

INDIA JURIS

UID/AADHAR: Denying Constitutional Rights

In a significant development in the matter of Unique Identification (UID)/Aadhaar numbers, the Punjab & Haryana High Court has passed an order saying, "Linking Aadhaar Number to direct recruitment should not prima facie be a mandatory condition as it by result in violation of equal opportunity clause in Article 16(1) of the Constitution of India and deny easy access to applying online for jobs". It observed that if "some other method" is devised, citizens "will be confronted with denial of employment opportunities are fought on war footing". The order was passed in Pradeep Kumar v Maharishi Dayanand University, Rohtak, on 28 February, 2018, by Justice Rajiv Narain Raina and the matter is likely to be heard on 28 March, 2018. Notably, National Human Rights Commission (NHRC) in its submission to the Parliamentary Standing Committee on Finance on National Identification Authority of India Bill, 2010 (Aadhaar Bill, 2010) had apprehended exclusion because of Aadhaar.

It is germane to recollect that Supreme Court's constitution bench comprising Chief Justice of India Dipak Misra and Justice AK Sikri, Justice AM Khanwilkar, Justice DY Chandrachud and Justice Ashok Bhushan had passed an order on December 15, 2017, saying the Aadhaar "matter stands governed by the judgment of this Court in Binoy Viswam v Union of India". This is the last order of the Supreme Court which is the law of the land as of now. This bench has been hearing the UID/Aadhaar case since 17 January 2018. So far there has been hearing on 13 days wherein so far three of the petitioner's lawyers have made their submissions. The next hearing is on 6 March, 2018.

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Non-Mentioning Of Accused's Name In FIR Not A Ground To Doubt Its Contents: Supreme Court of India

Some times in the state of shock, they (the witness) may miss the important details, because people tend to react differently when they come across a violent act, the bench said.

The Supreme Court, in Latesh @ Dadu Baburao Karlekar v The State of Maharashtra decided on 30th January 2018, has reiterated that merely because the names of the accused are not stated and their names are not specified in the FIR, that may not be a ground to doubt the contents of the FIR and the case of the prosecution cannot be thrown out on this

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Asia Europe USA UK Middle East Africa

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In this issue:

- **UID/AADHAR: Denying Constitutional Rights**
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In this case, the bench of Justice NV Ramana and Justice Amitava Roy was dealing with one of the contention on the part of defence relying on the non-mentioning of names of the accused in FIR. The case relates to a murder incident that happened in the year 2006 and the high court had upheld the conviction of five accused in the case.

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