

# SC: Can't question House on Aadhaar

**J. VENKATESAN**  
NEW DELHI, APRIL 26

The Supreme Court observed on Wednesday that "whether linking Aadhaar with PAN is good or not, we can't question the wisdom of Parliament that has enacted a law. We can't substitute our wisdom for Parliament".

A Bench of Justices A.K. Sikri and Ashok Bhushan made these observations during the hearing of petitions challenging the linking of Aadhaar with PAN card and making it

mandatory for filing Income Tax returns.

Senior counsel Arvind P. Datar with advocate Sriram Parikkat, appearing for petitioner former Kerala minister, Binoy Viswam, submitted the Constitution Bench of the apex court has given rights not to make Aadhaar compulsory and that it can't be indirectly taken away by the government. He also pointed out the government had given assurances to this court not to make Aadhaar mandatory and now how

can it go back on its assurance. Refuting the government's claims on curbing black money by linking Aadhaar with PAN card, the counsel wondered as to how this will help.

Mr Datar said, "Whatever the scheme, people still evade taxes. It is a non-tax compliance society." Justice Sikri observed, "We citizens are like that. It's a shame on us. We don't pay taxes. Just because the government has given an assurance, can we stop Parliament from enacting

a legislation?"

Mr Datar with senior counsel Shyam Divan said making Aadhaar mandatory is a violation of the right to equality, and that the information of an individual is sought to be forcefully obtained by the state machineries by negating the requirement of consent, by making the consequences of non-enrolment drastic. They also argued that the government cannot indirectly make Aadhaar mandatory through Income Tax Act.