IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

REVIEW PETITION (CIVIL) NO……/2021

(Diary No. 45777/2018)

IN

WRIT PETITION (CIVIL) NO. 494 OF 2012

Beghar Foundation

through its Secretary and Anr. Petitioner(s)

versus

Justice K.S. Puttaswamy (Retd.) and Ors. Respondent(s)

with

REVIEW PETITION (CIVIL) NO. 3948 OF 2018

IN

WRIT PETITION (CIVIL) NO. 231 OF 2016

Jairam Ramesh Petitioner(s)

versus

Union of India and Ors. Respondent(s)

with

REVIEW PETITION (CIVIL) NO. 22 OF 2019

IN

WRIT PETITION (CIVIL) NO. 1014 OF 2017

M.G. Devasahayam **Petitioner(s)**

versus

Union of India and Anr. **Respondent(s)**

with

REVIEW PETITION (CIVIL) NO. 31 OF 2019

IN

WRIT PETITION (CIVIL) NO. 1058 OF 2017

Mathew Thomas **Petitioner(s)**

versus

Union of India and Ors. **Respondent(s)**

with

REVIEW PETITION (CIVIL) NO……/2021

(Diary No. 48326/2018)

IN

WRIT PETITION (CIVIL) NO. 494 OF 2012

Imtiyaz Ali Palsaniya **Petitioner(s)**

versus

Union of India and Ors. **Respondent(s)**

with

REVIEW PETITION (CIVIL) NO. 377 OF 2019

IN

WRIT PETITION (CIVIL) NO. 342 OF 2017

Shantha Sinha and Anr. **Petitioner(s)**

versus

Union of India and Anr. **Respondent(s)**

with

REVIEW PETITION (CIVIL) NO. 924 OF 2019

IN

WRIT PETITION (CIVIL) NO. 829 OF 2013

S.G. Vombatkere and Anr. **Petitioner(s)**

versus

Union of India and Ors. **Respondent(s)**

O R D E R

Permission to file Review Petition(s) is granted.

Delay condoned.

Prayer for open Court/personal hearing of Review Petition(s) is rejected.

The present review petitions have been filed against the final judgment and order dated 26.09.2018. We have perused the review petitions as well as the grounds in

support thereof. In our opinion, no case for review of judgment and order dated 26.09.2018 is made out. We hasten to add that change in the law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review. The review petitions are accordingly dismissed.

Consequently, prayer for urging additional grounds in Review Petition (Civil) No. 22/2019 stands rejected.

.....J.

(A.M. Khanwilkar)

.....J.

(Ashok Bhushan)

.....J.

(S. Abdul Nazeer)

.....J.

(B. R. Gavai)

New Delhi;

January 11, 2021.

Reportable

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IN THE SUPREME COURT OF INDIA
CIVIL INHERENT/ APPELLATE JURISDICTION

Review Petition (Civil) Diary No. 45777 of 2018

Beghar Foundation & Anr. .... Petitioners

Versus

Justice K.S. Puttaswamy (Retd.) & Ors. .... Respondents

With

Review Petition (Civil) No. 3948 of 2018

in

Writ Petition (Civil) No. 231 of 2016

With

Review Petition (Civil) No. 22 of 2019

in

Writ Petition (Civil) No. 1014 of 2017

With

Review Petition (Civil) No. 31 of 2019

in

Writ Petition (Civil) No. 1058 of 2017

With

Diary No. 48326 of 2018

With

Review Petition (Civil) No. 377 of 2019

in

Writ Petition (Civil) No. 342 of 2017

And With

Review Petition (Civil) No. 924 of 2019

in

Writ Petition (Civil) No. 829 of 2013

J U D G M E N T

Dr Dhananjaya Y Chandrachud, J

1 I regret my inability to agree with the decision of the majority in dismissing the present batch of review petitions.

2 This batch of petitions seeks a review of the decision of a Constitution Bench of this Court in **Puttaswamy (Aadhaar-5J.)** v **Union of India**[1] **["Puttaswamy (Aadhar-5J."]**. Among the issues which arose for decision, the Court had to answer two critical questions: *(i)* whether the decision of the Speaker of the House of People[2] 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; and *(ii)* if the decision is subject to judicial review, whether the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and

1 (2019) 1 SCC 1

2 'House of People' interchangeably referred as 'Lok Sabha'

Services) Act, 2016 (the "**Aadhaar Act**") had been correctly certified as a 'Money Bill' under Article 110(1) of the Constitution.

