt party, why not Govt?

ANANTHAKRISHNAN G
NEW DELHI, JANUARY 18

THE SUPREME Court on Thursday asked petitioners who have challenged the constitutional validity of Aadhaar what was their objection to sharing address proof with the government when they had no problems sharing it with private parties.

"If you need insurance, you go to a private party. If you need a phone, you go to a private party.. If private player asks for address proof, it is okay. But if government asks the same, then (the argument is) it's at the core of my identity," Justice D Y Chandrachud, one of the five judges on the Constitution Bench, said. "If you apply for a job, the first thing they ask is your address proof, and salary is admitted to a private bank," he said.

Justice A K Sikri told Shyam Divan, who was appearing for the petitioners, that "your argument seems to be that if I give my passbook, they will come to

know my transactions. I don't think that is the case."

Divan said there was a difference between sharing information with a private party known to one and an unknown one. "The question is: Can the State compel you to give your information to a private party which is totally out of control of UIDAI and is then free to put this to commercial use," he said.

At this, Justice Chandrachud said the court would like to know what safeguards were put in place by Unique Identification Authority of India (UIDAI) to protect personal data.

Divan said the contention that enrolment for Aadhaar is voluntary becomes a purely academic exercise if people are required to provide it for all services. Referring to the introducer system — a person had to be introduced by a person already with Aadhaar — Divan said this was meant for people who did not have any identity since the government argument was that there were many who did

not have any identity and Aadhaar was intended to help them.

But information accessed under the Right to Information, he said, showed that out of a total of 93 crore Aadhaar holders, only 219,096 Aadhaars were generated using the introducer system — this, he said, works out to only 0.0003 per cent.

He said the petitioners' concerns regarding integrity of information collected by private enrollers was validated by a statement by the government in Parliament and consequent action by UIDAI.

The statement made on April 10, 2017, said that in the last six years, the government had cancelled and blacklisted 34,000 operators who tried to pollute the system. Since December 2016, action had been taken against 1,000 operators, the statement added. But news reports of September 12, 2017, Divan said, stated that UIDAI had learnt of such contraventions by private enrollers and blacklisted 49,000 operators.

● AADHAAR ISSUE

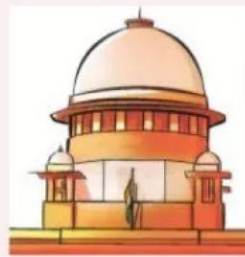
SC: Citizens share info with firms voluntarily

Apex court says people give such inputs to insurance, mobile companies on their own

PRESS TRUST OF INDIA
New Delhi, January 18

A FORCEFUL ARGUMENT that the State cannot compel a citizen to part with personal information to a private entity, on Thursday prompted the Supreme Court to point out that people voluntarily gave such inputs to private insurance or mobile companies.

The argument was made during the hearing on the Aadhaar issue by senior advocate Shyam Divan before a five-judge constitution bench headed by Chief Justice Dipak Misra. The bench said, "You want insurance policy, you go to a private company. You want mobile connection, you go to



private entities and part with personal information...

"Here the government has multiplied the options... the moment the government asks you to give proof of address and other details, you have a problem and you say 'sorry'."

To this, Divan responded, saying, "There is no problem per se with an individual parting with private information on his own. The point here is that you are being asked to part with information to someone you do not know and have no contractual relation with."

The bench, also comprising justices AK Sikri, AM Khan-

wilkar, DY Chandrachud and Ashok Bhushan, is hearing a clutch of petitions challenging the constitutional validity of the government's flagship Aadhaar programme and its enabling Act of 2016.

Divan, who is representing petitioners like former Karnataka HC judge justice KS Puttaswamy, several activists Aruna Roy, Shantha Sinha and veteran CPI(M) leader VS Achuthanandan, submitted that the State cannot compel its citizens to give personal information, that too to a private company, as it violated their fundamental rights.

Referring to the legal position with regard to the national population census, he said it has been made clear that the personal and demographic details of citizens collected during census were being protected, but in case of Aadhaar, there was no such safeguard.

Divan said the private party was "so much outside the control of the UIDAI" that they can use it for their own commercial purposes.

SC questions reluctance in sharing details for Aadhaar

HT Correspondent

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NEW DELHI: The Supreme Court, while hearing pleas against Aadhaar, on Thursday questioned the reluctance of the petitioners “in sharing address proof with the government when there was no problem sharing it with private parties”.

