



SFLC.IN

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October 28th, 2020

**To,
Shri K. C. Rao
Hon'ble Chief Minister,
State of Telangana**

Via electronic mail

Respected Sir,

Subject: Request to withdraw mandatory requirement of Aadhaar and caste details for updating non-agricultural property records.

It has come to our notice [via press reports](#) that the Telangana government has made it mandatory to add a person's Aadhaar number and caste details on the Dharani land portal to register their non-agriculture property. It has also been reported that the Municipal Administration and Panchayat Raj departments have been instructed to upload the Aadhaar number and caste details of such persons through a dedicated application known as the [TS NPB \(Non-Agricultural Property Book\)](#) to collect the details. The TS NPB App User Manual also mentions the same. The said [steps have been taken under the Revenue Bill, 2020](#) passed by Telangana Assembly which is yet to receive Governor's assent.

We write this to inform you that this step by the Telangana 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:

- a. filing IT returns;and
- b.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. The Supreme Court categorically recognized certain data protection principles such as data minimization, purpose limitation, data retention and data security as relevant factors in determining whether the provisions of particular legislation are in conformance with an individual's right to privacy. The State of Telangana has not justified this in the terms of any of these principles.

It is also unclear as to why and how caste data, even though required in broad categories, is relevant in the context of digitisation of non-agricultural property records



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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 and caste data for the Dharani land portal as well as the TS NPB mobile app. In order to avoid legal challenges and to be compliant of the *Puttaswamy* case we appeal to you to allow other means of government accepted verification documents as well and to follow the principles of data proportionality as well as data minimisation. As an organization working extensively on promoting and protecting digital rights of Indian citizens for a decade, we would be honored to assist you with our research, technology expertise and digital security sessions, to help the cause of preserving and promoting digital rights and freedoms of citizens.

Regards,

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

About SFLC.IN

SFLC.IN is the first Indian legal services organization that works exclusively on technology, law, and policy. As a not-for-profit organization engaged in the empowerment of Indian citizens about their digital freedom and rights, it operates as a collective bringing together different stakeholders to a common platform to further the cause of digital rights. SFLC.in promotes innovation and open access to knowledge by helping policy makers make informed and just decisions regarding the use and adoption of technology. As of 2020 SFLC.in is the only Indian organization to be inducted as a member of the IFEX, a global network to defend the right to freedom of expression and information.