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Supreme Court Dismissed Aadhaar Review Petitions

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Why in News

Recently, the **Supreme Court (SC)** has **dismissed petitions seeking a review** of its **2018 judgment** upholding the constitutional validity of the **Aadhaar Act (2016)**.

Key Points

- **Background:**
 - In 2018, the SC upheld the country's biometric identity system and also cleared mandatory Aadhaar enrolment of recipients of government welfare benefits.
 - The court, in its verdict, had also **approved the passage of Aadhaar law by the Parliament as a money bill**, which **did not require an approval of the Rajya Sabha**.
 - Thereafter, **review petitions** were filed against the judgement.
- **Issue Involved:**
 - Whether the **decision of the Lok Sabha Speaker** under **Article 110 (3)** of the Constitution to certify a bill as a money bill under **Article 110 (1)** is final and binding, or **can be subject to judicial review**.
 - If the decision is subject to judicial review, whether the **Aadhaar Act, 2016** has been correctly **certified as a money bill**.

- **SC's Ruling:**

- **Majority Decision:**

- Majority of the bench (i:e 4 out of 5) held that “**no case for review**” of the 2018 judgment was made and **dismissed the petitions**.
- The 2019 judgment in *Rojer Mathew v South Indian Bank Ltd* was not sufficient to press for a reconsideration of the 2018 Aadhaar judgment.

- **Rojer Mathew v South Indian Bank Ltd 2019:**

- The judgment in this case said that the **speaker's decision was not beyond judicial review** though the scope was extremely restricted.
- It had also said that the 2018 Aadhaar verdict had not answered conclusively **the question as to what constitutes a money Bill** under Article 110 (1) and had **directed that it be referred to a larger Bench which has not been constituted yet**.

- **Dissenting Judgment:**

- One of the five judges dissented with the majority view and said that **the 2019 judgment questioning the correctness of the Aadhaar verdict was a relevant fact and that the apex court must wait for the larger bench of seven judges to decide** these pertinent issues.
- He also referred to the **Sabarimala case** where a nine-judge Bench in February 2020 had **referred certain questions of law arising in the context of an earlier decision** by a five-judge Bench in September 2019 **to a larger Bench while keeping the review petitions pending**.
- He held that it is a constitutional **error to hold at this stage that no ground exists to review the judgment** and it would **have serious consequences not just for judicial discipline, but also for the ends of justice**.

- **Final Judgement:**

Even as one of the five judges on the bench termed it a “constitutional error,” the SC by a **majority verdict has dismissed a clutch of petitions seeking a review of its 2018 judgment that validated the Aadhaar Act**.

Money Bill

- **Article 110** of the Constitution deals with the Money Bills. It states that a bill is deemed to be a money bill if it contains ‘only’ provisions dealing with all or any of the following matters:
 - The imposition, abolition, remission, alteration or regulation of any tax.
 - The **regulation of the borrowing of money by the Union government.**
 - The **custody of the Consolidated Fund of India or the contingency fund of India,**
The **payment of money** into or the **withdrawal of money from any such fund.**
 - The **appropriation of money** out of the **Consolidated Fund of India.**
 - **Declaration of any expenditure charged on the Consolidated Fund of India** or increasing the amount of any such expenditure.
 - The **receipt of money on account of the Consolidated Fund of India** or the public account of India or **the custody or issue of such money,** or the audit of the accounts of the Union or of a state.
 - Any **matter incidental to any of the matters specified above.**
- **Difference between Money and Financial Bills:**

Money Bills	Financial Bills	
	Financial Bill-I	Financial Bill-II
Article 110 deals with money bills.	Article 117 (1) deals with Finance Bill - I	Article 117 (3) deals with Finance Bills-II
They deal with ‘ only ’ provisions mentioned in Article 110.	They contain not only any or all the matters mentioned in Article 110, but also other matters of general legislation.	They contain provisions involving expenditure from Consolidated Fund of India, but not included in Article 110.
Speaker decides whether a bill is a money bill or not.	Does not require certification of the speaker.	Does not require certification of the speaker.
They can be introduced only in Lok Sabha.	They can be introduced only in Lok Sabha.	They can be introduced in both houses.
President’s recommendation is needed to introduce them.	President’s recommendation is needed to introduce them.	President’s recommendation not needed.
It cannot be amended or rejected by the Rajya Sabha.	It can be amended or rejected by the Rajya Sabha.	It can be amended or rejected by the Rajya Sabha.

President can either accept or reject a money bill but **cannot return it for reconsideration.**

President **can return** it for reconsideration.

President **can return** it for reconsideration.

No provision for joint sitting of both the houses to resolve the deadlock.

President can summon the joint sitting of the two houses.

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