

We, the concerned people's health movements, health networks, women's groups and individuals vehemently condemn the denial of any health and allied services, access to PDS or any other schemes that enhance social security for want of an Aadhaar identity. This is extremely arbitrary and a gross violation of human rights, the right to life and dignity.

Such a violation has been reported recently by the media (1) whereby a 28-year-old woman who was pregnant with her fourth child sought an abortion from a well known government hospital in Chandigarh. She was denied an abortion and turned away as she could not produce an Aadhaar card or any other government issued proof of identification in her name, which was required, according to the hospital, for an ultrasonography (USG). She was also denied an oral abortifacient, in the absence of the USG by another government facility. She was then advised to go to a private diagnostic centre which she could not afford. Further, health facilities were unwilling to provide abortion without the consent of the husband, something that is not a requirement according to the law. The series of denials forced her to seek abortion from an unqualified healthcare provider, which resulted in severe bleeding endangering her life and necessitated hospitalization and blood transfusion (2,3).

This media report exemplifies yet another instance of the multiple violations - to bodily integrity, personhood, rights to life and healthcare - that women frequently experience in their quest for safe, legal and quality abortion services. As a result an estimated 10 women die due to unsafe abortions every day in the country. The denials in the reported instance were also in complete violation of the provisions of the Medical Termination of Pregnancy Act (MTP Act). Moreover, the denial of health services especially when it is available is a gross negligence - both criminal and civil and unethical on the part of the government and the health system and in absolute violation of their professional ethics.

The mandatory requirement of Aadhaar for USG services in this instance remains unclear. While popular arguments that this will facilitate availability of the medical history of all patients to any hospital persist, this is in clear violation of Section 2(k), Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits, and Services) Act 2016, which states that demographic information collected under the Act shall not include 'medical history'. However, other laws and policies such as the law on health privacy tentatively titled "Electronic Health Data Privacy, Confidentiality and Privacy in India" plans collection of Aadhaar numbers linked to medical records and the National Health Policy 2017 states that the government will be "exploring the use of "Aadhaar" for identification" and "creation of registries (i.e. patients, provider, service, diseases, document and event) for enhanced public health/big data analytics, creation of health information exchange platform."(4) The recent Supreme Court judgment has however held that the right to privacy is an inherent human right and the State shall not intrude unless there is a law.

Several state government health services, for example, in Bihar (5), Haryana, Telangana are already collecting Aadhaar from patients (6). Aadhaar is also mandatory for treatment for Hepatitis C in Punjab (7), in Uttar Pradesh for use of ambulance services (8), for antiretroviral therapy (ART) in Madhya Pradesh (9) while it is required for the death certificate in Assam, Jammu and Kashmir and Meghalaya (10) and organ donation in

Karnataka (11). This raises extremely serious concerns about privacy, confidentiality and ethics vis-à-vis the collection, storage and sharing of health data of patients, linked to Aadhaar over a platform, which has the potential to be accessed widely and used unethically. Disclosure of personal health information also has the potential to reinforce stigma, discrimination and marginalization of those seeking health care, leading to its denial and threat to lives.

We demand that the linking of Aadhaar to health and other social services, including access to PDS be urgently revoked by the Centre and all states and information must be disseminated widely and publicly to ensure that such violations cease immediately.

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List of Endorsements

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3. Medico Friend Circle (MFC)
4. Mahila Sarvangeen Utkarsh Mandal (MASUM)
5. Forum for Medical Ethics Society (FMES)

6. Dr Yogesh Jain, Jan Swasthya Sahyog (JSS), Chhattisgarh
7. Amar Jesani, Editor, Indian Journal of Medical Ethics(IJME)
8. Ratnaboli Ray - Anjali Mental Health Rights Organization, Kolkata
9. Anuradha Kapoor, Swayam, Kolkata
10. Meena Seshu, SANGRAM
11. Aleyamma, Sakhi, Kerala
12. Dr Anant Phadke, Pune
13. Sheba George - SAHR WARU : Women's Action and Resource Unit, Gujarat
14. PRAYAS, Rajasthan
15. Adv Veena Johari, Mumbai
16. Kalyani Menon Sen, Delhi
17. Farah Naqvi, Writer and Activist, Delhi
18. Geeta Ramaseshan, Advocate, Chennai
19. CommonHealth
20. Renu Khanna, SAHAJ, Gujarat
21. National Alliance for Maternal Health and Human Rights (NAMHHR)
22. ANANDI, Gujarat
23. Adv Kamayani Bali Mahabal, Mumbai
24. Talking about Reproductive and Sexual Health Issues (TARSHI)
25. Saba Dewan
26. Shampa Sengupta, Disability & Gender Rights Activist, Kolkata
27. Dr. Sharmila Rudrappa, Professor, Department of Sociology, Director, Center for Asian American Studies University of Texas at Austin
28. Nazariya: A Queer Feminist Resource Group, Delhi
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30. Dr. P.S. Sahni & Shobha Aggarwal, advocate Members, PIL Watch Group
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37. Ranjan De, Delhi
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39. Radha Holla
40. Creating Resources for Empowerment in Action (CREA)
41. M B Nataraj, Microbiologist/ Medical Technologist, Bangalore
42. Forum to Engage Men (FEM)
43. Voluntary Health Association of Punjab (VHAP)
44. GHAROA, Assam
45. Karnataka Janaaroyga Chaluvali
46. Action India, Delhi
47. Vishakha, Rajasthan
48. A. P. Singh

49. Ashray Dilip
50. Food Sovereignty Alliance, India
51. SAHAYOG
52. Umeed Family Counselling Centre
53. Humsafar, UP
54. Sadbhavana Trust, Lucknow
55. Vanangana
56. Sk. Quraish
57. Maternal Health Rights Campaign (MHRC), Madhya Pradesh
58. Association for Advocacy and Legal Initiatives (AALI), Lucknow
59. Dr. Anand Philip, Bangalore
60. Faheem Mitha, Mumbai
61. Rev Kyrsoibor Pyrtuh
62. Rama Kant Rai, Delhi
63. SAHYOGINI, Jharkhand