

OFFICE OF RAJEEV CHANDRASEKHAR MEMBER OF PARLIAMENT

PRESS STATEMENT

FOR IMMEDIATE RELEASE

THE HON'BLE SUPREME COURT'S AADHAAR VERDICT SHOULD REASSURE ALL CITIZENS THAT AADHAAR HAS BEEN PUT INTO PLACE BY THE NARENDRA MODI GOVERNMENT TO ENSURE THAT CURSE OF CORRUPTION AND LEAKAGES IN USE OF PUBLIC MONEY IS ONCE IN FOR ALL REMOVED FROM OUR SYSTEM.

THE MAIN CONCERNS OF RIGHTS OF CITIZENS AND CORRECTING THE IMBALANCE IN AADHAAR ACT VIS A VIS UIDAI HAS BEEN CORRECTED BY SUPREME COURT AND UIDAI WILL NOW EVOLVE INTO A TRANSPARENT ACCOUNTABLE INSTITUTION.

-RAJEEV CHANDRASEKHAR, MP

STATEMENT OF RAJEEV CHANDRASEKHAR, MP

New Delhi, 26th September 2018

"I welcome the Aadhaar judgement today by the Supreme Court as a petitioner who joined in the original Aadhaar petition in 2013.

It reaffirms the steps that Narendra Modi government took to transform UPA Aadhaar into the current corruption free Subsidy delivery platform - to ensure that crores of poor Indians who had to struggle with corrupt middle men to avail their Government benefits no longer have to do so.

The Narendra Modi Government took several steps to ensure that the thousands of crores spend by UPA without any legislation, debate or scrutiny was put to proper use despite many misgivings about it. The Narendra Modi government ensured a proper legislation, debates in Parliament and outside and built in safeguards to ensure concern of abuse were addressed and it was integrated into Narendra Modi's overall JDY Direct Benefit Transfer architecture. The National ID card project was first conceived by Atalji which UPA then named Aadhaar.

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The judgement of the SC exposes the litany of lies from the Congress - itself the government that spent tens of thousands of crores with no debate or scrutiny or legislation on their Aadhaar.

Corruption in Government subsidies has been known for decades in this country. Except for Atalji Government who mooted the idea of a National ID card in 2002, the Congress Governments in the last 7 decades did nothing about the rampant corruption in Public spending. Aadhaar has its genesis in this vision of Atalji.

This judgement should reassure all citizens that Aadhaar has been put into place by this government to ensure that curse of corruption and leakages in use of Public money is once in for all removed from our system.

The main concerns of rights of citizens and correcting the imbalance in Aadhaar Act vis a vis UIDAI has been corrected by Supreme Court and UIDAI will now evolve into a transparent accountable institution.

It is clear that For Narendra Modi Government, the fight on corruption and middlemen is a matter of core belief and non-negotiable.

In the more important issue that I have argued about need for better safeguards to Citizen/Data Principals, the SC has ruled that parts of the Aadhaar act has been struck down and needs to be amended.

These strike downs correct the grave asymmetry that existed in the Act vis a vis the rights of citizens and Accountability and powers of UIDAI. The roles of private sector companies in use of Aadhaar has been struck down as I have argued long and hard as being inconsistent with act passed by Parliament. Ban on metadata storage, minimum data and only 6 months of data storage strengthen the citizens Right to Privacy.

Importantly the majority judgement has ruled that it is Government's and UIDAI's obligation to ensure no Illegal immigrant gets an Aadhaar - a fundamental and perhaps intentional gap created during UPA where several thousands and lakhs of illegal immigrants got Aadhaar and used that inturn to get voter IDs and Passport as a grave national security risk.

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I am very pleased with the outcome as it is consistent with what I had predicted and have been fighting for following the SC judgement on Privacy in which I was a petitioner. Along with Sec66a, Privacy as Fundamental Right and now this (all three of which I was petitioner in SC)- these three cases mark the basic shaping of the future of a Digital India with solid clear legal rights for Indians - part of the NDA Government's focus on empowering Indians.

Now the stage is set for a discussion and dialogue around Data Protection Law and the recommendations of Justice Srikrishna commission and the TRAI. I am confident that Narendra Modi Government is very aware of the debate and concern of the issue of Data Privacy. Such a debate is welcome and necessary in our democracy.

The way forward now is to support PM Narendra Modi's fight on corruption by

1. An end to political mudslinging and lies by Congress
2. The UIDAI becoming more circumspect, accountable and responsible in its conduct and relationship with citizens and to actively build back the trust deficit it has created thus far.
3. Strengthening further the fight against corruption in public spending
4. A reasoned dialogue amongst all stakeholders for the future Data Protection law and mechanism."

RAJEEV CHANDRASEKHAR
MEMBER OF PARLAIMENT

*****END OF STATEMENT*****

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Annexure

Important modifications and strike downs by Supreme Court on The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

The following sections have been **Modified**:

- Section 2(v)- The definition of 'resident' under Section 2 (v) will exclude illegal immigrants - **Modified**
- Section 47, which provides that no court shall take cognizance of an offence under the Act except on a complaint made by UIDAI, should include a provision for an individual to file a complaint - **Modified**

The following sections have been **Struck Down**

- Section 33(1), which talks about disclosure of information on the basis of a court order has been **Read Down**. The Court has held that the individual should be given an opportunity of hearing.
- Section 33(2), which deals with disclosure of Aadhaar information to an officer not below the rank of Joint Secretary to the Government of India - **Struck Down**
- Section 57 which talks about use of Aadhaar number for establishing the identity of an individual for any purpose, whether by the State or anybody corporate or person - **Struck Down**
- Section 57, to the extent that "any purpose" should mean any purpose backed by law as far as state authorities are concerned - **Struck Down**

The following section have been **Upheld**

- Section 139AA of the Income Tax Act, which makes quoting of Aadhaar or enrolment ID of Aadhaar application form for filing of income tax returns and making application for allotment of PAN mandatory - **Upheld**

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