REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO 494 OF 2012

JUSTICE K S PUTTASWAMY (RETD) AND ANR ..... PETITIONERS

Versus

UNION OF INDIA AND ORS ..... RESPONDENTS

WITH T C (C) NO 151 OF 2013

T C (C) NO 152 OF 2013

W P (C) NO 833 OF 2013

W P (C) NO 829 OF 2013

T P (C) NO 1797 OF 2013

W P (C) NO 932 OF 2013

T P (C) NO 1796 OF 2013

CONT P (C) NO 144 OF 2014

T P (C) NO 313 OF 2014

T P (C) NO 312 OF 2014

SLP (CRL) NO 2524 OF 2014

W P (C) NO 37 OF 2015

W P (C) NO 220 OF 2015

CONT P (C) NO 674 OF 2015

T P (C) NO 921 OF 2015

CONT P (C) NO 470 OF 2015

CONT P (C) NO 444 OF 2016

CONT P (C) NO 608 OF 2016

W P (C) NO 797 OF 2016

CONT P (C) NO 844 OF 2017

W P (C) NO 342 OF 2017

W P (C) NO 372 OF 2017

W P (C) NO 1058 OF 2017

W P (C) NO 966 OF 2017

W P (C) NO 1014 OF 2017

W P (C) NO 1002 OF 2017

AND
WITH W P (C) NO 1056 OF 2017

O R D E R S

Dr D Y CHANDRACHUD, J

1 We have heard submissions on interim relief. The prayer for interim relief at this stage is essentially based on the earlier orders of this Court dated 23 September 2013, 24 March 2014, 16 March 2015, 11 August 2015 and 15 October 2015. The interim directions dated 15 October 2015 were issued by a Constitution Bench. The primary submission of the petitioners is that in terms of the interim order of the Constitution Bench: (i) Aadhaar Cards could permissibly be utilized only for six schemes (two of them provided for in the order dated 11 August 2015 and four in the order dated 15 October 2015); (ii) the Union Government was directed to strictly follow the earlier orders of this Court commencing from 23 September 2013; and (iii) the Aadhaar card scheme was to be purely voluntary and could not be made mandatory until the matter is finally decided by this Court.

2 Mr Shyam Divan, learned senior counsel urged that since the interim order dated 15 March 2015 governs the field it was the obligation of the Union government to seek a variation of the interim directions after the enactment of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and

Services) Act, 2016 before making it mandatory to uplink or provide details of the Unique Identification Number/Aadhaar card for all purposes.

3 Mr Gopal Subramanium, learned senior counsel while advancing the same submission urged that the issue involves the paramountcy of the Court and of the judicial process. In the submission of the learned counsel, the exercise of the judicial power in the form of the interim order dated 15 October 2015 (and the earlier orders) was to insulate citizens against any form of compulsion, this being in aid of protecting their fundamental rights.

4 Mr Arvind Datar, Mr KTS Tulsi, Mr Anand Grover, Mr KV Viswanathan, Ms Minakshi Arora and Mr Sanjay Hegde, among other learned counsel urged submissions on various facets in support of the prayer for interim relief.

5 On the other hand, Mr K K Venugopal, the learned Attorney General for India urges that the interim directions were issued in the absence of a legislative framework. After Parliament has enacted the Aadhaar Act, 2016 (which came into force on 12 July 2016) the interim orders would, in his submission, not pose any impediment to enforcing the provisions of the law, duly enacted. Moreover, the reasonableness of each notification would have to be justified by the department concerned. The learned Attorney General has been supported in his submissions

by Mr Aryama Sundaram, learned senior counsel appearing on behalf of UIDAI and Mr Rakesh Dwivedi, learned senior counsel.

6 Having due regard to the importance of the issues which have been raised in the case, which has led to the judgment of nine Judges of this Court on 24 August 2017[1], we are of the considered view that the resolution of the issues raised before the Court should proceed at the earliest, after the Court reassembles in January 2018. This will ensure clarity for citizens on the one hand and for the Union and the state governments and the instrumentalities on the other hand.

7 Learned senior counsel appearing on behalf of the petitioners as well as the learned Attorney General for India and all the other counsel supporting his submissions have agreed to the suggestion of the Court that the final hearing of the case commence on 17 January 2018. We direct accordingly.

8 The matter which needs consideration in the meantime is the interim arrangement which should govern the field.

9 The learned Attorney General for India has stated that :

[1] (2017) 10 SCC 1

(i) The Union government has extended the deadline for Aadhaar linkage with all schemes of its Ministries/Departments until 31 March 2018;

(ii) As far as Aadhaar linkage with bank accounts is concerned, for existing bank accounts, the last date for the completion of the process may be extended to 31 March 2018;

(iii) In so far as new bank accounts are concerned, while the last date for completing the process of Aadhaar linking may be extended until 31 March 2018, persons desirous to open new accounts shall produce proof to the bank of an application having been submitted for obtaining an Aadhaar card together with the application number which shall be supplied to the account opening bank; and

(iv) As regards Aadhaar based E-KYC for mobile phone subscribers, as held by a Bench of two learned Judges of this Court by its order dated 6 February 2017 in **Lokniti Foundation** v **Union of India and Another**[2]**,** the process of completing the E-KYC process is to be completed by 6 February 2018. The Union government informs the Court, that consistent with the extension of the deadline to 31 March 2018 in other cases, this Court may consider passing appropriate orders.

10 In terms of (i) and (ii) above, we accept the statement of the learned Attorney General for India and order accordingly.

[2] (2017) 7 SCC 155

11 In terms of (iii) above, subject to the submission of the details in regard to the filing of an application for an Aadhaar card and the furnishing of the application number to the account opening bank, we likewise extend the last date for the completion of the process of Aadhaar linking of new bank accounts to 31 March 2018.

12 In terms of (iv) above we extend the date for the completion of the E-KYC process in respect of mobile phone subscribers until 31 March 2018.

13 Consistent with the above directions, we also direct that the extension of the last date for Aadhar linkage to 31 March 2018 shall apply, besides the schemes of the Ministries/Departments of the Union government to all state governments in similar terms. As a consequence of the extension of the deadline to 31 March 2018, it is ordered accordingly.

14 We also clarify that in so far as the provisions of Section 139 AA of the Income Tax Act, 1961 are concerned, the matter stands governed by the judgment of this Court in **Binoy Visman** v **Union of India[3].**

[3] Writ Petition (C) No 247 of 2017

15 The above arrangement shall continue to operate pending the disposal of the proceedings before the Constitution Bench.

16 The Registry shall list the entire batch of connected cases for final hearing on 17 January 2018.

…….....CJI
[DIPAK MISRA]

…….....J
[A. K. SIKRI]

…….....J
[A.M. KHANWILKAR]

…….....J
[Dr D Y CHANDRACHUD]

…….....J
[ASHOK BHUSHAN]

New Delhi
December 15, 2017