

ITEM NO.11

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).473/2026

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

FOR ADMISSION

Date : 04-05-2026 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) Petitioner-in-Person
 Mr. Ashwani Kumar Dubey, AOR
 Mr. Nikhil Upadhyay, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The instant Writ Petition, under Article 32 of the Constitution of India, has been filed purportedly in public interest. The petitioner seeks the following directions:

"a) direct the UIDAI to issue new AADHAAR to children only and frame a new Stringent Guideline for Adolescents and Adults, so as to stop Infiltrators from getting it and masquerading as Indian Citizens;

b) direct the respondent to install a 'Display Board' at Common Service Centres and other respective places, mentioning that 'AADHAAR is proof of Identity only, Not of Citizenship, Address and Date of Birth';

c) direct the respondent to take undertaking that averments made in the Application are true and Applicant is aware about the Punishment for False Statement, False Information, False Certificate, False Document;

d) direct the respondents to install a 'Display Board' at respective places, mentioning the Sentence for obtaining AADHAAR, Ration Card, Birth Certificate and Domicile Certificate by using Fake Documents;

e) direct and declare that Sentence for obtaining 'Fake document for Identity, Citizenship, Address and Date of Birth', shall be consecutive;

f) pass such other order or order(s) as this Hon'ble Court deems fit."

2. In sum and substance, the petitioner's allegations indicate that the verification process for obtaining an Aadhar Card is extremely weak and susceptible to misuse by illegal infiltrators, who exploit it to masquerade as Indian citizens. He states that the UIDAI has issued 144 crores Aadhar Cards, enrolling approximately 99% of the Indian population. Although a distinction has been drawn between foreigners and nationals for the purpose of enrolment, it is claimed that the Official Memoranda dated 22.12.2023 and 23.04.2024, on the subject of authentication of applications for an Aadhar Card, are not being properly complied with. Contrarily, recommendations of a Village Pradhan or a Municipal Councillor are being accepted without verification of nationality.

3. The petitioner, thus, *inter alia*, submits that (a) there is a statutory vacuum on account of parliamentary inaction in addressing illegal infiltrators through the Aadhar framework; (b) the rights of the citizens are being adversely affected, regardless of the guarantee contained under Article 21 of the Constitution; (c) illegal immigration can lead to external aggression as well as internal disturbances; and (d) the inclusion of non-citizens on electoral rolls compromises the constitutional mandate embodied in Articles 326 and 327 of the Constitution.

4. We have heard the petitioner, who has appeared in person, and carefully perused the material placed on record.

5. As may be seen from the nature of relief sought by the petitioner, most of them require legislative intervention

and an appropriate amendment in the existing legal framework. Such actions lie beyond the domain of this Court, unless there are very strong and exceptional circumstances which warrant exercise of extraordinary powers by this Court. The appropriate recourse for the petitioner, in the instant case, would be to bring all these facts and issues to the notice of the State Authorities and other stakeholders, with a view to enable them to take cognizance thereof.

6. Consequently, without expressing any opinion on merits of the case, we dispose of this Writ Petition with a direction that the instant Writ Petition may be treated as a representation on behalf of the petitioner. Subject to deposit of requisite copies of the petition in the Registry of this Court within three days, let the same be forwarded to the respondents as a representation on behalf of the petitioner for appropriate consideration. Ordered accordingly.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR