

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
CONTEMPT PETITION (CIVIL) No.....OF 2015

IN

WRIT PETITION (CIVIL) NO. 494 OF 2012

(Under Article 32 of the Constitution of India)

In the matter of:

NAGRIK CHETNA MANCH .....Petitioner

Versus

..... & OTHERS .....Contemnors

PAPER BOOK

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ADVOCATE FOR PETITIONER: DR. ABHISHEK ATREY

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Contempt Petition (Civil) No. OF 2015

IN THE MATTER OF:

Nagrik Chetna Manch

Non-Government Organization,

Through its President,

Maj. Gen. S.C.N. Jatar (Retd)

Residing at:

A-102 Neel Sadan

1426 Sadashiv Peth

Pune 411030

..... Petitioner

VERSUS

1. Union of India,  
Through Cabinet Secretary  
Government of India,  
Rashtrapati Bhawan Complex  
New Delhi 110004
2. Government of Maharashtra  
Through Chief Secretary  
Madama Cama Road, Hutatma Rajguru Chowk,  
Mantralaya, Mumbai – 400 032
3. Reserve Bank of India  
Through Governor  
Central Office Building 18th Floor,  
Shahid Bhagat Singh Road

Mumbai 400001

4. Election Commission of India,

Through the Chief Election Commissioner

Nirvachan Sadan, Ashoka Road,

New Delhi 110001

.....Contemnors

IN

WRIT PETITION (CIVIL) NO 494 OF 2012

1. Justice K. S. Puttuswamy

6, Park Area,

9<sup>th</sup> Cross, Wilson Garden,

Bangalore 560 027

2. Parvesh Khanna, Advocate

Dakshineswar,

10 Hailey Road, New Delhi 11000

.....Petitioners

VERSUS

1. Union of India

Through Principal Secretary

Ministry of Finance,

Central Secreteriat,

North Block, New Delhi

2. Planning Commission

Government of India,

Through its Secretary,

Government of India,

Yojana Bhavan,

Sansad Marg, New Delhi 110001

3. Unique Identification Authority of India

Through its Director

Planning Commission,

Government of India,

3<sup>rd</sup> Floor Tower II,

Jeevan Bharati Building,

Connaught Circus,

New Delhi 110001

.....Respondents

CONTEMPT PETITION UNDER ARTICLE 129 & 142 OF THE  
CONSTITUTION OF INDIA READ WITH SECTION 12 OF THE  
CONTEMPT OF COURTS ACT, 1971 ON BEHALF OF THE  
PETITIONER ABOVENAMED FOR INITIATING CONTEMPT  
PROCEEDINGS AGAINST THE CONTEMNORS FOR  
COMMITTING CIVIL CONTEMPT OF THIS HON'BLE COURT  
THEREBY VIOLATING ITS ORDERS DATED 23.9.2013 AND  
16.3.2015 PASSED IN WP(C) NO.494 OF 2012

TO

HON'BLE THE CHIEF JUSTICE AND HIS

HON'BLE COMPANION JUSTICES OF THE

HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
PETITIONERS ABOVENAMED –

MOST RESPECTFULLY SHEWETH:

1. That the Petitioner has filed the Writ Petition No.932 of 2013 in public interest against the use of the UID number by the Reserve Bank of India, Election Commission of India, Registrar General of India and the Government of India on the grounds mentioned in the writ petition, in which notice has been issued by this Hon'ble Court vide order dated 19.11.2013 and the same is also tagged with the aforesaid Writ Petition (C) No.494 of 2012.
2. The Petitioner has stated all the relevant facts elaborately in the Writ Petition. For the sake of brevity, the same are not repeated in the present application. The Petitioner however craves leave to refer to and rely on the same at the time of the hearing of the present application as if the same formed part of the present application.
3. It is pertinent to mention here that including the present writ petition UIDAI or AADHAR card scheme is under challenge before this Hon'ble Court in several petitions such as Writ Petition (C) No.37 of 2015, Writ Petition (C) No.829 of 2013, Writ Petition No.932 of 2013, Writ Petition (C) No.833 of 2013, SLP (Crl.) No.2524 of 2014 and Writ Petition (C) No.37 of 2015 and all these matters are tagged with Writ Petition (C) No.494 of 2012.