“When you apply for a job, the first thing they ask is your address proof. If you need a phone, you go to a private party and you are asked for address proof, which you give. But if the government asks for the same, then you say it’s at the core of my identity,” the constitution bench led by Chief Justice Dipak Misra said. Senior advocate Shyam Divan, appearing for one of the 28 petitioners who have challenged the legality of the Aadhaar project, replied there was a difference between sharing with a known private party and an

SENIOR ADVOCATE SHYAM DIVAN SAID THAT THERE WAS DIFFERENCE BETWEEN SHARING DETAILS WITH A KNOWN PRIVATE PARTY AND AN UNKNOWN ONE

unknown one. He argued that the government cannot compel citizens to part with their information to a private party not under anybody’s control. This private person is free to use this information for commercial use, he said.

Divan added the petitioners were concerned regarding the integrity of information collected by private enrollers. And the apprehension was validated by the government’s statement in Parliament when, on April 10, it said that in the past six years it had cancelled and blacklisted 34,000 operators who tried to “pol-

lute the system”. Since December 2016, action had been taken against 1,000 operators.

Divan asked the bench to bear in mind three aspects—integrity of the process followed for collection of personal and biometric data, integrity of information being collected, and the pervasive invasion of the fundamental rights in view of the top court’s privacy judgement.

He drew the court’s attention to the Aadhaar enrolment form, as it existed prior to the enactment of the Aadhaar legislation of 2016. Divan pointed out the form states enrolment is voluntary.

He said part B of the form requires the applicant to disclose mobile number and bank account details. The collection of such sensitive information is purely a sovereign function and cannot be delegated to private agencies. “State alone can be trustee,” he said. The bench will continue to hear arguments on January 23.

Sharing Biometrics Unsafe: Aadhaar Opponents

Tell SC govt can't ask to share data with unknown pvt entities over which it has little control

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New Delhi: The government cannot ask citizens to part with sensitive biometric information to unknown private entities over which it exercises little control, as they could misuse the data, critics of Aadhaar argued in the Supreme Court on Thursday.

"The government does not even have a contract with these entities, neither does the UIDAI (that manages

the data)," senior advocate Shyam Divan told the court, appearing for some of the petitioners who oppose the biometric ID system. "Data which is very, very personal goes to unknown entities. Where is the integrity of the data," he asked.

While making his arguments before a five-judge bench, he pointed to a government statement in Parliament that the UIDAI blacklisted some 34,000 operators for issuing false cards. "What happens if you lose your Aadhaar, or it is not accepted or it can't be accessed," he asked.

Counsel in SC: Strike down law on Aadhaar

J. VENKATESAN
NEW DELHI, JAN. 18

Aadhaar law, which affects "right to privacy" and lacks security for protection of data, should be struck down as unconstitutional, argued senior counsel Shyam Divan in the Supreme Court on Thursday.

Continuing his tirade against the Aadhaar programme, Mr Divan told a five-judge Constitution bench, comprising Chief Justice Dipak Misra and Justices A.K. Sikri, A.M. Kanwilkar, D.Y. Chandrachud and Ashok Bhushan, that Aadhaar law, which is related to breach of personal information, is an ex-facie violation of an individual's fundamental right to privacy.

The counsel argued that the Aadhaar programme deprives aggrieved individuals of the knowledge required to exercise control over their information. Pointing out that there is no accountability on the agency collecting the biometric data, he contended that the han-

▶ **The counsel argued that the Aadhaar programme deprives aggrieved individuals of the knowledge required to exercise control over their information**

dling of sensitive personal information by the UIDAI is, therefore, manifestly arbitrary and opaque, and consequently ultra-vires the Constitution.

Further, he said it couldn't be denied that there have been multiple data breaches from several governmental portals, resulting in unfettered, unauthorised access to individuals' Aadhaar numbers. He said reports by privacy and security researchers indicated that such breaches have already affected 135 million Indians. There is an inherent danger of aggregating valuable personal data/information of all Indian residents in one centralised database.

आधार पर जज ने कहा, 4-5 साल में फिंगरप्रिंट पहचान लायक नहीं रह जाते

सुनवाई के दौरान क्रिकेटर के कुछ समय पहले हुए डेटा लीक का दिया उदाहरण

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■ **नई दिल्ली** : आधार मामले की सुनवाई के दौरान सुप्रीम कोर्ट ने टिप्पणी की कि हाल में देखने को मिला कि एक क्रिकेटर का डेटा लीक हो गया। न्यायालय की यह टिप्पणी तब आई, जब याची के वकील श्याम दीवान ने कहा कि आधार के लिए लिया जाने वाला डेटा फूलप्रूफ नहीं है। सुप्रीम कोर्ट में अब आधार मामले की सुनवाई आने वाले मंगलवार को होगी।

