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### 1. Key issue will be back in SC: What constitutes a Money Bill?

#### Why in News?

The Supreme Court has agreed to "take the call" on hearing petitions challenging the "Money Bill route" taken by the government to push through contentious legislation in Parliament.



#### Why Money bill route was taken?

Money Bills offer a fast-track route to enact legislation because they do not require passage in Rajya Sabha. Several important laws including amendments to the Prevention of Money Laundering Act, 2002, (PMLA) and the Foreign Contributions Regulations Act, 2010, (FCRA) as well as the Aadhaar Act, 2016, have been passed by this route in recent years, circumventing the Upper House, where the NDA may have had to struggle for numbers at the time.

The question of which Bills can be designated as Money Bills was referred to a seven-judge Bench in November 2019 by a five-judge Bench led by then CJI Ranjan Gogoi in *Rojer Mathew vs South Indian Bank Ltd.* In October 2023, CJI Chandrachud had said the seven-judge Bench would be set up soon.

#### Money Bill in Constitution

In the usual process of lawmaking, a Bill must be passed by majorities in both Lok Sabha and Rajya Sabha. The exception are a category of Bills known as Money Bills.

Under Article 109, a Money Bill shall be introduced only in Lok Sabha and, upon passage, transmitted to Rajya Sabha for its "recommendations". Rajya Sabha must revert within 14 days, but it is up to Lok Sabha to accept or reject any or all of its recommendations. If the Bill is not returned by Rajya Sabha within the stipulated period, it is considered passed anyway.

### **Meaning of Money Bill**

To ensure this process is not abused, Article 110 provides a strict definition of a Money Bill. In order for a Bill to be designated as a Money Bill, it must contain "only provisions dealing with all or any" of a specific list of subjects. These subjects include taxation, financial obligations of the Government of India, the Consolidated Fund (revenue received by the government through taxes and expenses incurred in the form of borrowings and loans) or Contingency Fund (money to meet unforeseen expenditure) of India, or "any matter incidental" to the matters listed in the Article.

Under Article 110(3), "If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final."

### **The important cases in SC**

**CHALLENGE TO AADHAAR ACT:** In September 2018, the court ruled in favour of the government, upholding the constitutionality of the Aadhaar law by a 4-1 majority. The petitioners argued that the Act were passed as a Money Bill, even though it contained provisions that were unrelated to the subjects listed under Article 110.

Justice Ashok Bhushan, who concurred with the majority, wrote that the main aim of the Act was to provide subsidies and benefits, which involves expenditure from the Consolidated Fund, and qualified the Act to be passed as a Money Bill.

Justice D Y Chandrachud (he was not CJI at the time), was the sole dissenting voice. He observed that the use of the Money Bill route in this case was an "abuse of the constitutional process", and that passing an ordinary Bill as a money Bill limits the role of Rajya Sabha in lawmaking.

**FINANCE ACT, 2017:** The Finance Act, 2017 included amendments to a number of Acts which, among other things, empowered the government to notify rules regarding the service conditions of members of Tribunals. Shortly afterward, the Centre notified the Appellate Tribunal and Other Authorities (Qualifications, Experience and Other Conditions of Service of Members) Rules of 2017 (Tribunal Rules).

A host of petitioners, including the Madras Bar Association, the All India Lawyers' Union, and Congress MP Jairam Ramesh argued that the Finance Act, 2017, must be struck down in its entirety as it contained provisions that had no connection with the subjects listed in Article 110.

In November 2019, a five-judge Bench struck down the Tribunal Rules as unconstitutional for interfering with judicial independence, but referred the Money Bill aspect to a larger seven-judge Bench. The court observed that the five-judge Bench in the Aadhaar case did not elaborate upon what makes a valid Money Bill.

**SINCE 2019:** In the years since the 2019 judgment, the court has stopped short of addressing the Money Bill question in several cases, given the pending seven-judge Bench case. These include the challenge to the wide powers of the Enforcement Directorate under the PMLA, where the restrictive bail conditions under Section 45 were introduced through a Money Bill (the Finance Act, 2018), and the challenge to the Centre's Electoral Bond scheme which was facilitated through amendments to key laws through the Money Bill route.

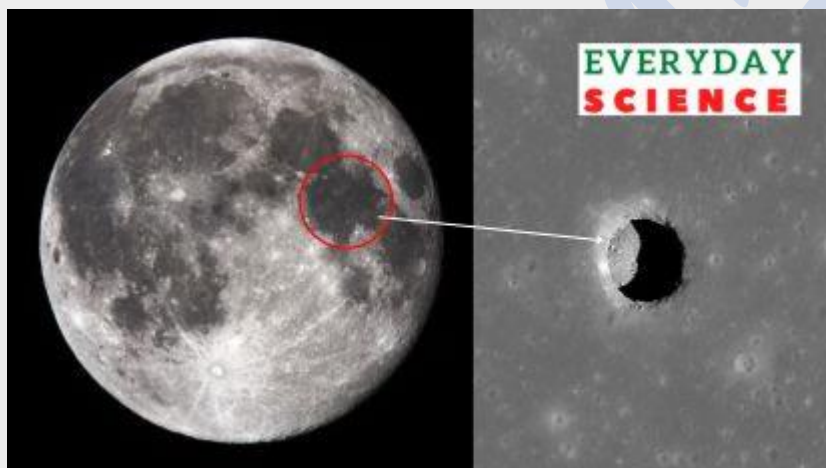
Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express