3 On the first question, the majority (speaking through Dr Justice A.K. Sikri) stated that "[j*]udicial review* [of whether a Bill is a 'Money Bill'] *would be admissible under certain circumstances having regard to the law laid down by this Court*"[3]. While answering the second question, the majority held that Section 7 of the Aadhaar Act had elements of a 'Money Bill', and the other provisions were incidental to the 'core' of the Aadhaar Act. Hence, the majority held that the Aadhaar Act had been correctly certified as a 'Money Bill' under Article 110(1).

4 In his concurring opinion, Justice Ashok Bhushan answered the first question by holding that the decision of the Speaker of the House of People under Article 110(1) could be subject to judicial review when it was in breach of a constitutional provision. Drawing a distinction between an irregularity of procedure and a substantive illegality, Justice Ashok Bhushan held:

> "901. There is a clear difference between the subject "irregularity of procedure" and "substantive illegality". When a Bill does not fulfil the essential constitutional condition under Article 110(1), the said requirement cannot be said to be evaporated only on certification by Speaker. Accepting the submission that certification immunes the challenge on the ground of not fulfilling the constitutional condition, the Court will be permitting constitutional provisions to be ignored and bypassed. We, thus, are of the view that decision of the Speaker certifying the Bill as Money Bill is not only a matter of procedure and in the event, any illegality has occurred in the decision and the decision is clearly in breach of the constitutional provisions, the decision is subject to judicial review."

However, in answering the second question, Justice Bhushan's concurring opinion agreed with the majority and held that the Aadhaar Act had been correctly

3 *Id* at paras 455-464

certified by the Speaker of the House of People as a 'Money Bill' under Article 110(1).

5 The opinion authored by me, answered the first question by holding that:

> "1080. The obligation placed on the Speaker of the Lok Sabha to certify whether a Bill is a Money Bill is not a mere matter of "procedure" contemplated under Article 122. It is a constitutional requirement, which has to be fulfilled according to the norms set out in Article 110. Article 122 will not save the action of the Speaker, if it is contrary to constitutional norms provided under Article 110. The Court, in the exercise of its power of judicial review, can adjudicate upon the validity of the action of the Speaker if it causes constitutional infirmities. Article 122 does not envisage exemption from judicial review, if there has been a constitutional infirmity. The Constitution does not endorse a complete prohibition of judicial review under Article 122. It is only limited to an "irregularity of procedure"."

However, on the second question, my decision dissented with the majority and Justice Ashok Bhushan, and held that the decision of the Speaker of the House of People to certify the Aadhaar Act as a 'Money Bill' under Article 110(1) was unconstitutional.

6 The issue whether judicial review can be exercised over a decision of the Speaker of the House of People under Article 110(3), arose subsequently before another Constitution Bench in **Rojer Mathew** v **South Indian Bank Ltd**[4] **("Rojer Mathew")** This was in the context of whether some of the provisions of the Finance Act, 2017 (relating to appointments to Tribunals and the conditions of service of members) could have been certified as a 'Money Bill' under Article 110.

4 (2020) 6 SCC 1

7 The judgment delivered by the majority (speaking through Chief Justice Ranjan Gogoi) answered this question by referring to the judgment in **Puttaswamy (Aadhaar-5J.)** in the following terms:

