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मानविकी एवं समाजविज्ञान की द्विभाषी शोध-पत्रिका

Judicial Approach Towards Demonetization : A More to Be Done

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Introduction

Legal tender is a medium of payment recognized by a legal system to be valid for meeting a financial obligation. Paper currency and coins are common forms of legal tender in many countries. But there are times when the State introduces the new legal tender or replaces them with a new currency for the curbing of anti – social and anti – national activities.

This article throws light on the object of issuing the Notification issued by the Government of India, Ministry of Finance, Department of Economic Affairs, as announced by the Hon'ble Prime Minister, the decision to demonetize 500 and 1000 rupees currency notes on the basis of the recommendations of the Central Board Directors of the Reserve Bank of India. The Central Board had made such a recommendation on the premise of fake currency notes of the specified bank notes in the circulation causing adverse effect to the economy of the Country, the storage of unaccounted wealth as has been evident from the large cash recoveries made by the law enforcement agencies and the use of fake currency for financing subversive activities such as drug trafficking and terrorism, causing damage to the economy and security of the Country.

This article also focuses the view of the Supreme Court that the demonetization did not violate even Article 19(1)(f) of the Constitution of India and at the same time, it curbs the anti-social activities, such as Black marketing, black money, etc. Any fall in the economy of this Country would have adverse effect firstly on the common man and the poor man. Therefore, the common man has to yield to these measures taken by the Government with the laudable object of curbing these anti-social and anti-National activities.

Money is the man's outstanding invention by man. The word "Money" has been derived from the Latin word "Moneta" which denotes the Roman goddess Juno in whose temple money used to be minted. In barter system, there is the direct exchange of commodities and services against commodities and services in the society. Man has