



ALL INDIA BANK OFFICERS' CONFEDERATION

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State Bank of India Officers' Association

04th Floor, SBI Administrative Unit, No. 86, Rajaji Salai, Chennai- 600 001

Phone: 044-25227170 Tel/Fax 044 25227170

E-Mail: aiboc.sectt@gmail.com

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PRESS RELEASE.

BANK OFFICERS' BODY FILES PIL AGAINST AADHAR LINKAGE

In the recent times, we have seen an overdrive of threatening to freeze existing bank accounts unless the customers link to Aadhaar. They are also refusing to open new bank accounts without Aadhaar, citing GSR 538(E), the amendment to the Prevention of Money-laundering (Maintenance of Records) Rules, 2005 under the Prevention of Money-laundering Act, 2002 (15 of 2003)(PMLA), on June 1st 2017.

Linkage of Aadhaar with the bank accounts and other financial transactions is a clear case of the violation of basic human rights of the citizens of this country. In spite of this, the Govt of India made mandatory the unique identification project (UID Project) through Rule 9 of the Prevention of Money Laundering Rules, 2017 as amended by the Prevention of Money Laundering (Second Amendment) Rules, 2017 for the purpose of opening and maintaining bank accounts and for carrying any financial transactions.

As per the amended rules, an Aadhaar Number has been made mandatory for opening of bank accounts; making any financial transactions of and above Rs. 50,000; and foreign remittance to be credited even to small accounts. Further, the existing bank account holders have been directed to furnish Aadhaar Number before December 31, 2017 and non-compliance of the same will result in the concerned bank accounts being ceased. Consequently, every citizen is being compelled to possess an Aadhaar Number for not only opening of a new bank account, but also for maintaining the existing bank accounts and making transactions through such bank accounts.

Further, it violates the right to privacy which is now recognized as an essential part of life and personal liberty. The Supreme Court of the country has also upheld the same in its landmark judgment which says that 'Privacy' is a fundamental right of every individual. By compelling the citizens to surrender the core biometric information, it has violated all three principal aspects of privacy viz. Privacy of Person, Privacy of information and Privacy of choice. Moreover, the said provision has been enacted without legislative competence rendering it void ab initio, being ultra vires in nature as being a subordinate legislation, it could not have changed the otherwise consensual scheme of Aadhaar Act into a mandatory scheme thereby overturning the entire legislative policy of Aadhaar. The provision has also exceeded the mandate of its parent sections under the PMLA Act by mandating ceasing of operation of non – Aadhaar holders' bank accounts. This is not the end; the provision also violates the Article 14 of the Constitution of India as forcing every individual to surrender his core biometrics unfairly equates him to a criminal. Ceasing operations of legitimate accounts also unfairly equates legitimate funds to crime proceeds which are to be attached under the PMLA Act. To worsen the situation further, linking of Aadhaar and Bank accounts defeats the object of the PMLA Act itself as it allows real money launderers to launder crime proceeds by executing identity thefts. Such thefts are highly probable considering the nature of information and its storage.

Thus, making Aadhaar compulsory is illegal and would virtually convert the citizens into "slaves" as they would be under the government's surveillance all the time; apart from violating the citizens' fundamental rights granted under the Constitution as they would be coerced to give sample of their fingerprints and iris.

The All India Bank Officers Confederation, the largest officers' organization having membership of around 325000 officers is in opposition to the move of the Govt. for

making Aadhar Card mandatory to citizens rather than being voluntary. When the matter is subjudice in the supreme court, the urgency of the Govt. in its implementation is uncalled for and against the true spirit of democracy. Taking all these factors into consideration, the undersigned along with Mr. M.G. Devasahayam, retired IAS and Mr. Samuel Rajappa, Former Resident Editor, The Statesman have filed a Public Interest Litigation (PIL) against the Union of India and Unique Identification Authority of India in the Hon'ble Supreme Court of India. We sincerely believe and are quite hopeful that with the good wishes of all the people, we will be successful to thwart the ill-motivated steps of the Govt. of India and the Hon'ble Supreme Court would uphold the spirit of the fundamental rights of our compatriots and we will not have to remain as the slaves to the Govt. by virtue of mandatory aadhar for all.



(D. T. Franco)
General Secretary
9445000806
ngcfranco@gmail.com