

Aadhaar: Nagrik Chetna Manch files contempt petition against RBI, CEC, Cabinet Secretary

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Pune-based Nagrik Chetna Manch (NCM) had filed a contempt petition against Governor of Reserve Bank of India (RBI), Chief Election Commissioner (CEC) and the Cabinet Secretary for violating orders passed by the Supreme Court on Aadhaar.

"Despite these orders (from the Supreme Court) neither the Government of India nor States and their functionaries have been complying with the orders of the Supreme Court in letter and spirit. They have continued to cause suffering by continuously mandating more and more for registration and linkages to the Aadhaar," the Manch pointed out in a release.

Nagrik Chetna Manch has prayed for prohibition on linkage of Aadhaar number to any benefits, to end the discrimination of persons into Aadhaar and non-Aadhaar residents and restrain the Government from transferring biometric information of any person from or to any other agency without specific written permission.

The Manch, in its petition has named Pradeep Kumar Sinha, Cabinet Secretary, Dr Raghuram Rajan, Governor, RBI, Nasim Zaidi, Chief Election Commissioner, and Swadheen S Kshatriya, Chief Secretary of Government of Maharashtra as contemnors.

There was a spurt of directives in the last few months by both the Central and State governments violating the orders of the Supreme Court by mandating linkages of benefits to the possession of Aadhaar number, the Manch said.

According to the Manch, the Department of Electronics and Communication Technology integrated Aadhaar to draw benefits in the newly launched Digital India Program. The Ministry of Labour and Employment made Aadhaar number compulsory for Employees' State Insurance (ESI) services. The Ministry of New and Renewable Energy made Aadhaar mandatory for receiving capital subsidy. The Ministry of Rural Development made Aadhaar compulsory for services under Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA). The Government of Maharashtra made Aadhaar compulsory for ration services at Fair Price Shops and for school admissions and the Election Commission of India issued instructions for linking Aadhaar number with Elector's Photo Identity Card.

As the common man continues to suffer the Aadhaar, the Manch in its Petition 932 of 2013, has alleged that the linkage of Aadhaar to various databases is destroying governance and ability to govern. NCM has also highlighted that it will end the rule of law and perhaps even compromise the sovereignty of India. Such linkage of bank accounts to Aadhaar is facilitating money laundering. Linkage of Aadhaar to the EPIC and

NPR is destroying the ability to distinguish citizens from residents and giving citizenship to illegal immigrants as well as anti-nationals.

Earlier in March 2015, a bench of Justice J Chelameswar, Justice SA Bobde and Justice C Nagappan reiterated it was incumbent upon the Central government to ensure that the States complied with the Supreme Court's order of not making Aadhaar mandatory for availing social benefits under various schemes.

The apex court by its 23 September 2013 order, had said "no person should suffer for not getting the Aadhaar in spite of the fact that some authorities had issued a circular making it mandatory and when any person applies to get the Aadhaar voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."