

Centre quotes SC order on Aadhaar

AG insists that earlier move for seeding of mobile SIMs was based on a Feb. 16, 2017, court directive

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The Centre insisted on Thursday that its earlier move for mandatory seeding of mobile phone SIMs with Aadhaar was based on the Supreme Court's initiative.

Recently, the Aadhaar Constitution Bench, led by Chief Justice of India Dipak Misra, had questioned the government's line that its efforts to mandatorily link SIMs with Aadhaar was based on a February 6, 2017 order of the Supreme Court.

In response, Attorney-General K.K. Venugopal read out the February 6 order of a Bench of then Chief Justice J.S. Khehar and Justice N.V. Ramana. This order was based on a PIL petition filed by Lok Niti Foundation, highlighting the need for a "definite mobile phone subscriber verification scheme, to ensure 100% verification of the subscriber." The petitioner had argued that such a scheme was necessary to

prevent the use of unverified mobile phone SIMs in domestic crime and terror acts.

Mr. Venugopal said the February 6 order had the Bench "congratulating" Lok Niti Foundation for raising such a "commendable cause."

Demographic data

To buttress his point, Mr. Venugopal read out portions of the order which records the government's response to Lok Niti Foundation. He said the order recorded that the government had launched the "Aadhaar based E-KYC for issuing mobile connections" on August 16, 2016 wherein the customer as well as Point of Sale (PoS) Agent would be authenticated from Unique Identification Authority of India (UIDAI) based on their biometrics and their demographic data received from UIDAI.

Mr. Venugopal said the government had also conveyed



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to the court that the Aadhaar-based e-KYC process would nullify the chances of delivery of SIMs to wrong persons and ensure "traceability" of the customer to a large extent.

But Justice A.K. Sikri, on the Constitution Bench, responded by saying that the February 6 order only records the plea of Lok Niti Foundation and the government's response to it. There was no positive order from the Supreme Court, directing the government to seed

SIMs with Aadhaar.

On this, Mr. Venugopal drew the court's attention to the concluding paragraphs of the two-page order.

Existing subscribers

Here, he pointed out that the court had described the Aadhaar e-KYC process as an "effective" one for new mobile phone subscribers. It had also further expressed "hope and expectation" that a "similar verification" would be completed in the case of existing subscribers soon, pos-

sibly within a year.

At this point, Justice D.Y. Chandrachud, on the Bench, asked why then did the government come out with a recent statement to telecom companies to not insist on Aadhaar from subscribers.

Mr. Venugopal said this was done in response to the recent statements from the Constitution Bench, and the government had now decided to wait till the final judgment of the court on the validity of the Aadhaar scheme.

The Attorney-General concluded his rejoinder arguments by dismissing allegations of mass state surveillance and "conspiracy" using Aadhaar data. He said it was preposterous to allege that a democratically-elected government would "collude" with Aadhaar officers to mount surveillance on the doings of other political parties in order to "prevent them from going into a coalition."