

Aadhaar Act fair, reasonable law: Centre to SC

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THE CENTRE told the Supreme Court on Tuesday the Aadhaar Act was a "fair and reasonable" law and fulfilled the requirements laid down by the Constitution bench of the apex court in its landmark privacy judgment.

Attorney General K K Venugopal told a five-judge Constitution bench headed by Chief Justice of India Dipak Misra that the privacy verdict had laid down that the state can seek certain information if there is a law, a legitimate state interest and fulfilled the test of proportionality, which says there should be a rational nexus between the Act and the objects sought to be achieved by it.

"The Aadhaar Act meets the standards and has adequate safeguards. The Aadhaar Act is a just, fair, and reasonable law. It is in pursuance of a larger public interest," he said. The court is hearing a batch of petitions challenging the Constitutional validity of the Aadhaar Act.

"Unless there are any serious negative factors which will neutralise the basic requirements, the Act will pass the muster of consti-

tutionality," he said.

The A-G added, "We have shown and demonstrated so far as this Act is concerned, tremendous effort was put in place to ensure that the law invades privacy to the minimum. This is the least and minimal encroachment of the right of privacy."

Venugopal said a law, which is constitutionally valid, does not become "invalid" on the ground of improper implementation.

To a question about national and state level figures of authentication failures, Venugopal said UIDAI can't provide numbers for the state level since it does not track the location of the authentication transactions. Biometric failure rates for the national level stood at 6 per cent for fingerprints and 8.54 per cent for iris, he said.

He, however, clarified that the failures do not mean exclusion from or denial of subsidies, benefits or services since the Requesting Entities are obliged under the law to provide for exception handling mechanisms.

On Aadhaar for minors, the A-G said school officials, if permitted to act as 'introducer' can enrol only when there is a parental consent. But it was "not permissible" for a child to opt out of Aadhaar after attaining adulthood, he said.