2024 INSC 816

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2024
(Arising out of SLP(C)Nos.23939-23940 of 2023)

SAROJ & ORS. … APPELLANTS

VERSUS

IFFCO-TOKIO GENERAL INSURANCE CO. & ORS.…RESPONDENTS

O R D E R

SANJAY KAROL J.,

Leave Granted.

2. These appeals are at the instance of the wife and sons[1] of the deceased Silak Ram, who was on 4th August, 2015, travelling on a motorcycle bearing

[1] Hereinafter "claimant-appellants"

registration No.HR-12X-2820, along with one Rohit. Both were found lying injured on the side of the road. The former had succumbed to his injuries and the latter was taken for treatment to Medical College, Rohtak.

3. One Krishan who had discovered the deceased and the injured person on the road, reported the matter to the police and, during the investigation of such incident, the statement of the injured Rohit revealed the particulars of the offending vehicles. In connection thereto, F.I.R.No.481/2015 dated 4th August, 2015 under Sections 279/337, 304A was registered at Police Station, Sampla.

4. The claim petition, bearing No.25 of 2015 was instituted by the family members of the deceased on 16th December, 2015 before the Motor Accident Claims Tribunal, Rohtak[2]. Vide Award dated 26th April, 2017 an amount of Rs.19,35,400/- was passed with an interest @7.5% from the date of filing of the claim petition. The respondent-insurance company was directed to deposit the money into the bank accounts of the claimant-appellants. However, for claimant Nos.2 and 3, who were minors at the relevant time, their share of Rs.6 lakhs each was directed to be placed in fixed deposit till the age of majority or for a period of five years, whichever is later.

5. On appeal to the High Court, *vide* judgment and order dated 9th March, 2023 passed in FAO Nos.8504 of 2017 (O&M) and 6836 of 2017 (O&M) the amount awarded by the MACT was reduced to Rs.9,22,336/- noting that

[2] Hereinafter "MACT"

minimum wage rates issued by the Government are uniformly applicable throughout the State and, therefore, constitute a better measure for calculating the notional income of a deceased person, as opposed to special DC rates notified by the Deputy Commissioner of a District, and, therefore, would only be applicable to that particular district. Further, it was observed that with respect to the age at the time of death, the Aadhar Card of the deceased records his date of birth to be 1st January 1969; thus, the age comes to 47 years. Hence, the multiplier applicable would be 13.

6. The claimant-appellants, aggrieved by the reduction, have approached this Court. Before us, it was contended that the multiplier applicable would be 14 since, in the School Leave Certificate the date of birth of the deceased is shown as 7th October, 1970. His age, then at the time of the accident was 45 years. They were further aggrieved by the calculation of monthly income to be Rs.5,886/-.

7. Notice was issued on 17th October, 2023. The matter was then sent to Lok Adalat by way of an order dated 23rd July 2024. A subsequent order dated 2nd August 2024 records that the matter could not be settled.

8. We have heard the learned counsel for the parties and also perused the record. The questions arising for consideration are - (a) in case of conflict of the dates of birth between the two documents, as in this case between the School Leaving Certificate and the Aadhar Card, which of the two is to be taken as

authoritative; and (b) whether in the facts of the case, the High Court's reduction of the compensation awarded by the learned MACT, was justified and in accordance with law?

9. This Court is of the view that the High Court erred in undertaking the reduction as it has. The reasons therefor are recorded in the following paragraphs.

9.1 The general rule insofar as appellate proceedings are concerned is that a Court sitting in appeal is not to substitute its view for that of the Court below. It is only to see that the decision arrived at is not afflicted by perversity, illegality or any other such vice which may compromise it beyond redemption.

9.2 It is also well settled that an order is not to be interfered with simply because another view is possible, which, in the impugned order the High Court seems to have done.

9.3 The question before the High Court was not as to which yardstick to use to determine the notional income of the deceased was 'better'. Since there is nothing on record to establish that the rates notified by the District Commissioner, Rohtak, would not apply to the deceased, we find no reason to interfere with the finding of the Tribunal. Further, the testimonies of PWs 2, 5 and 6 show that he is an agriculturist who owned his own tractor and a JCB machine.

