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IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**DATED THIS THE 23RD DAY OF SEPTEMBER, 2025****BEFORE****THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ****WRIT PETITION NO. 105596 OF 2025 (GM-RES)****BETWEEN:**

SRI. KRISHNAMURTHY
S/O. RAMACHANDRAPPA SANGEET,
AGE: 61 YEARS,
R/O. #495, SHRI RAMALINGESHWAR NAGAR,
GOKUL RAOD, HUBBALLI-580030.

...PETITIONER

(BY SRI. DINESH M. KULKARNI., ADVOCATE)

AND:

1. THE DIRECTOR,
UIDAI REGIONAL OFFICE,
KHANIJA BHAVAN,
NO.49, 3RD FLOOR,
SOUTH WING RACE COURSE ROAD,
BENGALURU 560001.
2. THE COMMISSIONER OF POLICE
HUBLI-DHARWAD POLICE COMMISSIONER OFFICE,
PB ROAD, NAVANAGAR,
HUBBALLI-580025.

...RESPONDENTS

(BY SRI. M.B. KANAVI., CGSC FOR R1;
SRI. SHARAD V. MAGADUM., AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE
NATURE OF MANDAMUS DIRECTING THE RESPONDENTS NO.1 TO





CONSIDER THE REPRESENTATION MADE BY THE PETITIONER DTD. 10.05.2024 VIDE ANNEXURE-G AND FURNISH THE DETAILS OF THE AUTHENTICATION HISTORY AND TRANSACTION INFORMATION OF THE AADHAR CARD PRODUCED AT ANNEXURE-E FROM 20.12.2023 TO TILL DATE AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 28.08.2025, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CAV ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The Petitioner in WP No.105596/2025 is before this Court seeking for the following relief:

1. *To issue a writ in the nature of Mandamus directing the Respondents No.1 to consider the representation made by the Petitioner dated: 10.05.2024 vide Annexure-G and furnish the details of the Authentication history and transaction information of the Aadhar card produced at Annexure-E from 20.12.2023 to till date.*
2. *To issue any other Writ/direction which this Hon'ble Court deems fit under the fact and circumstances of the case in the interest of justice and equity.*

2. The Petitioner's elder son by name Vijay Krishnamurthy Sangeet was undergoing an apprenticeship in a technological servicing company by name Trillium Technological Company in the year



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2019, when he went missing on 19.12.2019. In this regard, a missing complaint was filed by the petitioner-father at Hubballi Gokul Road police station on 20.12.2019, on which basis FIR in Crime No.73/2019 came to be registered. The Petitioner, as also respondent No.2 are stated to have made various attempts to trace the missing person, but to no avail. On 20.06.2023, the Petitioner came to know of the usage of the Aadhaar card of the missing son of the Petitioner and authentication of the transaction having been made. The Petitioner informed respondent No.2, and respondent No.2 attempted to obtain the authentication history of Vijay Krishnamurthy Sangeet from respondent No.1. However, respondent No. 1, Authority, did not make the information available.

3. It is in that background that the Petitioner is before this Court.
4. Sri.Dinesh M.Kulkarni, learned counsel for the Petitioner would submit that



4.1. The information available with respondent No.1 is a very valuable information, which would provide the details of the location at which the Aadhaar card was made use of and authenticated, which could help in the tracing of the missing person and his whereabouts.

4.2. In this regard, he relies upon the **Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016** [‘Act of 2016’ for short] and submits that restriction under Chapter-VI of the said Act any sharing of information, the Authority is required to protect the confidentiality of private information.

4.3. Wherever it is necessary for the purpose of discharge of the duties of a particular Authority, it would, but, be required for respondent No.1 to share those details to the concerned Authority



and in this regard, he submits that respondent No.2 investigating into the aforesaid crime No.73/2019 would necessarily have to be provided with the said information to enable a proper investigation.

5. Sri.M.B.Kanvi, learned counsel for respondent No.1 submits that the information regarding aadhaar is confidential information and is governed by the right to privacy in terms of the decision of the Hon'ble Apex Court in Justice Puttaswamy's case and as such, the details cannot be made available even to the investigating officer when a request is made.
6. Learned AGA submits that respondent No.2- Investigating agency is unable to go ahead with the investigation without these details since respondent No.2. if not provided with these details would have no manner of accessing the usage of the aadhaar card by the missing person and the location.



7. Heard Sri.Dinesh M.Kulkarni, learned counsel for the Petitioner, Sri.M.B.Kanavi, learned counsel for respondent No.1 and Sri.Sharad V.Magadum, learned AGA for respondent No.2. Perused papers.
8. The points that would arise for consideration in the present matter are,

i. Whether during the course of investigation by Police Authority or any other investigating authority the usage of aadhaar card, including the authentication, etc., could be provided by respondent No.1 to such investigating agency? if so, under what circumstances?

ii. Whether in the present case, respondent No.1 is right in refusing the furnishing of the authentication information of the aadhaar card of the missing son of the Petitioner to respondent No.2-Investigating agency?

iii. What order?

