

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
APPLICATION NO. \_\_\_\_\_ OF 2019  
IN  
REVIEW PETITION NO. \_\_\_\_\_ OF 2019  
IN  
WRIT PETITION NO. 342/2017

IN THE MATTER OF  
SHANTHA SINHA AND ANR.

PETITIONERS

VERSUS

UNION OF INDIA AND ANR.

RESPONDENTS

AND IN THE MATTER OF:

APPLICATION FOR GRANT OF PERSONAL  
HEARING

To,

The Hon'ble Chief Justice of India  
and his companion Judges of the  
Supreme Court of India, New Delhi.

The humble petition of the petitioner  
above named.

MOST RESPECTFULLY SHOWETH :

1. The present review petition has been filed under Article 137 of the Constitution of India read with Order XLVII Rule 1 of the Supreme Court Rules, 2013, requests the Supreme Court of India to review the Majority Judgments rendered by it on 26.9.2018 in what is popularly known as the *Aadhaar case (Justice K.S. Puttaswamy v. Union of India)*. This judgment disposed of a batch of writ petitions filed under Article 32 of the Constitution as well as transfer petitions. The *Aadhaar case* was heard and decided by a Constitution Bench of five Learned Judges.

2. Three judgments were rendered by this Hon'ble Court. Dr. A.K. Sikri, J. (for himself as well as Dipak Mishra, CJI and A.M. Khanwilkar, J.) authored the majority judgment. Ashok Bhushan, J. rendered a separate judgment which broadly concurred with the majority judgment. These two judgments are together referred to as the 'Majority Judgments'.
3. The third judgment of the court was rendered by Dr. D.Y. Chandrachud, J. and is a dissent. The review petitioners on legal advice believe that the view taken by Justice Chandrachud is the correct view. Consequently, this petition seeks review of the Majority Judgments alone.
4. All the grounds raised here are covered by Order XLVII of the Supreme Court Rules, 2013. The Majority Judgments suffer from errors apparent on the face of the record as set out below.
5. This review petition is being filed on the grounds that there are serious errors, and internal inconsistencies within the Majority Judgements, which necessitate correction in the interests of justice. A program such as Aadhaar has a serious, long standing, impact on the constitutional structure of our country. At the outset, the Aadhaar Bill was incorrectly certified as a Money Bill, as it failed to meet the strict standard laid out in Article 110(1). For a legislation that has serious implications on the rights of citizens to be passed without consideration of the Rajya Sabha is nothing but a fraud on the Constitution, as the Minority Judgement notes. Second, the Majority judgement committed a serious error on the face of the record in not appreciating how the architecture of Aadhaar creates a surveillance state. The Majority judgement did not even refer to the expert evidence submitted by both the Petitioner and the Respondent, which demonstrated how locational tracking was possible under Aadhaar. The Majority Judgement also didn't address the fact that the Aadhaar database carried very little value

as there is no verification of the information submitted to it. Third, the Majority judgement commits an error in holding the use of Aadhaar under Section 7 was permissible, despite the deleterious impact it had on the rights of the most marginalized and vulnerable, who had been resigned to the status of second class citizens. The Majority judgement ignored evidence submitted before the Hon'ble Court which showed that mandating Aadhaar authentication to access welfare benefits had caused exclusion to the extent of starvation deaths. There are also several internal inconsistencies within the judgement, listed below, including the manner in which the proportionality test was applied to the different applications of Aadhaar. These findings cannot be read together harmoniously, and require resolution in the interests of justice.

6. The Petitioners submit that in these circumstances it is prayed that the Petitioners should be granted an opportunity of personal hearing in the matter in order to put forward the contentions regarding the need for review of the impugned Judgment.

#### P R A Y E R

It is therefore most respectfully prayed that this Hon'ble Court be graciously pleased to:

- i) GRANT an opportunity of personal hearing to the petitioner;
- ii) PASS any other Order or such further orders as may be deemed fit in the facts of the present case.

FILED BY:

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ADVOCATES -ON-RECORD  
FOR THE PETITIONERS

FILED ON:  
NEW DELHI