

GOVT DEFENDS AADHAAR MOVE: RIGHT TO BODY ISN'T ABSOLUTE

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NEW DELHI: The government defended on Tuesday its aggressive promotion of Aadhaar in various schemes and told the Supreme Court that the State could regulate one's right to his or her body.

Attorney General Mukul Rohatgi trashed criticism to the amendment brought in the Income Tax law that makes Aadhaar mandatory for filing IT returns. The contention that people had a right not to have a bodily intrusion was "bogus," the top law officer submitted before a bench headed by Justice AK Sikri.

"Right not to have a bodily intrusion is not an absolute right. It is taken away in a criminal case. In extreme cases your life can be taken away. You may say you have some rights, but your life can be extinguished," Rohatgi argued, to which the bench pointed out: "Only by due process of law."

"No individual right is absolute. Your right to body is not absolute. State can execute you by due process of law. There are a body of laws and you have to comply," Rohatgi said, referring to laws that make attempt to suicide an offence and fixes a time-frame to terminate pregnancy.

The AG was responding to petitioners who have challenged the insertion of Section 133AA, making Aadhaar necessary for IT returns and linking it to the Permanent Account Number (PAN) details.

No new PAN cards would be issued without production of Aadhaar details and the existing ones will become invalid after July 1, 2017, in the absence of their linkage.

An Aadhaar card, containing a 12-digit identification number, is issued to individuals after collecting their biometric data such as retina scan and fingerprints, making them virtually tamper-proof.

The government has also made Aadhaar mandatory for availing benefits of social welfare schemes but recent massive leaks of citizens details — including mobile numbers and bank details — have raised privacy concerns.

Aadhaar

The petitioners have assailed the government move, complaining it flouted an earlier SC order that stopped the government from denying social welfare benefits for want of Aadhaar. The Centre has denied the claim with the explanation that PAN card or filing of IT return is a service and not benefit.

Rohatgi denied that collection of data such as eye scans and fingerprints amount to intrusion.

"How is iris scanning more intrusive than (a) photograph. So called privacy is what is being argued. We part with all kinds of data when you carry a mobile phone and use credit cards," the AG said.

Aadhaar was being promoted to combat the triple menace of terror funding, black money and tax evasion. Nobody could challenge Parliament's jurisdiction to frame a law and the power emanated from the Constitution, Rohatgi maintained.

"Today black money is used for laundering dirty money and for terror financing. All these things are going on in this country. Aadhaar has been introduced to bring in a more robust system by which ID cards cannot be forged. Iris and fingerprints are being collected in a digitized format," he said.

The AG cited figures to buttress his claim. There were 29 crore PAN card holders out of which only 5 crore are assesses.

"This means 24 crore card holders are not even tax assesses," he told the bench. After Aadhaar 10 lakh fake PAN cards have been weeded out during the last one year. He also handed over a sealed report giving details of how one individual had defrauded the exchequer to the tune of ₹5,000 crore.

Rohatgi told the court that India also cannot remain isolated from the international community as it has to address issues like double taxation and evasion.