



face to face

AJAY BHUSHAN PANDEY, CEO, UIDAI

'A law should back future directives on Aadhaar linking'

Mousumi Das Gupta

mousumi.gupta@hindustantimes.com

NEW DELHI: Soon after the SC judgment, Ajay Bhushan Pandey, CEO, Unique Identification Authority of India, spoke about the road ahead for Aadhaar. Excerpts:

Has your stand been vindicated today?

It is a historic judgment and will set the pace for digital destiny of our country. The court has accepted that there is a legitimate state aim in Aadhaar. It ensures dignity and empowers marginalised sections of the society. It has also held that the Aadhaar Act needs the concept of limited government, good governance and constitutional trust. The mandatory linkage of Aadhaar with PAN card and Income Tax returns will ensure proper tax compliance, curb black money, tax evasions, and money laundering. It will also go a long way in plugging the leakage in welfare schemes. Till March 2018, Aadhaar has helped save the government ₹90,000 crore.

The SC has expressed concern over issues related to data security and privacy.

The judgment clearly states that the Aadhaar Act does not lead to a surveillance state. It has further said that the Act leads to constitutional trust. Having said that the court has also mandated certain safeguards such as restriction on the time period for which the authentication log has to be maintained—up to six months only, which was earlier five years. This will be done. The court has restricted the mandatory usage of Aadhaar by private companies. These conditions and restrictions will go a long way in strengthening Aadhaar and instil more confidence in the people of India.

The SC has also said that the Centre should bring a strong



data protection law at the earliest. How long will it take for the data protection law to kick in?

The Justice BN Srikrishna committee, in which I was a member, had in the draft personal data protection bill suggested certain amendments to the Aadhaar Act. The SC has also suggested that these recommendations should be taken forward. So, the government will definitely consider it.I have been given to understand that a public consultation process by the IT ministry is underway.

The SC today struck down Section 57 of the Aadhaar Act, which deals with sharing of data with private companies. But what happens to data that has already been shared?

That is a question we will have to look into after going into the details of the judgment. ... But whatever has been mandated by the Supreme Court will be implemented in the true spirit.

After the SC order, can the government make Aadhaar mandatory for some other services that it wants?

The fundamental principle, which is being followed, is that the mandatory use of Aadhaar has to be backed by the law, subject to the test of proportionality. So, in future if for any service or activity the government thinks that it will require Aadhaar then there has to be a law sanctioning such mandatory use. The purpose of Aadhaar Act is to provide the identity and the use of identity for the delivery of services. There are certain acts like the Income Tax Act which require use of Aadhaar.