याची की ओर से पेश वकील श्याम दीवान ने जब दलील दी कि फिंगर प्रिंट फूलप्रूफ नहीं हैं, तब जस्टिस डीवाइ चंद्रचूड़ ने टिप्पणी की कि 4-5 साल में फिंगर प्रिंट पहचान योग्य नहीं रह जाते।

इस दौरान जस्टिस चंद्रचूड़ ने (कैप्टन रह चुके) क्रिकेटर के डेटा लीक का उदाहरण दिया। सुनवाई के दौरान जस्टिस ए के सिकरी और जस्टिस चंद्रचूड़ ने सवाल किया कि आम आदमी जब बैंक अथवा अन्य जगहों जैसे मोबाइल कनेक्शन आदि के लिए या फिर लैंड लाइन के लिए जब अप्लाई करते हैं, तो तमाम दस्तावेज मुहैया



करते हैं, लेकिन आधार के लिए डेटा देने में परेशानी क्यों है? तब दीवान ने दलील दी कि जब हम बैंक अथवा अन्य किसी सर्विस प्रवाइडर के सामने दस्तावेज या डेटा देते हैं तो हमें पता होता है कि हम किसे डेटा दे रहे हैं। लेकिन आधार के लिए जो प्राइवेट कंपनियां डेटा लेती हैं,

उनके बारे में आम आदमी जानते तक नहीं हैं। डेटा का इस्तेमाल कौन कर रहा है, कहाँ हो रहा है, हमें कुछ पता नहीं है। 2016 में राज्य सभा में सरकार ने खुद एक सवाल के जवाब में कहा था कि 34 हजार कंपनियों को ब्लैक लिस्ट किया गया है। ये वे कंपनियां हैं, जो डेटा एकत्र करती थीं। मीडिया में 12 सितंबर 2017 को खबर आई थी कि

अब आधार मामले की सुनवाई आने वाले मंगलवार को होगी

'यह मामला निजता के दायरे में आता है'

दीवान ने दलील दी कि फिंगर प्रिंट के सत्यापन के लिए जो मशीन का इस्तेमाल हो रहा है वह बेहद घटिया है। इस पर जस्टिस चंद्रचूड़ ने कहा कि हाथ से काम करने वाले मजदूर आदि का फिंगर प्रिंट शायद काम न करे। तब दीवान ने कहा कि बिल्कुल सही है। वेलफेयर स्टेट में बेहतर व्यवस्था के लिए राज्य सरकार क्या अधिकार से वंचित कर सकती है। क्या वह यह कह सकती है कि फिंगर प्रिंट देने के बाद ही वेलफेयर योजना का लाभ मिलेगा। कैसे सरकार हमें कह सकती है कि अपनी जानकारी किसी और को दें। स्क्रीम गलत तरीके से डिजाइन की गई है। तब जस्टिस चंद्रचूड़ ने कहा कि क्या प्राइवेट पार्टी और सरकार की एजेंसी में फर्क होगा। दीवान ने कहा कि कोई सवाल नहीं

है कि इस तरह की चीजों को प्राइवेट हाथों में दिया जाए। दीवान ने कोर्ट को ऐफिडेविट दिखाया, जिसमें शादी की खातिर आधार के पंजीकरण के लिए कहा गया। ऐफिडेविट कहता है कि सॉफ्टवेयर तब तक शादी के रजिस्ट्रेशन से मना कर रहा था, जब तक कि आधार नहीं दिया गया। उनकी ओर से निजता के अधिकार से संबंधित जजमेंट का भी हवाला दिया गया और कहा गया कि ये महत्वपूर्ण जजमेंट है। इसके मुताबिक, यह मामला निजता के दायरे में आता है। जस्टिस चंद्रचूड़ के निजता के अधिकार पर दिए जजमेंट को पढ़ते हुए दीवान ने कहा कि निजता के अधिकार का दायरा कहाँ तक है, यह उसमें बताया गया है और आधार भी निजता के दायरे में है।

49 हजार कंपनियों को ब्लैक लिस्ट किया गया है। ऐसे में समझा जा सकता है कि पूरी प्रक्रिया फूलप्रूफ नहीं है और सिस्टम जिस तरह से काम कर रहा है, वह खोखला है और संदेह के दायरे में है। दीवान ने अमेरिकी

जजमेंट का हवाला दिया, जिसमें जीपीएस का विरोध करने वाली याची के पक्ष में फैसला दिया गया था। अमेरिकी कोर्ट ने कहा था कि निजता सबका विशेषाधिकार है। यह चंद लोगों का सिर्फ अधिकार नहीं हो सकता।