

Study Notes

Imp Judgement Passed by Supreme Court - 2019 Part 1



Important Judgement Passed by the Supreme Court - 2019

(Part 1)

The **Supreme Court of India (SCI)** is the apex judicial body under the 'Constitution of India' having the power to give decisions in cases between two or more parties. A maximum of **34 judges** with a Chief Justice of India, the SCI has extensive powers in the form of **original, appellate and advisory jurisdictions**. The year 2019 has been very important for India in case of judicial decisions taken by SCI. In this article, we are sharing the landmark judgments of 2019 which have been passed by the Supreme Court of India.

Given below are few of the decisions well taken by the SCI in favor of justice:

1. Ayodhya Land Dispute

The famous Ayodhya Land Dispute between Hindu and Muslim communities of people saw an end on **November 9, 2019**, when the apex court gave the decision to give the judgment in favor of the **Hindus, i.e. providing the 2.77-acre disputed land to the Hindus considering all the legitimate legal entity**.

- In the compensation to the **Muslim community of people**, SCI directed the central government to **provide 5-acres of alternate land to the Sunni Waqf Board to build their mosque**.
- The bench of 5 judges including Chief Justice of India (Ranjan Gogoi) were the decision-makers of the case.
- The land dispute was between the Hindus and the Muslims in which both the parties claimed the same piece of land to belong to their deities respectively. The Hindus advocated that the land is the birthplace of their deity Lord Ram. On the other hand, the Muslims tried to convince the SCI by saying that there was Babri-Masjid which according to Muslims was allegedly demolished by Hindus in 1992, which then had led to communal riots killing over 2000 people.

(Case Name: [M Siddiq through Lrs v/s Mahant Suresh Das and others](#))

2. Section 87 of Arbitration & Conciliation Act Expelled by SCI

Section 87 of the Arbitration and Conciliation Act of 1996 allowed to put automatic-stays on all the awards that a party won during arbitration for the proceedings that commenced before October 23, 2015, if the opposite party challenged the judgment of arbitration.

- The SCI bench led by *Justice R. F. Nariman* said that the winning party would remain deprived of the fruits awarded in due course of arbitration which is usually awarded after several years of litigation.
- According to SCI, Section 87 would make the process even lengthier and might also make companies go bankrupt, and with companies like NHAI, which is quite like and external limb to the central government, SCI cannot allow such bodies to be dragged into insolvency. Thus in order to keep the things up and running, the apex court took such a decision.

(Case Name: [Hindustan Construction Company Ltd v/s Union of India](#))

3. NGOs Getting SUBSTANTIAL Funds from Government to Come Under RTI

DAV College Trust and Management Society filed an appeal that they **do not** fall under the RTI Act as according to them they are **not a public property/authority** for which they might become questionable rather answerable to the public.

- The apex court then made it clear on September 17, 2019, that whoever claims to be an NGO (school/college/any other body etc.) which are 'Substantially' funded by the government are bound to be considered as a **public property/authority** and are answerable to any information the public asks about.
- Here, 'substantial' does not mean 50% or more, it simply means that the body is getting a major portion or the financial-aid by the government by direct or indirect means shall be falling under the RTI Act, 2005 and should maintain all records as prescribed to be maintained in the Act.
- This is basically done so because the public is the one who pays tax to fund the government and the NGOs which are taking 'substantial' funds from the government are indirectly funded by the public, thus public has the full Right to Information about where and how their money is being used.

(Case Name: [DAV College Trust and Management Society v/s Director of Public Instruction](#))

4. Capital Punishment for Rape and Murder of a Minor Girl

The case came to SCI when a 10-year-old girl got kidnapped along with her 7-year-old brother by the accused and some others. After the kidnapping, the girl was raped and then both of them were thrown alive to a canal which consequently leads to their death. The others were encountered while the accused was sentenced with capital punishment (or death penalty).

- The case was heard and decided by a bench of three judges.
- However, Justice Sanjiv Khanna had a different opinion than the other two judges. He didn't want the accused to be sentenced with the death penalty as the case belonged to a special category of cases. Rather he advised the other two to sentence him with life imprisonment. Since the majority (two out of three) judges wanted the accused to be 'hanged till death', the accused was penalized so. The decision was given by the court on August 21, 2019.

(Case Name: [Manoharan v/s State](#))

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