

ITEM NO.501

COURT NO.1

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 494/2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for interim relief and appln.(s) for impleadment/directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment , permission to file addl.documents and permission to file addl.affidavitand Office Report)

WITH T.C. (C) No. 151/2013

(With appln.(s) for modification of court's order and appln.(s) for impleadment as party respondent)

T.C. (C) No. 152/2013

With W.P. (C) No. 829/2013

(With appln.(s) for interim relief and appln.(s) for impleadment/directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment and Office Report)

W.P. (C) No. 833/2013

(With appln.(s) for permission to file additional documents and appln.(s) for impleadment and appln.(s) for directions and appln.(s) for impleadment and appln.(s) for impleadment and Office Report)

W.P. (C) No. 932/2013

(With appln.(s) for clarification of court's order and appln.(s) for directions and appln.(s) for interim directions and Office Report)

T.P. (C) No. 312/2014

(With Office Report)

T.P. (C) No. 313/2014

(With Office Report)

W.P.(C) No. 37/2015
 (With appln.(s) for permission to file additional documents and
 appln.(s) for interim stay and appln.(s) for permission to file
 additional documents and appln.(s) for directions and appln.(s) for
 impleadment and Office Report)

W.P.(C) No. 220/2015
 (With appln.(s) for directions and Office Report)

T.P.(C) No. 921/2015
 (With Office Report)

CONMT.PET.(C) No. 144/2014 In W.P.(C) No. 494/2012
 (With appln.(s) for directions and appln.(s) for directions and
 Office Report)

CONMT.PET.(C) No. 470/2015 In W.P.(C) No. 494/2012
 (With appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 2524/2014
 (With Office Report)

CONMT.PET.(C) No. 674/2015 In W.P.(C) No. 829/2013
 (With Office Report)

Date : 15/10/2015 These petitions/cases were called on for hearing
 today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE M.Y. EQBAL
 HON'BLE MR. JUSTICE C. NAGAPPAN
 HON'BLE MR. JUSTICE ARUN MISHRA
 HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) in

WP(C) No. 829/2013 Mr. Shyam Divan, Sr. Adv.
 Mr.Pratap Venugopal, Adv.
 Ms.Surekha Raman, Adv.
 Mr.Anuj Sarma, Adv.
 Ms.Niharika, Adv.
 Ms.Titisha Mukherjee, Adv.
 For M/s. K.J. John & Co., Advs.

WP(C) No. 37/2015 Mr. Gopal Subramaniam, Sr. Adv.
 Ms. Aishwarya Bhati, Adv.
 Mr. Talha Abdul Rahman, Adv.
 Ms.Anusha Ramesh, Adv.
 Mr. Prateek Joshi, Adv.
 Ms. Neha Meena, Adv.

Mr.Anirban Sen, Adv.
 Mr.Adarsh tiwari, Adv.
 Mr.T.Gopal, Adv.
 Mr.Dinesh, Adv.

WP(C) no. 494/2012 Mr. Soli Sorabjee, Sr. Adv.
 Mr. Sanjay Kumar Yadav, Adv.
 Mr. Anish Kumar Gupta, Adv.
 Mr. Aditya Kumar Dubey, Adv.
 Mr. Gaurav Kumar, Adv.

TP(C) No. 151/2013 Mrs. Geetha Kovilan, Adv.
 Mr. P.R. Kovilan, Adv.
 Mr. V. Vasudevan, Adv.

TP(C) No. 921/2015 Ms. Pinky Anand, ASG
 Mr. S.S. Rawat, Adv.
 Mr. D.S. Mahra, Adv.

TC(C) No. 152/2013 Ms. Meenakshi Arora, Sr. Adv.
 Mr. Rahul Narayan, Adv.
 Mr. Mohit Singh, Adv.

Mr. Vijay Kumar, Adv.

Mr. Amit Meharia, Adv.
 Mr. Dhritiman Das, Adv.
 for M/s. Meharia & Company, Adv.

WP(C) no. 932/2013 Dr. Abhishek Atrey, Adv.
 CC(C) no. 470/2015 Mr. Sella Kumar, Adv.

Ms. Nitya Ramakrishnan, Adv.
 Mr. Shadan Farasat, Adv.
 Ms. Guneet Kaur, Adv.
 Ms. Rita Singh, Adv.
 Mr. Vaibhav Tiwari, Adv.