## 2. Cave on the Moon: What this discovery means for space exploration

### Why in News?

Scientists have confirmed the presence of a cave on the Moon, not far from the site of the first lunar landing 55 years ago. This discovery can, in the future, provide astronauts with a welcoming habitat on the Moon.



### The finding

A moon cave at the Sea of Tranquillity (a large lunar mare — large, dark, basaltic plains formed by lava) has been found.

Situated 400 kilometres from where astronauts Neil Armstrong and Buzz Aldrin landed on the Moon in 1969, the cave is roughly 45

metres wide and up to 80 metres long, having an area equivalent to 14 tennis courts. While the existence of lunar caves has been theorised for over 50 years, this is the first time the entry point of a cave has been discovered.

Study authors Leonardo Carrer, Lorenzo Bruzzone, and others analysed photos taken in 2010 by NASA's Lunar Reconnaissance Orbiter (LRO) spacecraft of this area, known to house the deepest known pit on the moon. They concluded that the pit was the entry point to a cave created by the collapse of a lava tube — a tunnel formed when molten lava flows beneath a field of cooled lava.

### Protecting humans from harsh lunar conditions

The Moon is exposed to solar radiation 150 times stronger than Earth, with NASA stating that the lunar surface heats to about 127 degrees Celsius during the day, and cools to around -173 degrees Celsius at night.

However, caves such as the one recently discovered, harbour stable average temperatures of around 17 degrees Celsius. They would also potentially shield human explorers on the Moon

from the dangers of radiation, and micrometeorites. This, scientists believe, could make them a viable spot to establish a future lunar base, or an emergency shelter.

That being said, the depth of such caves could present a challenge with regards to accessibility. They may also carry risks of potential avalanche and cave-ins.

Further research is required to understand and map the properties, particularly the structural stability of the caves, which could be done using ground-penetrating radar, robots or cameras. To become completely viable habitats, caves would need systems to monitor movement or seismic activity, as well as safety zones for astronauts to take shelter in the event of a cave collapse.

Relevance: GS Prelims & Mains Paper III; Science & Technology

Source: Indian Express

### 3. IPEF: India likely to sign clean, fair economy pacts

#### Why in News?

India is likely to soon be able to sign the clean economy and fair economy agreements under the U.S.-led Indo Pacific Economic Framework for Prosperity (IPEF) as the Cabinet notes on the pacts are in an advanced stage of finalisation, official sources said.



The country, however, is not yet ready to join the trade pillar of IPEF as it continues to be uncomfortable with some of its components, such as framing of high-standard rules on digital economy, including cross-border data flows and data localisation, and labour and environment issues, the source added.

India was the only country in the 14-member IPEF bloc that had not endorsed the clean economy and fair economy pacts at the Ministerial level meeting in Singapore held in June

because of general elections. It had assured other members that it would get domestic clearances after a new government was in place.

### **Countering China**

In a move seen by many as an attempt to counter China's growing influence in the Indo-Pacific region, U.S. President Joe Biden unveiled the IPEF in Tokyo on May 23, 2022.

The 14 members include the U.S., India, Australia, Brunei, Fiji, Indonesia, Japan, Korea, Malaysia, New Zealand, the Philippines, Singapore, Thailand and Vietnam.

### **Four pillars**

The IPEF framework is structured around the four pillars of trade, supply chains, clean energy and tax and anti-corruption, but there are no provisions on tariff cuts on goods.

All 14 IPEF members, including India, signed the supply chains resilience agreement which entered into force on February 24.

### **Energy security**

The clean economy pact focusses on energy security and transition, climate resilience and adaptation; GHG (greenhouse gas) emissions mitigation; find/develop innovative ways of reducing dependence on fossil fuel energy; promote technical cooperation, workforce development, capacity building, and research collaborations; and collaborate to facilitate development, access, and deployment of clean energy and climate-friendly technologies.

### **'More transparency'**

The agreement on fair economy intends to create a more transparent and predictable business environment that can spur greater trade and investment in the markets of member countries; enhance efforts to prevent and combat corruption by strengthening anti-corruption frameworks, support efforts to improve tax transparency and exchange of information for tax purposes between competent authorities.

The pillar 1 of IPEF which deals with trade is nowhere near finalisation as the U.S. does not seem to be interested any more in the chapter on digital trade. India had opted out of the negotiations on trade pillar right at the beginning.

Relevance: GS Prelims & Mains Paper II; International Organisations

Source: The Hindu