BLOGS

LANDMARK JUDGMENTS FOR CLAT PG: Part II

ANNA PRIYA · 23 Nov 2022

Here's a post comprising 7 important judgments of 2020-2021 to help you prepare well for CLAT 2023

1. Anuradha Bhasin v. Union of India

Bench: Justices N V Ramana, Surya Kant, and B R Gavai

The long-term internet shutdown in Kashmir was challenged in this case. The Court invited the Centre to reconsider its decision but did not give any direct remedy. However, the Court heavily emphasised the importance of the **right to freedom under Article 19** and said:

"We declare that the freedom of speech and expression and the freedom to practice any profession or carry on any trade, business or occupation over the medium of internet enjoys constitutional protection under Article 19(1)(a) and Article 19(1)(g)."

Principles of proportionality were also discussed at length in this judgment. With respect to the use of **Section 144 Cr.P.C.**, the Court summarized: *"The power under Section 144, Cr.P.C cannot be used to suppress legitimate expression of opinion or grievance or exercise of any democratic rights."*

Read here: https://indiankanoon.org/doc/82461587/

2. Arnab Goswami v. Union of India & Ors.

Bench: Justices DY Chandrachud and MR Shah

This case was a writ petition seeking quashing of FIRs by the journalist Arnab Goswami. The Court held that filing multiple FIRs against him was an attempt to stifle his freedom of speech and expression.

The Court heavily emphasised on **Article 19(1)(a)**—for citizens, and especially media. To quote,

"The exercise of journalistic freedom lies at the core of speech and expression protected by Article 19(1)(a). The petitioner is a media journalist. The airing of views on television shows which he hosts is in the exercise of his fundamental right to speech and expression under Article 19(1)(a). India's freedoms will rest safe as long as journalists can speak truth to power without being chilled by a threat of reprisal…

But to allow a journalist to be subjected to multiple complaints and to the pursuit of remedies traversing multiple states and jurisdictions when faced with successive FIRs and complaints bearing the same foundation has a stifling effect on the exercise of that freedom."

Read here: https://indiankanoon.org/doc/68296433/

3. Internet and Mobile Association of India v. Reserve Bank of India

Bench: Justices R F Nariman, Aniruddha Bose and V Ramasubramanian

In this case, the Supreme Court struck down the circular by the Reserve Bank of India on regulated entities (banks, NBFCs, etc.). The circular asked these entities to refrain from dealing with or providing loans or services to cryptocurrency business.

The Court said that cryptocurrency is capable of performing almost all functions as real money. The circular was struck down on the grounds of proportionality.

Read here: https://indiankanoon.org/doc/12397485/

4. Sushila Aggarwal & Ors. v. State (NCT of Delhi) & Anr.

Bench: Justice Arun Mishra, MR Shah, S. Ravindra Bhat, Indira Banerjee and Vineet Saran

Anticipatory bail is not limited by time unless the Court specially deems it necessary to do so. It continues until the end of trial, barring special circumstances. To note, it doesn't end when summons is issued against the accused or even when trial begins.

Judges wrote many separate judgments in this case, but they agreed in this conclusion. Precedents used in this judgment may be of relevance in upcoming examinations.

Read here: https://indiankanoon.org/doc/123660783/

5. Prathvi Raj Chouhan v. Union of India

Bench: Justices Arun Mishra, Vineet Saran and Ravindra Bhat

In this case, the Apex Court upheld the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018.

This Act was in turn enacted to nullify the earlier observations of the Supreme Court, that had in effect, diluted the provisions of the original Act. The case was ***Dr. Subhash Kashinath Mahajan v. State of Maharashtra*** and was delivered by a two-judge Bench. This earlier judgment lifted the bar of anticipatory bail in the mentioned cases, among other things.

Read here: https://indiankanoon.org/doc/31336209/

6. Kantararu Rajeevaru v. Indian Young Lawyers Association

Bench: Chief Justice SA Bobde, Justices Banumathi, Ashok Bhushan, LN Rao, Abdul Nazeer, BR Gavai, Subhash Reddy, Surya Kant

The Court in this case referred the questions of law arising out of the Sabarimala judgments to a larger Bench for review. It pertained to the rights of women devotees and their right to enter and worship in the Sabarimala temple. The Supreme Court had held that the practice of the Sabarimala Temple violated the fundamental right to freedom of religion under Article 25 of the Indian Constitution, namely Article 14, 15, 26. This was held unacceptable by many devotees and organisations who then submitted a petition for review.

Justice Chandrachud and Justice Nariman dissented, and did not favour this review. They held that the scope for a review was narrower and this case did not fit in its criterion.

Read here: https://indiankanoon.org/doc/120364030/

7. Christian Medical College Vellore Association v. Union of India

Bench: Justices Arun Mishra, Vineet Saran, M.R. Shah

In this case, the bench held that rights under Article 30 of the Constitution are not absolute and State can make reasonable regulations for the administration of minority institutions. The Court took note of the fact that the right given to religious and linguistic minorities to administer educational institutions of their choice is not absolute. The right is subject to reasonable regulations by the State in order to make the administration of minority institutions more transparent.

Read here: https://indiankanoon.org/doc/50702186/

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