

APEX COURT LISTENS TO PETITIONS CONTESTING GOVT MOVE

Nothing Wrong in Linking PAN with Aadhaar, says SC

In preliminary remarks, Justice AK Sikri says govt trying to check tax evasion

Samanwya.Rautray
@timesgroup.com

New Delhi: The Supreme Court has said there was nothing prima facie wrong with the Modi government's insistence on linking Permanent Account Number (PAN) of citizens with their Aadhaar numbers to check the endemic problem of tax evasion.

"It is a shame that people evade tax... We can understand if there is tax avoidance, but there are tax evasions... Once there is tax evasion, the government has to come out with new provisions. The government is try-

ing to plug all evasions and leakages," Justice AK Sikri said in his preliminary remarks.

He was sitting alongside Justice Ashok Bhushan and listening to petitions contesting the government's move to link PAN and Aadhaar numbers. Those that are not linked will lose their validity, according to changes brought in the Finance Bill.



The SC bench wondered why it should substitute the House's wisdom on this matter with its own

The government, through its top-most legal officer, Attorney General for India Mukul Rohatgi, defended the move as necessary to weed out fake PANs and check tax evasion and black money.

In keeping with the top court's marked reluctance recently to wade into areas traditionally considered to be in the executive domain, the

bench wondered aloud why it should substitute the house's wisdom on this matter with its own.

"There are 542 members sitting in Parliament — they don't object. Why should we interfere or object to it?" the bench asked of the latest change in the law, which makes it impossible for citizens to file their income-tax returns without their Aadhaar numbers.

This remark was made after senior advocates Arvind P Datar and Shyam Divan claimed the move was draconian and oppressive.

Datar, appearing for CPI leader Binoy Visman, argued that the proposed move did not figure either in the finance minister's speech or objects while moving the amendment to Income Tax Act. The amendment inserted a new Section 133AA, making the link mandatory after July 1, 2017. No reasons were cited to back this decision, Datar said.