

**REPORTABLE****IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION****WRIT PETITION (CIVIL) NO 494 OF 2012**

571502

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

Certified to be true copy

*Hermit*  
20/12/17  
Assistant Registrar (Judl.)  
Supreme Court of India**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



## ORDERS

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 Subramaniam, 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<sup>1</sup>, 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 :

---

<sup>1</sup> (2017) 10 SCC 1