4. This Hon'ble Court in its order dated 23/09/2013 passed in Writ Petition (Civil) No. 494 of 2012 while feeling importance of this matter listed the matter for final hearing and also directed that in the meanwhile no person should suffer for not getting the Aadhaar card and when any person applies to get the Aadhaar Card 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. However this matter could not be decided finally since then. A copy of order dated 23.9.2013 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012 is annexed herewith and marked as ANNEXURE P-1.
5. That thereafter in another matter Special Leave to Appeal (Crl) No.2524/2014 titled as Unique Identification Authority of India V. Central Bureau of Investigation and others, this Hon'ble Court vide order dated 24/03/2014 directed that the Unique Identification Authority of India are restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his consent in writing. The order further stated that no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities were directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by the Hon'ble Supreme Court. A copy of order dated 24.2.2014 passed by this Hon'ble Court in SLP

(CrI.) No.2524 of 2014 is annexed herewith and marked as ANNEXURE P-2.

6. That all the aforesaid Writ Petitions were again listed before this Hon'ble Court on 16.3.2015 and on that day also this Hon'ble Court further directed that "we expect that both the Union of India and States and all their functionaries should adhere to the order passed by this Court on 23<sup>rd</sup> September, 2013." A copy of order dated 16.3.2015 passed by this Hon'ble Court in Writ Petition (C) No.494 of 2012 is annexed herewith and marked as ANNEXURE P-3.
7. It is submitted that neither the Government of India nor States and their functionaries are complying with the above orders of this Hon'ble Court in letter and spirit. They are continuously insisting more and more for registration AADHAR cards of the people of India. Few of such instances are given below.
8. The Ministry of Labor and Employment, Govt. of India issued an advertisement in the Navhind Times, Goa dated 12<sup>th</sup> March 2015 for making AADHAR card compulsory for ESI services. The contemnor No1 is incharge of affairs of all Ministries of the Union of India A copy of advertisement dated 12<sup>th</sup> March 2015 issued by Ministry of Labor and Employment, Govt. of India is annexed herewith and marked as ANNEXURE P-4.
9. The Ministry of New and Renewable Energy, Govt. of India issued notice No No. 5/34/2013-14/RT dated 01.01.2015 for making AADHAR card compulsory for receiving capital subsidy. The contemnor No 1 is incharge of affairs of the



Ministry of New and Renewable Energy, Govt. of India. A copy of notice dated 01.01.2015 issued by Ministry of New and Renewable Energy, Govt. of India is annexed herewith and marked as ANNEXURE P-5.

10. The Ministry of Rural Development, Govt. of India issued letter dated 18.02.2015 and again on 25.02.2015 for making AADHAR card compulsory for MNREGA services. The contemnor No 1 is incharge of affairs of the Ministry of Rural Development, Govt. of India. A copy of letter dated 18.02.2015 and 25.02.2015 issued by Ministry of Rural Development, Govt. of India is annexed herewith and marked as ANNEXURE P-6.

11. The Minister of Rural Development, Govt. of India answered a unstarred question on 05.03.2015 whether the Union Government proposes to link accounts opened under Pradhan Mantri Jan Dhan Yojana with Aadhaar number to transfer subsidy and wages under MGNREGS directly indicating that “The States have been asked to take active measures to link the bank accounts of the workers with their Aadhaar numbers. In order to make use of the benefits under the PMJDY, all States have been requested to undertake an immediate drive to open Pradhan Mantri Jan Dhan Yojana (PMJDY) accounts for all the active wage seekers who already do not have a Bank/ Post Office account in the nearest commercial Bank/ Post Offices. Wherever accounts have been freshly opened by MGNREGA workers under the PMJDY, such accounts are being linked with Aadhaar number of the beneficiaries.” The contemnor No 1 is incharge of

affairs of the Ministry of Rural Development, Govt. of India. A copy of Answer to Lok Sabha question No 1826 dated 05.03.2015 by Minister of Rural Development, Govt. of India is annexed herewith and marked as ANNEXURE P-7.

