



SFLC.IN

K-9, Second Floor, Birbal Road,
Jangpura Extension,
New Delhi-110014
(tel): +91-11-43587126
www.sflc.in

July 30th, 2020

**To,
Shri Ashok Gehlot,
Chief Minister,
State of Rajasthan**

Via electronic mail

Respected Sir,

Subject: Request to withdraw mandatory requirement of Aadhaar for RT-PCR mobile app for COVID-19 test.

It has come to our notice that the Rajasthan's Ministry of Medical, Health and Family [Welfare vide guidelines dated 25.07.2020](#) has made it mandatory to add a person's Aadhaar details in the RT-PCR application during sample collection for COVID-19.

We write this to inform you that this step by the Rajasthan Government is in violation of the judgment of the Supreme Court in *Justice Puttaswamy v. Union of India (2019 (1) SCC 1)* wherein it was held that Aadhaar is mandatory only for filing IT returns and for availing government subsidies from the Consolidated Fund of India. The Supreme Court also struck down S. 57 of the Aadhaar Act which permitted use of Aadhaar by the State or any body corporate or person, in pursuance to any contract. This step will also lead to exclusion of large number of persons without an Aadhaar card, and is thus, exclusionary in nature. Any steps taken by the Government must be constitutionally tenable and in consonance with the law laid down in the *Puttaswamy (2019)* case.

Through this letter, we urge you to withdraw this mandatory requirement of Aadhaar for RT-PCR mobile app when the samples for COVID-19 tests are collected. We appeal to you to allow other means of government accepted verification documents as well.

Regards,

**Sincerely,
Prasanth Sugathan
Legal Director
SFLC.IN
prasanth@sflc.in**