> "102. A coordinate Bench of this Court in K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India [K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India, (2019) 1 SCC 1] , was tasked with a similar question of the certification of "Money Bill" accorded to the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 by the Speaker of Lok Sabha. The majority opinion after noting the important role of the Rajya Sabha in a bicameral legislative set-up, observed that Article 110 being an exceptional provision, must be interpreted narrowly. Although the majority opinion did not examine the correctness of the decisions in Mohd. Siddiqui [Mohd. Saeed Siddiqui v. State of U.P., (2014) 11 SCC 415] and Yogendra Kumar Jaiswal [Yogendra Kumar Jaiswal v. State of Bihar, (2016) 3 SCC 183 : (2016) 2 SCC (Cri) 1] or conclusively pronounce on the scope of jurisdiction or power of this Court to judicially review certification by the Speaker under Article 110(3), yet, it independently reached a conclusion that the impugned enactment fell within the four corners of Article 110(1) and hence was a "Money Bill". The minority view rendered, however, explicitly overruled both Mohd. Siddiqui [Mohd. Saeed Siddiqui v. State of U.P., (2014) 11 SCC 415] and Yogendra Kumar Jaiswal [Yogendra Kumar Jaiswal v. State of Bihar, (2016) 3 SCC 183 : (2016) 2 SCC (Cri) 1] .
>
> 103. **The majority opinion in Puttaswamy [K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India, (2019) 1 SCC 1] by examining whether or not the impugned enactment was in fact a "Money Bill" under Article 110 without explicitly dealing with whether or not certification of the Speaker is subject to judicial review, has kept intact the power of judicial review under Article 110(3).** It was further held therein that the expression "Money Bill" cannot be construed in a restrictive sense and that the wisdom of the Speaker of Lok Sabha in this regard must be valued, save where it is blatantly violative of the scheme of the Constitution. **We respectfully endorse the view in Puttaswamy [K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India, (2019) 1 SCC 1] and are in no doubt that Mohd. Siddiqui [Mohd. Saeed Siddiqui v. State of U.P., (2014) 11 SCC 415] and Yogendra Kumar Jaiswal [Yogendra Kumar Jaiswal v. State of Bihar, (2016) 3 SCC 183 : (2016) 2 SCC (Cri) 1] insofar as they put decisions of the Speaker**

under Article 110(3) beyond judicial review, cannot be relied upon."

(emphasis supplied)

However, the majority opinion noted that the first question was not adequately answered in the above decision in **Puttaswamy (Aadhaar-5J.)**. It also noted its doubts on the determination of the second question:

"116. Upon an extensive examination of the matter, we notice that the majority in K.S. Puttaswamy (Aadhaar-5 J.) [K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India, (2019) 1 SCC 1] pronounced the nature of the impugned enactment without first delineating the scope of Article 110(1) and principles for interpretation or the repercussions of such process. It is clear to us that **the majority dictum in K.S. Puttaswamy (Aadhaar-5 J.) [K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India, (2019) 1 SCC 1] did not substantially discuss the effect of the word "only" in Article 110(1) and offers little guidance on the repercussions of a finding when some of the provisions of an enactment passed as a "Money Bill" do not conform to Articles 110(1)(a) to (g). Its interpretation of the provisions of the Aadhaar Act was arguably liberal and the Court's satisfaction of the said provisions being incidental to Articles 110(1)(a) to (f), it has been argued, is not convincingly reasoned, as might not be in accord with the bicameral parliamentary system envisaged under our constitutional scheme.** Without expressing a firm and final opinion, it has to be observed that the analysis in K.S. Puttaswamy (Aadhaar-5 J.) [K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India, (2019) 1 SCC 1] makes its application difficult to the present case and raises a potential conflict between the judgments of coordinate Benches.

117. Given the various challenges made to the scope of judicial review and interpretative principles (or lack thereof), as adumbrated by the majority in K.S. Puttaswamy (Aadhaar-5 J.) [K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India, (2019) 1 SCC 1] and the substantial precedential impact of its analysis of the Aadhaar Act, 2016, it becomes essential to determine its correctness. Being a Bench of equal strength as that in K.S. Puttaswamy (Aadhaar-5 J.) [K.S. Puttaswamy (Aadhaar-5 J.) v. Union of India, (2019) 1 SCC 1] , we accordingly direct that this batch of matters be placed before

> the Hon'ble the Chief Justice of India, on the administrative side, for consideration by a larger Bench."
>
> (**emphasis supplied**)

As a consequence, the majority opinion held that "[t]*he issue and question of Money Bill, as defined under Article 110(1) of the Constitution, and certification accorded by the Speaker of the Lok Sabha in respect of Part-XIV of the Finance Act, 2017 is referred to a larger Bench*"[5].

8 In his partly concurring and partly dissenting opinion, Justice Deepak Gupta agreed with the majority opinion in referring the first question of 'Money Bill' to a larger bench thus:

> "365. I am in total agreement with the Chief Justice inasmuch as he has held that the decision of the Hon'ble Speaker of the House of People under Article 110(3) of the Constitution is not beyond judicial review. I also agree with his views that keeping in view the high office of the Speaker, the scope of judicial review in such matters is extremely restricted. If two views are possible then there can be no manner of doubt that the view of the Speaker must prevail. Keeping in view the lack of clarity as to what constitutes a Money Bill, I agree with the Hon'ble Chief Justice that the issue as to whether Part XIV of the Finance Act, 2017, is a Money Bill or not may be referred to a larger Bench."