For Respondent(s)
 UOI

Mr. Mukul Rohatgi, AG
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 Mr. Ajay Sharma, Adv.
 Mr. Zoheb Hossain, Adv.
 Mr. Pravesh Thakur, Adv.
 Mr. Manish Vashistha, Adv.
 Ms. Diksha Rai, Adv.
 Ms. Sadhana Sandhu, Adv.
 Mr. Harpreet S. Sandu, Adv.
 Mr. Kaushal Yadav, Adv.
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 Mrs.Anil Katiyar, Adv.
 Mr.D.S.Mahra, Adv.
 Mr.Vakul Sharma, Adv.

Mr.J.M.Kalia, Adv.
 Mr.Balendu Shekhar, Adv.
 Ms.Somya Rathore, Adv.
 Ms.Kritika Sachdeva, Adv.
 Ms.Saudamini Sharma, Adv.
 Ms.Snibha Mehra, Adv.
 Mr.Karan Seth, Adv.
 Mr.Rishabh Jain, Adv.
 Mr.D.S.Mahra, Adv.

SEBI

Mr.Tushar Mehta, ASG
 Mr.Avinash Tripathi, Adv.
 Mr.Harish Pandey, Adv.

I.A.No.31/2015 in
 W.P.(C)NO.494/12

Dr.Lalit Bhasin, Adv.
 Mr.Nina Gupta, Adv.
 Mr.Mudit Sharma, Adv.
 Mr.Parvez Khan, Adv.
 Ms.Palak Chadha, Adv.

IA no. 11/2014

Mr. Gopal Sankaranarayanan, Adv.
 Ms. Savita Singh, Adv.
 Ms.Nidhi Bhalla, Adv.

State of Telangana

Mr. S. Udaya Kumar Sagar, Adv.
 Mr. Krishna Kumar Singh, Adv.

RBI

Mr. Jayant Bhushan, Sr. Adv.
 Mr. Kuldeep S. Parihar, Adv.
 Mr. H.S. Parihar, Adv.

State of Goa

Mr. Ninad Laud, Adv.
 Mr. Karan Mathur, Adv.
 Mr. Jayant Mohan, Adv.

State of Nagaland

Ms. K. Enatoli Sema, Adv.
 Mr. Edward Belho, Adv.
 Mr. Amit Kumar Singh, Adv.

A&N Administration

Mr. K.V. Jagdeshvaran, Adv.
 Ms. G. Indira, Adv.

State of Assam

Mr. Navnit Kumar, Adv.
 Ms. Deepika Ghatowor, Adv.
 For M/s. Corporate Law Group, Advs.

State of HP Mr. J.S. Attri, Sr. Adv.
 Mr. Suryanarayana Singh, Sr. AAG
 Mr. Varinder Kumar Sharma, Adv.
 Mr. Sumeet Prakash, Adv.
 Ms. Pragati Neekhra, Adv.

State of Maharashtra Mr. Nachiketa Joshi, Adv.
 Mr. Nishant Katneshwarkar, Adv.

I.A.NO.5/2014 in Mr.Gopal Subramaniam, Sr.Adv.
 W.P.(C)NO.833/2013 Mr.Priyadarshi Banerjee, Adv.
 Mr.Praveen Sehrawat, Adv.
 Mr.Saransh Jain, Adv.
 Mr.E.C.Agrawala, Adv.

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 Ms. Bihu Sharma, Adv.

State of AP Mr. Guntur Prabhakar, Adv.
 Ms. Prerna Singh, Adv.

State of Uttarakhand Mr. Mukesh Verma, Adv.
 Mr. Jatinder K. Bhatia, Adv.

State of TN Mr. B. Balaji, Adv.
 Mr. R. Rakesh Sharma, Adv.
 Ms.R.Shase, Adv.

State of W.B. Mr.Soumitra G.Chaudhuri, Adv.
 Mr.Parijat Sinha, Adv.

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 Mr. Z.H. Isaac Haiding, Adv.
 Mr. S. Vijayanand Sharma, Adv.
 Mr.B.Khusbanshi, Adv.
 Mr. Ashok Kumar Singh, Adv.

State of Mizoram Mr. K.N. Madhusoodhanan, Adv.
 Mr. T.G.N. Nair, Adv.

