Twitter Thread by Vikram Hegde



Vikram Hegde
@vikramhegde

Today is the last working day of the Supreme Court for the year 2020.

In a year of many unprecedented events, the Supreme Court has laid down many precedents, in more than one sense of the term.

My list of the notables, but not necessarily in order of notability, is here■

1. In re. problems and miseries of migrant workers: A petition seeking help for migrant workers affected by the COVID lockdown had been disposed off. Then the Court suo moto took up the miseries of workers and sought to oversee the facilities for the migrant workers.

2. Government passed orders directing employers to not stop paying wages to workers. Employers challenged this In Ficus pax v. Union of India. Supreme Court directed employers to negotiate with employees.

3. In a decision having bearing upon its own administration, in Chief Information Commissioner v. HC of Gujarat and Anr. the court held that where HC rules provide for a procedure to obtain certified copies, same cannot be obtained by RTI.

4. The 2013 Land Acquisition Act resulted in lapse of some acquisition proceedings under the old 1894 Act. 5 judges in Indore Development Authority v. Manoharlal clarified that proceedings will not lapse either compensation has been paid or physical possession has been taken.

5. Happenings in the Manipur Legislative Assembly came under the scanner of the Supreme Court in Keisham Meghachandra Singh v. Speaker. It was held that disqualification petition under 10th schedule for party hopping has to be decided within a period of 3 months.

6. Women officers serving in the army are now also to be considered for permanent commissions. The case that made it possible is Secretary, Ministry of Defence v. Babita Punia. Incidentally Ms. Babita Punia is now a District Judge in Delhi.

7. Alembic Pharmaceuticals v. Rohit Prajapati and Ors.: Environmental Clearance cannot be given ex post facto., i.e., Industry set up before getting environmental clearance cannot later be certified.

8. In Union of India v. R. Thiyagarajan the Court held that the Writ of a High Court does not run beyond its territorial jurisdiction. I had some other thoughts on it https://t.co/pJUJiIcMAE.

9. Banking is controlled by the Union Government. Cooperatives are controlled by the State Government. What about Cooperative Banks? Will they be be under a Central legislation like SAFAESI? Constitution Bench in Pandurang Ganpati Chaugule v. Vishwasrao Patil Ltd. said yes.

10. Electronic evidence have to be supported by an Affidavit under Section 65B of the Evidence Act. But the Court in Arjun Panditrao Khotkar said that's not necessary if the original electronic device is also produced.

11. If a public authority is under a legal duty to do a thing, High Court u/a 226 is bound to issue mandamus to compel the authority to do that thing - Hari Krishna Mandir Trust v. State of Maharashtra.

12. A Constitution Bench in Chebrolu Leela Prasad Rao v. State of A.P. said that 100% reservation is not permitted even in areas covered under the Fifth Schedule.

13. In 2005, the Hindu Succession Act was amended to give equal coparcenary rights to women. In Vineeta Sharma v. Rakesh Sharma, the court held that the amendment confers benefits retroactively.

14. A case that was in the headlines was the contempt petition against Prashant Bhushan who was held guilty of contempt and fined Re. 1. (there would have been 3 months imprisonment + 3 year bar on practice if he failed to pay)

15. Court in E.V. Chinnaiah (2004) had held that there can't be sub-quota within SC reservation. A Constitution Bench in State of Punjab v. Davinder Singh and Ors. disagreed and referred to larger bench.

16. Can investigating officer be complainant in NDPS case? Constitution Bench in Mukesh Singh v. State said it depends on facts and circumstances. Only if the investigation was tainted by fact of investigating officer being the informant, the accused is entitled to acquittal.

17. Tamil Nadu Medical Officers Association v. Union of India (CB):- Medical Council of India does not have power to reserve seats for in service candidates in PG Courses. But States can make such reservation & ask beneficiaries to serve in rural, hilly & tribal areas for 5 years

18. This issue is hot again. A writ petition was filed seeking clearance of road during Shaheen Bagh protests. In Amit Sahni's case, Court held that protests cant obstruct a public way, but also said that government should have negotiated and found a solution.

19. Satish Chander Ahuja v. Sneha Ahuja: Under Domestic Violence Act, a woman can claim right of residence in a house owned by relatives as well. However, it has to be a living which has some permanency.

20. The case of Arnab Manoranjan Goswami is, let's say, pathbreaking. Role of the Courts in protecting liberty was reaffirmed. And factors to be considered when granting bail under Article 226 were enumerated.

21. In the continued fight against tribunalization by my brothers and sisters of the Madras Bar Association the Court directed the setting up of a National Tribunals Commission and also Upheld the Tribunal Appointment Rules 2020 with some modifications.

22. Homebuyers have been a harried lot these last few years. Supreme Court in Imperia Structures v. Anil Patni said they can choose between Real Estate Regulatory Authority and Consumer Courts for their remedy.

23. In Hitesh Verma v. UK, the court held that a dispute between a Scheduled Caste person and an upper caste person will not by itself amount to offence under SCST POA unless the offence is on account of the victim belonging to a scheduled caste.

24. A landlord tenant dispute can be resolved by arbitration unless covered by special legislations such as the Rent Control Acts. The Case - Vidya Drolia

25. The validity of CBI is a question that remains pending before the Supreme Court. This hasn't stopped the Court from transferring cases to CBI as seen in Dr. Naresh Kumar Mangla, which also laid down when they can transfer to CBI.

This wasn't the only case in which investigation got transferred to CBI of course. That also happened in

26. Rhea Chakraborty v. State of Bihar. Also notable because it was a single judge hearing a transfer petition.

For a recap of last year you can see https://t.co/f31gAFsqa2

> It's the last day of Supreme Court for the year and the benches are rising one by one. It's time for a recap of the noteworthy judgments and orders of the Supreme Court in 2019#thread#SupremeCourt
>
> — Vikram Hegde (@vikramhegde) December 18, 2019

And the list for 2018 is at https://t.co/DqMar4FZpi

> The Supreme Court shuts for the winter vacation and will be back only in 2019. Which means its time for a thread of the important judgments of 2018. And there have been a few. Let me know if I miss out any
>
> — Vikram Hegde (@vikramhegde) December 14, 2018

First time I did one of these threads was in 2017. That's here https://t.co/7K9IrwIJG7

> So I'm doing a thread on the important decisions of the Supreme Court of India in 2017. If I miss out any, let me know.
>
> — Vikram Hegde (@vikramhegde) December 25, 2017