Similarly, another partly concurring and partly dissenting opinion, authored by me, held thus:

> "346. Though the present judgment [referring to the partly concurring and partly dissenting opinion] analyses the ambit of the word "only" in Article 110(1) and the interpretation of sub-clauses (a) to (g) of clause (1) of Article 110 and concludes that Part XIV of the Finance Act, 2017 could not have been validly enacted as a Money Bill, I am in agreement with the reasons which have been set out by the learned

5 *Supra* at note 3, at para 223.1

> Chief Justice of India to refer the aspect of Money Bill to a larger Bench and direct accordingly."

9 Consequently, the correctness of the judgment in **Puttaswamy (Aadhaar-5J.)**, in relation to what constitutes a 'Money Bill' under Article 110 of the Constitution, the extent of judicial review over a certification by the Speaker of the House of People and the interpretation which has been placed on the provisions of the Aadhaar Act while holding the enactment to be a 'Money Bill', are issues which will be resolved by a larger bench, which is yet to be constituted.

10 The present batch of review petitions, in challenging the correctness of the judgment in **Puttaswamy (Aadhaar-5J.)**, assails the reasoning in the opinion of the majority on whether the Aadhaar Act was a 'Money Bill' under Article 110. The details of the review petitions, are summarised below:

(i) **Review Petition (Civil) Diary No. 45777 of 2018** – This petition was filed on 6 December 2018, and its sub-Ground (e) calls for a review of **Puttaswamy (Aadhaar-5J.)** in which the majority opinion upheld the certification of the Aadhaar Act as a 'Money Bill', which rests on the erroneous assumption that Section 7 of the Aadhaar Act is its core provision (Grounds XXIII-XXVII).

(ii) **Review Petition (Civil) No. 3948 of 2018** – This petition was filed on 23 October 2018, and seeks a review of **Puttaswamy (Aadhaar-5J.)** in relation to the majority opinion upholding the certification of the Aadhaar Act as a 'Money Bill' within the meaning of Article 110 (Grounds I-VII).

(iii) **Review Petition (Civil) No. 22 of 2019** – This petition was filed on 15 December 2018, and seeks a review of **Puttaswamy (Aadhaar-5J.)** in relation to the majority opinion upholding the certification of the Aadhaar Act as a 'Money Bill', and its consequence on the constitutionality of the enactment (Grounds I-VI).

(iv) **Review Petition (Civil) No. 31 of 2019** – This petition was filed on 21 December 2018, and seeks a review of **Puttaswamy (Aadhaar-5J.)** in relation to the majority opinion holding that the Aadhaar Act was correctly certified as a 'Money Bill' by the Speaker of the House of People by merely relying on Section 7 of the Aadhaar Act (Grounds GG-II).

(v) **Diary No. 48326 of 2018** – This petition was filed on 24 December 2018, and seeks a review of **Puttaswamy (Aadhaar-5J.)** in relation to the majority opinion upholding the Aadhaar Act's certification as a 'Money Bill', which eliminated the possibility of discussion before the Rajya Sabha (Grounds V-W).

(vi) **Review Petition (Civil) No. 377 of 2019** – This petition was filed on 10 January 2019, and seeks a review of **Puttaswamy (Aadhaar-5J.)** in relation to the majority opinion holding that the Aadhaar Act could have been certified as a 'Money Bill' at the time of its introduction in the Lok Sabha (Ground A).

(vii) **Review Petition (Civil) No. 924 of 2019** – This petition was filed on 12 January 2019, and seeks a review of **Puttaswamy (Aadhaar-5J.)** in relation to the majority opinion upholding the Aadhaar Act's certification as

a ‘Money Bill’ in terms of Article 110(1) even though it contained provisions which affected the fundamental rights under Part III of the Constitution (Ground A).

