

SC acknowledged legitimate state interest in making Aadhaar must for welfare plans

**2-Judge Bench:
Govt Has No
Suspect Motives**

Mahendra.Singh
@timesgroup.com

New Delhi: At a time when a constitution bench of the Supreme Court is hearing the privacy plea in the Aadhaar case, a two-judge bench of the apex court in a recent order acknowledged "legitimate state interest" in the government's decision to make Aadhaar mandatory for welfare benefits and PAN cards.

The two-judge bench held that the state was not indulging in overreach or was motivated by suspect motives in lin-

king Aadhaar to various transactions. The SC in its order upheld Parliament's power to legislate the relevant laws.

"Parliament was fully competent to enact Section 139AA of the Income Tax Act (introduced through the Finance Act, 2017)," the court said. The court addressed the criticism that the law was pushed through even when the SC was to dispose of the challenge to Aadhaar and also that the UID law was designated as a money bill. The crucial aspect on which the constitution bench is expected to pronounce upon is whether the use of Aadhaar poses a "reasonable restraint" on the right to privacy or whether it is the draconian and intrusive instrument of state as its critics allege.

The two-judge bench of A K Sikri and Ashok Bhushan



MAKING A POINT

did not see a sinister intent behind the law passed by Parliament though it clarified that it was not touching upon the privacy issue.

In its 155-page order, the judges said it was the duty of a welfare state to come out with schemes to take care of needs of the deprived classes and ensure adequate opportunities are provided to them.

Talking of corruption and leakages in welfare schemes,

the bench said, "It can't be doubted that with UID-Aadhaar, much of the malaise in this field can be taken care of." The court said Aadhaar could take care of duplicate beneficiaries reaping fruits meant for the genuinely deprived classes.

The apex court further noted that use of Aadhaar would help enforcement agencies tackle terrorism, crime and money laundering along with curbing corruption and black money.

"The Aadhaar or UID, which has come to be known as most advanced and sophisticated infrastructure, may facilitate law enforcement agencies to take care of problem of terrorism to some extent and may also be helpful in checking the crime and also help investigating agencies in cracking the crimes," the SC said.

Noting that in many cases, PAN holders had claimed that a particular transaction did not relate to them, the SC said there was a need to strengthen PAN by linking it with Aadhaar and biometric information.

Observing that multiple cards in fictitious names were obtained with the motive of indulging in money laundering, tax evasion, creation and channelising of black money, the court said, "Parliament in its wisdom thought that one PAN to one person can be ensured by adopting Aadhaar for allotment of PAN to individuals."

An official said the order has given some relief to those who use PAN as an ID for purposes other than filing income tax returns and this is a very small subset which is not a tax assessee and does not have Aadhaar.