

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

IA 1/2014    in CONTEMPT PETITION (C) NO. 144 OF 2014 IN W.P(C)  
NO(s). 494/2012

MATHEW THOMAS & ANR

Petitioner(s)

VERSUS

VIVEK RAE & ORS

Respondent(s)

(With appln(s) for directions)

Date: 30/04/2014                      This matter was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Ms. Aishwarya Bhati, Adv.

For Respondent(s)

Mr. Mohan Parasaran, SG  
Mr. Zoheb Hossain, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. D.S. Mahra, Adv.

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

The contempt application has been filed with the grievance that the order passed by this Court on 23rd September, 2013 is not being complied with and the respondents had been asking for collection of biometric and demographic data of all personnel for assessing the UID database.

Ms. Aishwarya Bhati, learned counsel for the applicant has submitted that the order passed by this Court is being flouted by the respondents and in support of her case, she has placed reliance upon an advertisement given in the newspapers published from Bangalore asking people to enroll in the UID Scheme to avail LPG subsidy benefits and

she has further submitted that the Addhar Card is being given to migrants in the North-East without determining as to whether they are National or anti-National elements or whether they are authorised or non-authorised immigrants and, therefore, action should be taken against the respondents for violating the orders passed by this Court on 23rd September, 2013.

The Court had passed the following order on 23rd September, 2013 :-

"In the meanwhile, no person

should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies voluntarily, it may be checked whether that person is entitled for it under law and it should not be given to any illegal immigrant."

Subsequent thereto, the matter was taken up by this Court on 24th March, 2014 and while dealing with SLP(Crl.) No. 2524/2014 and the Court passed the following order:-

"...In the meanwhile, the present petitioner is 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. More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are 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 this Court forthwith."

Be that as it may, in response  
Mr. Parasaran, learned Solicitor General has  
submitted that the authorities have taken

2

appropriate steps to ensure the compliance of  
orders passed by this Court from time to time and  
to buttress the said submission, letter dated 25th  
March, 2014 issued by the Government of India,  
Ministry of Petroleum and Natural Gas has been  
produced in the Court which reads as under:-

"I am directed to inform you that as per the decision taken by Govt. on 6 Feb, 2014, DBTL Scheme has been kept in abeyance till further orders in 291 DBTL districts where it was implemented and the system of providing subsidized cylinders to all domestic LPG consumers on payment of the applicable subsidized price for each such cylinder (as applicable in remaining districts of the country) has been reintroduced in all the above DBTL districts.

2. The Govt. has also set up a committee headed by Ex-Director, IIT Kanpur Prof. S.G. Dhande to review the functioning of the DBTL scheme and give its recommendations to the Ministry.

3. In view of the above, it is requested that you may kindly convey the Ministry's decision to Hon'ble Supreme Court during the course of hearing, if

deemed fit."

In view of the above and assurance given by learned Solicitor General, we are of the considered opinion that so far as the contempt in respect of collecting the demographic data for LPG cylinders is concerned, it is not required. So far as the issuance of Addhar card to the illegal migrants is concerned, it requires serious consideration in view of the provisions of the Indian Passport Act and cannot be adjudicated upon in such summary proceedings particularly in view of the provisions contained in Section 6(A) of the said Act which deals with the situation prevailing in the State of Assam. Thus, it is kept open to the learned counsel for the parties to agitate the said issue at the time of final hearing of the matters.

3

With these observations, IA stands disposed of.

(DEEPAK MANSUKHANI)  
Court Master

(M.S. NEGI)  
Assistant Registrar

4