State of Sikkim Ms. Aruna Mathur, Adv.
 Mr.Avnessh Arputham, Adv.
 Ms.Anuradha Arputham, Adv.
 For M/s.Arputham Aruna & Co.,Adv.

ECI Mr. Ashok Desai, Sr. Adv.
 Mr. S.K. Mendiratta, Adv.
 Ms. Anu Bindra, Adv.
 Mr. Mohit D. Ram, Adv.

State of Tripura Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Varsha Poddar, Adv.

State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

UT Chandigarh Ms. Vimla Sinha, Adv.
Mr. Gopal Singh, Adv.

State of Kerala Mr. Jogy Scaria, Adv.
Ms. Beena Victor, Adv.

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Mr. Apoorv Singhal, Adv.
Mr. J. S. Chhabra, Adv.
Mr. Kuldip Singh, Adv.

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Mr. Tapesh Kumar Singh, Adv.
Mr. Mohd. Waquas, Adv.

State of Chhatisgarh Mr. C. D. Singh, Adv.
Ms. Sylona Mohapatara, Adv.

Govt. of Puducherry Mr. V. G. Pragasam, Adv.
Mr. Prabu Ramasubramanian, Adv.

IA No. 5/2014 in
WP(C) no. 833/2013 Mr. Praveen Sehrawat, Adv.
Mr. Priyadarshi Banerjee, Adv.

Mr. Nikhil Nayyar, Adv.

State of Karnataka Ms. Anitha Shenoy, Adv.
Ms. Maitreyee Mishra, Adv.

State of WB Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

State of Rajasthan Mr. Nitish Bagri, Adv.
Mr. Divyesh Maheshwari, Adv.
Mr. Ajay Choudhary, Adv.
Mr. Gaurav Chaudhary, Adv.

Ms. Mumtaz Bhalla, Adv.
Mr. Abhay Kumar, Adv.

Mr. Aniruddha P. Mayee, Adv.

I.A.Nos.9 & 10/2013 Mr. Garvesh Kabra, Adv.
 In WP(C)NO.494/12 Ms. Pooja Kabra, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
 Ms. Jesal Wahi, Adv.
 Ms. Puja Singh, Adv.

Ms. C. K. Sucharita, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Dinkar Kalra, Adv.

Mr. Amit Sharma, Adv.

State of Haryana Mr. Anil Grover, AAG
 Mr. Satish Kapoor, Adv.
 Mr. Sanjay Kr. Visen, Adv.
 Mr. Samar Vijay Singh, Adv.

State of U.P. Mr. Gaurav Bhatia, AAG
 Mr. Adarsh Upadhyay, Adv.
 Mr. Gaurav Srivastava, Adv.

State of M.P. Mr. Naveen Sharma, adv.
 Ms. Swati Bhushan Sharma, Adv.
 Mr. Mishra Saurabh, Adv.

I.A.No.24 & 25/15 Mr. K. Ramamoorthy, Sr. Adv.
 In WP(C)No.494/12 Mr. Dipak K. Nag, Adv.
 Mr. Parmanand Gaur, Adv.
 Ms. Apurva Upamanyu, Adv.

I.A.Nos.22-23/15
 In W.P. (C)NO.494/2012 Mr. Sanjay Kapur, Adv.
 Mr. Anmol Chandan, Adv.

Mr. Anoop J. Bhambani, Sr. Adv.
 Dr. Abhishek Attrey, Adv.
 Mr. Ravindra Lakhande, Adv.
 Mr. Sumit Rajora, Adv.

State of H.P. Mr. J.S. Attri, Sr. adv.
 Mr. Suryanarayana Singh, Sr. AAG
 Mr. Varinder Kr. Sharma, Adv.
 Mr. Chandra Nand Jha, Adv.

Intervenor Mr. Saikrishna Rajagopal, Adv.
 Mr. Juhen George, Adv.
 Mr. Arjun Rananathan, Adv.

Pen. Fun. Reg. & D.A. Mr. R. Sudhinder, Adv.
Ms. Ekta Bhasin, Adv.
Mr. Ashok Mathur, Adv.

