

Aadhaar does not record caste or race, says SC judge

The Act has given privacy: Justice Chandrachud

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The Aadhaar Act does not record the caste, religion, race, etc., of individuals, thus ensuring that these demographics are not used to discriminate among citizens, Justice D.Y. Chandrachud observed during the Constitution Bench hearing in the Aadhaar case on Thursday.

“Race, caste, religion, etc are not part of demographics required. These are aspects which can be used to discriminate... by excluding them, the Act has given privacy,” Justice Chandrachud addressed UIDAI, the nodal agency for implementing the Aadhaar scheme.

Justice Chandrachud had, in August 2017, authored the historic verdict for the nine-judge Constitution Bench,



Deeper look: It was argued that citizens have no right to privacy as far as demographic details are concerned. ■REUTERS

which declared that privacy was intrinsic to life and liberty and an inherent part of the fundamental rights enshrined in the Constitution.

The judgment had held that privacy is a natural right that inheres in human beings. The state does not bestow natural rights on citizens. Natural rights like privacy exist equally in all individuals, irrespective of class, strata, gender or orientation.

The nine-judge Bench

pronounced the verdict on a reference from a five-judge Bench deciding the Aadhaar petitions. The reference was on the question whether privacy was a fundamental right and inviolable.

Senior advocate Rakesh Dwivedi argued that citizens have no right to privacy as far as demographic details are concerned. Demographic details are the name of the person, age, etc.

Justice Chandrachud summarised Mr. Dwivedi's sub-

missions, saying the latter meant that there were four levels of identification - demographics, optional demographics, biometrics and core biometrics like fingerprints and iris scans. “What you are saying is that there is a reasonable expectation of privacy in core biometrics, but as you veer away from core biometrics, your reasonable expectation of privacy does not count,” Justice Chandrachud paraphrased Mr. Dwivedi's submissions.

Mr. Dwivedi said the UIDAI does not share core biometrics at all. However, Justice A.K. Sikri pointed out that the petitioners are still apprehensive about the aggregation of personal data in a central storage facility, and their leak. “We are concerned with real apprehensions. People who are scared of water, they will never enter the pool... What can we do?” Mr. Dwivedi responded.