9.4 The second aspect is the age of the deceased. The High Court, relied on the age as mentioned in the Aadhar Card of the deceased, i.e., 1st January, 1969. However, as submitted by the claimant-appellants, the School Leaving Certificate records the date of birth of the deceased to be 7th October, 1970. This will affect the multiplier to be applied. Let us now consider this question.

It has to be noted at the outset that a School Leaving Certificate has been accorded statutory recognition. Sub-section (2) of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015[3] reads thus:

> "(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining —
>
> (i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;
>
> (ii) the birth certificate given by a corporation or a municipal authority or a panchayat;
>
> (iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board…"
>
> (Emphasis Supplied)

[3] Hereafter "JJ Act"

Whether the Aadhar Card is sufficient proof of a person's age, has come up for consideration before some High Courts, *albeit* in the context of different statutes. We shall refer to a few instances but, prior to doing so, it is also important to take note of the purpose behind introduction of the Aadhar Scheme. In the Constitution Bench judgment in ***K.S. Puttaswamy v. Union of India*** (5-J.)[4] Dr. A.K. Sikri, J. wrote as hereinbelow extracted, encapsulating the object and purpose of Aadhar:-

> "24. Before adverting to the discussion on various issues that have been raised in these petitions, it would be apposite to first understand the structure of the Aadhaar Act and how it operates, having regard to various provisions contained therein. UIDAI was established in the year 2009 by an administrative order i.e. by resolution of the Govt. of India, Planning Commission, vide notification dated January 28, 2009. The object of the establishment of the said Authority was primarily to lay down policies to implement the Unique Identification Scheme (for short the 'UIS') of the Government, by which residents of India were to be provided unique identity number. The aim was to serve this as proof of identity, which is unique in nature, as each individual will have only one identity with no chance of duplication. Another objective was that this number could be used for identification of beneficiaries for transfer of benefits, subsidies, services and other purposes. This was the primary reason, viz. to ensure correct identification of targeted beneficiaries for delivery of various subsidies, benefits, services, grants, wages and other social benefits schemes which are funded from the Consolidated Fund of India ...
>
> Summing up the Scheme:
>
> 62. The whole architecture of Aadhaar is devised to give unique identity to the citizens of this country. No doubt, a person can have various documents on the basis of which that individual can establish her identity. It may be in the form of a passport, Permanent Account Number (PAN) card, ration card and so on. For the purpose of enrolment itself number of documents are prescribed which an individual can produce on the basis of which Aadhaar card can be

[4] (2019) 1 SCC 1

> issued. Thus, such documents, in a way, are also proof of identity. However, there is a fundamental difference between the Aadhaar card as a means of identity and other documents through which identity can be established. Enrolment for Aadhaar card also requires giving of demographic information as well as biometric information which is in the form of iris and fingerprints. This process eliminates any chance of duplication. ….. It is for this reason the Aadhaar card is known as Unique Identification (UID). Such an identity is unparalleled."
>
> (Emphasis supplied)

9.5 Turning back to the question of whether Aadhar Card can serve as a proof of age, a perusal of some High Court judgments reveals that this question has been considered on quite a few occasions in the context of the JJ Act. Illustratively, in ***Manoj Kumar Yadav v. State of M.P.***[5] a learned Single Judge of the Madhya Pradesh High Court held that when it comes to establishing the age, on a plea of juvenility the age mentioned in the Aadhar Card could not be taken as a conclusive proof in view of Section 94 of the JJ Act. Similar observations have been made in ***Shahrukh Khan v. State of M.P.***[6] holding that if the genuineness of the School Leaving Certificate is not under challenge, the said document has to be given due primacy.

The Punjab & Haryana High Court in the context of the Prohibition of Child Marriage Act, 2006, in ***Navdeep Singh & Anr. v. State of Punjab & Ors.***[7] held that Aadhar Cards were not "firm proof

[5] 2023 SCC OnLine MP 1919
[6] 2023 SCC OnLine MP 2740
[7] 2021 SCC OnLine P&H 4553

of age". Observations similar in nature were also made in ***Noor Nadia & Anr. v. State of Punjab & Ors.***[8], ***Muskan v. State of Punjab***[9] as well as several other orders/judgments, in various contexts.

