

2026 SCC OnLine SC 1391

In the Supreme Court of India

Record of Proceedings

(BEFORE SURYA KANT, C.J., JOYMALYA BAGCHI AND V. MOHANA, JJ.)

Abhishek Baxi and Others ... Petitioner(s);

Versus

Union of India and Others ... Respondent(s).

Writ Petition(s)(Civil) No(s). 832 of 2026, (IA No. 195873/2026 -
Ex-Parte AD-Interim Relief)

Decided on July 20, 2026

Human and Civil Rights — Right to Privacy — Informational privacy of Educational data — APAAR (Automated Permanent Academic Account Registry) Scheme — Challenge to Aadhaar-linked lifelong digital academic identifier on grounds of violation of privacy and absence of meaningful parental consent — Validity of — Direction issued to implement, on a pan-India basis, the directions issued in Rohit Anand Das v. State of Odisha, 2025 SCC OnLine Ori 4535, requiring amendment of the APAAR model consent form to enable parents/guardians to withhold consent — Held, collection, processing, storage, retention, sharing and use of personal data under the APAAR Scheme should be governed by the Digital Personal Data Protection Act, 2023, and personal information cannot be disclosed or shared with any private entity or third party except in accordance with law — Writ petition disposed of with liberty to respondents to seek clarification — Constitution of India — Article 21 — “Life” — Meaning and Scope : Broadly construed — Rights covered — Privacy, Right to — Art. 21 — Information Technology, Internet, Computer and Cyber Laws — Informational/Technological Privacy, Biometrics, Aadhaar and Data Protection — Information Technology, Internet, Computer and Cyber Laws — Statutes, Rules, Regulations, Norms, etc. — Digital Personal Data Protection Act, 2023 (22 of 2025)

Advocates who appeared in this case:

Ms. Indira Jaising, Sr. Adv., Ms. Mishi Choudhary, Adv., Mr. Paras Nath Singh, AOR, Mr. Prasanth Sugathan, Adv., Mr. Jayant Malik, Adv., Mr. Syed Haroon, Adv., Mr. Nayan Grover, Adv., Mr. Kabir Choudhary, Adv. for the Petitioner(s);

Ms. Pankhuri Shrivastava, Adv., Ms. Neelam Sharma, AOR, Mr. Rajeev Sharma, Adv., Mr. Mukul, Adv. for the Respondent(s).

ORDER

1. The instant petition has been instituted under Article 32 of the

Constitution, challenging the constitutional validity of the Automated Permanent Academic Account Registry (APAAR) Scheme. The Petitioners, who are parents of students enrolled in schools affiliated with the Central Board of Secondary Education (CBSE), are aggrieved by : (i) the registration of students under the APAAR Scheme; and (ii) the requirement of furnishing Aadhaar details as a precondition for such registration.

2. To briefly elucidate, the APAAR Scheme envisages the creation of an Aadhaar-linked, lifelong digital academic identifier for every student, pursuant to the objectives of the National Education Policy, 2020. The Scheme is intended to ensure the seamless continuity of academic records, facilitate the transfer of students across educational institutions and States, and enable academic credit mobility through the Academic Bank of Credits. In effect, it creates and maintains a consolidated digital repository of a student's personal and academic records from the stage of school enrolment and throughout the course of their educational journey.

3. It is the Petitioners' contention that the APAAR Scheme effectively operates as a State-run surveillance mechanism within the education sector by enabling the long-term tracking, profiling, and monitoring of children's educational trajectories. According to the Petitioners, the extensive collection and retention of such data creates the potential for its use beyond the educational sphere, thereby raising serious concerns relating to informational privacy and data protection. The Petitioners further submit that they have communicated to their respective schools their unequivocal refusal to consent to the generation of an APAAR ID for their children.

4. During the course of hearing, Ms Indira Jaising, Senior Advocate appearing on behalf of the Petitioners submitted that, although the Ministry of Education, by its Circular dated 11-10-2023, stipulated that parental consent was a prerequisite for the generation of an APAAR ID for students, the prescribed consent form neither provides an option to decline participation nor discloses, in a clear and informed manner, the purpose, scope, retention period, or data-sharing practices relating to the information sought to be collected. She further contended that the Central Board of Secondary Education (CBSE), through Circulars dated 5-8-2025 and 27-8-2025, has made the generation of an APAAR ID a mandatory precondition for the registration of students of Classes IX to XII for Board examinations commencing from the academic session 2026 onwards.

5. Ms Jaising put forth that the cumulative effect of these measures renders the purported requirement of parental consent illusory and compels participation in the Scheme. She accordingly urged that the impugned measures fail to satisfy the constitutional requirements of

legality, legitimate aim, necessity, and proportionality governing State action that infringes the fundamental right to privacy, as authoritatively laid down by this Court in *Justice K.S. Puttaswamy (Retd.) v. Union of India* [(2017) 10 SCC 1].

6. Additionally, Ms Jaising argued that notwithstanding the Government's assertion that the APAAR Scheme is voluntary in nature, educational institutions are, in practice, compelling parents to furnish their children's Aadhaar details by threatening the denial of admission, registration for Board examinations, and access to other educational services. It is also alleged that certain schools have informed parents that their continued recognition, registration, or eligibility for State funding may be jeopardised if prescribed APAAR enrolment targets are not achieved.

7. Having considered the attending circumstances and the submissions advanced on behalf of the Petitioners, we are inclined to adopt the approach taken by the High Court of Orissa at Cuttack in *Rohit Anand Das v. State of Odisha* [W.P.(C) No. 8285 of 2025], wherein the State authorities were directed to consider suitably amending the model consent form prescribed under the APAAR Scheme so as to expressly provide an option enabling parents or guardians to withhold or refuse consent. We are of the considered view that such a safeguard is essential to ensure that the requirement of consent is meaningful and informed. Accordingly, we direct that the directions contained in para 19 of the aforesaid judgment shall be given effect to on a pan-India basis by the concerned authorities implementing the APAAR Scheme.

8. In addition, we consider it necessary to clarify, by way of abundant caution, that concerns regarding the possible misuse of the personal information of those who voluntarily opt to enrol under the APAAR Scheme, are misconceived. Merely because the collection of such information is undertaken pursuant to an administrative scheme and not under a statutory mandate does not absolve the authorities of their obligations in relation to the protection of personal data. Any collection, processing, storage, retention, sharing, or use of personal information under the APAAR Scheme shall, therefore, be strictly governed by the provisions of the Digital Personal Data Protection Act, 2023, and the obligations cast thereunder upon data fiduciaries to ensure the lawful, secure, and purpose-limited processing of personal data. The concerned authorities shall obviously ensure scrupulous compliance with the safeguards prescribed under the said enactment.

9. It goes without saying that any personal information collected pursuant to the APAAR Scheme cannot be disclosed, shared, or otherwise made available to any private entity or third party except in accordance with law and strictly for purposes authorized thereunder.

Any sharing of such information beyond the scope of the Scheme or for extraneous purposes shall be impermissible.

10. The instant writ petition is, accordingly, disposed of in the aforesaid terms. Pending interlocutory application(s), if any, shall also stand disposed of.

11. Since the respondents have not been heard at this stage, liberty is granted to them to seek any clarification, if so required.

12. Ordered accordingly.

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