12. The Govt. of Maharashtra issued Cabinet Resolution dated 03.03.2015 for making AADHAR card compulsory for ration services at Fair Price Shops. The Resolution also requires the transfer of biometric information to the Govt. of Maharashtra despite there being no consent in writing of the persons whose biometric it may be. The contemnor No 2 is incharge of affairs of the Govt. of Maharashtra. A copy of Cabinet Resolution dated 03.03.2015 issued by the Cabinet of the Govt. of Maharashtra is annexed herewith and marked as ANNEXURE P-8.
13. The Govt. of Maharashtra issued GR dated 21.04.2015 for making AADHAR card compulsory for school admissions. The contemnor No 2 is incharge of affairs of the Govt. of Maharashtra. A copy of GR dated 21.04.2015 issued by the Govt. of Maharashtra, along with its English translation, is annexed herewith and marked as ANNEXURE P-9.
14. The Reserve Bank of India issued letter dated 26.11.2013 for making AADHAR card readers compulsory for all new infrastructure services. The contemnor No 3 is incharge of affairs of the Reserve Bank of India. A copy of notification dated 26.11.2013 issued by the Reserve Bank is annexed herewith and marked as ANNEXURE P-10.

15. The Election Commission of India issued letter dated 27.02.2015 for linking AADHAR card with EPIC (Elector's Photo Identity Card). This process of seeding is meaningless without discriminating, and thus causing to suffer, those without an Aadhaar. The contemnor No 4 is incharge of affairs of Election Commission of India. A copy of letter dated 27.02.2015 issued by the Election Commission of India is annexed herewith and marked as ANNEXURE P-11.
16. That in view of aforesaid facts and circumstances it has now become necessary to initiate contempt proceedings against the contemnors and to stop operation of Annexure P-4 to P-11 forthwith till final disposal of the present matter.

#### PRAYER

It is, therefore, most respectfully prayed that pending final orders, this Hon'ble Court may graciously be pleased to:

- (a) INITIATE contempt proceedings against the contemnors for wilful disobedience of the order dated 23.09.2013 and 16.3.2015 passed by this Hon'ble Court in WP (C) NO.494 of 2012 as well as order dated 24.2.2014 passed by this Hon'ble Court in SLP (CrI.) No.2524 of 2014 and thereby causing civil contempt of this Hon'ble Court and prosecute them accordingly, and,
- (b) Prohibit operation of annexures P-4 to P11 forthwith till final disposal of Writ Petition (C) No.494 of 2012, and,
- (c) Pass any other or further orders, as this Hon'ble Court may deem fit and proper in the interest of justice.

Drawn on:

FILED BY

Filed on:

DR. ABHISHEK ATREY

(Advocate for the petitioner)

IN THE SUPREME COURT OF INDIA

CONTEMPT PETITION (CIVIL) No.

OF 2015

IN THE MATTER OF:

Nagrik Chetna Manch

... Petitioner

VERSUS

Union of India and Ors.

...Contemnors

AFFIDAVIT

I, Maj. Gen. S. C. N. Jatar (Retd) S/o Late Col. Sir Nilkanth Jatar, aged 82 years, resident of A-102, Neel Sadan, 1426 Sadashiv Peth, Pune-411030 do hereby solemnly affirm and state on oath as under:

1. I say that I am the President of the petitioner society and have been authorized to file the present petition and accompanying applications and being fully conversant with the facts and circumstances of the case I am fully competent to swear this affidavit.
2. I say that I have gone through the contents of the accompanying Contempt Petition (Civil) from paras 1 to at page No..... to and understood the same and say that the same are true and correct to my knowledge and are prepared under my instructions.
3. I say that the annexures No. P-1 to P-11 annexed to the accompanying contempt petition are true copies of the respective originals thereof.

DEPONENT

## VERIFICATION

Verified at Pune today on this ..... day of June, 2015 that the contents of the above affidavit from para 1 to 3 are true and correct to my knowledge and belief. Nothing is wrong herein and nothing material has been concealed there from.

DEPONENT