9. I answer the above points as under:



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10. **Answer to point No.i: Whether during the course of investigation by Police Authority or any other investigating authority the usage of aadhaar card, including the authentication, etc., could be provided by respondent No.1 to such investigating agency? if so, under what circumstances?**

10.1. The Aadhaar card has been introduced not only for the purpose of identification of person, but for the purpose of providing of services, in a targeted manner insofar as financial and other subsidy, benefits and other services are concerned which are regulated by the Act of 2016. The objects of the Act would indicate that the said Act is to provide for good governance, efficient, transparent and targeted delivery of subsidies from benefits and services, the expenditure for which is incurred by the consolidated fund of India to individuals residing in India through assigning Unique Identity



Number to such individuals and families connected thereto or incidental thereto.

10.2. The relevant provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, which would be applicable are:

10.3. Section 29 which is reproduced hereunder for easy reference:

"29. Restriction on sharing information.—

(1) No core biometric information, collected or created under this Act, shall be—

(a) shared with anyone for any reason whatsoever; or

(b) used for any purpose other than generation of Aadhaar numbers and authentication under this Act.

(2) The identity information, other than core biometric information, collected or created under this Act may be shared only in accordance with the provisions of this Act and in such manner as may be specified by regulations.



(3) No identity information available with a requesting entity or offline verification-seeking entity shall be—

(a) used for any purpose, other than that specified to the individual at the time of submitting any identity information for authentication or

(b) disclosed further, except with the prior consent of the individual to whom such information relates.

(4) No Aadhaar number or core biometric information collected or created under this Act in respect of an Aadhaar number holder shall be published displayed or posted publicly, except for the purposes as may be specified by regulations.”

10.4. A perusal of Subsection (1) of Section 29 of Act of 2016 indicates that there is a complete restriction on sharing of core biometric information. Further Subsection (2) of Section 29 provides for identity information other than core biometric information to be shared in accordance with the provisions of the Act and any such manner as has been specified by the regulation.



10.5. In terms of Sub-section (3) of Section 29 any identity information which is made available shall not be used for any purpose other than that specified to the individual at the time of submitting any identity information for indication or disclosure, except with the prior consent of an individual to whom such information relates. Thus, there is no absolute embargo on the disclosure of information in relation to Aadhaar in terms of Section 29.

10.6. Biometric information is defined under section 2(g) which is reproduced hereunder for easy reference:

*“**biometric information**” means photograph, finger print, Iris scan, or such other biological attributes of an individual as may be specified by regulations.”*

10.7. The same would include the photograph, fingerprint, Iris scan or other biological identities



of an individual as may be specified by regulations.

10.8. Core biometric information is defined in Section 2(j) which is reproduced hereunder for easy reference:

“core biometric information”
means finger print, Iris scan, or such other biological attribute of an individual as may be specified by regulations.”

10.9. Core biometric information therefore only means the fingerprint, Iris scan or other biological identity of an individual.

10.10. Identity information is defined under Section 2(n) which is reproduced hereunder for easy reference:

“identity information” *in respect of an individual, includes his Aadhaar number, his biometric information and his demographic information.”*



10.11. A perusal of the above indicates that identity information relates to Aadhaar number, his biometric information and his demographic information.

10.12. Now applying the said definition to Section 29, the restriction is only as regards core biometric information. Identity information would include Aadhaar number, biometric information and demographic information which can be so furnished on an application being made.

10.13. Section 33 provides further exception which reads as under:

"33. Disclosure of information in certain cases.—

(1) Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a 2 [Judge of a High Court]:



Provided that no order by the Court under this sub-section shall be made without giving an opportunity of hearing to the Authority.

(2) Nothing contained in sub-section (2) or sub-section (5) of section 28 and clause (b) of sub-section (1), sub-section (2) or sub-section (3) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made in the interest of national security in pursuance of a direction of an officer not below the rank of 1 [Secretary] to the Government of India specially authorised in this behalf by an order of the Central Government:

Provided that every direction issued under this sub-section, shall be reviewed by an Oversight Committee consisting of the Cabinet Secretary and the Secretaries to the Government of India in the Department of Legal Affairs and the Department of Electronics and Information Technology, before it takes effect:

Provided further that any direction issued under this sub-section shall be valid for a period of three months from the date of its issue, which may be extended for a further period of three months after the review by the Oversight Committee."

