Do Aadhaar qualify as money bill?

Why in news?

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The Supreme Court is about to begin hearing final arguments on a writ petition questioning the legality behind the Union government's move in introducing the Aadhaar Act as a money bill.

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What is money bill?

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- A money bill is defined by **Article 110** of the Constitution, as a draft law that contains only provisions that deal with all or any of the matters listed in that article.
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- These comprise a set of seven features, broadly including items such as the imposition or regulation of a tax; the regulation of the borrowing of money by the Government of India; the withdrawal of money from the Consolidated Fund of India; and so forth.
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- Article 110 further clarifies that in cases where a dispute arises over whether a bill is a money bill or not, the Lok Sabha Speaker's decision on the issue shall be considered final.
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- The provision requires that a bill conform to the criteria prescribed in it for it to be classified as a money bill.
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- Where a bill intends to legislate on matters beyond the features delineated in Article 110, it must be treated as an ordinary draft statute.
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What is AADHAAR?

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- Originally, Aadhaar was conceived as a scheme to provide to every Indian a unique identity number for enabling a fair and equitable distribution of benefits and subsidies
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- A draft of a statute was introduced in the Rajya Sabha, in December 2010 as an ordinary bill.
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- This meant that both Houses of Parliament had to provide their vote to the bill for it to become law.
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- However it was not passed due to concerns over privacy and protection of data security.
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- In March 2016, the Union government withdrew the earlier bill, and introduced the Aadhaar (Targeted Delivery of Financial & Other Subsidies, Benefits & Services) Bill, 2016 as a money bill.
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- Hence now it required only the Lok Sabha's affirmation for it to turn into law.
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- The legislation endangers the core liberties, in manners both explicit and implicit ways.
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- Therefore this move was designed to bypass opposition in Rajya Sabha bill.
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What is the government's stand?

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- In the Supreme Court's judgment in **Mohd. Saeed Siddiqui v. State of UP (2014),** the court ruled that a Speaker's decision to classify a draft statute as a money bill, was not judicially reviewable, even if the classification was incorrect.
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- The court justified that this is because the error in question constituted nothing more than a mere procedural irregularity.

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- The government sites this case to justify its stand.
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What should be done?

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- But it brushes aside the verdict of a Constitution Bench in **Raja Ram Pal v. Hon’ble Speaker, Lok Sabha (2007)**.
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- In this case, the court had ruled that clauses that attach finality to a determination of an issue is not altogether outside the court’s jurisdiction.
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- The bench held that there are numerous circumstances where the court can review parliamentary pronouncements like instances where a Speaker’s choice is grossly illegal, or disregards basic constitutional mandates, or where the Speaker’s decision is arrived at through dishonest intentions.
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- Therefore it should be understood that the Speaker’s decision to confirm the government’s classification is an error that is not merely procedural in nature but one that constitutes, in substance, an unmitigated violation of Article 110.
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Source: The Hindu

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