

# Important Judgments of 2020



## INTERNET SHUTDOWN IN J&K

*Anuradha Bhasin vs Union of India*  
Date of Judgment: January 10, 2020

In the wake of the abrogation of Article 370, which took away the special status of J&K, and the subsequent lockdown imposed by the government, the legality of the internet shutdown and movement restrictions there were challenged before the apex court. A bench comprising Justices NV Ramana, Surya Kant and BR Gavai held that “the right to freedom of speech and expression under Article 19(1)(a), and the right to carry on any trade or business under 19(1)(g), using the medium of internet is constitutionally protected”. The Court also ruled that the order, which imposed complete restriction on the internet, should be published for the public and was also subject to judicial review.

## ROLE OF SPEAKER

*Keisham Meghachandra Singh vs The Hon'ble Speaker Manipur Legislative Assembly & Ors*  
Date of Judgment: January 21, 2020

The role of the Speaker in Manipur came under scrutiny when the apex court took up a case for adjudicating upon the disqualification of MLAs in the Manipur assembly under the Tenth Schedule. The bench, comprising Justices RF Nariman, Aniruddha Bose and V Ramasubramanian, ruled that no decision was taken by the Speaker on several applications filed between April and July 2017 under the Tenth Schedule for disqualification of Th Shyamkumar, MLA, who, after contesting on a Congress ticket, switched sides to support the BJP.

The Court directed the Speaker to decide the disqualification petition pending before him within four weeks. It further stated that if no decision was forthcoming within this time, it would be open to any party applying to the Supreme Court for further directions/relief in the matter.

Incidentally, the Court observed that it was time Parliament did a rethink on whether disqualification petitions ought to be entrusted to a Speaker as a quasi-judicial authority when he continues to belong to a particular political party either *de jure* or *de facto*. The Court felt that a permanent tribunal headed by a retired Supreme Court judge, a retired chief justice of a High Court or some independent mechanism should ensure that such disputes are decided both swiftly and impartially.



## CRIMINALISATION IN POLITICS

*Rambabu Singh Thakur vs Sunil Arora and others*  
Date of Judgment:  
August 11, 2020

The apex court while hearing a contempt petition in *Public Interest Foundation vs Union of India* (2019) noted that there has been an alarming increase in criminalisation of politics. It directed all political parties to upload on their websites within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, details of pending criminal cases against candidates contesting polls. The order was passed by a bench comprising Justices RF Nariman and S Ravindra Bhat.



## WOMEN IN DEFENCE

*The Secretary, Ministry of Defence v Babita Puniya and others, Union of India v Lt Cdr Annie Nagaraja*  
Date of Judgment: February 17, 2020

A bench of the Supreme Court, comprising Justices DY Chandrachud and Ajay Rastogi, upheld a 2010 Delhi High Court ruling which directed the centre to ensure that women officers are given permanent commissions in the Army at par with male officers, including for command postings. A month later, the bench ruled in favour of permanent commission to female officers in the Navy and asked the government to treat men and women equally in the armed forces. The Court scrapped the statutory bar on giving permanent commission to women and said that the government cannot discriminate against women.

## VIRTUAL CURRENCIES

*Internet and Mobile Association of India vs Reserve Bank of India*  
Date of Judgment: March 4, 2020

The apex court lifted the ban that was imposed by the RBI on all the entities governed by it which stopped them in dealing with virtual currencies. The bench, comprising Justices R Nariman, Aniruddha Bose and V Ramasubramanian, after going through various explanations and definitions from different sources, observed that “there is unanimity of opinion among all the regulators and the governments of various countries that though virtual currencies have not acquired the status of legal tender, they nevertheless constitute digital representations of value and that they are capable of functioning as (i) a medium of exchange and/or (ii) a unit of account and/or (iii) a store of value”.



## CRIMINAL CONTEMPT

*In Re: Prashant Bhushan and anr*  
Date of Judgment: August 14, 2020



The apex court held Advocate Prashant Bhushan guilty of criminal contempt for two tweets against Chief Justice of India (CJI) SA Bobde and the Judiciary. While one tweet was regarding a comment of Bhushan on a picture of the CJI, the second was his criticism on the role of the last four CJIs. Later, when Bhushan refused to apologise despite being given the opportunity, a three-judge bench of Justices Arun Mishra, BR Gavai and Krishna Murari imposed a symbolic fine of Re 1 for contempt of court.

## PROPERTY RIGHTS

***Vineeta Sharma vs Rakesh Sharma***

Date of Judgment: August 11, 2020

In order to bring clarity to the amended Section 6 of the Hindu Succession Act, 1956, which deals with devolution of interest in coparcenary property, the Supreme Court held that daughters would hold equal coparcenary rights in Hindu Undivided Family properties even if they were born before the 2005 amendment to the Act and regardless of whether their father coparcener had died before the amendment.

The order was made by a bench, comprising Justices Arun Mishra, S Abdul Nazeer and MR Shah, to resolve the ambiguity in the interpretation of Section 6 on account of two conflicting judgments passed by the Supreme Court in *Prakash & Ors vs Phulavati & Ors* (Phulavati Case) and *Danamma @ Suman Surpur & Anr vs Amar & Ors* (2018).



## CAA & NRC PROTESTS

***Amit Sahni v Union of India and others***

Date of Judgment: October 7, 2020

On an appeal by Advocate Amit Sahni for the removal of protesters at Shaheen Bagh against the Citizenship (Amendment) Act, 2019, and the National Register of Citizens, the Supreme Court held that public protests and demonstrations expressing dissent must only be organised in designated places. The bench, comprising Justices SK Kaul, Aniruddha Bose and Krishna Murari, further held that the rights to freedom of expression and protest under Article 19 of the Constitution are subject to reasonable restrictions pertaining to the sovereignty and integrity of India, public order and regulation by concerned police authorities.

## GOSWAMI CASE

***Arnab Ranjan Goswami vs The State of Maharashtra and ors***

Date of Judgment: October 27, 2020

The Supreme Court was hearing an appeal by journalist Arnab Goswami where the Bombay High Court had refused to grant bail in a case of abetment to suicide filed against him and two others. The Court held: “The High Court did have the power to protect the citizen by an interim order in a petition invoking Article 226. Where the High Court has failed to do so, this Court would be abdicating its role and functions as a constitutional court if it refuses to interfere, despite the parameters for such interference being met. The doors of this Court cannot be closed to a citizen who is able to establish *prima facie* that the instrumentality of the State is being weaponized for using the force of criminal law.” The order was passed by a bench comprising Justices DY Chandrachud and Indira Banerjee.

## SHARED HOUSEHOLD

***Satish Chander Ahuja vs Sneha Ahuja***

Date of Judgment: October 15, 2020

The Supreme Court offered a ray of hope to victims of domestic violence when a three-judge bench, comprising Justices Ashok Bhushan, R Subhash Reddy and MR Shah, overruling an earlier judgment, held that a woman living with her husband in premises belonging to his relatives has a right to claim residence in a “shared household”. However, in an earlier judgment in 2006 (*SR Batra and Anr vs Taruna Batra*), the Court had held that a woman cannot



claim a legal right to live in a shared household owned by her mother-in-law. The present bench said that the *SR Batra* case did “not lay down the correct law” and did not correctly interpret Section 2(1)(s) of the 2005 Act. It further held that shared household referred to in Section 2(s) is the shared household of aggrieved person where she was living at the time.

—Compiled by Shaheen Parween