Views aligning with the one referred to above have been taken by the High Court of Judicature of Allahabad in ***Parvati Kumari* v. *State of U.P.***[10]; the Himachal Pradesh High Court in ***Kumit Kumar v. State of H.P.***[11] and the High Court of Kerala in ***Sofikul Islam v. State of Kerala***[12].

9.6 We find that the Unique Identification Authority of India[13], by way of its Circular No.08 of 2023, has stated, in reference to an Office Memorandum issued by the Ministry of Electronics and Information Technology dated 20th December 2018, that an Aadhar Card, while can be used to establish identity, it is not *per se* proof of date of birth. This office memorandum dated 20th December, 2018 was taken note of by a learned Division Bench of the Bombay High Court in ***State of Maharashtra v. Unique Identification Authority of India And Ors.***[14] in

[8] 2021 SCC OnLine P&H 1514
[9] 2021 SCC OnLine P&H 3649
[10] 2019 SCC OnLine All 7085
[11] 2024 SCC OnLine HP 2965
[12] 2022 SCC OnLine Ker 5814
[13] Abbreviated as 'UIDAI'
[14] Criminal Writ Petition No. 3002 of 2022

its order dated 28th July, 2023. The Circular is extracted hereinbelow for ready reference:-

F.No.HQ-13065/1/2022-AUTH-II HQ/8075
Unique Identification Authority of India
(Authentication and Verification Division)

UIDAI Headquarter
Bangla Sahib Road, Behind Kali Mandir
Gole Market, New Delhi-110 001
Dated 22.12.2023

Circular No.08 of 2023

Subject: Accepting Aadhar as a proof of Date of Birth (DoB) – regarding.

It has been observed that AUAs/KUAs are considering and accepting Aadhar card / e-Aadhaar as one of the acceptable documents for proof of Date of Birth (DoB).

2. In this regard, it is pertinent to mention that, Aadhaar is a unique 12 digit ID issued to a resident after he/she undergoes the enrolment process by submitting his/her demographic and biometric information. Once a resident is assigned an Aadhaar number, it can be used to authenticate the resident through various modes as prescribed under Aadhaar Act, 2016 and Regulations framed there under.

3. At the time of enrolment/updation, UIDAI records DoB as claimed by the resident, on the basis of the documents submitted by them, as specified under the list of supporting documents for Aadhaar enrolment, provided on the UIDAI website (https://uidai.gov.in/images/commdoc/26 JAN 2023 Aadhar List of documents English.pdf). Further, it is to be noted that Regulations 10(4) and 19A of the Aadhaar (Enrolment and UPDATE) Regulations, 2016, mention that verification of the enrolment and update data shall be performed as provided in Schedule III.

4. In this regard, attention is drawn towards Office Memorandum dated 2-0.12.2018 issued by MeitY through UIDAI, where it has been stated that "*An Aadhaar number can be used for establishing identity of an individual subject to authentication and thereby, per se its not a proof of date of birth" (copy enclosed).*

5. This aspect of the Aadhar Act, 2016 has been reiterated/highlighted/stressed upon by different High Courts in recent judgments. The most recent one is given by the Hon'ble High Court of Bombay, in the case of *State of Maharashtra V/S Unique Identification Authority of India And Ors.* dated 28.07.2023 *(copy enclosed).*

6. In view of the above, it is required that use of Aadhaar, as a proof of DoB needs to be deleted from the list of acceptable documents.

7. This issues with the approval of the Competent Authority.

Encl : As above.

(Sanjeev Yadav)
Director
Tel: 011-23478609
Email: dirl.auth-hq@uidai.net.in

…"

(Emphasis supplied)

9.7 Judicial notice has also been taken of the circular above. Recently, a learned Single Judge of the Gujarat High Court in ***Gopalbhai Naranbhai Vaghela v. Union Of India & Anr.***[15] in view thereof directed the release of the petitioner's pension in accordance with the date as mentioned in the School Leaving Certificate, keeping aside the difference in the date of birth as mentioned in the Aadhar Card, which was not relevant for the purpose of such consideration.