10.14. Section 33 makes it clear that nothing contained in Subsection (2) or (5) of Section 28 or Subsection (2) of Section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court



not inferior to that of a Judge of a High Court. The proviso provides for the authority to be heard before such an order is passed. Thus, irrespective of what is contained under Section 29, in terms of Section 33 this Court could make an order directing disclosure of the details, if deemed fit.

10.15. Regulations which are applicable to Subsection (2) of Section 29 are the Aadhaar (Sharing of Information) Regulations, 2016.

10.16. Under Clause (e) of Subsection (1) of Section 2 a requesting entity has been defined which reads as under:

***"requesting entity"** means an agency or person that submits the Aadhaar number, and demographic information or biometric information, of an individual to the Central Identities Data Repository for authentication."*

10.17. A perusal of the above provision would indicate that the requesting entity would mean an agency



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or person that submits the Aadhaar number and demographic information or biometric information of an individual to the Central Identities Data Repository for authentication.

10.18. Regulation 3(1) prohibits sharing of core biometric information. Regulation 3(2) provides for demographic information and photograph of an individual collected by the authority under the Act may be shared by the Authority with a requesting entity in response to an authentication request for e-KYC data pertaining to such individual, upon the requesting entity obtaining consent from the Aadhaar number holder for the authentication process, in accordance with the provisions of the Aadhaar (Authentication and Offline Verification) Regulations, 2021.



10.19.Regulation 3(4) provides for the authority to share demographic information and photograph and the authentication records of an Aadhaar number holder when required to do so in accordance with Section 33 of the Act.

10.20.The Aadhaar (Authentication and Offline Verification) Regulations, 2021 relates to authentication for the Aadhaar card holder or by a service provider. The same does not apply to Section 33 of Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

10.21.In view of the above, it is clear that the requirement for sharing up of information with a third party would not be applicable insofar as an order passed under Section 33 of the Act of 2016.



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10.22. It is therefore for this Court to consider the request for sharing of such details after providing an opportunity of being heard to the concerned Authority under UIDAI Authority in terms of provisions of Subsection (1) of Section 33.

10.23. The Director of UIDAI is respondent No.1 and he has been heard in the present matter. The submission of respondent No.1 is only that on account of Aadhaar details being personal information and private data, the same cannot be shared.

10.24. The present case is one where the son of the Petitioner has been missing, and a missing person complaint having been filed, the jurisdictional police have been investigating the matter. Admittedly, the Aadhaar card of the missing son of the Petitioner has been put to use. What is required to be ascertained is to



whether the said Aadhaar card has been put to such use by the son of the Petitioner or anyone else and the location where the said use has been made so as to further investigate the matter. When there is no such information made available with the jurisdictional police authorities, there is no possibility of such investigation being proceeded with.

10.25. In that view of the matter, this Court being empowered to direct the authorities under UIDAI to furnish the identity information. The identity information would mean Aadhaar number, biometric information, demographic information, the details of the last use of the said Aadhaar card and the location thereof would also be included therein.

10.26. Hence, I answer point No.i by holding that when during the course of investigation by police



authority or any investigating authority in the event of usage of Aadhaar card including authentication, etc. are required, an application can be made before the High Court in terms of Section 33 of the Act of 2016 and the High Court could examine the same after providing an opportunity to the UIDAI Authority and pass such orders as just and necessary including providing of details of usage of Aadhaar card and the location where it has been used.

11. **Answer to point No.ii: Whether in the present case, respondent No.1 is right in refusing the furnishing of the authentication information of the aadhaar card of the missing son of the Petitioner to respondent No.2-Investigating agency?**

11.1. Respondent No.2 by itself cannot disclose any information or authentication information regarding the usage of the Aadhaar card by the missing son of the Petitioner to the Respondent - Investigating Agency. The sharing of information



would either be in terms of Section 29 or in terms of Section 33 as indicated supra, under Section 29 it can only on the basis of the consent of Aadhaar card holder and verification thereof.

11.2. In terms of Section 33 only the High Court can pass an order directing the sharing or disclosure of the information including identity information or authentication records. Thus, there can be no infirmity found by the refusal of respondent No.1 on sharing such records. It is always for the Investigating Agency to have approached this Court seeking for a direction to respondent No.1 for disclosure of such information as was required to complete the investigation.

12. **Answer to point No.iii: what order?**

12.1. In view of my answers to point Nos.i and ii above, the writ petition is allowed.



12.2. Respondent No.1 - UIDAI is directed to furnish to respondent No.2 only the details of location of the usage of Aadhaar card of the missing son of the Petitioner from the time of filing of the missing complaint till date within 15 days from the date of receipt of a copy of this order so as to facilitate the investigation by respondent No.2.

12.3. It is made clear that apart from the location of usage, no other details shall be furnished, the Respondent No.2 shall not share such details/information with anyone else, apart from that required for the purposes of investigation.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

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List No.: 1 Sl No.: 222