I.A. NO. 26/15 Mr. Shiv Mangal Sharma, Adv.
Mr. Ankit Shah, Adv.
Mr. Puneet Parihar, Adv.
Mr. Shrey Kapoor, Adv.
Mr. Nishit Agrawal, Adv.
Ms. Anjali Chauhan, Adv.
Mr. Sitesh Narayan Singh, Adv.
Mr. Saurabh Rajpal, Adv.
Mr. Avanish Rathi, Adv.
Mr. Vivek Ranjan Mohanty, Adv.
Mr. Adhiraj Singh Rajawat, Adv.

Mr. Shanti Mukharjee, Adv.
Mr. Manoj K. Mishra, Adv.
Ms. Shreya Mukharjee, Adv.
Mr. Sandeep Kr. Dwivedi, Adv.
Mr. Shivam Verma Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Ranjan Mukherjee, Adv.

Ms. Anitha Shenoy, Adv.

Ms. Ruchi Kohli, Adv.

Mr. Dinkar Kalra, Adv.

Mr. Mohit D. Ram, Adv.

UPON hearing the counsel the Court made the following
O R D E R

All the applications for intervention and impleadment be heard along with the respective main matters.

Application(s) filed by the Union of India/UIDAI is/are disposed of.

Since there is some urgency in the matter, we request the learned Chief Justice of India to constitute a Bench for final hearing of these matters at the earliest.

Ordered accordingly.

(G.V.Ramana)

AR-cum-PS

(Signed order is placed on the file)

(Vinod Kulvi)

Asstt.Registrar

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 494 OF 2012

JUSTICE K.S. PUTTASWAMY ..PETITIONER(S)
(RETD) & ANR.

VERSUS

UNION OF INDIA & ORS. .. RESPONDENT(S)

T.C. (C) No. 151/2013

T.C. (C) No. 152/2013

WRIT PETITION(C) No. 829/2013

WRIT PETITION(C) No. 833/2013

WRIT PETITION(C) No. 932/2013

TRANSFER PETITION(C) No. 312/2014

TRANSFER PETITION(C) No. 313/2014

WRIT PETITION(C) No. 37/2015

WRIT PETITION(C) No. 220/2015

TRANSFER PETITION(C) No. 921/2015

CONMT.PET. (C) No. 144/2014

In

WRIT PETITION(C) No. 494/2012

CONMT.PET.(C) No. 470/2015

In

WRIT PETITION(C) No. 494/2012

SPECIAL LEAVE PETITION (CRL.) No. 2524/2014

CONMT.PET.(C) No. 674/2015

In

WRIT PETITION(C) No. 829/2013

O R D E R

1. This Bench is constituted only for the purpose of deciding the applications filed by the Union of India seeking certain clarification/modification in the orders passed by a Bench of three learned Judges of this Court dated 11.08.2015.

2. We have heard Shri Mukul Rohtagi, learned Attorney General for India, Shri Shyam Divan, Shri Soli Sorabjee and Shri Gopal Subramaniam, learned senior counsels *in extenso*.

3. After hearing the learned Attorney General for India and other learned senior counsels, we are of the view that in paragraph 3 of the Order dated 11.08.2015, if we add, apart from the other two Schemes, namely, P.D.S. Scheme and the L.P.G. Distribution Scheme, the Schemes like The Mahatma Gandhi National Rural Employment Guarantee Scheme

(MGNREGS), National Social Assistance Programme (Old Age Pensions, Widow Pensions, Disability Pensions) Prime Minister's Jan Dhan Yojana (PMJDY) and Employees' Provident Fund Organisation (EPFO) for the present, it would not dilute earlier order passed by this Court. Therefore, we now include the aforesaid Schemes apart from the other two Schemes that this Court has permitted in its earlier order dated 11.08.2015.

4. We impress upon the Union of India that it shall strictly follow all the earlier orders passed by this Court commencing from 23.09.2013.

5. We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other.

6. All the applications for intervention and impleadment be heard along with the respective main matters.

7. Application(s) for modification/ clarification filed by Union of India/UIDAI is/are disposed of.

8. Since there is some urgency in the matter, we request the learned Chief Justice of India to constitute a Bench for final hearing of these matters at the earliest.

Ordered accordingly.

.....CJI
[H.L. DATTU]

.....J.
[M.Y. EQBAL]

.....J.
[C. NAGAPPAN]

.....J.
[ARUN MISHRA]

.....J.
[AMITAVA ROY]

NEW DELHI,
OCTOBER 15, 2015.