

# SC didn't see sinister intent behind Centre's Aadhaar law

## 'State Not Indulging In Overreach'

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**New Delhi:** By acknowledging "legitimate state interest" in the government's decision to make Aadhaar mandatory for welfare benefits and linking it with PAN cards, the Supreme Court has dealt with key aspects pending before the constitutional bench hearing pleas against unique identification (UID) on grounds of privacy.

Besides accepting that the state was not indulging in an overreach or was motivated by suspect motives in linking Aadhaar to various transactions, the SC in its order has 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 has said. This addresses criticism that the law was pushed through even when the SC



**'LEGITIMATE STATE INTEREST'**

was to dispose of the challenge to Aadhaar and that the UID law was pushed through as a money bill.

The crucial aspect 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 did not see a sinister intent behind the law passed by Parliament.

Quoting the late Rajiv Gandhi's famous remark in 1985 that only 15 paise of every rupee meant for welfare of downtrodden reaches

them, the apex court said, "It can't be doubted that with UID/Aadhaar much of the malaise in this field can be taken care of." The court felt that Aadhaar can take care of duplicate beneficiaries reaping fruits meant for the genuinely deprived class.

In its 155-page order, the judges said it is the duty of a welfare state to come out with schemes to take care of needs of the deprived class and ensure adequate opportunities are provided to them. The apex court further noted that use of Aadhaar will help enforcement agencies in tackling 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, the PAN holder has claimed that a particular transaction does not relate to them, SC said there is a need to strengthen PAN by linking it with Aadhaar and biometric information.

Observing that multiple cards in fictitious names are obtained with the motive of indulging into 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.