

ITEM NO.11

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 848/2022

S.G. VOMBATKERE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.146104/2022-APPROPRIATE
ORDERS/DIRECTIONS)

Date : 31-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. P.B. Suresh, Adv.
Mr. Vipin Nair, Adv.
Mr. Kartik Jayshankar, Adv.
Mr. Prasanna S., AOR
Mr. Udayaditya Banerjee, Adv.
Ms. Ria Singh Sawhney, Adv.
Ms. Sugandha Yadav, Adv.
Ms. Swati Arya, Adv.
Mr. Yuvraj Singh Rathore, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned senior counsel for the petitioner has drawn our attention to the Election Laws (Amendment) Act, 2021 Section 4 whereby Section 23 of the 1950 Act stands amended. As per Clause 6, there is mandate that the inclusion of the name in electoral roll shall not be denied nor the name deleted for inability of an individual to furnish and intimate

Aadhar number due to such sufficient cause as may be prescribed and the proviso stipulates that the individual may be allowed to furnish such other alternative documents as may be prescribed. He has thus, drawn our attention to Form 6 and Form 6B to contend that the alternative proof is available to a voter only if he is not able to furnish the Aadhar number because he does not have an Aadhar number and an option of being unwilling to furnish an Aadhar number if alternatives are available is not permitted. He has drawn our attention to the judgment in *Justice K.S. Puttaswamy (RETD) & Anr. v. Union Of India & Ors.* - 2019 1 SCC 1 which dealt with the issue of validity of the Aadhar Card to contend that only if some benefit of subsidy is sought to be conferred can the Aadhar card be made mandatory and not if there is an intrinsic right and the right to vote is stated to be at the highest level of such a right.

Learned counsel for the petitioner submits that two other petitions filed by the petitioner being Writ Petition [C] No.679/2019 and Writ Petition [C] No.1077/2019 are already pending and there may be some overlapping with those cases. He thus, seeks tagging.

In all fairness he has brought to our notice the order in Writ Petition [C] No.325/2022 filed by

another person which was dismissed with liberty to approach the High Court but he submits that as he understands, no further action has been taken in that matter.

We may also add that there is possibility that in certain tribal areas even the alternative documents may not be available.

Issue notice.

Tag with Writ Petition [C] No.679/2019.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)