11 The analysis of the majority opinion in **Puttaswamy (Aadhaar-5J.)** in relation to the second question, *i.e.*, whether the Aadhaar Act was a ‘Money Bill’ under Article 110 has been doubted by a coordinate bench in **Rojer Mathew**, when the first question was referred to a larger bench. The larger bench has not been constituted, and is yet to make a determination. Dismissing the present batch of review petitions at this stage – a course of action adopted by the majority – would place a seal of finality on the issues in the present case, without the Court having the benefit of the larger bench’s consideration of the very issues which arise before us. The correctness of **Puttaswamy (Aadhaar-5J.)** on issues pertaining to, and arising from, the certification of a Bill as a ‘Money Bill’ by the Speaker of the House of People has been doubted by a co-ordinate Constitution Bench in **Rojer Mathew**. With the doubt expressed by another Constitution Bench on the correctness of the very decision which is the subject matter of these review petitions, it is a constitutional error to hold at this stage that no ground exists to review the judgment. The larger bench’s determination would have an undeniable impact on the validity of the reasons expressed in **Puttaswamy (Aadhaar-5J.)**, on the constitutional issues pertaining to and arising out of the certification by the Speaker of the House of People. The failure to re-contextualize the decision of the larger bench with regard to the Aadhaar Act being a ‘Money Bill’ under Article 110(1) will render it a mere academic exercise.

12 It is important to draw a distinction with a situation where a judgment attains finality and the view propounded by it is disapproved by a larger bench subsequently. In the present case, the above-mentioned review petitions had all been filed before the judgment in **Rojer Mathew** was delivered on 13 November 2019. The review petitions were pending on the date when a reference was made to a larger bench in **Rojer Mathew**. These review petitions were previously listed before a five-judge bench headed by Justice Arun Mishra on 25 August 2020, and were not disposed of. Hence, these review petitions have continued to remain pending until now, and there is a strong reason for us not to dismiss them pending the decision of the larger bench, especially in light of the adverse consequences highlighted above.

13 In **Kantaru Rajeevaru (Right to Religion, In re-9 J.) (2)** v **Indian Young Lawyers Assn.**[6], a nine-judge bench of this Court had to determine whether a reference could be made to a larger bench in a pending review petition. Answering this in the affirmative, the Court held that it need not admit the review petitions before referring the question to a larger bench. Further, the court noted that such a question could also be a pure question of law. In explaining the power of this Court to review its own judgments, Chief Justice S A Bobde, speaking for the Bench, held thus:

> "29. Order LV Rule 6 makes it crystal clear that the inherent power of this Court to make such orders as may be necessary for the ends of justice shall not be limited by the Rules. In S. Nagaraj v. State of Karnataka [S. Nagaraj v. State of Karnataka, 1993 Supp (4) SCC 595 : 1994 SCC (L&S) 320] , it was observed that even when there was no statutory provision and no rules were framed by the highest court indicating the circumstances in which it could rectify its

6 (2020) 9 SCC 121

> orders, the courts culled out such power to avoid abuse of process or miscarriage of justice. It was further held that this Court is not precluded from recalling or reviewing its own order if it is satisfied that it is necessary to do so for the sake of justice. The logical extension to the above is that reference of questions of law can be made in any pending proceeding before this Court, including the instant review proceedings, to meet the ends of justice."

14 If these review petitions are to be dismissed and the larger bench reference in **Rojer Mathew** were to disagree with the analysis of the majority opinion in **Puttaswamy (Aadhaar-5J.)**, it would have serious consequences – not just for judicial discipline, but also for the ends of justice. As such, the present batch of review petitions should be kept pending until the larger bench decides the questions referred to it in **Rojer Mathew**. In all humility, I conclude that the constitutional principles of consistency and the rule of law would require that a decision on the Review Petitions should await the reference to the Larger Bench.

…….J.
[Dr Dhananjaya Y Chandrachud]

New Delhi;
January 11, 2021.

ITEM NO.1001 **SECTION PIL-W**

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

RECORD OF PROCEEDINGS

REVIEW PETITION (CIVIL) Diary No(s). 45777/2018

(Arising out of impugned final judgment and order dated 26-09-2018 in W.P.(C) No. No. 494/2012 passed by the Supreme Court Of India)

BEGHAR FOUNDATION & ANR. **Petitioner(s)**

VERSUS

JUSTICE K.S.PUTTASWAMY(RETD) & ORS. **Respondent(s)**

IA No. 11039/2019 - APPLICATION FOR PERMISSION TO FILE REVIEW PETITION

IA No. 177563/2018 - CONDONATION OF DELAY IN FILING REVIEW PETITION

IA No. 177567/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

R.P.(C) No. 3948/2018 in W.P.(C) No. 231/2016 (PIL-W)

