

# Study Notes

## Imp Judgement Passed by Supreme Court - 2019 Part 4



## Important Judgement Passed by the Supreme Court - 2019

### (Part 4)

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:

### 13. Consuming Liquor in Private Vehicle in a Public Place is an Offence

As per the Bihar Excise (Amendment), Act 2016, purchase, sale, possession, manufacturing, and consumption of alcohol in the state is strictly prohibited and considered as an offensive act. As per the act, it says that a public place does not necessarily mean an open space in public.

- In this case, a man was found drunk in his private car in Bihar. The appellant pleads that no liquor bottle was found in the car and he was simply traveling in his private car.
- He appealed to the court that the FIR against him should be withdrawn. However as per the decision already made by the SCI for Bihar Excise (Amendment) Act 2016 clearly states that if any person is found drunk in the territory of Bihar even if he has consumed the liquor outside Bihar, he shall be found as guilty and would be liable for legal actions.
- Thus the consumption of alcohol in a private vehicle in a public space is also considered to be in public space only and shall be liable under the Act.

(Case Name: [Satvinder Singh Saluja and others v/s State of Bihar](#))

### 14. Amrapali Registration under RERA Cancelled on SC Orders

A bench of two judges headed by **Justice Arun Mishra** and supported by Justice U. U. Lalit found Amrapali and other authorities of Greater Noida and Noida to be fraudulent and cheating on homebuyers.

- The Amrapali group was found guilty on the grounds that they have promised to provide the finished flats to the buyers at a specified time.
- Amrapali even asked buyers to pay some extra amount to get the possession of their homes earlier.
- Later on, it was found that the money that the group received, they were diverting that amount to use it personally, and thus they failed to provide finished homes on time to the homebuyers.
- The SCI thus canceled their registration under the Real Estate (Regulation and Development) Act, 2016 (RERA) and ordered National Buildings Construction Corporation Limited (NBCC) to complete the pending projects in the buildings of the Amrapali group.
- The decision was given by the apex court on July 23, 2019, that Amrapali would not be allowed to take up any further construction projects, and also approximately 42,000 flats were completed by NBCC.

(Case Name: [Bikram Chatterji and others v/s Union of India and others](#))

## 15. 'Bhobishyoter Bhoot' film Ban in West Bengal Overturned

A Bengali film named Bhobishyoter Bhoot was stopped from screening by the state government as the movie was politically sensitive and was revolving around a group of Ghosts in which one ghost was of a politician who was resembling in some manner to the contemporary times.

- The apex court gave the decision that the government was held guilty of “clear abuse of public power”.
- A bench of two judges – **Justice D. Y. Chandrachud and Justice Hemant Gupta** ordered the WB Government to pay ₹20 lacs to the film-makers for making a “unconstitutional attempt to invade the fundamental rights of the producers, the actors, and the audience.”
- The decision by the apex court was given on April 11, 2019.
- Justice Chandrachud also said “The views of the writer of a play, the meter of a poet or the sketches of a cartoonist may not be palatable to those who are criticized.
- Those who disagree have a simple expedient: of not watching a film, not turning the pages of the book or not hearing what is not music to their ears”

(Case Name: [Indibily Creative Pvt Ltd and others v/s Government of West Bengal and others](#))

## 16. Aadhaar Card Doubted by SC to be Accepted as a Money Bill: SC Refers to larger Bench

Aadhaar Card is the primary unique identification for any citizen of India, issued by UIDAI. On March 3, 2016 Aadhaar Bill was introduced and later on passed as a Money Bill.

- In May 2017, Congress leader Jairam Ramesh moved to the apex court to challenge the decision of accepting Aadhaar Bill as Money Bill. In January 2017, five-judge bench commences the hearing on the Aadhaar case and probe whether it should be considered as a Money Bill or not.
- Justice Chandrachud also expressed serious reservations that how could one consider the Aadhaar Bill as Money Bill as it can never lie into the corners of Article 110 of the Indian Constitution.
- The Apex Court also held that the powers that the Centre has cannot be questioned or withdrawn on the mere essence of possible misuse of those powers.
- The main issue that whether the Finance Act can be referred to as a Money Bill or not was finally referred to a larger bench of judges for in-depth examination by the 5 bench judge on November 13, 2019.

(Case Name: [Rojer Mathew v/s South Indian Bank Ltd](#))

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