9.8 In ***Shabana v. NCT of Delhi***[16] a learned Division Bench of the Delhi High Court in a case where the petitioner-mother sought a writ of habeas corpus for her daughter, recorded a statement made for and on behalf of UIDAI that "Aadhar Card may not be used as proof of date of birth."

9.9 Here, we may clarify that we have not expressed any view on the merits of these cases before their respective High Courts, and reference has only been made to them for the limited purpose of examining the suitability of the Aadhar Card as proof of age.

[15] Order dated 26th February, 2024 passed in R/ Civil Special Application No. 16484 of 2022
[16] 2024 SCC OnLine Del 5058. Judgment dated 24th July, 2024.

10. That being the position, as it stands with respect to the determination of age, we have no hesitation in accepting the contention of the claimant-appellants, based on the School Leaving Certificate. Thus, we find no error in the learned MACT's determination of age based on the School Leaving Certificate.

11. On another aspect, i.e., the interest awarded, we find there to be no reason recorded by the High Court in the reduction of the rate of interest from 7.5% to 6%. The High Courts cannot lose sight of the fact that compensation received by way of claims filed before MACT is either born out of injury or death of the claimant or family member of the claimants and so, the amount awarded must do justice to them. It necessarily has to be just and reasonable. In that view of the matter, we find it fit to enhance the rate of interest to 8% to be paid from the date of filing of the claim petition.

12. In view of the above discussion, we direct that the notional income to be taken shall be Rs.9000/- as found by the Tribunal; given that the date of birth is, *apropos* the above discussion, to be taken as 7th October 1970 and consequently, the multiplier to be applied is 14.

13. Hence, the compensation payable to the claimant-appellants in terms of the principles laid down in ***National Insurance Co. Ltd. v. Pranay Sethi***[17] is recalculated in tabulated form as under :-

[17] (2017) 16 SCC 680

Heads	MACT	HC	Final Compensation Payable
Monthly Income	Rs.9,000/- (pg.38)	Rs.5,886/-	Rs.9,000/-
Annual income	Rs.1,08,000/-	Rs.70,632/-	Rs.1,08,000/-
Future prospects	@ 30% (2,700/-) + Rs.9,000/- = Rs.11,700/- p.m.	@ 25% (1,471/-) + Rs.5,886/- Rs.7,357/- p.m.	@ 25% (2,250/-) + Rs.9,000/- = Rs.11,250/- p.m.
Personal Expenses (Deduction of 1/3)	11,700-3900 = Rs.7,800/- p.m. Rs.93,600/- p.a.	7,357 – 2,452 = Rs.4,906/-	11250-3,750 Rs.7,500/-p.m. = Rs.90,000/- p.a
Multiplier	14	13	14
Loss of dependency	Rs.93,600 x 14 = Rs.13,10,400/-	Rs.58,872 x 13 = Rs.7,65,336/-	Rs.90,000 x 14 = Rs.12,60,000/-
Loss of Estate	Rs.1,00,000/-	Rs.15,000/-	Rs.18,150/- (10% increase after 3 yrs + 3 yrs)
Funeral expenses	Rs.25,000/-	Rs.15,000/-	Rs.18,150/- (10% increase after 3 yrs + 3 yrs)
Loss of Consortium	Rs.6,00,000/-	Rs.40,000 x 3 = Rs.1,20,000/-	Rs.48,400 /- (10% increase after 3 yrs + 3 yrs) x 3 = Rs. 1,45,200/-
Total compensation	Rs.20,35,400/- + 7.5% interest	Rs.9,22,336/- + 6% interest	Rs.14,41,500/- + 8% interest from date of filing of claim petition

14. The appeals are allowed, the total amount, i.e., Rs.14,41,500, in the interest of just compensation is rounded off to Rs.15,00,000/- with 8% interest from the

date of filing of the claim petition to be released to the rightful claimants in the manner directed by the Tribunal.

Pending application(s) if any stands disposed of. No order as to cost.

……J.
(SANJAY KAROL)

……J.
(UJJAL BHUYAN)

Dated : 24th October, 2024;
Place : New Delhi.