BLOGS

Important Supreme Court Cases & Decisions: August 2021

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As a law school aspirant preparing for CLAT or any other law exam, you are required to stay on top all legal developments that take place in the country. At CLATalogue, we have compiled a list of all important Supreme Court cases and decisions delivered in August 2021. These are important from, both, an examination point of view and for your general knowledge.

Here we go:

1. Amazon.com NV Investment Holdings LLC v. Future Retail Limited [i]

Bench: BR Gavai and RF Nariman, JJ.

The questions of law identified by the Court in the beginning of this judgment were:

1. a) Whether an "award" delivered by an Emergency Arbitrator under SIAC Rules[ii] can be said to be an order under Section 17(1) of the Arbitration and Conciliation Act, 1996?
2. b) Whether an order passed under Section 17(2) of the Act in enforcement of the award of an Emergency Arbitrator by the High Court is appealable?

The first question was answered in the positive, and the Emergency Award was held enforceable in Indian law, upholding the order of the Delhi High Court Single-Bench order. The award had restrained the Rs. 24,731 crore amalgamation deal between Future Retail and Reliance Industries Group. With respect to the second question, the Court held that the order was not appealable and declared that no appeal lay under Section 37 of the Act against the said order of enforcement.

1. Brajesh Singh v. Sunil Arora [iii]

Bench: RF Nariman and BR Gavai, JJ.

The Supreme Court on 13 February, 2020 delivered a judgment aimed at reform in politics, especially focused on its decriminalization. Noting that there was an "an alarming increase in the incidence of criminals in politics", the Court issued certain guidelines. The Court made it mandatory for political parties, both Central and State levels, to upload detailed information

regarding individuals with pending criminal cases, with its necessary particulars, who have been selected as candidates. The party was also directed to mention the reason for selection, especially disclosing why individuals without criminal antecedents could not be selected as candidates. Such disclosure must be made on the party's website, social media and local/national newspapers. Regarding the time for such disclosure, the following direction was made:

"These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier."

In the August order, the Court modified this direction in the following terms:

"…it is clarified that the details which are required to be published, shall be published within 48 hours of the selection of the candidate ***and not prior to two weeks before the first date of filing of nominations***".

In the same regard, the Court also directed certain compliance guidelines directed to the Election Commission of India.

1. Siddharth State of Uttar Pradesh [iv]

Bench: Sanjay Krishan Kaul and Hrishikesh Roy, JJ.

Highlighting the importance of *personal liberty*, the Court made an observation stating the necessity of making an arrest. In a case before the apex Court, that was in appeal from the rejection of an anticipatory bail order, the Court noted a perverse position taken by the trial Court, that unless the person is taken into custody the charge sheet will not be taken on record in view of Section 170 of the Code of Criminal Procedure. The apex Court clarified that it was not an obligation on the officer to arrest mandatorily every accused, at the time of filing the charge sheet. The Court observed, *"Merely because an arrest can be made because it is lawful does not mandate that arrest must be made*".

1. Manjeet Singh State of Haryana[v]

Bench: DY Chandrachud and MR Shah, JJ.

In this case, the Court summarized the scope and ambit of the powers of the Court under Section 319 of the Code of Criminal Procedure. After referring to numerous precedents, the Court summarized the principles in paragraph 13 of the judgment. The Court clarified that while exercising the powers under Section 319, "the entire effort is not to allow the real perpetrator of

an offence to get away unpunished", and that the Court isn't powerless if it appears that the real culprit is not arrayed as an accused by the investigative agency. The Court is also not required to or justified in appreciating the evidence on merits at this stage.

1. Pichra Warg Kalyan Mahasabha Haryana State of Haryana[vi]

Bench: L. Nageshwar Rao and Anuradha Bose, JJ.

The background facts of this case involve a Notification by the State of Haryana that laid down criteria for determining "creamy layer" within backward classes—wherein economic criterion was made the sole factor for determination of this creamy layer. The Court observed that the governing Act postulates taking into consideration social, economic and other appropriate factors to specify the criteria for exclusion and identification of persons belonging to the backward classes as 'creamy layer'. The case of ***Indra Sawney[vii]*** was also relied on.

The Court struck down the State Government's Notification, stating that it entailed a *"grave error* " of law and that economic criterion cannot be the sole criterion for the determination of 'creamy layer' status. The Court, however, did not disturb the admissions and appointments already made to educational institutions and state services based of the notifications dated 17.08.2016 and 28.08.2018.

1. Harjit Singh Inderpreet Singh [viii]

Bench*:* DY Chandrachud and MR Shah, JJ.

In this case, the Supreme Court reiterated and summarized the principles followed during the grant of bail. In this case, a bail granted by the High Court to a murder accused was being considered by the Court. The Court said that the nature of charge and the possible punishment that may be inflicted on the accused were relevant factors. A very considerable factor was, in fact, the possibility of the accused to tamper with evidence. The Court, while setting aside the bail order granted by the High Court, observed the following:

"…normally this Court does not interfere with an order passed by the High Court granting or rejecting the bail to the accused. However, where the discretion of the High Court to grant bail has been exercised without the due application of mind or in contravention of the directions of this Court, such an order granting bail is liable to be set aside."

1. The Employees Provident Fund Organization & Ors. Sunil Kumar B & Ors.[ix]

Bench: UU Lalit and Ajay Rastogi, JJ.

In this case, the Court was to consider the language of the provisions of the Employees' Pension Scheme. The matter was referred to a larger Bench of 3 judges and the "principal governing questions" as determined by the Court are:

1. Whether there would be a cut-off date under paragraph 11(3) of the Scheme?
2. Whether the decision in R.C. Gupta case [x] would be the governing principle on the basis of which all these matters must be disposed of?

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[i] Civil Appeal No(s). 4492-4493 OF 2021, decided on 6 August, 2021

[ii] Arbitration Rules, the Singapore International Arbitration Centre, available at http://www.siac.org.sg/our-rules/rules/siac-rules-2016 (last accessed on November 5, 2021)

[iii] Contempt Petition (Civil) No. 656 of 2020, modified order 10 August, 2021

[iv] Criminal Appeal No. 838 OF 2021, order dated 16 August, 2021

[v] Criminal Appeal No. 875 of 2021, decided on 24 August, 2021

[vi] Writ Petition (Civil) No. 60 of 2019, decided on 24 August, 2021

[vii] 1992 Supp (3) SCC 217

[viii] Criminal Appeal No. 883 OF 2021, decided on 24 August, 2021

[ix] Special Leave Petition (C) No(s).8658-8659 of 2019, order dated 24 August, 2021

[x] (2018) 4 SCC 809