(FOR
FOR ORAL HEARING [permission to to be heard R.P. in open court] ON IA 182747/2018

IA No. 182747/2018 - ORAL HEARING)

R.P.(C) No. 22/2019 in W.P.(C) No. 1014/2017 (PIL-W)

(IA
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 182749/2018
FOR APPLICATION FOR LISTING REVIEW PETITION IN OPEN COURT ON IA 182750/2018
FOR CONDONATION OF DELAY IN FILING REVIEW PETITION ON IA 182751/2018

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 182753/2018

IA No. 182750/2018 - APPLICATION FOR LISTING REVIEW PETITION IN OPEN COURT

IA No. 182751/2018 - CONDONATION OF DELAY IN FILING REVIEW PETITION

IA No. 182749/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 182753/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

R.P.(C) No. 31/2019 in W.P.(C) No. 1058/2017 (PIL-W)

(FOR
FOR ORAL HEARING ON IA 185123/2018
FOR CONDONATION OF DELAY IN FILING REVIEW PETITION ON IA 185125/2018

IA No. 185125/2018 - CONDONATION OF DELAY IN FILING REVIEW PETITION

IA No. 185123/2018 - ORAL HEARING)

Diary No(s). 48326/2018 (PIL-W)

(FOR APPLICATION FOR PERMISSION TO FILE REVIEW PETITION ON IA 186187/2018
FOR CONDONATION OF DELAY IN FILING ON IA 186188/2018
FOR APPLICATION FOR LISTING REVIEW PETITION IN OPEN COURT ON IA 186190/2018

IA No. 186190/2018 - APPLICATION FOR LISTING REVIEW PETITION IN OPEN COURT

IA No. 186187/2018 - APPLICATION FOR PERMISSION TO FILE REVIEW PETITION

IA No. 186188/2018 - CONDONATION OF DELAY IN FILING)

R.P.(C) No. 377/2019 in W.P.(C) No. 342/2017 (PIL-W)

(IA
FOR PERSONAL HEARING BEFORE THE COURT ON IA 6225/2019
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 6231/2019

IA No. 6231/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 6225/2019 - PERSONAL HEARING BEFORE THE COURT)

R.P.(C) No. 924/2019 in W.P.(C) No. 829/2013 (PIL-W)

(FOR
FOR CONDONATION OF DELAY IN FILING REVIEW PETITION ON IA 7279/2019
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 7281/2019

IA No. 7281/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 7279/2019 - CONDONATION OF DELAY IN FILING REVIEW PETITION)

Date : 11-01-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE B.R. GAVAI

By Circulation

UPON perusing papers the Court made the following

O R D E R

Hon'ble Mr. Justice A.M. Khanwilkar (on behalf of himself, Hon'ble Mr. Justice Ashok Bhushan, Hon'ble Mr. Justice S. Abdul Nazeer and Hon'ble Mr. Justice B.R. Gavai) passed the order of the Bench comprising His Lordship, Hon'ble Dr. Justice Dhananjaya Y. Chandrachud, Hon'ble Mr. Justice Ashok Bhushan, Hon'ble Mr. Justice S. Abdul Nazeer and Hon'ble Mr. Justice B.R. Gavai. The operative portion of the order is as under:

> **"The present review petitions have been filed against the final judgment and order dated 26.09.2018. We have perused the review petitions as well as the grounds in support thereof. In our opinion, no case for review of judgment and order dated 26.09.2018 is made out. We hasten to add that change in the law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review. The review petitions are accordingly dismissed.**

Consequently, prayer for urging additional grounds in Review Petition (Civil) No. 22/2019 stands rejected."

Hon'ble Dr. Justice Dhananjaya Y. Chandrachud passed a separate dissenting judgment. The operative portion of the judgment is as under:

"14. If these review petitions are to be dismissed and the larger bench reference in Rojer Mathew were to disagree with the analysis of the majority opinion in Puttaswamy (Aadhaar-5J), it would have serious consequences – not just for judicial discipline, but also for the ends of justice. As such, the present batch of review petitions should be kept pending until the larger bench decides the questions referred to it in Rojer Mathew. In all humility, I conclude that the constitutional principles of consistency and the rule of law would require that a decision on the Review Petitions should await the reference to the Larger Bench."

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order and reportable judgment are placed on the file]