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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3314/2021

THE STATE, GOVT OF NCT OF DELHI Petitioner

Through: Ms. Kusum Dhalla, APP

versus

UNIQUE IDENTIFICATION AUTHORITY OF INDIA (UIDAI)

..... Respondent

Through: Ms. Nidhi Raman and Mr. Zubin
Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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20.01.2022

(THROUGH VIDEO CONFERENCING)

1. By way of the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, the Petitioner/State has prayed for the following reliefs:-

“a. Allow the present petition and issue appropriate orders directing Respondent to disclose the information with respect to the Aadhar Card Holders which is sought by the investigation agency for the investigation of the case with FIR no. 03/2020 under Section 7 of POC Act r/w 120-B IPC, PS: Anti-Corruption Branch of GNCTD.

b. Allow the present petition and Issue appropriate orders directing Respondent to ascertain the date and place of issuance of Aadhar Cards, date of updation and the documents submitted for updation from Aadhar

Card issuing Authority i.e. UIDAI

c. Pass such other and further order(s) and/or directions as this Hon'ble Court may deem fit and proper in the above facts and circumstances of the case, in the interest of justice.”

2. The facts of the instant case are that a complaint of Sh. Vijender Gupta was received in the Anti Corruption Branch, New Delhi stating that the manner of recruitment of marshals for DTC buses was illegal. It was further alleged that the recruitment process was manipulated and Sh. Kuldeep Pakad, District Magistrate, Shahdara had issued fake certificates, certifying as Delhi residents for making Aadhaar Cards, to over 400 people from his home state i.e. Rajasthan and had compelled to pay as much as Rs. 2 Lakhs per head. Furthermore, it was alleged that a large number of Aadhaar Cards with bogus Delhi addresses were made for persons from Rajasthan at the Aadhaar Centre functioning in the office of District Magistrate on 11th and 12th August 2019 - both the days being holidays. On the basis of the aforementioned complaint, an FIR bearing no. 03/2020 was registered on 24th January 2020 under Section 7 of the Prevention of Corruption Act, 1988 read with Section 120-B of the Indian Penal Code at Anti Corruption Branch of GNCTD.

3. Ms. Kusum Dhalla, learned APP for the Petitioner/State prays before this Court seeking a direction to the Respondent Authority for disclosure of information, as per Section 33(1) of the Aadhaar (Targeted Delivery of Financial And Other Subsidies, Benefits And Services) Act, 2016 (hereinafter, referred to as the "Aadhaar Act") in relation to the allegedly fake Aadhaar Cards, that is required for investigation of the case.

4. Ms. Dhalla stated that, in the course of investigation conducted so far, *prima facie* it has emerged that Sh. Kuldeep Singh Pakad, the then District Magistrate of Shahdara, Sh. S.S. Kain and others had committed criminal misconduct by abusing their official position as public servants with an ulterior motive to give benefit to ineligible persons, and in total, approximately 450 candidates with fake Aadhar Cards who had enrolled for training in Civil Defence.

5. It is submitted that Section 33 (1) of the Aadhaar Act that deals with Disclosure of Information under the Aadhaar Act, has been amended by the Aadhaar and Other Laws (Amendment) Act, 2019 thus enabling this Court to order on disclosure of information including the identity and authentication information of the Aadhaar Cardholder. It is further submitted that the information as being sought by the Investigation Agency for purpose of verification falls within the ambit of 'identity information' as defined under Section 2 (n) of the Aadhaar Act.

6. Ms. Kusum Dhalla, learned APP for the Petitioner/State submitted that the information as sought by the investigation agency is crucial for establishing the forgery committed and would help in securing the ends of justice. It is further contended by the learned APP that a disclosure of such information by the Respondent Authority in no way amounts to invasion of right to privacy of the card holders, and hence the prayer for direction be allowed by this Court.

7. Ms. Nidhi Raman, learned counsel for the Respondent Authority submitted that the Authority has no objection in sharing the information being sought, to the extent and in a manner as permissible under the provisions of the Aadhar Act, upon being directed by this Court.

8. In light of the facts of the case, this Court is inclined to allow the instant petition.
9. The Respondent is hereby directed to provide all relevant information, *qua* the persons named in Annexure P-3 of the petition, as required for the purposes of investigation as per the provisions of the Aadhaar Act. The Investigation Agency is also directed to investigate the matter, upon receiving the requested information, with due regard to the provisions of the statute.
10. The petition is accordingly disposed.

CHANDRA DHARI SINGH, J

JANUARY 20, 2022

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